

**A post-frontier in transformation:
land relations between access, exclusion and
resistance in Jambi province, Indonesia**

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Summary

Since the early twentieth century, forests on the Indonesian island of Sumatra are converted into large plantation areas for the cultivation of boom crops, such as rubber and oil palms. This land use transformation goes along with land conflicts. Local actors are often deprived of access to land by new actors entering the scene, searching for land access. However, land conflicts do not only occur in the context of deforestation, at the edges of rainforests, in so-called frontier areas. They also occur in areas that have been converted from forests to agricultural land decades ago, so-called post-frontiers. Jambi province, located in the center of the island of Sumatra, stands as an example for such a highly dynamic post-frontier. Access to land is constantly negotiated between different powerful actors on different scales, leading to exclusion and resistance. In this dissertation, conflictive land relations in the post-frontier are analyzed and explained based on three research questions: (1) How did Jambi province transform into a dynamic post-frontier? (2) Which processes lead to conflictive land relations between access and exclusion in the post-frontier? (3) How does resistance against adverse land relations influence the post-frontier? In order to tackle these questions, a novel conceptual framework on conflictive land relations in the post-frontier is developed, which builds on political ecology and post-frontier research, on the theory of access and powers of exclusion framework and the terrains of resistance approach. Empirical qualitative research was conducted in seven research villages in two research areas in Jambi province, located in vicinity to the Bukit Duabelas National Park and the Harapan Rainforest conservation concession of PT REKI. Research revealed that since the Dutch colonial era plural legal orders exist in Indonesia, which means, that codified state laws and customary laws exist in parallel. Land has been allocated to concession areas in an uncontrolled manner in the past decades and today there is an overlapping mosaic of resource governance and territorial control in Jambi province, which characterizes the post-frontier. Different kinds of actors are struggling for access to land, and conflictive land relations between access, exclusion and resistance are fostered by plural legal orders and the non-recognition of customary land. However, reclaiming customary land has become a powerful tool for indigenous resistance, especially when local actors are supported by national and international NGOs. It is argued that the post-frontier will be further transformed in the next couple of years by indigenous land claims and resistance.

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Acronyms

AMAN	<i>Aliansi Masyarakat Adat Nusantara</i> , indigenous peoples alliance of the archipelago
AMDAL	<i>Analisis Dampak Lingkungan</i> , environmental impact assessment
BAL	Basic Agrarian Law
BFL	Basic Forestry Law
BNPB	<i>Badan Nasional Penanggulangan Bencana</i> , Indonesian National Disaster Mitigation Agency
BPN	<i>Badan Pertanahan Nasional</i> , National Land Agency
BPS	<i>Badan Pusat Statistik</i> , Statistics Indonesia
BRIMOB	<i>Brigade Mobil</i> , mobile police brigade
CAO	Compliance Advisor Ombudsman
CRC	Collaborative Research Centre
DFG	<i>Deutsche Forschungsgemeinschaft</i> , German Research Foundation
EFForTS	Ecological and Socioeconomic Functions of Tropical Lowland Rainforest Transformation Systems (Sumatra, Indonesia)
FPIC	Free, Prior, and Informed Consent
GHG	greenhouse gas
HGU	<i>Hak Guna Usaha</i> , right to cultivation
HPH	<i>Hak Pengusahaan Hutan</i> , right of forest exploitation
HPK	<i>Hutan Produksi Konversi</i> , conversion forest
HTI	<i>Hutan Tanaman Industri</i> , forest plantation concession
HTR	<i>Hutan Tanaman Rakyat</i> , peoples' plantation
IFC	International Finance Corporation
ILO	International Labor Organization
IPB	<i>Institut Pertanian Bogor</i> , Bogor Agricultural University
IPL	<i>Ijin Pembukaan Lahan</i> , land clearing permit
IUCN	International Union for Conservation of Nature
IUP	<i>Ijin Usaha Perkebunan</i> , plantation business license
IUPHHK	<i>Izin Usaha Pemanfaatan Hasil Hutan Kayu</i> , commercial timber utilization permit
IUPHHK-RE	<i>Izin Usaha Pemanfaatan Hasil Hutan Kayu-Restorasi Ekosistem</i> , ecosystem restoration concession

KAT	<i>Komunitas Adat Terpencil</i> , remote <i>adat</i> communities
KPA	<i>Konsorsium Pembaruan Agraria</i> , Consortium for Agrarian Reform
LIPI	<i>Lembaga Ilmu Pengetahuan Indonesia</i> , Indonesian Institute of Science
NAFTA	North American Free Trade Agreement
NES	Nucleus-Estate-Smallholder oil palm scheme
NGO	Non-Governmental Organization
NORAD	Norwegian Agency for Development Cooperation
PES	Payments for Ecosystem Services
PIR	<i>Perkebunan-Inti-Rakyat</i> , Nucleus-Estate-Smallholder scheme
PRA	Participatory Rural Appraisal
PT	<i>Perseroan Terbatas</i> , Limited Liability Company
PT AAS	<i>PT Agronusa Alam Sejahtera</i> , industrial timber company in the Harapan area
PT AMC	<i>PT Asiatic Mas Corporation</i> , parent company of PT Asiatic Persada
PT AP	<i>PT Asiatic Persada</i> , oil palm plantation company in the Harapan area
PT BDU	<i>PT Bangun Desa Utama</i> , former logging concession in the Harapan area, later renamed as PT Asiatic Persada oil palm plantation company
PT EMAL	<i>PT Era Mitra Lestari</i> , oil palm plantation company in the Bukit Duabelas area
PT JAW	<i>PT Jambi Agrowijaya</i> , oil palm plantation company in the Bukit Duabelas area
PT PNVI	<i>PT Perkebunan Nusantara VI</i> , oil palm plantation company in the Harapan area, developed as NES scheme
PT REKI	<i>PT Restorasi Ekosistem Indonesia</i> , ecosystem restoration concession, also called Harapan Rainforest Conservation Concession, located in the Harapan area
PT SAL	<i>PT Sari Aditya Loka</i> , oil palm plantation company in the Bukit Duabelas area, developed as NES scheme
PT WKS	<i>PT Wira Karya Sakti</i> , former industrial timber company in the Harapan area
PT WN	<i>PT Wanakasita Nusantara</i> , industrial timber company in the Harapan area
REDD+	Reducing Emissions from Deforestation and Forest Degradation
RSPO	Roundtable on Sustainable Palm Oil
RT	<i>Rukun Tetangga</i> , neighbor solidarity unit
RTRWN	<i>Rencana Tata Ruang Wilayah Nasional</i> , national spatial plan
RW	<i>Rukun Warga</i> , community solidarity unit
SAD	<i>Suku Anak Dalam</i> , literally means ‘tribe of the children of the interior’ and is a political, deprecatory term for indigenous communities in Jambi province

THR	<i>Taman Hutan Raya</i> , forest reserve
TNBD	<i>Taman Nasional Bukit Duabelas</i> , Bukit Duabelas National Park
UNJA	<i>Universitas Jambi</i> , Jambi University
UNTAD	<i>Universitas Tadulako Palu</i> , Tadulako University Palu
USDA	United States Department for Agriculture
VOC	<i>Vereenigde Oost-Indische Compagnie</i> , Dutch East India Company
WARSI	<i>Warung Informasi Konservasi</i> , Sumatran Environmental NGO which was renamed in 2002 in KKI (<i>Komunitas Konservasi Indonesia</i> , Indonesian Conservation Community) WARSI
WTO	World Trade Organization
WWF	World Wide Fund for Nature

Glossary

<i>Adat</i>	Customary practice
<i>Batin</i>	Oldest settled communities in Jambi province, the term also refers to a title associated with the leaders of non-Muslim jungle and sea peoples
<i>Batin Sembilan</i>	Ethnic group in the Harapan area, originally refers to a semi-nomadic group of people who settled along nine rivers
<i>Bukit Duabelas</i>	Literally means ‘twelve hills’, and refers to the area in the surroundings of today’s Bukit Duabelas National Park
<i>Bupati</i>	District head
<i>Buruh harian lepas</i>	Daily worker in an oil palm plantation
<i>Cultuurstelsel</i>	Cultivation system implemented by the Dutch colonial administration for the Dutch East Indies
<i>Demang</i>	Superior of a district headman under the Dutch colonial administration
<i>Desa</i>	Village
<i>Desa adat</i>	Customary village
<i>Desa asli</i>	Traditionally grown, autochthonous village
<i>Dinas Kehutanan Provinsi</i>	Provincial forestry service
<i>Domeinverklaring</i>	Domain declaration under which all uncultivated land was regarded as domain of the state
<i>Duku</i>	A fruit tree species
<i>Dusun</i>	Hamlet
<i>Era reformasi</i>	Reformation era
<i>Hak milik</i>	Right of ownership
<i>Hak pakai</i>	Right of use
<i>Hak ulayat</i>	Community right to control in <i>adat</i> land law, known by Dutch scholars as <i>beschikkingsrecht</i>
<i>Harapan</i>	Literally means ‘hope’, and refers to the area in the surroundings of the Harapan Rainforest conservation concession of PT REKI
<i>Hukum adat</i>	Customary law
<i>Hutan adat</i>	Customary forest
<i>Hutan hak</i>	Forests subject to rights

<i>Hutan negara</i>	State forest
<i>Ilir</i>	Downstream region
<i>Inti</i>	Nucleus, refers to a central estate in a Nucleus-Estate-Smallholder scheme
<i>Jalan Raya Lintas Sumatra</i>	Trans-Sumatra Highway
<i>Jenang</i>	Representative of the king in the Melayu-Jambi Kingdom/Sultanate and refers today to a person who is recognized by the Orang Rimba as authority
<i>Kabupaten</i>	District
<i>Karyawan tetap</i>	Permanent worker in an oil palm plantation
<i>Kawasan hutan</i>	Forest estate
<i>Kecamatan</i>	Sub-district
<i>Kepala desa</i>	Village head
<i>Kolonisatie</i>	Colonization
<i>Kota</i>	City
<i>Kubu</i>	Pejorative term used by the sedentary population for the semi-nomadic Orang Rimba
<i>Majapahit</i>	A Hindu-Buddhist kingdom
<i>Marga</i>	District under the Dutch colonial administration
<i>Masyarakat adat</i>	Customary community
<i>Melayu</i>	Literally means 'Malay', and refers here to an ethnic group which traces back their origin to the pre-Islamic Melayu Jambi Kingdom
<i>Minangkabau</i>	A Buddhist kingdom
<i>Orang Rimba</i>	Literally means 'people of the forest', refers to a semi-nomadic group of shifting cultivators who live in the forests of Bukit Duabelas National Park
<i>Pasirah</i>	District headman under the Dutch colonial administration
<i>Penghulu</i>	A person of Minangkabau descent which was appointed by the <i>batin</i> as headman or local chief of a region
<i>Plasma</i>	Individual smallholder scheme in satellite areas of a Nucleus-Estate-Smallholder oil palm plantation
<i>Propinsi</i>	Province
<i>Sekretaris Desa</i>	Village secretary
<i>Sriwijaya</i>	A Hindu-Buddhist kingdom

<i>Suku anak dalam</i>	Literally means 'tribe of the children of the interior' and is a political, deprecatory term for indigenous communities in Jambi province
<i>Taman Hutan Raya</i>	Forest reserve
<i>Tanah adat</i>	Collective customary land
<i>Tanah negara</i>	State land
<i>Tanah tidur</i>	Literally means 'sleeping land', a term used for undeveloped land
<i>Temenggung</i>	Orang Rimba headman, highest political and legal authority for the Orang Rimba
<i>Toke kayu</i>	Wood trader
<i>Ulu</i>	Upstream region

Collaborative Research Center (CRC) 990

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¹ For more information on the CRC 990 refer to the CRC 990 homepage: <http://www.uni-goettingen.de/en/310995.html>

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"Of what is this a case?" (Lund, 2014, p. 224)

1. Introduction

1.1 Framing the research

Raging forest fires in Indonesia aroused global media attention in 2015, when the seasonal phenomenon of forest fires exceeded their annual scope against the background of a strong El Niño-Southern Oscillation year. Draining and conversion of vast areas of peatland into oil palm (*Elaeis guineensis*) plantations contribute to the intensity of fires and haze. The 2015 fires were man-made and used to prepare land for agriculture and to gain cheap access to land. Between June and October 2015, an area of 2.61 million hectares of land was burned in Indonesia (The World Bank, 2015). The fires and the resultant haze had not only severe effects on the land itself and in particular on its flora and fauna, but came with considerable human costs, too. "This vast economic and environmental crisis is repeated year after year, as a few hundred businesses and a few thousand farmers seek to profit from land and plantation speculation practices, while tens of millions of Indonesians suffer health costs and economic disruptions" (The World Bank, 2015). More than 43 million people were breathing in toxic fumes over months, leading to an estimated number of 500,000 respiratory infections on the island of Sumatra, and Indonesian Borneo (Manafe, 2015). A recent study goes a step further by estimating, that the haze caused the excess death of 100,300 people in Indonesia, Malaysia and Singapore (Koplitz et al., 2016, p. 1). Despite severe health consequences, the fires were reported to cost Indonesia more than twice the amount of the reconstruction costs spent after the tsunami in 2004 (more than 16 billion USD or 1.9% of Indonesia's gross domestic product) (The World Bank, 2015). The regional and global costs are even higher. Peatland areas were amongst the hardest hit parts. These soils can smolder over long periods in underground layers, hereby releasing large amounts of its carbon contents and contributing significantly to Indonesia's greenhouse gas (GHG) emissions. At the heart of this "crime against humanity" (Manafe, 2015), as the spokesperson of the Indonesian National Disaster Mitigation Agency (*Badan Nasional Penanggulangan Bencana*, BNPB) called the haze crisis, are conflicts over land and its resources. The Heidelberg Institute for International Conflict Research refers to Indonesia as being in a state of violent crisis concerning natural resource conflicts (Heidelberg Institute for International Conflict Research, 2015, p. 39). Land and forest fires are hereby often a symptom and cause of conflictive land relations and vice versa (Suyanto, 2007, p. 67).

The extraction of natural resources has always been a major trigger for development around the world. Beside mineral resources, timber is still an important source of revenue in Indonesia. Being the country

with the third largest rainforest cover worldwide, after Brazil and the Democratic Republic of Congo, Indonesia has lost much of its forest resources in the recent decades (Saatchi et al., 2011, p. 9901). Between 1985 and 1997, 22.5 million hectares of forest were cleared at an average speed of 1.9 million hectares per year (Forest Watch Indonesia, 2014, p. 4). From 1997, the following years were characterized by a phase of political upheaval and decentralization reforms. Deforestation rates increased to 2.8 million hectares per year in 1998, as many people sought to secure land access after decades of authoritarian rule (Forest Watch Indonesia, 2014, p. 4). In the following years deforestation rates declined again. By 2012, the annual primary forest cover loss in Indonesia was estimated 0.84 million hectares² (Margono et al., 2014, p. 1). Market demands for timber are however not the only interest behind the high deforestation rates. In fact, land in general is a critical resource, which is in the focus of speculative accumulation, leading to astronomically increasing land prices and consequently to land conflicts³ (Dittrich, 2015, p. 4) – an Indonesian but also global phenomenon that social scientists summarize as land grabbing. The focus of the literature on land grabbing is on the purchase or lease of large parcels of land for the cultivation of cash crops, or “boom crops” (Hall, 2011, p. 837) mainly by transnational corporations (Borras et al., 2011; Deininger, 2011; Schutter, 2011; Hall, 2013). In Indonesia, boom crops particularly include rubber, oil palm and fast growing trees (e.g. *Acacia*, *Eucalyptus*, *Albizia* and *Gmelina arborea*) which are mainly produced in large-scale agro-industrial plantations. Land relations in this context are often conflictive, as access to land is constantly negotiated between different powerful actors on different scales, leading to exclusion and resistance. These conflictive land relations, and thus the 2015 forest fires, can only be disentangled by looking into the history of land use change in Indonesia.

A first valorization of land and its natural resources took place in pre-colonial times with the exploitation of primary forests through hunting and gathering activities and swidden agriculture. Along with the increasing demand for rubber during the industrial revolution in Europe and North America in the nineteenth century a second valorization took place. Rubber was first planted between upland rice, slowly leading to a new cropping system, that of rubber agroforests. In rubber agroforests, rubber is intercropped with other 'useful' plants such as timber, fruit trees, food crops, medicinal plants and plants used as building or handicraft material (Feintrenie & Levang, 2009, p. 324). But as collection costs rose and demand was still high, farmers switched to the exotic Para rubber (*Hevea brasiliensis*) which was introduced by the Dutch colonial administration and planted in large plantations in the early

² Despite this strong decline, Indonesia's deforestation rate still outnumbers that of Brazil with 0.46 million hectares per year respectively (Margono et al., 2014, p. 1).

³ In land conflicts at least two parties are involved who have a different understanding about rights and claims to land. However, not only property rights are relevant in land conflicts; they also occur when rights to use a piece of land, manage it or generate income from it are under contestation. A land conflict is thus conceptualized much broader than a land use conflict.

twentieth century. Since the 1980s, a third valorization of primary forests takes place as land is now mainly converted into oil palm plantations. The global demand for vegetable oil is high and continuously increasing. With a share of 34% of global consumption, palm oil is the most important vegetable oil, apart from soybean, rapeseed and sunflower oil (USDA, 2014). It can be produced relatively cost-efficient with a yield of 4.1 tons per hectare (World Growth, 2011, p. 14). At the same time it can be used versatilely. Two different kinds of oil can be pressed from oil palm fruits: palm oil from the fruit flesh and palm kernel oil from the fruit seeds. Palm oil is used as cooking oil and chip fat for the production of convenience food such as snacks or confectionary. Palm kernel oil is a component in various cosmetics such as creams and soaps but can also be used for the production of surfactants, which are used in shower gels, shampoos, detergents and cleaning agents (Geibler & Bienge, 2010, p. 44). The World Wide Fund for Nature (WWF) estimates, that palm oil and palm kernel oil together are currently used in every second supermarket product (WWF, 2015). Worldwide palm oil is mainly used for food products and animal feed. Unlike in other countries, the significance of palm oil for food products has drastically declined in the recent years in Europe. In 2010, 57% of the European palm oil imports were used for food production and only eight percent for the production of biodiesel. Four years later, the numbers reversed to 45% for biodiesel and 34% for food production (and 16% for electricity and heating) (NABU, 2016, p. 1). The main importing countries of palm oil are India, the EU, China, Pakistan, Egypt, Bangladesh and the USA, while consumption is highest in India, Indonesia, the EU, China, Malaysia, Pakistan and Thailand (USDA, 2016). Indonesia and Malaysia produced 85% of the global palm oil production in 2013 and contributed to 87% of global palm oil exports (FAOSTAT, 2015). In 2009, Indonesia's palm oil production had exceeded the long-term leader Malaysia. It increased from 19 million tons per year in 2009 to 26.9 million tons per year in 2013 (FAOSTAT, 2015). By 2020, Indonesia aims at producing 40 million tons per year (UNCTAD, 2012). The continuous increase in palm oil production still goes hand in hand with an expansion of plantation areas and thus with forest clearings. For big companies, as well as smallholders, fire clearing is the cheapest and fastest way to clear large areas of land. These fires often get out of control, especially on peatlands and fires were especially raging on the island of Sumatra.

Within Indonesia, the island of Sumatra has been traditionally a major resource frontier. In the 1970's, the Indonesian government assigned almost the entire lowland area of Sumatra for logging. Sumatra's forest resources had been cleared with an average speed of 542,000 hectares per year between 1985 and 2008, resulting in a natural forest cover of 29% in 2008, compared to 58% in 1985 (WWF Indonesia, 2010, p. 15). According to Statistics Indonesia (*Badan Pusat Statistik*, BPS) oil palm plantations in Sumatra accounted for an area of 6.6 million hectares in 2013, while rubber was planted on an area of 2.5 million hectares (Badan Pusat Statistik Indonesia, 2013). Resource extraction is continuing to be Indonesia's key development strategy (Jiwan, 2013, p. 73). As the Coordinating Ministry for Economic

Affairs stated in 2011: “The Sumatra economic corridor is expected to become 'the center for production and processing of natural resources as the nation’s energy reserves'. Sumatra’s strategic location can propel it to become 'the front line of the national economy into the European, African, South Asian, East Asian, and Australian markets’” (Deputy Minister for Coordinating Infrastructure and Regional Development, Coordinating Ministry for Economic Affairs, Republic of Indonesia, 2011, p. 46). The topicality of this statement is emphasized by a statement of the secretary general of Indonesia’s Ministry of Forestry, Hadi Dayanto, who confirmed in August 2014 plans to clear another 14 million hectares of 'degraded forest' until 2020: “Deforestation is inevitable [for development], but we will allocate the land for better use” (The Jakarta Post, 2014a).

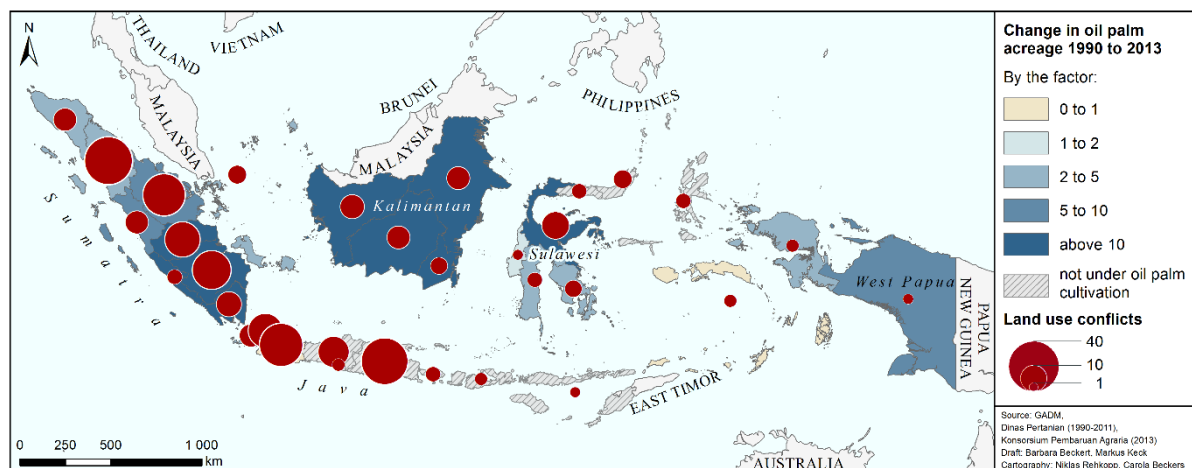
With this economic policy and the integration of the region into globalized markets, fundamental land use related transformation processes still take place and land prices substantially increase (Potter, 2001, p. 313). While research in the context of land grabbing has to date mainly focused on policy questions and large-scale causes of land grabs, the actual trajectories and local-level dynamics of conflictive land relations in the context of crop booms⁴ have not yet received sufficient attention. An increasing variety of actors with different economic intentions and socio-cultural backgrounds claim land, thus access to land becomes more and more contested. Not only companies but also smallholders try to keep control over land on which to grow boom crops and even smallholders can become potential agents of land grabbing (Hall, 2011, p. 838). The struggle of power between different actor groups is rooted in a long history of contradictory laws and regulations. Combined with socio-economic change and high population growth rates (also due to in-migration from other parts of the Indonesian archipelago), these processes have contributed to socially and spatially fragmented land use patterns consisting of patches of primary forest, rubber agroforests, as well as rubber and oil palm plantations. These fragmented land use patterns often come with contestations over land and its resources and more or less secure or insecure land relations.

Until recently, research was led by the assumption that land conflicts in the context of deforestation of tropical rainforests in Indonesia only occur at the edges of rainforests, the so-called frontiers (Peluso & Lund, 2011, p. 668). In these transition zones between forests and agricultural land different forms of resource use collide. Subsistence farming of local smallholders meets different forms of resource exploitation as implemented by state and private actors. Recent studies however show, that land conflicts also occur in areas that have been converted from forests to agricultural land decades ago (Beckert et al., 2014; Colchester et al., 2011; Hein & Faust, 2014; Hein et al., 2016; Steinebach, 2013).

⁴ Hall (2011) defines crop booms “as taking place when there is a rapid increase in a given area in the amount of land devoted to a given crop as a monocrop or near-monocrop, and when that crop involves investment decisions that span multiple growing seasons” (p. 840).

Already established frontiers are constantly challenged, transformed or extinguished by different actors who seek to establish new relations of land control in boom areas. In these so-called post-frontier areas, new enclosures, territorializations and property regimes challenge the existing land relations (Peluso & Lund, 2011, p. 669). Post-frontiers have passed the socio-ecological transition, in which forests have been cleared in order to develop areas for agricultural use. At the same time, societal ruptures consolidate. Post-frontiers become conflict arenas⁵ where contradictory interests of actor groups, equipped with uneven power options, collide (Beckert et al., 2014, p. 77; Beckert & Keck, 2015, p. 12).

In Indonesia, the Consortium for Agrarian Reform (*Konsorsium Pembaruan Agraria*, KPA) identified 369 land conflicts in 2013 (Konsorsium Pembaruan Agraria, 2013, p. 3) (see Map 1). This is an increase of 86% compared to 2012. Some of these conflicts can be traced back to infrastructure development and mining. However, at least 57% are directly (e.g. plantations) or indirectly (e.g. forestry sector) related to the expansion of agricultural land and boom crops⁶ (Konsorsium Pembaruan Agraria, 2013, p. 6). Because of its long history of land use transformation, land conflicts especially arise on the island of Sumatra (see Map 1).



Map 1 Oil palm expansion (1990-2013) and land conflicts in Indonesia (2013)

Jambi province, located in the center of the island of Sumatra, stands as an example for a highly dynamic post-frontier⁷. Along with the expansion of rubber and oil palm plantations, large areas of

⁵ Drawing on the understanding of Peluso and Watts (2001) “the environment is an arena of contested entitlements, a theater in which conflicts or claims over property, assets, labour, and the politics of recognition play themselves out” (p. 25). This approach thus highlights “the panoply of differentiated actors (...) and the ways in which they operate in historically and culturally constituted fields of power” (p. 25).

⁶ In 2015, the Consortium for Agrarian reform still counted 252 land conflicts, mainly in the plantation (50%) and infrastructure (28%) sector, affecting more than 108,714 households and an area of 400,430 hectares (Konsorsium Pembaruan Agraria, 2015, p. 4).

⁷ For a map of Jambi province refer to Map 2.

forest have been cleared in the past decades resulting in a forest cover of 29.3% in 2009 and an annual deforestation rate of 76,522 hectares in the same year⁸ (Kementerian Kehutanan Republik Indonesia, 2011, p. 21). Smallholders and plantation companies use fires for land clearing activities. Most of the 2015 forest fires in Jambi can be attributed to land use transformation processes. Hereby bush, shrubs as well as secondary forests are converted into industrial timber or oil palm plantations (Prasetyo et al., 2016, p. 458). Conflictive land relations between access, exclusion and resistance are prevalent in Jambi province and especially the local rural population is left behind and deprived of their traditional lands by either plantation companies or more powerful local actors.

1.2 Research goal and research questions

So of what is this research exactly a case? The introduction has shown that land is a contested resource in Indonesia with a longstanding history of land use transformation processes. Against this background, the research project at hand aims to analyze and explain conflictive land relations in Jambi's dynamic post-frontier. This results in the first research question: **How did Jambi province transform into a dynamic post-frontier?**

This research project aims to explore empirically in how far some local actor groups in the post-frontier are able to participate and benefit from land use transformation processes while at the same time others are excluded. The outlined scenario will be analyzed using the example of two post-frontier conflict arenas in the study region of Jambi province, located in proximity to the Bukit Duabelas National Park (*Taman Nasional Bukit Duabelas*, TNBD) and the Harapan Rainforest⁹ conservation concession of PT REKI¹⁰ (*Restorasi Ekosistem Indonesia*). The second research question thus seeks to understand: **Which processes lead to conflictive land relations between access and exclusion in the post-frontier?**

In the context of adverse and conflictive land relations in Jambi's post-frontier, resistance by local actor groups emerges. It is hereby relevant to understand the specific context in which resistance develops on a local level and how this resistance in turn impacts the post-frontier. The third research question is: **How does resistance against adverse land relations influence the post-frontier?**

⁸ These are the latest data available for forest cover and deforestation in Jambi province.

⁹ *Harapan* means hope.

¹⁰ PT (*Perseroan Terbatas*) means Limited Liability Company.

1.3 Outline

In order to answer the research questions raised above, the dissertation is structured as follows: Chapter 2 presents the conceptual framework of this research project. Key theoretical and conceptual approaches on access, exclusion and resistance are introduced which form the basis for a novel and adapted conceptual framework on conflictive land relations in the post-frontier. Chapter 3 introduces the methodological research approach. The need for a qualitative research approach is described, and the research process as well as research village selection is outlined. In addition, the methods of data collection and analysis as well as methodological challenges and drawbacks in conducting research in rural Indonesia are presented. Chapter 4 provides a historical summary by highlighting political events in Jambi and beyond, relevant for the research context. A special focus is put on the history of land use transformation and the development of plural legal orders in post-colonial Indonesia. Chapter 5, the first empirical chapter, introduces two main conflicts in the southern Bukit Duabelas conflict arena, which center on oil palm plantation licensing and environmental conservation. Both conflict cases are introduced and further analyzed by means of the 'powers of exclusion' framework. The analysis shows that the southern Bukit Duabelas conflict arena can only be understood as result of intertwined exclusions, as both conflict cases are interdependent. Local actors in the southern Bukit Duabelas area developed a unique strategy to resist in the context of conflictive land relations. The southern Bukit Duabelas conflict arena is conceptualized as post-frontier. Chapter 6, the second empirical chapter, focuses on conflictive land relations in the Harapan conflict arena. Here, a number of different land conflicts take place and the analysis focusses on the longest ongoing and most severe land conflict in the area. The 'powers of exclusion' at play are accentuated differently here and the resistance of local actors is well-developed. The Harapan conflict arena is understood as post-frontier. Chapter 7 discusses the research findings against the background of the conceptual framework of the research project and answers the posed research questions. Limitations and challenges of the research project are summarized. Since field research has been completed a number of new laws and regulations have been passed which might alter the conflictive land relations in the future, not only in Jambi province but in Indonesia in general. The final Chapter 8 provides key conclusions and an outlook for the future transformation of post-frontiers.

“Social scientists do not discover new events that nobody knew about before. What is discovered is connections and relations, not directly observable, by which we can understand and explain already known occurrences in a novel way.” (Danermark et al., 2002, p. 91)

2. Conceptualizing conflictive land relations in the post-frontier

This chapter introduces a novel conceptual framework on conflictive land relations in a post-frontier setting. In the context of appropriation, control and exploitation of natural resources, a political ecology perspective provides a suitable, analytical starting point for the analysis of land relations between access and exclusion, presented in the first section. Section two shows the evolution of the frontier concept from a traditional understanding, which was first described at the example of a moving-westward frontier in nineteenth century America, towards a contemporary understanding of frontiers. The term post-frontier is introduced to define contested spaces of political (dis-) order at the global peripheries, or 'spaces of exception' (Korf, 2015, p. 77). Land relations between access and exclusion are outlined in section three. Access to land and natural resources as well as property relations can only be understood by looking into their interdependence with power and authority. When people are prevented from having access to land, exclusionary processes are inevitable. Hereby, not only power relations are a distinct factor for exclusion. Hall et al. (2011) identify regulation, force, market and legitimation, the so-called 'powers of exclusion', as being relevant for any analysis of land dilemmas in the Global South. People's agency to resist is grasped by including the 'terrains of resistance' (Routledge, 1993) approach into the conceptual framework, presented in section four. Land conflicts arise as soon as people start to resist against adverse land relations and they can develop via different paths and stages of conflict escalation. Section five presents a novel conceptual framework, which builds on the previously introduced approaches and provides an appropriate concept to analyze the present research context.

2.1 A political ecology approach

Political ecology provides a conceptual framework for understanding “the complex relations between nature and society through a careful analysis of what one might call the forms of access and control over resources and their implications for environmental health and sustainable livelihoods” (Watts, 2000, p. 257). As field of research at the interface of environmental, political and social sciences it emerged in the 1970s as response to the growing politicization of the environment and developed,

particularly as explanatory framework for soil erosion, in the 1980s (Blaikie, 1985; Peet & Watts, 1996, p. 4). Political ecology studies can be divided into two main approaches, post-structuralist approaches on the one side, and conflict and action-oriented approaches on the other side. The latter seek to explain environmental change by evincing power structures of various kinds, viewing environmental and ecological conditions as product of political and social processes, which are interlinked at various scales (Bryant & Bailey, 1997, p. 32)¹¹. Until today, conflict and action-oriented approaches form the mainstay of political ecology studies. As Bryant and Bailey (1997) point out a political ecology perspective aims to “think in terms of the role of various actors in relation to a political environment characterized by unequal power relations” (p. 188).

The term political ecology itself embraces a broad range of definitions, which above all share the common ground to be seen as opposite pole to apolitical ecology approaches (Robbins, 2004, p. 5). Blaikie and Brookfield (1987) provided a programmatic working definition: “The phrase 'political ecology' combines the concerns of ecology and a broadly defined political economy. Together this encompasses the constantly shifting dialectic between society and land-based resources, and also within classes and groups within society itself” (p. 17). Placed in a rural context of the Global South, Blaikie and Brookfield seek to explain environmental change in terms of constrained local and regional production choices within global political economic forces (Robbins, 2004, p. 6). They see environmental change, as well as any ecological condition, as a product of political process. “Research tends to reveal winners and losers, hidden costs, and the differential power that produces social and environmental outcomes” (Robbins, 2004, p. 11). According to Watts (2000, p. 262), Blaikie and Brookfield’s definition contains three main assumptions: First, they believe, that because of poor management, poverty can induce environmental degradation, which again deepens poverty. Secondly, environmental degradation is linked through chains of explanations to a variety of regional scales, urging for multi-layered analyses. And last but not least, external structures frame land management.

Although political ecology has often been criticized for its lack of theoretical coherence, it is still acknowledged for its potential contribution to environmental issues (Peet & Watts, 1996, p. 6). “From its very inception, political ecology never represented a coherent theoretical position for the very good reason that the meanings of ecology and political economy, and indeed politics, were often in question” (Watts, 2000, p. 261). Political ecologists share the common understanding that through empirical, research-based studies they can explain the linkages in the condition and change of social/environmental systems, by explicitly focusing on power relations. “Political ecology, moreover, explores these social and environmental changes with a normative understanding that there are very

¹¹ For a detailed description of the origins and the development of the research field of political ecology, refer to Bryant & Bailey, 1997, pp. 10-25.

likely better, less coercive, less exploitative and more sustainable ways of doing things” (Robbins, 2004, p. 12). The great merit of political ecology approaches is that they focus on the social relations that shape practices while at the same time addressing the abilities and constraints of the vulnerable (Watts, 2000, p. 262; Peet et al., 2011, p. 9).

2.2 Post-frontiers as spaces of exception

Conflictive land relations in Jambi province find their spatial expression in dynamic post-frontier areas as various actors struggle for land and its resources and ultimately for power. In this section, the term post-frontier is introduced as a metaphor for describing the political (dis-) order of contested spaces at global peripheries, understood as 'spaces of exception'¹² (Korf, 2015, p. 74). The post-frontier concept is rooted in a traditional as well as a contemporary understanding of frontiers. Before exploring today's notion of post-frontier research more deeply, the main lines of the traditional and contemporary frontier concept will be introduced briefly and deconstructed against their historical background.

2.2.1 A traditional understanding of frontiers

The frontier concept carries centuries of meaning and the extensive literature on frontiers involves many disciplines (Klein, 1996, p. 183). Thus, the lack of a conceptual consensus makes any definition of the concept a challenging venture (Baud & Schendel, 1997, p. 213; Geiger, 2008, p. 77; Eilenberg, 2014, p. 161). In addition, there is confusion within the Anglophone world, regarding the actual meaning of the word frontier. The word itself is derived from the Latin word '*frons*', which means forehead. Its linguistic meaning changed then to denote literal borderlines, borderland regions or to the process of territorial expansion of state authority or civilizations into empty areas (Baud & Schendel, 1997, p. 213; Eilenberg, 2014, p. 5). Research on frontiers can be traced back to the late nineteenth century when Turner (1861-1932) described the violent land seizure in North America in his essay 'The Significance of the Frontier in American History' (Turner, 1893).

Turner's main assumption, the so-called 'frontier hypothesis', was that the center of American history was to be found at its edges (Limerick, 1987, p. 20). "The existence of an area of free land, its continuous recession, and the advance of American settlement westward, explain American

¹² Korf (2015) introduced the German expression "*Räume des Ausnahmezustands*" (p. 75) which is translated here into spaces of exception.

development" (Turner, 1894, p. 199). According to Turner, American social development has been continually beginning repeatedly along the advancing frontier line (Turner, 1894, p. 200). "In this advance, the frontier is the outer edge of the wave – the meeting point between savagery and civilization" (Turner, 1894, p. 200). As Klein (1996, pp. 185-186) points out, this often-cited sentence should however be treated with care and seen against its linguistic background. The meeting point between savagery and civilization represents the convergence of the past and the future. "Turner did not empty Native America of people, but he placed it in the past" (Klein, 1996, p. 186). Moving westward, the frontier not only moved geographically away from Europe but also away from the influence of Europe's political institutions and social hierarchies, thus it became a line of rapid and effective Americanization (Turner, 1894, p. 201; Geiger, 2008, p. 81). "The peculiarity of American institutions is, the fact that they have been compelled to adapt themselves to the changes of an expanding people – to the changes involved in crossing a continent, in winning a wilderness, and in developing at each area of this progress out of the primitive economic and political conditions of the frontier into the complexity of city life" (Turner, 1894, p. 199). The westward movement of the frontier was described by Turner as a succession of different frontier waves, that of the trader and trapper, the rancher and miner, the farmer and the townsman (Turner, 1894, p. 208; Geiger, 2008, p. 81). "Turner himself has remarked that the allure of the frontier was the availability of natural resources: beasts for the hunter and trader, immense grasses for the rancher, and virgin land for the farmer" (Colombijn, 1997, p. 315). Once natural resources were diminished, there was other vacant land to move on to at the frontier (Colombijn, 1997, p. 315).

However, even within Turners' work, the definition of frontiers was constantly changing and thus remained insufficient as analytical tool (Geiger, 2008, p. 82). Geiger (2008, p. 83; 85) summarizes major drawbacks of the Turnerian frontier concept. Narrow in explanatory concern, the concept preoccupies with the impact of frontier conditions on the colonizing society, while neglecting the influence of the society on indigenous communities and the environment. From a perspective of the colonizing culture, the frontier concept is strongly ethnocentric and triumphalist as it celebrates the victory over nature and the indigenous communities (Geiger, 2008, pp. 84-85). At the same time, it is mythical in the sense that it understates the role of the government in the expansion of the American frontier, while at the same time overstating the frontier spirit on the formation of the American political system (Geiger, 2008, p. 83; 85). As last point, Geiger (2008, p. 84) states that the Turnerian concept is too narrow, as its only interest lies in the American frontier condition, discouraging comparative research. "Turner's gaze was clearly the gaze of the white, male Anglo-Saxon, and his tale was a tale of praise for the perseverance of the pioneer who turned wilderness into civilization" (Geiger, 2008, p. 85).

2.2.2 A contemporary understanding of frontiers

In order to go beyond Turners understanding of frontiers, Geiger (2008)¹³ outlines some conditions for “the safe use of a post-Turnerian frontier notion” (p. 88). In a modern understanding, the concept should be used for the study of inter-ethnic relations while at the same time focusing on the environment and the patterns of resource usage by non-native frontier actors (Geiger, 2008, p. 88). Power disparities between different actors, e.g. the 'invaders' and the 'invaded' should be addressed having in mind analyses in terms of conquest and colonization (Geiger, 2008, p. 87). Modern frontier research does at the same time acknowledge, that a frontier is an area of conflict where the invaded possess the agency to resist: “Frontiers must be seen through the prism of both the expansive, modernizing and the traditional, local society/societies” (Geiger, 2008, p. 88). The way Turner has described the frontier was rather mythical, however, it reflected the collective imagination of settler nations. “Beliefs in pioneering as an avenue to prosperity and status, in the abundance of land and natural resources in the new locales, in the absence of rightful owners of these coveted things, and the beastly nature of native contenders as they eventually emerge, have been (and continue to be) powerful forces that drive the conquest of indigenous peripheries globally, colouring and shaping the modalities of frontier encounters” (Geiger, 2008, p. 88).

Since Turner, the frontier concept has been widely applied, often unreflectively, as heuristic device “for the identification of spaces across the globe where the interaction between states and local contenders for scarce resources is structured along similar lines” (Geiger, 2008, p. 77). It can be used to describe processes of transformation, exclusion and access to land, which are also at the center of this research project. Frontiers are in a very general sense “areas remote from political centres which hold strategic significance or economic potentials for human exploitation, and are contested by social formations of unequal power” (Geiger, 2008, p. 78). Frontiers are characterized as resource rich spaces, which are loosely administered and coveted by non-residents (Geiger, 2008, p. 78). They are regions in distance from centralities, in a geographical but moreover in a socio-cultural sense, where national elites define frontier regions as the far end of civilization (Geiger, 2008, p. 95). They are not solely located along national borders but are likewise to be found anywhere else within a country, where power discrepancies between different actors exist (Geiger, 2008, p. 95). These power discrepancies find their expression not only at the frontier but also in so-called intermediate towns, which facilitate the linkage with the international market. Colombijn (1997) regards intermediate towns as having a broker position in the global urban network: “An intermediate town is a place where the relationship between a frontier and the world market is being materialized” (p. 329). As local actors in frontier areas have usually no subsistence base to rely on they are depending on financiers providing

¹³ Geiger (2008) has provided a profound analysis of a contemporary understanding of frontiers.

credit. Credit and debt thus provides the linkage between frontiers and intermediate towns (Colombijn, 1997, p. 329). Due to the diversity of frontiers and their many regional idiosyncrasies, generalizations remain however difficult. Some scholars even regard the frontier concept as “an unsubtle concept in a subtle world” (Limerick, 1987, p. 25).

There are three types of frontiers with specific features, frequently interwoven with each other: the frontiers of settlement, the frontiers of extraction and the frontiers of control (Geiger, 2008, pp. 96-98). In a frontier of settlement, the state executes its power through agricultural expansion, with large numbers of outsiders taking up residence in sparsely populated areas at the indigenous periphery (Geiger, 2008, p. 96). There, often violent conflicts emerge between different local actors, as large areas of land are used by these newcomers (Geiger, 2008, p. 96). Furthermore, one can distinguish two types of settlement frontiers. The primary, attracted outside settlements already at early stages of the process (and often during colonial times), encompassing a regions’ best agricultural land while the secondary settlement frontier, is made up by agriculturally marginal land (Geiger, 2008, p. 97). These “are the main arenas of struggle between indigenous peoples and settlers in contemporary times” (Geiger, 2008, p. 97). Coexisting and overlapping with frontiers of settlement are the frontiers of extraction, also called resource frontiers, which are formed when not the establishment of settlements is paramount, but the extraction of natural resources (Geiger, 2008, p. 97). Tsing (2005, p. 32) refers to these areas as spaces of desire. Equally as frontiers of settlement, they are dynamic in nature, a fact related to the cyclical booms in highly priced commodities, with a workforce generated mostly from indigenous groups (Geiger, 2008, p. 97). At frontiers of control, the perspective of the state is more oriented outwards, above all aiming to secure borderland areas, than developing its own frontier territory (Geiger, 2008, p. 98). These three frontier types are not exclusive categories; they can overlap in a particular place or even merge into each other at different points of time (Geiger, 2008, p. 99).

Geiger summarizes eight overarching “characteristics of contemporary frontiers in the developing world” (Geiger, 2008, p. 110) (see Figure 1).

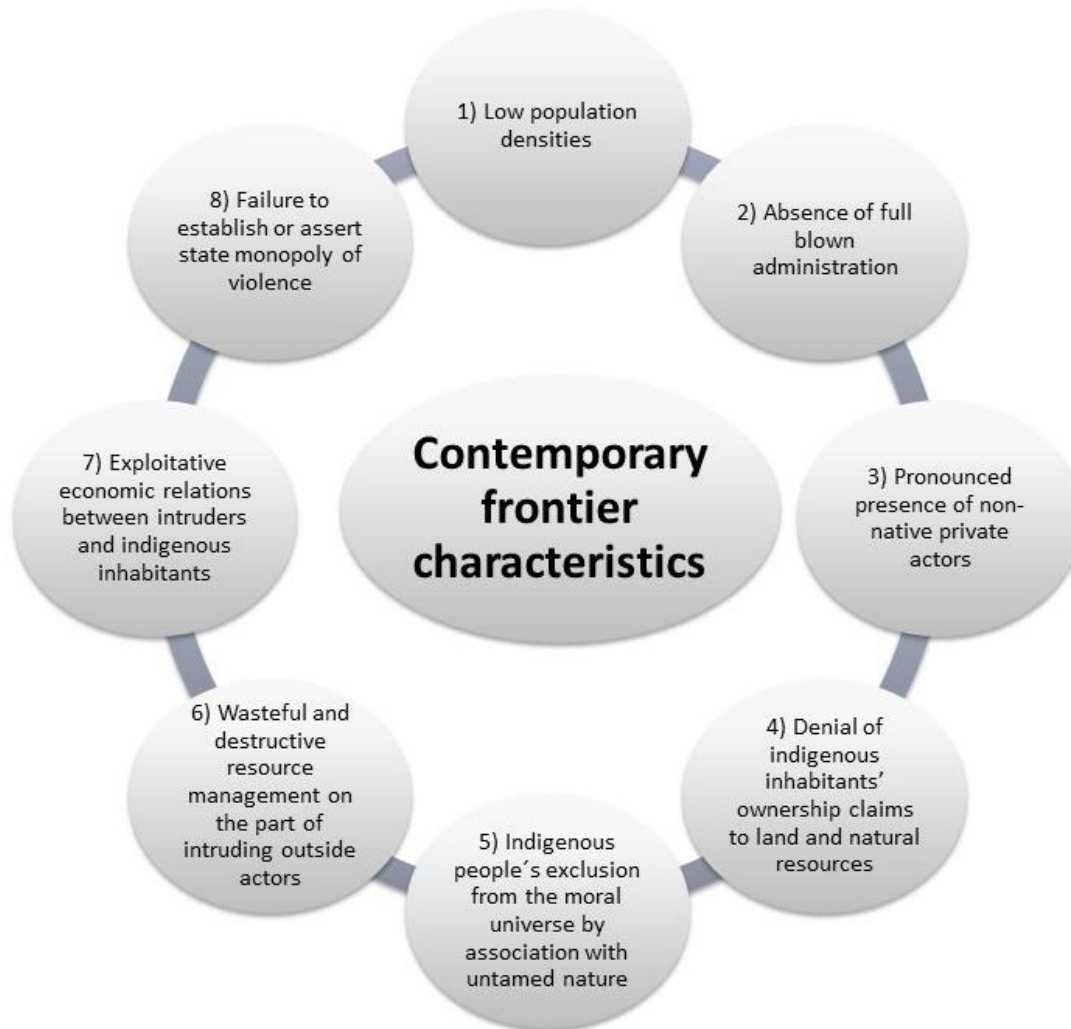


Figure 1 Contemporary frontier characteristics

(Source: Geiger, 2008, p. 110; own depiction)

A first characteristic is, that frontiers are shaped by relatively low population densities, compared to other areas of a state sovereignty (Geiger, 2008, p. 113). However, identifying exact numbers would not be expedient as these numbers (at state peripheries of developing countries) are notoriously unreliable (Geiger, 2008, p. 113). Even the assumption, that the frontier is a sparsely populated area, denies the fact that in these areas indigenous or autochthonous groups have already been using the land and its resources for a long time. With population density as distinct factor defining frontiers, one could assume that the frontier closes with the increase in outside settlers; however, we often find the contrary (Limerick, 1987, p. 23). As a result, population density is only relevant with regard to its relational proposition (Geiger, 2008, p. 115).

As a second characteristic of frontiers, Geiger mentions the absence of a full-blown civil administration and routine state control (Geiger, 2008, p. 115), leading to an institutional vacuum (Kopytoff, 1987, p.

25). In frontier areas informal practices and power relations are often more relevant than formal ones (Geiger, 2008, p. 121). Military personnel is predominant in these areas, also even within the state apparatus, as indigenous leadership is seldom recognized. The state tries to underpin its control as much as possible, wielding power over indigenous groups, often through territorialization, a process in which the state aims to define by whom which areas of land and resources can be used (Geiger, 2008, p. 120). Therefore, the frontier is not a space unregulated by state laws; law enforcement is just not that incisive in frontiers.

The third and fourth characteristics are, that private actors from outside the region are particularly present in frontier regions (Geiger, 2008, p. 123), and together with the state, they are often denying indigenous ownership claims to land and natural resources (Geiger, 2008, p. 126). Government officials regard the frontier as empty space, as they refuse to acknowledge indigenous rights to land and resources. Concessions as well as new settlement schemes are therefore easily given out (Geiger, 2008, p. 127). "(S)tates may disenfranchise indigenous communities by either denying them the status of societies with politics, and refusing to accord them any ownership rights to land resources; or acknowledge them as legal subjects, but define their rights as being of a lower order" (Geiger, 2008, p. 131). When informal use rights compete with collective customary ownership and titled property rights, land conflicts occur.

The state as well as private actors associate indigenous inhabitants with the untamed nature, and construct the frontier as zone of wilderness, danger and death, a fifth characteristic Geiger (2008, p. 134) outlines.

Consequently, the sixth characteristic is that nature is mostly regarded by the intruding society as abundant, leading to a wasteful and destructive resource management. A so-called "exploit and move on mentality" (Geiger, 2008, p. 141) is the hallmark of many outside (non-native) frontier actors leading to a destruction of frontier ecosystems with consequences being felt regionally and globally. Deforestation of tropical rainforests is amongst the most widely recognized degradation in frontier areas. Settlers mainly have an expansionist attitude towards land cultivation, prioritizing the clearing of new land over conserving the fertility of the land already cultivated (Geiger, 2008, p. 142). This especially applies to cash crop cultivators producing for regional or international markets (Geiger, 2008, p. 143).

The seventh characteristic of frontiers in the Global South is related to the economic relations between intruders and the indigenous inhabitants, often being of exploitative nature and unequal exchange. "Frontiers are theaters of accumulation" for the intruders, while at the same time being "arenas of dispossession" (Geiger, 2008, p. 146) for the invaded. It has to be pointed out that clear links of who

are the ones accumulating resources or being dispossessed cannot be established (Geiger, 2008, p. 149).

As last characteristic of frontiers, Geiger (2008, p. 149) states the failure of the state to establish or assert its claim to the monopoly of violence. In frontiers, often more people have access to military skills or tools compared to other areas, often these weapons are used to oppose against the rule of the center (Geiger, 2008, p. 150). The state in turn cedes its control often to powerful private actors. "The institutional vacuum of the frontier makes for legal ambiguity and insecurity, conditions which have widely been found to further conflicts and violence" (Geiger, 2008, p. 154).

To sum up, "(a) frontier is an edge of space and time: a zone of not yet - not yet mapped, not yet regulated. It is a zone of unmapping; even in its planning, a frontier is imagined as unplanned. Frontiers aren't just discovered at the edge; they are projects in making geographical and temporal experience" (Tsing, 2005, pp. 28-29). At the same time frontiers are specifically localized spaces in which access to resources and control over territories, people, and cultural dominance are under contestation (Korf & Schetter, 2012, p. 166). Depending on the strength of the state and the pressure of global markets, frontier processes should be seen as cyclical phenomena that wax and wane (Eilenberg, 2014, p. 162).

2.2.3 Defining post-frontiers

"Where dynamic frontiers would replace dormant hinterlands, regulated post-frontiers would project to normalize the Wild West" (Larsen, 2015, p. 7). Once the conventional frontier, as a zone of transition between forests and agricultural land, is dissolved into a "space of multifaceted development trajectories" (Fold & Hirsch, 2009, p. 95), post-frontier patterns emerge (Beckert et al., 2014, p. 77). Post-frontiers can be conceptualized as "in-between spaces" (Hirsch, 2009, p. 124), as spaces of spatial and temporal transitions, with "lands in between" and "people in between" (Sato, 2000, pp. 161-165), where different actors are gaining, maintaining, or losing access to land. As they are embedded in supra-local influences and processes of globalization post-frontiers are connected spaces and reflect the reshaping of frontier society, environment, and economy as well as the continuing significance of these areas in national development schemes (Fold & Hirsch, 2009, p. 95). The transformation of an area from a leading edge associated with people moving into a geographical area to a more diverse post-frontier is in most cases not just a change in land-cover, but also in the way of life (Rindfuss et al., 2007, p. 740). Once the "external frontier" is closed, "internal frontiers" emerge (Rindfuss et al., 2007, p. 740) which can be both symbolic and real. According to Peluso and Lund (2011), these "new frontiers of land control are being actively created, through struggles involving varied actors, contexts, and dynamics" (p. 668). Post-frontiers are dynamic in nature as already established frontiers are constantly

challenged, transformed or extinguished by new enclosures, territorializations, and property regimes (Peluso & Lund, 2011, p. 669). This leads to an “amalgam of spaces of newly emerging social and environmental relations” (Fold & Hirsch, 2009, p. 96). Post-frontiers are thus maybe best described as “patchworked frontiers” (Barney, 2009, p. 147), which are fragmented and overlapping mosaics of resource governance and territorial control. Talking about post-frontiers, does not mean, that contemporary frontiers do not exist anymore. Contemporary frontiers might either evolve into post-frontiers, or even exist in parallel within the same area at the same time. “Only in narrative terms is the post-frontier defined as being in opposition to or replacing the frontier. Both appear on a continuum, wherein post-frontier assemblages connect practices and sustainability discourse in new ways” (Larsen, 2015, p. 16).

Ultimately, post-frontiers can be understood as 'spaces of exception'; a phenomenon described by Korf (2015, p. 75) in which legal, social and political rules, norms and regulations become either (temporarily) suspended, or are not applied at all. Only through this condition of exception, (violent) appropriation of land and its economic valorization is possible. “The transitional aspects of such spaces find their momentary significance, not in the sense of being ephemeral, but rather as moments of redefined relations in the spread of capitalist relations inherent in development” (Fold & Hirsch, 2009, p. 96). As such, post-frontiers are contested spaces of political (dis-) order at the global peripheries (Korf, 2015, p. 74). New forms of statehood, policy implementation and territorial power emerge. The specific practices of social actors come to the fore in post-frontier areas, and these practices in turn shape the transformation of the post-frontier. “Acknowledging this battlefield of practice allows one to pay analytical attention to the different kinds of actors and modalities of action” (Larsen, 2015, p. 17). In order to avoid a simple and undifferentiated 'David against Goliath' perspective of actors operating in a post-frontier conflict arena, the following theoretical strands shall not only illuminate on questions of access and exclusion but shall also put an emphasis on the agency of social actors to resist, hereby actively transforming the post-frontier.

2.3 Land relations between access and exclusion

These 'spaces of exception', the fragmented and overlapping mosaics of resource governance and territorial control, described as post-frontiers in Chapter 2.2, have direct effects on peoples' reality on the ground – on their agency to respond to changes in the politico-legal and social framework. Space in general, and the post-frontier in particular, is not just the arena of negotiation but also the key issue of social disputes and conflicts. Here, spatial resources and representations are negotiated. Conflicts

over land and its resources are conflicts over space and power; on an individual scale, these conflicts are a consequence of access and exclusion.

2.3.1 Access, property, power and authority: an interdependence

The abilities and constraints of local actors to act in post-frontier areas are best described by analyzing how they gain and maintain access to rural resources of material or cultural value. As political and economic forces constantly transform these rural resources, access to them is often contested and conflictual on different scales (Sikor & Lund, 2009, p. 1). This is particularly evident in post-colonial societies, like Indonesia, where politico-legal institutions exist in parallel with customary institutions. Local actors often try to secure their rights to natural resources by having their customary access claims recognized as legitimate property by politico-legal institutions. Just like legal property regimes, the distribution of property objects has always been contested (Benda-Beckmann et al., 2006, p. 2).

But what is property actually? “Property is about relationships among social actors with regard to objects of value” (Lund, 2011, p. 72; based on Benda-Beckmann et al., 2006). Property relations involve different kinds of social actors, individuals as well as collectivities, who are linked to each other in social relationships (Sikor & Lund, 2009, p. 4). Property is always multifunctional which therefore cannot easily be captured in one-dimensional models, political, economic or legal¹⁴ (Benda-Beckmann et al., 2006, p. 2). As “enforceable claim” (MacPherson, 1978, p. 3), property can be used to benefit somebody. Being enforceable, property is at the same time acknowledged and supported by society through law, custom or convention and regarded as legitimized claim, as the state or any other form of politico-legal institution is able to sanction it (Ribot & Peluso, 2003, p. 155; Sikor & Lund, 2009, p. 4). “Property generally evokes some kind of socially acknowledged and supported claims or rights – whether that acknowledgement is by law, custom, or convention. Rights-holders enjoy a certain kind and degree of social power” (Ribot & Peluso, 2003, p. 156). By contrast, social actors cannot only benefit from resources by owning them; it is equally important that social actors gain and maintain access to resources (Ribot & Peluso, 2003, pp. 153-154; Sikor & Lund, 2009, p. 4). Therefore, access is understood in a much broader sense than property.

Throughout history, property has been a central topic in law and philosophy. Property models stating to be universal are however based on western legal categories, leading to a common misunderstanding of property in the Global North and South (Benda-Beckmann et al., 2006, pp. 2-3). As Benda-Beckmann et al. (2006) further notice, the property concept itself is “loaded down with a heavy freight of political

¹⁴ For a detailed description of property’s multifunctionality refer to Benda-Beckmann et al., 2006, p. 2.

and ideological baggage” (p. 3)¹⁵. Many scholars refer to property as “bundle of rights” in lack of any consistent analytical framework. Basic layers that help to understand property (especially in conditions of legal plurality) are ideologies, institutions, concretized property relationships as well as the social practices affecting all three (Benda-Beckmann et al., 2006, p. 29). “These analytical distinctions between layers of social organization are useful for whatever domain or aspect of social organization one is interested in” (Benda-Beckmann et al., 2006, pp. 29-30). The different layers have then to be analyzed in their mutual interdependence. Changes in property are not a one-way process, they may be initiated at any specific layer and then feed back into other layers, leading to overlapping adaptations. “Once we have understood the characteristics of these loops of influence within the layers of property regimes and in their wider contexts, we can begin to understand the relationships between specific property categories and political, economic or ecological change” (Benda-Beckmann et al., 2006, pp. 30-31).

Property is one of the core elements of social life and politics, apart from citizenship (Lund, 2011, p. 71). Both only gain values through a process of recognition enforced either by the society itself, the government, customary institutions, convention or law (Lund, 2011, p. 72). Property and authority are thus very much interlinked, in the sense of legitimate power, as only socially legitimate institutions can decide upon property rights, which in turn is only effective when their interpretation of social norms is heeded (Sikor & Lund, 2009, p. 1). Otherwise, people may hold property rights without being able to derive material benefits from them. “Authority characterizes the capacity of politico-legal institutions, such as states and their constituent institutions, village communities, religious groupings and other organizations, to influence other social actors. Authority thus relates to property because rights, privileges, duties, obligations, etc. require support by politico-legal authority” (Sikor & Lund, 2009, p. 8). At the same time property is part of a larger picture of access to resources, whether legally recognized or not (Sikor & Lund, 2009, p. 2). “Two issues are therefore simultaneously at stake: struggles over property are as much about the scope and constitution of authority as about access to resources” (Sikor & Lund, 2009, p. 2). According to Nuijten (2003, p. 12), the organizing practices behind the struggles over access and property are a result of the forces at play within the field. People who are entitled to seek entitlements are not set in stone; it is in fact a dynamic and self-enforcing process. “In a force field certain forms of dominance, contention and resistance may develop, as well as certain regularities and forms of ordering” (Nuijten, 2003, p. 12).

This leads to the argument of Sikor and Lund (2009, p. 2) that not only questions of authority are central in analyzing access and property but also questions of power. What happens if there are several

¹⁵ For the range of disciplines and academic traditions that deal with property, refer to Benda-Beckmann et al., 2006, pp. 4-10.

competing normative orders, if there are several groups and institutions competing over jurisdiction? The range of possible processes is broad, it may lead from rather 'informal', everyday negotiation processes, to full-scale political and legal conflicts. "In this sense, the issue of land is not unique, but rather one of a range of issues where political and legal struggles intertwine, where local powers and less localized power structures interact, and where political and cultural symbols of power and authority are brought into play" (Lund, 2011, p. 73). Land conflicts can thus not only be regarded as questions of land, but in fact as questions of property and of social and political relationships (Lund, 2011, p. 73). By analyzing how authority is established and challenged among competing politico-legal institutions one can gain at the same time insights into everyday processes of state formation. It is "vital to address the fact that many contemporary states have a plurality of property ideologies and legal institutions, often rooted in different sources of legitimacy, including local or traditional law, the official legal system of the state, international and transnational law, and religious legal orders" (Benda-Beckmann et al., 2006, p. 3).

Access is defined by Ribot & Peluso (2003) in their 'theory of access' as the "ability to benefit from things – including material objects, persons, institutions, and symbols" (p. 153). The authors distinguish access from property by focusing on ability rather than rights, thereby drawing attention to a wider range of social relationships that can enable or constrain people to benefit from resources (Ribot & Peluso, 2003, p. 154). However, there is a partial overlap between property and access: "Property rights may or may not translate into ability to benefit; and access may or may not come about as consequence of property rights" (Sikor & Lund, 2009, p. 6). Access to land is affected by the "bundle of powers" (Ribot & Peluso, 2003, p. 154) different people and institutions can hold and draw on. These bundles of powers are in turn located and constituted within "webs of powers" (Ribot & Peluso, 2003, p. 154) made up of material, cultural and political-economic strands. Over time and scale, people and institutions are positioned differently in relation to access to land: "The strands thus shift and change over time, changing the nature of power and forms of access to resources" (Ribot & Peluso, 2003, p. 154). "Different political-economic circumstances change the terms of access and may therefore change the specific individuals or groups most able to benefit from a set of resources" (Ribot & Peluso, 2003, p. 158). Access relations are thus always changing, depending on an actors' position and power within various social relationships (Ribot & Peluso, 2003, p. 158). It is important to concurrently examine the larger contexts of such political economic relations or access mechanisms. Technology, capital, markets, labor, knowledge, authority, identities and social relations constitute and are constituted by these broader social forces (Ribot & Peluso, 2003, p. 162). These categories are heuristic; none is distinct or complete (Ribot & Peluso, 2003, p. 173). Access analysis is the process of

identifying and mapping the mechanisms¹⁶ by which access is gained, maintained, and controlled; as access patterns change over time, they must be understood as processes (Ribot & Peluso, 2003, p. 160). Access analysis involves three steps: firstly, identifying and mapping the flow of the particular benefit; secondly, determining the mechanisms by which different actors gain, control, maintain or use the benefit flow and its distribution; and thirdly, analyzing power relations underlying the mechanisms of access (Ribot & Peluso, 2003, pp. 160-161). Access analysis shall help to understand why some people or institutions benefit from resources, whether or not they have institutionally recognized rights to them (Ribot & Peluso, 2003, p. 154). “Each form of access may enable, conflict with, or complement other access mechanisms and result in complex social patterns of benefit distribution. Where and how these analytic categories fit together depends on the web of access relations in which each is embedded” (Ribot & Peluso, 2003, p. 173). The access framework can be used to analyze resource conflicts, in order to understand how these conflicts can become “the very means by which different actors gain or lose the benefits from tangible and intangible resources” (Ribot & Peluso, 2003, p. 173). “Access analysis can be focused on the policy environments that enable and disable different actors to gain, maintain, or control resource access or the micro-dynamics of who benefits from resources and how” (Ribot & Peluso, 2003, p. 173).

A factor, which is further distinguishing access from property, is legitimization by a politico-legal authority (Sikor & Lund, 2009, p. 6). Authority and legitimacy hereby form a “contract of mutual recognition” (Sikor & Lund, 2009, p. 9). Different competing actors and institutions try to legitimize different forms of possession as property that is why competing legitimacies are at play in societies with legal and institutional pluralism (Sikor & Lund, 2009, p. 7). Hence, legitimacy is constantly re-established through negotiation and conflict; what is perceived legal or illegal may change over time, even without any change in legislation. This is a process of social conceptualization that is closely related to the question how truths are established in a society (Sikor & Lund, 2009, p. 7). In land conflicts, people compete over land claims, and are hereby questioning existing authorities, which leads to a constant re-definition of how the concept of property and access is imagined. “When policy is resisted, embraced, or diverted, such concepts become central reference points in the political debate. They *appear* (emphasis in the original) stable, but in the larger claims for a livelihood and a position in life, people struggle over the local, idiomatic meaning of these concepts” (Sikor & Lund, 2009, pp. 7-8).

Politico-legal institutions strive to turn power into authority: “Simply put, claimants seek out socio-political institutions to authorize their claims, and socio-political institutions look for claims to

¹⁶ For a description of the mechanisms of access (including rights based access as well as structural and relational mechanisms of access), refer to Ribot & Peluso, 2003, pp. 161-172.

authorize" (Sikor & Lund, 2009, p. 10). This dynamic relationship is often described in literature with the terms 'forum shopping' and 'shopping forums' (Benda-Beckmann, 1981, p. 117). In the presence of competing forums for resolving conflicts, contestants tend to 'shop' for forums for dispute resolution and forums actively 'shop' for disputes in an effort to consolidate their authority (Benda-Beckmann 1981, p. 117; Ribot & Peluso, 2003, p. 157; Sikor & Lund, 2009, p. 10). "So besides forum-shopping disputants, there are also 'shopping forums' engaged in trying to acquire and manipulate disputes from which they expect to gain political advantage, or to fend off disputes which they fear will threaten their interests" (Benda-Beckmann 1981, p. 117). This competition can develop in many different fields, such as citizenship, personal security, development and of course property (Sikor & Lund, 2009, p. 10). One of the key politico-legal institutions is hereby the state which generally seeks to establish, consolidate and expand its authority by 'shopping' for property claims. Property and authority have a reciprocal relationship, in situations where power relations are diffuse, property relations can be highly uncertain. However, if property is defended successfully, the politico-legal institution is thereby equipped with authority as well (Sikor & Lund, 2009, p. 13).

Of course, questions of property rights and access claims always involve various interests from various actors, which leads to the situation that for some people their rights and claims are guaranteed, while being at the same time denied for others. With regard to land and natural resources, territoriality and territorializing strategies are of special interest, as territoriality is a "key element in the exercise of authority" (Sikor & Lund, 2009, p. 14). Following Sack (1983), territoriality is regarded as the "attempt by an individual or group to affect, influence, or control people, phenomena, and relationships by delimiting and asserting control over a geographic area" (p. 56). Consequently, territoriality plays a crucial role in defining social relations. The term territory is often used in relation to international boundaries, territorial sovereignty or political identity rather than the spatial organization of state administration within the territory of the state. If states pursue these strategies in order to establish control over natural resources and people it is called "internal territorialization" (Vandergest & Peluso, 1995, pp. 386-387). The understanding of territoriality as resource control strategy is paramount here. "All modern states divide their territories into complex and overlapping political and economic zones, rearrange people and resources within these units, and create regulations delineating how and by whom these areas can be used" (Vandergest & Peluso, 1995, p. 387). Territorialization is thus contributing to the exclusion or inclusion of people regulating their access to natural resources. "Territorializing strategies allow and disallow certain forms of land use and access; they regulate certain forms of mobility; and by differentiating rights to resources they contribute to the structuration of citizenship" (Sikor & Lund, 2009, p. 14). However, not only states employ territorialization strategies; above all any (politico-legal) institution pursues these strategies in order to underpin their authority as well as their authority claims. Territorial markers can take different forms: e.g. national flags,

signboards, fences, trenches or even certain tree species planted in order to designate land claims. “These markers create sometimes contiguous, but more often overlapping and frequently contradictory spaces with different structuring effects on access and property” (Sikor & Lund, 2009, p. 14). Territorial claims are enforced through their recognition by a relevant audience (e.g. customary groups, governmental institutions), social pressure, threat or the use of violence (Vandergeest & Peluso, 1995, p. 389). Often territorialization strategies include the illegitimate usage of physical force and violence leading to either resignation or resistance on the part of local actors. “(T)here is no reason to expect that the quest for legitimacy is conducted by legitimate means alone, especially if one recognizes that what may be illegitimate to some may be seen as legitimate by others” (Sikor & Lund, 2009, p. 15). As Sikor and Lund (2009, p. 15) point out, one interesting question is in fact, how politico-legal institutions employ violent means in their quest for legitimacy. Vandergeest and Peluso (1995, p. 389) add that if different legitimating authorities conflict, the one that is the most enforceable in practice (de facto) will have a greater influence on behavior and resource use than de jure controls.

To sum up, “(s)truggles over property are as much about the scope and constitution of authority as they are about access to resources. Similarly, contestations over authority deal as much with the nature and distribution of property as with issues of power” (Sikor & Lund, 2009, p. 19). Property and access as well as power and authority form not only a complex and dynamic but also a recursive relationship, hereby offering an analytical perspective on the politics and governance of resources (Sikor & Lund, 2009, p. 19).

The research area is understood as a resource-rich post-frontier conflict arena, where space is contested by different social actors who strive for power and authority. However, an analysis of access and property can only be a snapshot in time, as power and authority wax and wane. In a much broader sense, the struggle for access and property can be seen as a distinct factor of state formation processes at the peripheries.

2.3.2 Powers of exclusion

Having outlined how access and property are intrinsically connected to power and authority, the term exclusion seems to be, at first sight, a negative term; something that powerful actors impose on the weak, hereby depriving them of their power.

So what is exclusion? From a sociological perspective, exclusion shall not just encompass 'the excluded population', which is perceived as being at the margin or outside of a society. Exclusion rather points from the margin towards the center of society. With this shift in perspective, the change of social and

political inequality is put into focus, raising awareness for new social and political problems (Kronauer, 2006, p. 4181). Thus, exclusion has to be understood as exclusion 'within' a society not as exclusion 'out' of a society; 'the excluded' are hereby still part of the society even if they are not able to participate in social life (Kronauer, 2006, p. 4181). Exclusion thus points towards multiple forms of discrimination. It is not just a question of income, poverty or unemployment but also includes the exclusion of a humane participation in social life. From an economic perspective, a resource is excludable when it is possible to prevent people from having access to it, while it is non-excludable when this is not possible (Hall et al., 2011, p. 7). "Excludability is thus partly a characteristic of the resource itself, but also derives from the social relations that surround it" (Hall et al., 2011, p. 7). Land is, by this definition, an excludable resource, as people can be excluded from accessing or benefitting from it. Hall et al. (2011) state, that exclusion is nothing new and they dissociate themselves from any "romanticized or simplistic notions of a lost past of local communities whose wholly inclusive land relations have been destroyed by capitalism, modernity and the state" (p. 6). Exclusion can have two characteristics; it can be regarded either as condition or as process. The former relates to situations in which large numbers of people lack access to land or in which land is held as private property. The latter highlights large-scale and often violent actions in which local actors are evicted from their land on behalf of more powerful actors (Hall et al. 2011, p. 4). As such, exclusion is an unavoidable fact of land access and land use. What different exclusionary forms mean for different groups and societal outcomes is one of the central questions.

The authors of the book 'Powers of Exclusion: Land Dilemmas in Southeast Asia' (Hall et al., 2011), however, have a different approach, framing exclusion as something inevitable when it comes to land use. In their point of view, exclusion is structured by power relations, which in principle can be eliminated and replaced through inclusive relations (Hall et al. 2011, p. 7). Hall et al. (2011, p. 7) state, that the opposite of exclusion is not inclusion, but access, hereby building on the 'theory of access' by Ribot & Peluso (2003). Access therefore holds a dialectical position with exclusion; access and exclusion can be regarded as two sides of one coin. Through this perspective, exclusion is defined as "ways in which people are *prevented* (emphasis in the original) from benefiting from things (more specifically, land)" (Hall et al. 2011, p. 7). Processes of exclusion are divided into three main types. Firstly, exclusion refers to the ways in which already-existing access to land is maintained by the exclusion of other potential users. Secondly, it relates to the way in which people who have access lose it. Thirdly, exclusion pertains to the ways in which people who lack access are prevented from getting it (Hall et al. 2011, pp. 7-8). Same as Ribot and Peluso's (2003) notion of access, also exclusion is viewed by Hall et al. (2011) as broader than the concept of property: "(I)t refers not just to the presence or absence of rights but to the broader array of powers that prevent people from benefitting from land" (p. 8). However, exclusion shall not just be seen as negative image of the mechanisms of access. On the

contrary “the people who are kept out and the powers that keep them out” (Hall et al., 2011, p. 8) are at the focus of analysis; thus, contention and conflicts play a prominent role in any analysis of the 'powers of exclusion'.

Furthermore, exclusion has a so-called 'double edge', which creates security and insecurity at the same time – for different actors, though (Hall et al., 2011, p. 8)¹⁷. “From the moment land becomes scarce, the exclusive access to land that is productive for some comes into tension with the fact that others cannot access it” (Hall et al., 2011, p. 8). The dilemma of exclusion’s double edge is however not a hypothetical one, it is widely recognized in land debates and practices throughout the Global South. Any analysis should situate these dilemmas within their specific historical, geographic, social, economic and political context that frame them (Hall et al., 2011, pp. 198-199). Once state authorities have detected exclusion’s double edge, they can become part of so-called 'countermovements' and try to limit its negative effects (Hall et al., 2011, p. 9). “Countermovements do not have a singular source or rationale, nor do they represent a coherent set of interests. They are loose assemblages in which diverse actors, ideals and imperatives come together provisionally, fragment and realign” (Hall et al., 2011, p. 9). In addition, local actors can act in terms of a countermovement, for instance by occupying a piece of land and hereby disregarding other actors’ legitimacy basis (Hall et al., 2011, p. 9). Often, this struggle is related to instruments of transnational human rights, as well. “Yet countermovements do not resolve the dilemma: even when they define the protection of life as their goal, the regimes of access they propose routinely require new forms of exclusion that benefit some parties at the expense of others” (Hall et al., 2011, p. 10). This struggle is mostly peaceful but persistent, can however be turned into violent evictions, too. Inconsistent and contradictory laws enable different constituencies to argue that right is on their side, having often massive effects on the usage and misuse of power on behalf of officials at various levels (Hall et al., 2011, p. 12).

2.3.2.1 The four 'powers of exclusion': regulation, force, market and legitimation

The authors of the 'powers of exclusion' put an emphasis on the question how exclusion occurs, as well as on the winners and losers of this struggle of access and exclusion from land. Exclusion from land is a matter of the interaction between regulation, force, market and legitimation; these are the four 'powers of exclusion' Hall et al. (2011) identify and base their analytical core upon. The authors acknowledge that these four powers do not encompass 'everything' for explaining exclusionary processes related to land; they however see these powers as heuristic basis for the study of land access

¹⁷ For a differentiation between exclusion and the concepts of enclosure, primitive accumulation and accumulation by dispossession refer to Hall et al., 2011, pp. 13-14.

and exclusion (Hall et al., 2011, p. 15). In addition, the four 'powers of exclusion' are not to be seen independently from another; on the contrary, they are strongly interconnected. In the following, these powers are described.

Regulation is the first power Hall et al. (2011) identify. It refers to "the rules – formal and informal – that govern access and exclusion" (pp. 15-16). Regulation has four main components. It determines the boundaries between land pieces, it regulates the acceptable and not acceptable land use within these boundaries, further it determines ownership and permitted usufruct land claims. Additionally, regulation makes claims about which actors (e.g. individuals, households, groups, and state agencies) have rule-backed claims to any piece of land. In this respect Hall et al. (2011, p. 16) argue for three prerequisites in their understanding of regulation. First, they do not assume that regulation is carried out exclusively by the state and highlight the relevance of customary institutions as well as transnational organizations in regulating access and exclusion to and from land. Second, regulation is not only a matter of prohibitions and requirements, but is increasingly carried out via incentives, which shall encourage and promote intended behavior. And third, regulations are not always effective and different sources of regulatory authority are often in conflict. The power to make the rules is important both to the process of exclusion and in determining who is excluded (Hall et al., 2011, p. 194). The authors consider conservation and corporate and state land grabbing as main land dilemmas under this power.

A 'power of exclusion' which colludes with regulation is force. Force is said to be at the heart of regulation, with the state as only actor to use force legitimately (Hall et al., 2011, p. 16). "This does not mean, however, that any use of force by state officials is in the service of regulation" (Hall et al., 2011, p. 16). Often, government officials set up their own extralegal claims to land (Hall et al., 2011, p. 16). "Force, too, is not a monopoly of the powerful and well-connected; it is also used by the poor, and by smallholders, at a variety of scales" (Hall et al., 2011, p. 17). Violence is a common feature of force but it can be also extremely effective, when it is largely, or entirely, implicit (Hall et al., 2011, p. 17). "The possession of means of violence, then, can create a climate in which force acts quite effectively without ever being used" (Hall et al., 2011, p. 17). Force is mainly used to expel villagers from land, mostly for large-scale corporate boom crop production and conservation.

The third 'power of exclusion', which is considered important in regard to land, is market. Land prices, and prices of certain key commodities are primary determinants for understanding the dynamics of exclusion. The participation in boom crop markets increases land prices, which in turn leads to the exclusion of others. Like the other 'powers of exclusion', markets are underpinned and shaped by regulation, force and legitimation (Hall et al., 2011, pp. 17-18). And often, the regulators of markets and the participants in market relations are the same actors, individuals or groups (Hall et al., 2011, p.

18). "(P)rices of certain key commodities and services are critical to understanding the dynamics of exclusion. While these prices are not generated entirely in some abstract space of supply and demand, they do, for the most part, confront actors as hugely persuasive social facts" (Hall et al., 2011, p. 18).

Legitimation, the fourth 'power of exclusion', is vital to exclusion and is understood "as justifications of what is or of what should be" (Hall et al., 2011, p. 18). Legitimations refer to moral values and provide the normative foundation to the other three 'powers of exclusion'. Mostly state actor use legitimation as rationale to exclude other actors. Legitimations are always resisted "and the effort to justify any particular form of exclusion must always be seen as a struggle involving a wide range of actors" (Hall et al., 2011, pp. 18-19). These actors are located at various scales.

The separation between the four 'powers of exclusion' does however not exist in practice; they rather operate together, interact and reinforce each other, while at the same time being variably effective across different scales (Hall et al., 2011, p. 19; 197). Conflictive land relations are resolved not only in the arena of policy and regulation but viscerally through force and through the logic of the market. At the same time, these four powers are not the only ones that matter: Environmental change, knowledge and technologies, political relationships and alliances as well as inertia (the force of what exists) might be fruitful additional categories of analysis (Hall et al., 2011, p. 197).

2.3.2.2 Key processes in the context of access and exclusion

Exclusion is not a new phenomenon, nor is it a problem which should be corrected, since every form of productive land use requires exclusion of some kind (Hall et al., 2011, p. 192). Land use transformation processes in Indonesia are of rapid and multifaceted nature, which likely result in permanent consequences. This makes the 'how and who of exclusion' central to understand the reconfiguration of wealth and power in a society (Hall et al., 2011, p. 192).

In their analysis, Hall et al. (2011, pp. 20-22) identify six key processes which determine changes in land access and exclusion in rural Southeast Asia. The first process they identify is land formalization and allocation. In these so called "licensed exclusions" (Hall et al., 2011, p. 27), state projects regularize land access for example through land formalization, land titling, land reform or land settlement programs. Environmental conservation rationales and the territorial expansion of conservation areas lead to so-called "ambient exclusions" (Hall et al., 2011, p. 60), the second key process they identify, in which not only the state is involved but also NGO's and international donor agencies. The third process reconfigures access to and exclusion from land in the context of crop booms, such as oil palms, farmed shrimp and coffee. These so-called "volatile exclusions" (Hall et al., 2011, p. 87) are

characterized by large flows of migrants to boom areas, individualized land claims and land-grabbing as well as deforestation. A rapid conversion of large areas of land is stipulated by rising crop prices, new growing techniques or state support. The power of the market is pushing people out of agriculture when land is converted to non-agricultural uses. "Post-agrarian exclusions" (Hall et al., 2011, p. 118) are the fourth process determining land relations when prices for land in vicinity of urban areas are rising. The fifth key process centers on the question of what happens when social intimates such as neighbors or kin exclude each other in their struggle for land access. Access to land is here part of a strategy to accumulate capital and "intimate exclusions" (Hall et al., 2011, p. 145) focus on the everyday forms of accumulation and dispossession. The sixth process Hall et al. (2011) identify is called "counter-exclusion" (p. 170). Here, exclusions are countered by groups of people who seek to assert their own powers to exclude and reclaim land from state authorities or from other groups which are regarded as illegitimate (for example according to ethnic belonging).

Any analysis of the powers that exclude people puts a focus on the societal structures behind adverse land relations. The agency of local actors to resist against these land relations is however not explicitly considered by the 'powers of exclusion' framework. The 'terrains of resistance' approach shall fill this gap and complement the conceptual approach of conflictive land relations in the post-frontier.

2.4 Resistance in the context of conflictive land relations

As soon as people start to resist against exclusionary processes land conflicts arise. "Such conflicts are grounded in particular places, since place is the arena where social structure and social relations intersect, giving rise to relations of power, domination and resistance" (Routledge, 1992, p. 590). Theoretically, social movements can be situated between socio-political processes of the state, different institutions and practices of everyday life, and are thus located within a contested web of power and knowledge relations (Routledge, 1996, p. 511). Following Foucault (1980), no place is free from relations of dominance and subordination. So-called 'sites of power' can however develop into locally based 'sites of struggle', representing a movement's power from within (Routledge 1993, p. 28).

2.4.1 Terrains of resistance

The regional dynamics and specific characteristics of protest movements and conflicts is spotlighted by the 'terrains of resistance' approach by Routledge (1992; 1993). A 'terrain of resistance' can range from individual to collective action and combines elements of regional identity and regional history

with superordinate societal structuring patterns on a national or global level (Routledge, 1996, p. 517; Reuber, 2012, p. 135). A central question of the approach is to identify whether the overall structural regulations of political actions vary depending on the regional context and case (Reuber, 2012, p. 134). "More specifically, a terrain of resistance represents an interwoven web of specific symbolic meanings, communicative processes, political discourses, religious idioms, cultural practices, social networks, economic relations, physical settings, envisioned desires and hopes. These are endowed with varying degrees of strategic force, movement and meaning according to the particular spatial, cultural and historical contexts of a conflict" (Routledge, 1996, p. 516).

Routledge draws on the concept of place by Agnew (1987) who provides a framework for assessing the roles of place on political behavior. Agnew (1987, p. 28) differentiates three elements of place: location, locale and sense of place. Location, as the geographical area itself, encompasses locale, which refers to the social, economic and political setting in which every day social interactions and relations are constituted. A sense of place is created by a local "structure of feeling" (Agnew, 1987, p. 28), which develops by living in a certain place. Herewith, Agnew and Routledge follow a territorial approach of place, arguing that central processes in the production and reproduction of social relations and institutions occur through distinct territorial units (Nicholls, 2009, p. 79). Opponents of this perspective (e.g. Massey, 2004; Marston et al., 2005) follow a relational approach to place and argue that people who cohabit in the same location not necessarily produce distinctive political dispositions or solidarities (Nicholls, 2009, p. 80). In particular, this is true in times of globalization, which has accelerated the flow of people, resources and ideas across space (Dittrich, 2012, p. 5).

Any kind of social movement (as well as any kind of 'terrain of resistance') is affected by its historical, cultural, political, economic and ecological context, and is thus to be seen as a complex and interwoven web of these particular relationships (Routledge, 1992, p. 602). This analytical perspective, which builds on the theory of structuration by Giddens (1984), helps to understand the rationales, strategies and power asymmetries of regional resistances. In addition, the perspective of place (location, locale and sense of place) seeks to answer the question why particular social movements or resistances emerge at their specific location and helps to understand the political character of social movements (Routledge, 1992, p. 588; 605). This provides important insights into the landscape of struggle, which challenges the hegemony of the state within civil society (Routledge, 1992, p. 602). It is argued that empirical studies on social movements tend to generalize location-specific social movements to a general theory of social movement practice without considering its specific spatial and cultural contexts. Routledge (1992) however calls for a deeper understanding of movement agency "through the voices of its participants rather than through the mediation of elite and establishment discourse" (p. 607).

2.4.2 Escalation of land conflicts

Once social movements and resistances intensify, conflicts might escalate. Space related conflicts are a form of human interaction and social action and are hereby a part of an action-oriented geographical conflict research (Reuber, 2012, p. 116). There is a great variety of definitions of social conflicts. Drawing on Bartos and Wehr (2002) a conflict is defined as “a situation in which actors use conflict behavior against each other to attain incompatible goals and/or to express their hostility” (p. 13). Others define conflicts as “results of overlapping but incompatible opportunities envisioned by the parties, legal uncertainties to allocate rights, inadequate social capital or institutional arrangements that would directly lead to more constructive negotiations or cooperation, and lack of effective mechanisms to manage conflicts” (Jong et al., 2006, p. 448). Based on a comparative analysis of 118 case studies, Yasmi et al. (2006, pp. 542-543) identified eight different forms of conflict escalation in the context of natural resource management: 1. Feeling anxiety; 2. Debate and critique; 3. Lobby and persuasion; 4. Protest and campaigning; 5. Access restriction; 6. Court; 7. Intimidation and physical exchange; 8. Nationalization and internationalization (see Table 1).

Stage	Manifestation Dimension	Examples
1. Feeling anxiety	Includes suspicion about a particular action or decision by other stakeholders, which might provide a fertile ground for conflict. These worries encourage intra-group coordination in order to counteract the action, so that the perceived negative impacts are avoided or minimized.	Feelings of worry, complaints, rumors, unhappiness, anger, grievance, discontent, disagreement over decisions, fear of job loss
2. Debate and critique	Stakeholders who feel threatened challenge the action of other stakeholders in a series of debates, confronting several issues.	Open debate, verbal clash, accusation, quarrel, critique to government policies
3. Lobby and persuasion	A more structured way of conveying concerns to the opponent. Each party has a very clear position and concern supported with argumentation. By presenting and confronting the opponent	Lobbying government, lobbying for compensation, persuading government to acknowledge local rights, lobbying politicians

	with evidence, it is expected that the opponent will accommodate the concern.	
4. Protest and campaigning	It ranges from small protests on site to big protests in the capital city; actors will hereby label their opponents as irresponsible, arrogant and non-cooperative. Opponents are continuously harassed and condemned. Sometimes the protests are accompanied by certain movements or campaigns. This escalation level is very volatile and critical for conflict development.	Protest by local people, demonstration, mass protest, street rally, marching, strike, campaigning and protest by environmental groups, media campaign, letter-writing campaign, protest by religious leaders, protest against a particular plan
5. Access restriction	Access of the opponent shall be limited in such a way that one's own access is secured. This strategically shows that a particular stakeholder group is capable of consolidating its power. The forms and manifestation of access restriction vary in terms of scale and intensity.	Squatter invasion, picketing of companies, blockading logging roads, preventing from working on particular areas, imposed restriction on subsistence activities, removal by force, eviction, forced resettlement, displacement, relocation by force, fencing land by big land holders, invasion by landless, closing the road, occupation
6. Court	Courts at different scales are often used as a medium to channel a conflict. Courts can be appealed to at the beginning of a conflict or at a later point in time in order to solve it.	Court appeal, litigation, regional court case, federal court, lawsuit
7. Intimidation and physical exchange	When conflicts are intensifying, intimidation and physical measures are often used by conflicting actor groups.	Threat, death threats, intimidating, threat of boycott, confiscation, killing, injury, shooting, ambushing, murdering,

		attacking, strife, fight, war, violence clashes, assassination, burning base camp, arresting, hiring gunmen, military retaliation, police arrests, putting fire on forest, detention, seizing company’s equipment, mobilizing soldiers and military hardware, military action, police involvement
8. Nationalization and internationalization	Conflicts might reach national and international levels due the involvement of non-governmental organizations, bilateral negotiations or broad media coverage.	Protest in national and international media, national high court, national referenda, influencing national congress, widespread international protest, appeal to International Court of Justice, fight in WTO and NAFTA

Table 1 Stages of conflict escalation

(Source: Yasmi et al., 2006, pp. 542-543; own depiction with minor omissions)

The eight different stages of conflict escalation do not necessarily build on one another but might develop via different paths of escalation. As land conflicts are usually multiple-actor conflicts, different actors can engage at different stages of conflict; that is why various paths of escalation are possible (Yasmi et al., 2006, p. 544). Another factor contributing to different escalation patterns is the culture of conflict. The importance of customary institutions and traditional mechanisms in relation to courts, parliament, political parties or the media have direct effects on the culture of conflict (Yasmi et al., 2006, p. 544). In turn, conflicts are not only dramatic confrontations, there are also hidden or silent conflicts which are embedded in various daily activities.

Like exclusion, land conflicts are not solely considered negative. If resistance is successful, land conflicts can also have positive outcomes in terms of encouraging social change or even changing the once resisted land situation. One can argue, that “new frontiers of land control” (Peluso & Lund, 2011, p. 668) are actively created through processes of access, exclusion and resistance, hereby actively shaping the post-frontier.

2.5 The conceptual framework in the present research context

In the previous sections of Chapter 2, different theoretical and conceptual approaches for developing an adapted and novel conceptual framework on conflictive land relations in the post-frontier have been presented. The interplay of these theoretical and conceptual approaches is regarded as highly relevant in order to assess land use transformation processes in Jambi's dynamic post-frontier.

The conceptual framework is based on a political ecology perspective, which provides a first approximation on the analysis of conflictive land relations in the post-frontier. Political ecology seeks to explain the interdependencies between environmental change and political process by explicitly focusing on the prevalent power structures in a society. Environmental change occurs when the existing land use is challenged and transformed.

Such a transformation particularly takes place in post-frontiers, which are characterized as specifically localized spaces, away from political centers, in which access to land and resources as well as control over territory, people and cultural dominance is contested. Post-frontiers as such are understood as 'spaces of exception' and only through the condition of exception, (violent) appropriation of land and its economic valorization is possible. Multi-faceted development trajectories can arise in post-frontiers, as local actors struggle for access to land in a globalized context. This struggle is not always successful, and a wide range of local actors is left behind and thus excluded from a social participation in rural development and change.

Land conflicts can be the ultimate result when different actors struggle for land and power. By looking into the underlying structures of conflictive land relations and land conflicts, the 'powers of exclusion' (regulation, force, market and legitimation) and their respective intertwining is taken into account. The relevance and applicability of the 'powers of exclusion' framework for analyzing access and exclusion in the study area is assessed.

Local actors are regarded as legitimate actors in their struggle for land and land access. Their agency to resist against adverse and conflictive land relations is however not fully considered by the 'powers of exclusion' framework. By including the 'terrains of resistance' approach into the conceptual framework on conflictive land relations in the post-frontier (see Figure 2), a focus on regional dynamics of social movements and resistances and its specific characteristics is set. The historical, cultural, political, economic and ecological context in which conflictive land relations and resistances occur is of particular relevance. A 'terrain of resistance' is hereby defined as arena of individual or collective action and combines aspects of regional identity with superordinate structures on a national and global level. In times of globalization, specific actor groups might gain a platform for raising their voice, not

only on a local level but also on a national or international level, for example via the support of NGO's. Resistance hereby actively shapes and transforms post-frontier conflict arenas.

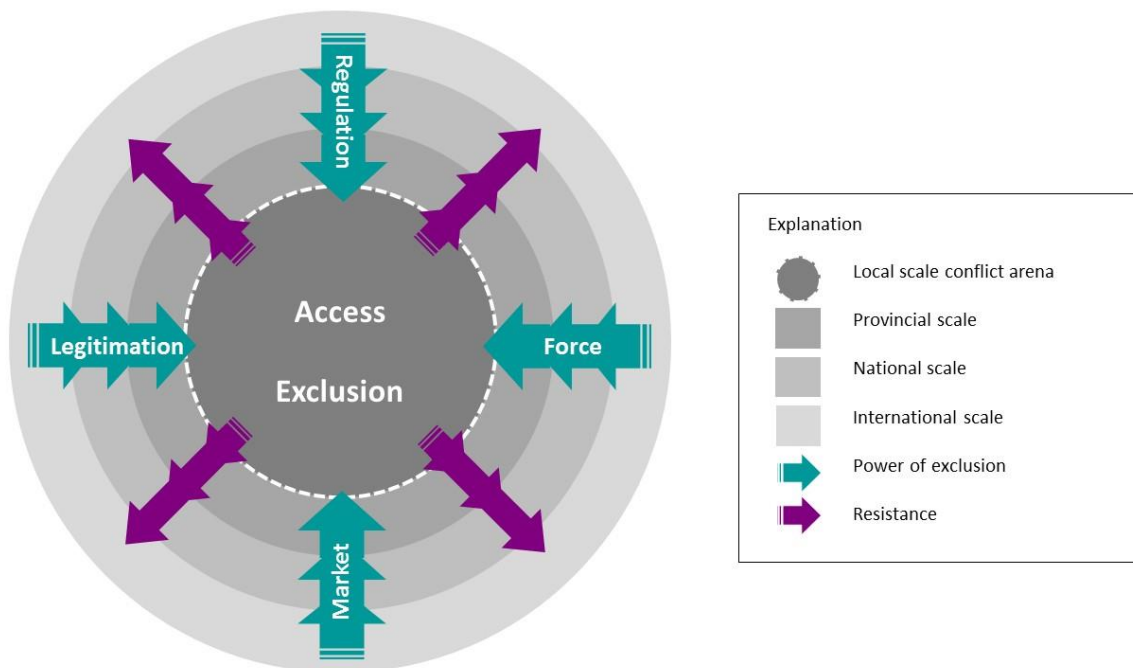


Figure 2 Conceptual framework on conflictive land relations in the post-frontier

(Source: author)

Figure 2 summarizes the novel conceptual framework on conflictive land relations in the post-frontier. The inner circle represents a specific post-frontier conflict arena. The four 'powers of exclusion', regulation, force, market and legitimation influence local actors within this arena, and the interplay of these powers can have diverse outcomes on the local level. Some actors might gain access to land, while at the same time others are excluded or even resist against adverse land relations. Different forms of access, exclusion and resistance exist in parallel and the intensity of these land relations varies, too. The four 'powers of exclusion' gain their relevance not only from a local scale, but are influenced by processes and dynamics on a regional, national and international scale as well. This is depicted by the 'power of exclusion' arrows, which spread over the outer circles/superordinate scales. The broken line encircling the local conflict arena indicates that feedbacks from the local scale to superordinate scales are possible as well. Resistance movements might not only be relevant on a local scale but can also spread across scales hereby transforming post-frontiers.

“Pre-fieldwork and post-fieldwork ideas (...) rarely look alike. Fortunately!” (Lund, 2014, p. 229)

3. Methodological research approach

This chapter outlines the research approach and methodology of this research project. In the first section, the need for a reflexive, qualitative research approach in the context of conflictive land relations is presented. The research process, the selection of the two 'research landscapes' (called Bukit Duabelas and Harapan landscape) as well as the selection of seven research villages is summarized in the second section. The third section describes the qualitative methods applied during field research, while the fourth section discusses the main challenges and drawbacks in doing research in an Indonesian context and depicts country specific peculiarities. In the last section of this chapter, the process of data analysis is outlined. In summary, it is demonstrated that the methodological research approach on conflictive land relations in the post-frontier is inductive, place-based, actor-oriented and critically self-reflective.

3.1 The need for a qualitative research approach

The question of what the research should exactly be a case of was just broadly predefined. The central research question evolved during field research, the same applies to the theoretical framework. This openness in the course of research is one of the fundamental principles of qualitative social research (Mayring, 2002, p. 27; Flick, 2006, p. 69). Qualitative methods are used to explore the meanings of people's worlds, therefore the research process is constantly being adjusted and revised according to upcoming changes in the research object and resulting theoretical as well as methodological questions (Brockington & Sullivan, 2003, p. 57; Mayring, 2002, p. 28). However, any researcher has a certain conceptual and theoretical background from scholarly work on different places and issues, is not equally interested in all aspects of human life and does not begin the exploratory phase of research with a completely open mind (Lund, 2014, p. 230). During qualitative research, the researcher should reflect personal biases and defer this theoretical structuring until the research object itself clearly evolved (Hoffmann-Riem, 1980, p. 343). In general, qualitative research tends to generate theory rather than test it (Brockington & Sullivan, 2003, p. 57).

Previous research experience from West Kalimantan province has proven that questions of land use and access to land are very sensitive in Indonesia (Beckert, 2010, p. 42), asking for such a “method of

understanding” (Meier Kruker & Rauh, 2005, p. 4), as Max Weber characterizes the qualitative research approach. Qualitative data provides in-depth information and understanding serves exploratory purposes. A thorough comprehension provided by such a qualitative approach, is necessary to grasp complex human-environmental relations, dynamics and cross-scale interactions of land use transformation processes. Furthermore, qualitative methods are based on constructivist and interpretative lines of thought and “are especially useful in some areas of human geography because they allow a research case that is a sentient human being to ‘speak in his or her own voice’, focusing on what is meaningful or important to himself or herself rather than conforming to the researcher’s conceptualization of a situation” (Montello & Sutton, 2006, p. 40). The assumption, that social reality is not objectively existing but constituted through the actions and communications of human beings who act according to their subjective interpretations, is the starting point for any inductive, qualitative research approach and is called the “interpretative paradigm” (Atteslander, 2000, p. 78).

Along with the increasing understanding of people’s reality in rural Jambi province, the central research questions evolved in a cyclical research process from livelihood aspects to access to land and land conflicts. In the end, “(a) case is an edited chunk of empirical reality where certain features are marked out, emphasized, and privileged while others recede into the background. As such, a case is not 'natural', but a mental, or analytical construct aimed at organizing knowledge about reality in a manageable way” (Lund, 2014, p. 224). In addition, not only the researcher is intellectually constructing cases, but likewise the research participants (Lund, 2014, p. 224). So of what the research is exactly a case, often lies outside of the data themselves (Lund, 2014, p. 230).

3.2 Research process and research village selection

Research was conducted within the scope of the Collaborative Research Centre (CRC) 990: 'Ecological and Socioeconomic Functions of Tropical Lowland Rainforest Transformation Systems (Sumatra, Indonesia)'. The study region of the CRC 990 is located on the world’s sixth largest island, the Indonesian island of Sumatra, which stretches around 1,800 kilometers from north to south and is bisected by the equator.

Research activities were carried out in Jambi province, which spreads between 0° 45' and 2° 45' south latitude and 101° 10' and 104° 55' east longitude. Jambi province borders the provinces of Riau and Riau Islands in the north, the South China Sea in the east, the province of South Sumatra in the south, and the provinces of West Sumatra and Bengkulu in the west. It covers an area of 5,343,500 hectares

and stretches from the highest peaks of the Bukit Barisan mountain range in the west¹⁸, to a more undulated area with mainly poor soils in the center. Here the main elevations are to be found in the Bukit Duabelas¹⁹ and Bukit Tigapuluh²⁰ National Parks, where hills rise up to 500-700 meters (Badan Pusat Statistik Provinsi Jambi, 2012, p. 3). In the eastern part of Jambi province, a marshy coastal peat area is facing the South China Sea. There are four national parks in Jambi province, which comprise an area of 693,354 hectares: Kerinci Sebelat National Park in the east, Bukit Tigapuluh and Bukit Duabelas National Park in the center and Berbak National Park in the western part of the province (Kementerian Kehutanan Republik Indonesia, 2011, p. 73). Further conservation areas are to be found throughout the province. Temperatures in Jambi province range between 23.3°C and 32.1°C and the average humidity is 82.0%. The total annual precipitation is 1,928.5 mm²¹ (Badan Pusat Statistik Provinsi Jambi, 2012, p. 15). The province is administratively subdivided into 11 districts (*kabupaten*). These are Kerinci, Merangin, Sarolangun, Batanghari, Muaro Jambi, Tanjung Jabung Timur, Tanjung Jabung Barat, Tebo, Bungo, Kota Jambi, Sungai Penuh. These districts are further subdivided in 138 sub-districts (*kecamatan*) (Badan Pusat Statistik Provinsi Jambi, 2012, pp. 3-4). Jambi province inhabits a population of around 3.26 million people with more than 500,000 living in Jambi City alone (Badan Pusat Statistik Provinsi Jambi, 2012, p. 129; 133).

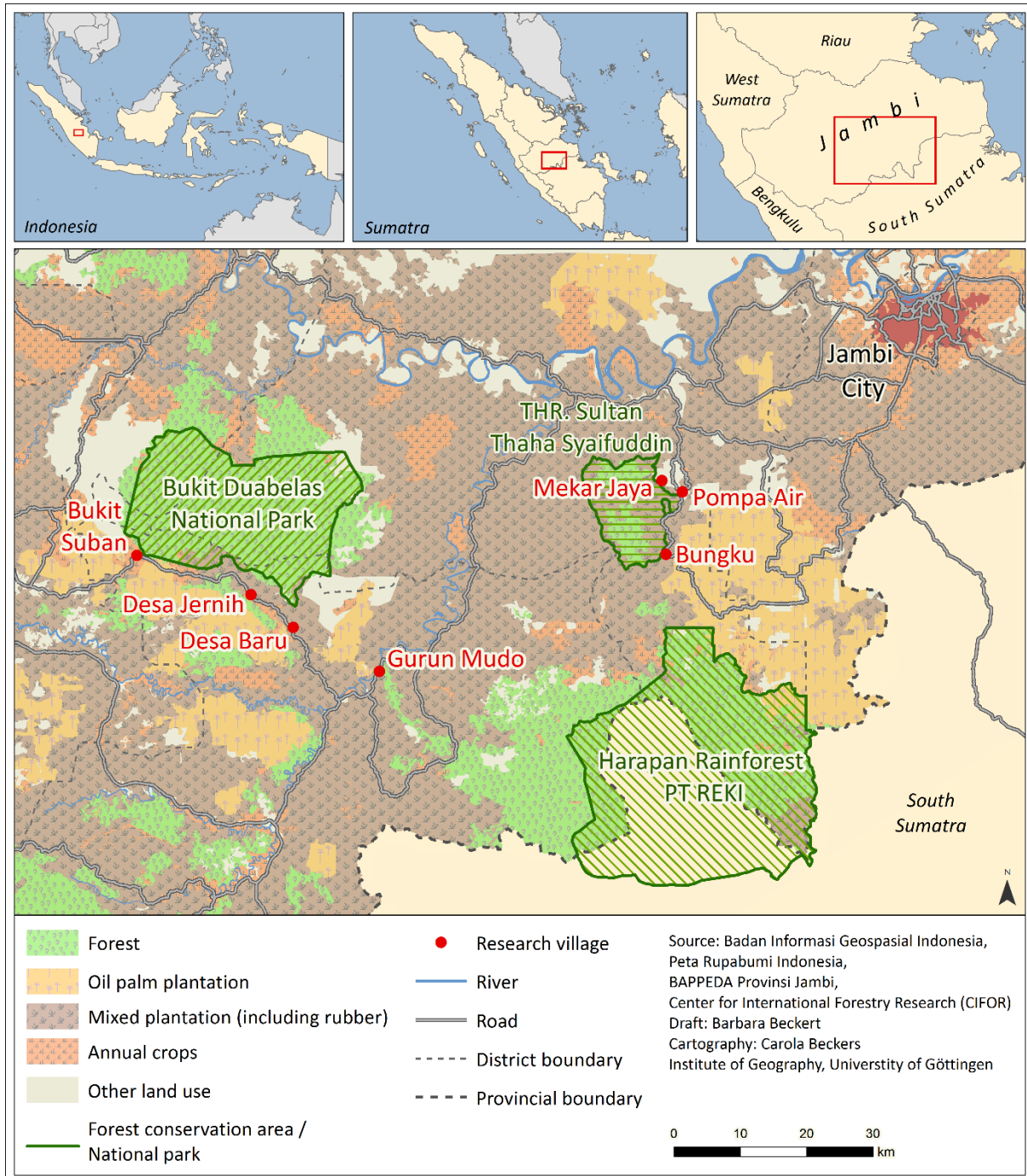
Jambi province was chosen by the CRC 990, due to its lowland character and the still existing scattered patches of tropical rainforests. Within Jambi province, the research activities of the overall project were mainly concentrated on two so-called “research landscapes” (Faust et al., 2013, p. 4): the Bukit Duabelas landscape in the surroundings of the Bukit Duabelas National Park and the Harapan landscape adjacent to the Harapan Rainforest conservation concession of PT REKI (see Map 2).

¹⁸ Gunung Kerinci, Sumatra’s highest mountain (3,805 m), stretches along the border of the provinces of Jambi and West Sumatra.

¹⁹ Bukit Duabelas means twelve hills.

²⁰ Bukit Tigapuluh means thirty hills.

²¹ These data were measured by the Meteorological, Climatological, and Geophysical Board of Jambi province at the Sultan Taha Station in Jambi City.



Map 2 Overview of the research area

In order to be able to follow a qualitative research approach, language skills had to be improved before entering the field. The researcher already had basic language skills of *Bahasa Indonesia*²² due to an earlier field research in West Kalimantan in 2010 (Beckert, 2010). However, an intensive one-to-one language course of four weeks in Yogyakarta proved to be essential before starting data collection in

²² *Bahasa Indonesia* is Indonesia's official language.

Jambi province. Additionally, a female research assistant from Jambi City provided crucial support during the field research by translating local dialects and facilitating the overall research.

Data collection was carried out from early 2012 until late 2013, with a total duration of 10 months of fieldwork, subdivided into four research phases, due to the researcher's university position as lecturer (see Figure 3).

- First research phase: February – March 2012
- Second research phase: August – November 2012
- Third research phase: February – April 2013
- Fourth research phase: July – November 2013

The research villages have been selected by the researcher in line with the two research landscapes of the overall CRC 990 project, based on an extensive literature review and an explorative first field trip in February 2012. During the first research phase and in close cooperation with a project counterpart from the University of Jambi, fourteen villages²³ in both research areas were pre-identified in accordance to the research plan. These villages were visited together with the counterpart, the researcher was introduced to the village authorities and presented the research project. At the same time, first interviews were conducted. Out of this initial village sample, seven villages were selected as research villages: Bukit Suban, Desa Jernih, Desa Baru, Gurun Mudo, Pompa Air, Bungku, Mekar Jaya (see Table 2 and Map 2). The selected villages differ in age, size, main land use schemes and their proximity to natural conservation areas or large-scale rubber or oil palm plantations (see Map 2). Some villages were founded as transmigration villages (Bukit Suban, Mekar Jaya), whereas others are of autochthonous origin (*desa asli*) and were founded long before the extraction of natural resources became an economic priority (Desa Jernih, Desa Baru, Gurun Mudo, Pompa Air, Bungku). The selection of these two village 'types' was made upon the assumption that conditions and drivers of land use transformation and the 'powers of exclusion' might vary or work differently. Another criterion for village selection was that some villages had to be included into the village selection due to the joint sampling framework of the CRC 990 project. It was envisaged that the natural scientists as well as the social scientists work in the same area. The CRC 990 defined these villages, located in vicinity to the plots of the natural scientist, as core-plot villages (see Table 2).

²³ These fourteen villages were Semurung, Lubuk Jering, Pematang Kabau, Bukit Suban, Desa Jernih, Desa Baru and Gurun Mudo in the 'Bukit Duabelas landscape' and Bakti Mulia (Unit V), Markanding, Penerokan, Singkawang, Pompa Air, Bungku and Mekar Jaya in the 'Harapan landscape'.

Village (<i>desa</i>)	Sub-district (<i>kecamatan</i>)	District (<i>kabupaten</i>)	CRC 990 Research Landscape	CRC 990 Core Plot Village
Bukit Suban	Air Hitam	Sarolangun	Bukit Duabelas	No
Desa Jernih	Air Hitam	Sarolangun	Bukit Duabelas	No
Desa Baru	Air Hitam	Sarolangun	Bukit Duabelas	Yes
Gurun Mudo	Mandiingin	Sarolangun	Bukit Duabelas	No
Pompa Air	Bajubang	Batanghari	Harapan	Yes
Bungku	Bajubang	Batanghari	Harapan	Yes
Mekar Jaya	Bajubang	Batanghari	Harapan	No

Table 2 Research villages

It was an important precondition that the village authorities agreed on cooperating with the CRC 990 research project (and a foreign, non-Indonesian researcher). This official cooperation was not only important to gain access to the villagers, but also because the researcher and her assistant stayed in the villages for longer time periods. The final selection of the research villages was therefore only possible with the consent of the village authorities.

After having gained an initial overview of the research area during the first research phase (see Figure 3), the second research phase focused on four villages south of Bukit Duabelas National Park in the district of Sarolangun. The third research phase was carried out in three villages in Batanghari district, north of the Harapan Rainforest conservation concession. During the fourth research phase, a focus was set on only two villages of the above-mentioned sample in order to be able to deepen the research findings from earlier research phases and focus on two conflict arenas. Desa Jernih and Bungku were selected as in-depth case studies. The analysis was complemented by expert interviews in the cities of Sarolangun, Jambi and Jakarta (see Figure 3).

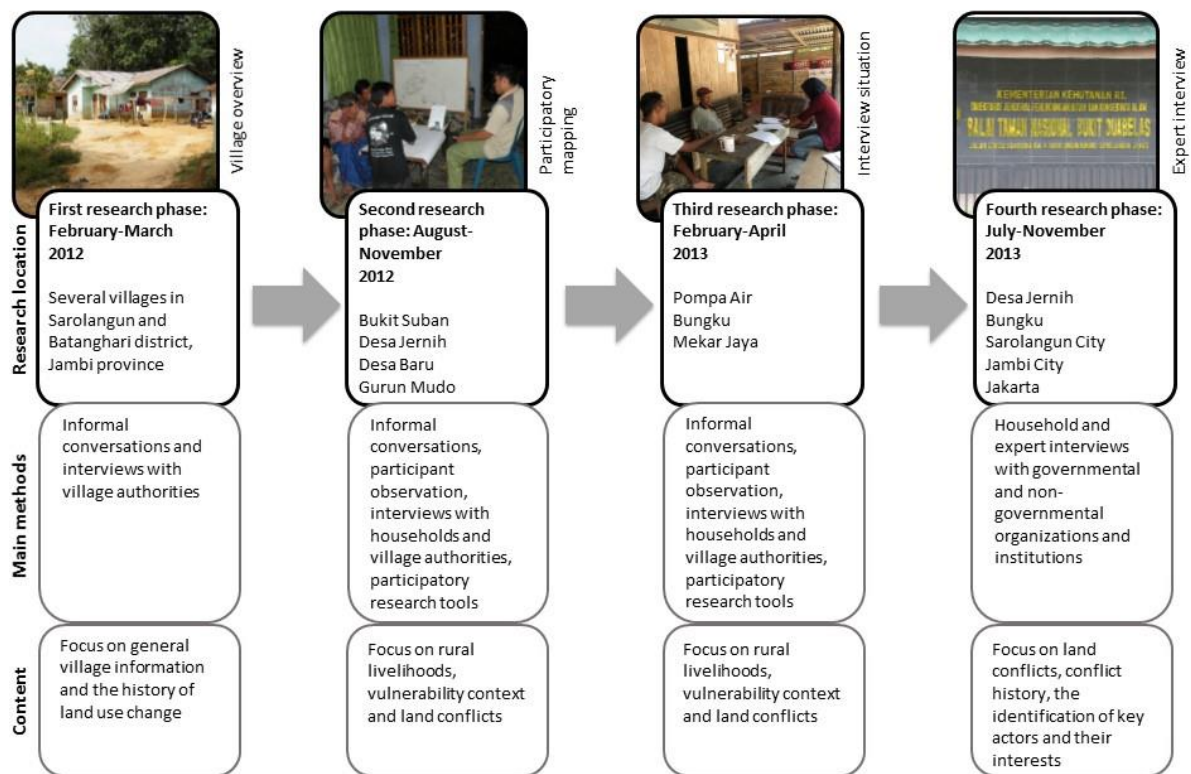


Figure 3 Summary of applied methods and collected information

(Source: own depiction)

3.3 Methods of data collection

The study is based on a qualitative research approach. Applied methods include participant observation, semi-structured, problem-centered interviews on village level as well as with experts on province and national level, focus group discussions with key informants facilitated through Participatory Rural Appraisal (PRA) tools.

3.3.1 Triangulation

As described by Denzin (1970) “(t)he combination of methodologies in the study of the same phenomena” (p. 297) is called triangulation and has a long tradition in qualitative social sciences. Different complementary means of collecting information shall enhance the quality of the data. Different forms of triangulation can be distinguished: 'theory-triangulation', 'investigator-

triangulation', 'data-triangulation' and 'methods-triangulation'. To a varying extent, they were included in a reflexive analysis of land use transformation in Jambi province.

'Theory-triangulation' refers to multiple theoretical perspectives on the same phenomenon, which helps to understand the collected data and to identify different research dimensions (Denzin, 2009, p. 303). From a theoretical perspective, this research project aims to contribute to the wider area of post-frontier studies by analyzing the empirical data collected in village case studies in Jambi province against the background of the 'powers of exclusion' framework (Hall et al., 2011) and the 'terrains of resistance' approach (Routledge, 1993). The 'investigator-triangulation' sheds light on the great influence of the researcher or observant in possibly distorting the data and therefore the research results. Involving different researchers in data collection might reduce these effects (Denzin, 2009, p. 303). In this research project, results were continuously crosschecked in the course of research and discussed with other PhD students of the CRC 990. 'Data-triangulation' refers to the use of different data sources, i.e. different sources of primary data as well as secondary data such as academic literature, media reports, official statistics etc. were included (Denzin, 2009, p. 301). In Jambi, the researcher mainly collected statistical data from statistical offices, geographical information system data and reports about national and local level regulations. For data-triangulation it is recommended to study the same phenomena at different points in time and at different scales of analysis. In the course of research, qualitative methods were applied in different temporal and regional settings at the local, district and provincial level. Hereby, processes and trends were captured and different actor groups (e.g. transmigrants, migrants, Melayu villagers, indigenous groups) were included into the analysis. 'Methods-triangulation' refers to the critical combination of different methods of information collection and the continuous examination of their adequacy, also called between-method triangulation (Flick, 2004, p. 16). Also in this research project, various methods were applied making a method-triangulation possible.

The research at hand combines participant observation, problem-centered interviews combined with participatory research tools and expert interviews. Opinions were captured with problem-centered interviews, whereas participant observation and participatory methods enabled the researcher not only to identify open and visible patterns of land use activities but also to establish a longer and more intense contact to the villagers. In the research process, it became evident that triangulation is not just about combining methods in a pragmatic way, but has to be seen as a critical appraisal of selecting methods and a continuous review of methodological decisions and their adequacy.

3.3.2 Participant observation and informal conversations

To experience the local realities of land use change as well as conflictive land relations, the researcher and her assistant lived in different research villages for several weeks. By actively participating in the everyday routines of the people, the researcher was not only able to establish a close relationship to some villagers but also to gain an inside perspective of their lives. This approach is called participant observation, which is a standard method of qualitative field research and ethnography. A central aspect of this method is its openness, which contributes to a constant concretization of relevant aspects for the research question (Flick, 2006, p. 207). Spradley (1980, p. 34) identifies three phases of participant observation. 'Descriptive observation' helps the researcher to orientate in the beginning of the research in order to develop more concrete research questions. During a so-called 'focused observation', relevant processes and problems are narrowed down, whereas at the end of the research, observation is more 'selective' and aims to detect further evidence for the afore identified processes.

Field research in the villages of Jambi province always started with participant observation. The first days were mainly used to getting to know the village and its boundaries, talking to different people in informal conversations and thereby trying to understand their daily routines. The hereby raised questions were later clarified during problem-centered interviews. The procedural approach of participant observation allows a high methodological flexibility and a constant interaction with the research subjects. In the course of research however, every researcher undergoes the dilemma of closeness and distance towards the research subjects, which has to be kept in mind (Flick, 2006, p. 213).

To document land use activities in the research area as well as visible differences within the villages, the researcher made use of a digital camera. These photographs were important means to discuss and further clarify the observed land use activities, as well as to raise questions of land rights and land conflicts. It has to be kept in mind however that every photographer has a certain perception of an area – this perception can influence the way of taking photographs, for example by selecting places, foci, cutout and exposure (Flick, 2006, p. 226).

3.3.3 Problem-centered interviews on different scales

Observing the research area alone would not have been sufficient in order to tackle the research questions. Social research always involves acts of communication and interaction (Lamnek, 2005, p. 22). This allows the researcher to establish an even closer social relation with the research subjects

compared to participant observation only. Problem-centered interviews focus on key themes and are based on the researchers' previously acquired knowledge and conceptual perspective, but allows the interviewee to respond openly to the addressed questions. The interview situation is hereby often asymmetric, as the researcher (and the research assistant) is guiding the interview with questions and gestures of approval or disapproval. But at the same time, the interviewee has the possibility to influence the course of the interview by deciding about the amount and detail of information to be shared with the researcher. It is the flexibility and openness, which is an advantage of this qualitative research method, especially compared to fully structured questionnaires in quantitative research (Mayring, 2002, p. 68). In problem-centered interviews, the interviewees often reveal insights of a broader context, which are new to the researcher and complement hitherto existing research insights. A relationship of trust and equality between the researcher and the interviewee is therefore crucial (Mayring, 2002, p. 69). Problem-centered interviews are however not undertaken in a completely open manner, the interview is partially standardized which allows for a greater comparability between single interviews (Mayring, 2002, p. 70). If the interviewee agrees, the interview is audio-recorded and later transcribed, which prevents the loss of data²⁴.

Upon arrival in the research villages, the first problem-centered interviews were usually conducted with village authorities who additionally advised on further interview partners. The inclusion of village authorities was an important mean to gather village information while at the same time introducing the focus of the research. After the first research phase, the researcher was able to compile so-called village profiles, which provided general village data and proved to be useful for the final selection of research villages. First contacts to potential interview partners were usually established in an informal way, e.g. while visiting different village parts, having an ice tea at a local *warung*²⁵ or just by getting to know the neighbors of the host-family. Later, the interviewees themselves advised on further interview partners with specific knowledge on the research topic. This snowball sampling method helps the researcher to get access to potential interview partners through a trusted social network (Cohen & Arieli, 2011, p. 423). But of course using a snowball sampling method also comes with disadvantages. The researcher had to rely on support of village authorities as well as previous interview partners to establish interview contacts and might therefore not got access to political opponents or social outsiders. Besides, the selection of interviewees was done systematically, following the subsequent criteria:

²⁴ Refer to Annex 1 for a complete list of interviews conducted on village, provincial and national level.

²⁵ A *warung* is a small, family owned business, e.g. shop or restaurant.

- willingness to share their insights and time
- differences in socio-economic and cultural background
- differences in social status and thus position of power within the local arena
- knowledge about processes of land use transformation and land conflicts

In total 93 semi-structured, problem-centered interviews were conducted with different actors on village level. Usually, these interviews took place at the interviewees' houses, whereby the researcher and her assistant got to know their living situation and therefore could better understand their social position as well as their opinions and perceptions. On average, the interviews took around one hour. The longer interviews stopped after a maximum of two hours. Most of the interviews were audio recorded, and notes were taken throughout and directly after the interviews. Each interview was extensively discussed afterwards with the research assistant, and once back to Jambi City, notes were completed and the research assistant transcribed the interviews. These transcripts were later analyzed with MAXQDA software.

To complement the research insights from the village level, 13 government officials, NGO representatives and academics from 10 different institutions or organizations were interviewed in semi-structured, problem-centered expert interviews (see Table 3). As experts possess a profound knowledge on a particular theme, these interviews aimed to reveal more in-depth information on topics relevant for this research project. Expert interviews can either provide a first entry point into the research topic through knowledge sharing or help to clarify special aspects that have emerged during field research (Bogner et al., 2009, p. 8). Expert interviews conducted in Jambi province largely centered on the history as well as causes of land conflicts in the research area. For each expert interview, a guideline with a set of specific questions was prepared, complemented by ad-hoc questions. Most of the expert interviews were conducted in *Bahasa Indonesia*, they were audio-recorded, extensively discussed with the research assistant afterwards, transcribed and later analyzed with MAXQDA.

Name of Institution/Organization	Type of Institution/Organization	Place
Komunitas Konservasi Indonesia (KKI) WARSI	Indonesian Conservation Community, Non-Governmental Organization	Jambi City
Lembaga Swadaya Masyarakat Peduli Bangsa	Local Non-Governmental Organization	Pompa Air
Kantor Taman Nasional Bukit Dubleas (TNBD)	Office of Bukit Duabelas National Park	Pematang Kabau
Balai Taman Nasional Bukit Duabelas (TNBD)	Bukit Duabelas National Park Agency	Sarolangun
Dinas Perkebunan dan Kehutanan Kabupaten Sarolangun	Provincial Plantation and Forestry Office	Sarolangun
Harapan Rainforest (PT REKI)	Conservation concession, pilot project for sustainable climate and forest conservation policy	Harapan Rainforest (PT REKI)
Yayasan CAPP	Network of civil society organizations based in Jambi province	Jambi City
Yayasan SETARA Jambi	Non-Governmental Organization focusing on advocacy and empowerment of small-scale farmers in Jambi province	Jambi City
Dinas Perkebunan Provinsi Jambi	Provincial Forestry Office	Jambi City
Forest Peoples Programme	International Non-Governmental Organization promoting forest peoples' rights	Jakarta

Table 3 List of expert interviews

3.3.4 Participatory research tools

During the problem-centered interviews, specific questions with regard to the history of land use transformation and land conflicts emerged. These questions were discussed with groups of villagers

during focus group discussions. Two methods from the toolbox of 'participatory rural appraisal' (PRA)²⁶ proved to be particularly productive to facilitate these discussions: resource maps and Venn diagrams.

Generally, the broad array of PRA methods can be distinguished in space-related, time-related and relation methods. Resource maps are one of the most commonly used space-related methods, which focus not only on the habitation area of a village but also on the natural resources of the village surroundings. It is not drawn to scale but considered accurate and detailed as local people have an in-depth knowledge of their village surroundings (Kumar, 2002, p. 71). During field research, resource maps helped to facilitate discussions about land use transformation and land conflicts in the research area and helped the researcher to gain a deeper understanding of the perception of local actors in regard to natural resources.

Venn diagrams belong to the PRA relation methods and help to study institutional relationships; often it is referred to as institutional diagram, too. This method uses circles to represent individuals or institutions. The size of each circle represents the importance of each individual or institution. The distance between these circles represents the degree of influence between institutions or individuals or individuals' access to institutions. Overlapping circles represent interactions between different institutions and the extent of overlap indicates the level of interaction (Kumar, 2002, p. 234). Venn diagrams help to analyze power structures and local people's perception about (access to) institutions or individuals.

Both PRA methods, resource maps and Venn diagrams, were implemented in the participants' respective homes, usually in the evenings after prayer time²⁷, where one could speak undisturbed and openly about access to land, land conflicts and power relations between different actors. The discussions among the participants revealed information on the history of land use transformation, as well as on border conflicts between different villages and ambiguous land claims between different local actors and private and national plantation companies.

²⁶ Since the early 1990s, participatory research methods became more and more accepted. They are broadly applied in social research, particularly in development and action research and social geography.

²⁷ Indonesia is a predominantly Muslim country.

3.4 Peculiarities, challenges and drawbacks in conducting field research in Indonesia

Field research in rural Indonesia is an endeavor, which has its own peculiarities and challenges, especially when the researcher is a foreign national. It is therefore important to reflect on the methodology against the background of these aspects.

Indonesia poses some specific challenges in terms of entering and accessing the field. Research visas and research permits are essential bureaucratic prerequisites to undertake fieldwork. To obtain these permissions, the planned research had to be described in detail beforehand. The application at the Indonesian State Ministry of Research and Technology (*Kementerian Riset Teknologi dan Pendidikan Tinggi, RISTEK*) was carried out in close cooperation with the projects' counterparts and the coordinating offices of the CRC 990 project. The time until the research permit is issued is often unpredictable which makes the planning of the research steps difficult ahead of time. In this research project the approval of the research permit took more time than initially expected. The researcher made use of this time to attend a four weeks language course at a language school in Yogyakarta on the island of Java. This was a door opener for many conversations and helped understanding interviews and documents in *Bahasa Indonesia*.

After obtaining the research permit, the researcher was allowed to go the field, further endowed with so-called support letters from the projects' coordinating office at the University of Jambi (UNJA). With these letters, the researcher and her assistant were officially introduced and support of the village authorities, e.g. head of village (*kepala desa*), village secretary (*sekretaris desa*) was kindly asked for. Additionally, the projects' counterpart accompanied the research team (the researcher and her assistant) to the villages when they were visited for the first time. This was particularly important because the Indonesian society is hierarchically structured and being officially accompanied by an older researcher from the University of Jambi was therefore from utmost importance to gain access to the villages. Village authorities function as gatekeepers as they are in the position to 'open the gate' for the researcher by granting access to the research field. They "provide directly or indirectly access to key resources needed to do research, be those resources logistical, human, institutional, or informational" (Campbell et al. 2006, p. 98). Thus, at the village level gatekeepers played a central role for granting the permission to do field research in the village and therefore also for gaining initial access to interviewees. Interview partners at the village level were mostly men as the Indonesian society regards them as head of household. Most of the informal conversations were however with women, they were often the ones who advised on further potential interview partners, and provided background village information. Women, who agreed on taking part in problem-centered interviews,

were perceived by the researcher as more open in discussing questions of land rights and land conflicts. At the district and provincial level, governmental authorities were important gatekeepers for gaining access to reports and statistics. Whereas village statistics are for most of the cases comprehensive and the data presented there seems to be reliable, maps provided by different (governmental and non-governmental) institutions were often contradictory, leading to a restricted reliability of spatial data.

The aspect of being a foreigner was another important part of this research. Foreignness can impede an in-depth understanding of local and individuals' realities, which are critical to the research. For outsiders research on land and land conflicts in Indonesia is a challenging venture as information and knowledge is only shared with foreigners when mutual trust has already been established. Living in the research villages was an important precondition to build up trust and get to know the people and their everyday life. Usually, the head of village appointed the household where the research team could stay overnight. Mostly, the research team lived with host families of village authorities, but sometimes the research team could also live with appointed villagers, whose houses were in a strategic location (for example at the village center), or which were regarded as especially suitable to accommodate the research team. In Bungku, one of the research villages, there was a housing-cooperation between the CRC 990 project and certain households; researchers could enter their name in lists and then stay there for a certain time period. In any case, the research team supported the host families financially. By staying in the research villages, usually for a minimum of two weeks in a row, mutual trust could be established, which was essential for getting information to critical issues, such as land rights and land conflicts. Some villages were visited a couple of times. Furthermore, cultural knowledge could be obtained and language skills were further improved. During the field research, the researcher was exposed to a conflict between foreignness and proximity, which is depicted by Agar (1980) as professional stranger. On the one hand, foreignness makes it difficult to understand peculiarities and become familiar with the research field, on the other hand, a process of approximation offers the possibility of acknowledging routines and aspects which are taken for granted by insiders (Flick, 2006, p. 94). A stepwise adoption of an insider's perspective is essential for drawing profound scientific conclusions. In addition, foreignness can be an essential prerequisite for objectivity in qualitative research. The foreigner can produce a reality which is more easily accessible for outsiders and more reserved for insiders, for example due to cultural hindrances (Flick, 2006, p. 94). Being aware of one's own position in this research field is an important precondition for a reflexive methodological approach. Jambi province is not a big tourist destination, and foreigners seldom pass by the research villages. Most foreigners in the area work for oil palm companies that is why villagers sometimes assumed that the researcher might work for an oil palm company as well. Despite the challenges of doing research as a foreigner, it does not only bring about disadvantages – many interviewees were curious in a foreigner being interested in their village which in turn opened many doors.

Even though the research assistant did neither have a background in conducting qualitative interviews, nor in professional translating, working with a research assistant from Jambi province was essential in many different ways. The research assistant was trained extensively before the field research started and familiarized with the goals of the research. In the course of research, the research assistant was actively involved in decision-making processes in the field. The training included an intensive discussion of relevant questions of the semi-structured interview guideline, how to conduct qualitative problem-centered interviews, as well as a practical training of methods from the PRA toolbox. As the researcher and her assistant stayed in the villages for a longer time, it was also important that a female research assistant was chosen. This simplified different aspects of life in a traditional Muslim society, from taking a shower in the river to the village accommodation, which means that the researcher and her assistant usually shared a room or slept in the selected family's living room. Working with a translating research assistant comes with drawbacks, too. Translating itself is an act of interpretation, having an influence on the research process as a first interpretation is done before the actual data analysis (Kruse et al., 2012, p. 45). It was especially helpful that the researcher had learned *Bahasa Indonesia* beforehand, could understand much of the interviewees' answers and could therefore ask further questions. But of course, not everything was understood by the researcher, interviews and discussions were more time-intensive and the researcher had less flexibility and capacity to respond to the interview situation, especially when local dialects were used. If possible, each statement was translated directly during the interview or afterwards. Additionally, if the interview partners agreed, interviews were audio recorded and later transcribed by the research assistant. This prevented a loss of information. In the evenings, each interview was discussed with the research assistant to resolve unclear topics, crosscheck notes and jointly interpret the interview atmosphere and the openness of the interviewee. Then, an English summary was written. However, not every aspect of the interviewing atmosphere could be fully grasped and translations still can entail deviations from the original meaning.

Not only the research assistant's knowledge of local dialects was important; she also served as a 'cultural mediator' by teaching the researcher on how to approach the people in a polite way, a factor from utmost importance for an open interview situation. Consequently, interviews always started with small talk about the background of the research team, the village whereabouts etc. However, being from an urban context, the assistant was also unable to completely assume the perspective of an 'insider'. In the course of research both the researcher and her assistant learned more and more about specific village customs and practices and the assistant was able to convey cultural sensitivity to the researcher not only in the preparation and implementation of interviews but also in regard to everyday life aspects.

Field research poses not only country-specific challenges but implies also broader methodological challenges in terms of the research design, and the applied methods of the qualitative approach. The researcher had been aware of these challenges and addressed them to the best of her belief and knowledge. Nevertheless, the data are still bound to uncertainties. Qualitative research does not typically underlie the requirement of being representative. Field research was conducted in two districts of Jambi province, Sarolangun and Batanghari. Scientific conclusions can therefore only limitedly be drawn for the entire province of Jambi, Sumatra or Indonesia – a region of notable natural, cultural and economic diversity.

3.5 Data analysis

Post-processing qualitative data takes a lot of time. In total, 106 problem-centered interviews were conducted, 93 on village level, and 13 with experts on province and national level. During the interviews, the research assistant directly translated the answers in English and the researcher took extensive notes in field books. Each interview was discussed with the research assistant afterwards; the notes taken during the interviews were complemented and typed out in Word documents. These summaries do not only contain original data, but also own interpretations.

Most of the problem-centered interviews were audio-recorded (81 interviews) (see Annex 1) and once back to Jambi City transcribed by the research assistant. Parts of the interviews, which contained certain expressions in local dialects, were translated by the research assistant in *Bahasa Indonesia*, so that the researcher was able to understand the transcripts. Due to time and budget constraints, the transcripts could not be translated into English.

Insights gathered from informal conversations or focus group discussions were noted from memory in a field book, later discussed with the research assistant and typed in English as well. The constant discussion of the interviews and informal conversations helped to sharpen the focus of the research, resolve unclear points, and identify gaps and further research interests. This constant reflection of the gathered data is a particular strength of a qualitative research approach.

During the different research phases, it became clear, that the collection of empirical data and the theoretical reflection are inevitably entangled. Or as Lund (2014) puts it: “The empirical material as such is not our responsibility, but the choice of concepts and the rigorous collection of data is” (p. 227). The compiled textual data was analyzed following the thematic coding technique developed by Christel Hopf (Kuckartz, 2010, p. 84). In the focus of such a qualitative data analysis is a system of categories which is developed along the empirical data. Thematic coding follows four steps. First, codes are

developed while reading the gathered textual data. The procedure is theory-informed, yet open. If necessary, theoretical assumptions are to be revised according to the empirical data. A coding guide is developed and in a second step applied to the textual data. The coding guide has a nested structure and includes superordinate and subordinate codes²⁸. In a third step, case studies are compiled which are analyzed more deeply in a fourth step. The textual data was coded using the computer-software MAXQDA which helps to organize 'unstructured', qualitative data.

As questions on access to land and land conflicts are considered sensitive in Indonesia, for research ethical reasons, all interviews have been anonymized and consecutively numbered²⁹. When citing village-level interviews it will be only referred to 'interview with key informant', village name, date and interview number (see Annex 1). Any further information on the interviewees might compromise their anonymity. Same applies to expert interviews, in this case it will be referred to as 'interview with staff member', including the name of the respective institution, date and interview number. Direct citations are translated to English; the original language of each interview is listed in Annex 1.

²⁸ Codes were developed for the two research areas. For example, in the southern Bukit Duabelas area, the empirical data has been first structured according to main concession and conservation areas: e.g. PT SAL, PT JAW/PT EMAL, and Bukit Duabelas National Park. Specific sub-codes were developed which summarize key aspects relevant for the research project, such as land use transformation, land conflicts and their history, access to land and resistance. The data was also coded using the 'powers of exclusion', regulation, force, market, and legitimation as codes.

²⁹ Interview No. 1-93 refers to interviews conducted at village level, while interview No. 94-106 refers to interviews conducted with experts on provincial and national levels.

“The word 'jambi' means areca nut (pinang), which was prepared for chewing with betel leaf, gambier, and lime, and was traditionally one of the gifts associated with a marriage proposal.” (Andaya, 1993, pp. 9-10)

4. Jambi province and beyond: a historic and thematic contextualization

This chapter provides insights into the history of the island of Sumatra and today's province of Jambi. A focus is hereby put on the development of Indonesia's legal land tenure framework, and its consequences for Jambi's landscape transformation. The struggle over Indonesia's land tenure is rooted in a long history of contradictory laws and regulations and an accompanying struggle of power between different actor groups on all societal levels.

The first section sheds light on the early history of the region where different cultural groups gained influence or lost ground over the centuries. Jambi was influenced by the Hindu-Buddhist kingdoms of Sriwijaya and Majapahit before an Islamization of the area took place and Jambi was turned into a sultanate. Trade has always been an important factor in the region, due to its rich resources and natural abundance. From the fifteenth century onwards, trade expanded to foreign trading companies (such as the English and Dutch East India companies) and as trade intensified in the nineteenth century, the Dutch colonial administration exerted their influence from trade to an administrative control of the province. The second section outlines Jambi's development under the Dutch colonial administration, which fostered plantation agriculture, in particular rubber and oil palm. The third section describes the manifestation of plural legal orders in post-colonial Indonesia and their effects on Jambi's land use transformation. Since the Dutch colonial era, codified state laws and customary (*adat*) laws exist in parallel. After Indonesia's independence, a multitude of laws and regulations were passed which further perpetuated the neglect of the rights of customary communities, as they were not regarded as legitimate title-holding entities. Timber extraction became a main source of revenues for the provinces and also for Jambi. Since the 1980s, investments in plantation monocultures were fostered and the government and the World Bank pushed the cultivation of oil palms. The fourth section depicts the legal ambiguities, shaped in the course of Indonesia's history, which were consolidated in the reformation era and had a strong influence on land use transformation in Jambi's dynamic post-frontier. Summing up, Chapter 4 highlights the historic and thematic context of Jambi province and beyond, without which conflictive land relations between access, exclusion and resistance in Jambi cannot be understood.

4.1 The early history of Jambi

The area that is Jambi province today was the heartland of the pre-Islamic kingdom of Melayu³⁰, which already existed in the fourth century AD. Since that time, Malayan peoples, who migrated from mainland Asia to the island of Sumatra, may have settled along Sumatra's longest rivers, Musi and Batanghari, and its tributaries. Early Sumatran states emerged in strategic locations in the downstream and coastal areas of these rivers, due to an increasing trade across the archipelago and international trade routes being established with China and India (Sager, 2008, p. 286). In the late seventh century, the area of Jambi was conquered by the Hindu-Buddhist kingdom of Sriwijaya, which had its center in Palembang on the Musi River. At that time, Sriwijaya had developed as first great power in the region and had a big influence on the India-China trade. Trading ships, which sailed through the Strait of Malacca, regularly had to spend a season in port to wait for favorable winds for the onward journey and the ports at the mouth of the Musi River northwest of Palembang were an attractive destination (Cribb, 2000, p. 76). "Sriwijaya's power derived from its special political and economic ties with China, from its geographical location at the intersection of trading routes between India, China and Java, and from its own commercial products from the jungle" (Locher-Scholten, 2004, p. 38). With the increasing demand in forest products (such as rattan and resins, e.g. dragon's blood), Sriwijaya soon established allies in the interior parts of Sumatra and controlled trade via the two large river systems in Sumatra. In the following centuries the Melayu-Jambi Kingdom could again expand its power influence over the Sriwijaya Kingdom and vice versa, but was subsequently absorbed into the Sriwijaya Empire. Temporarily, Jambi served as capital of the Sriwijaya Empire. A historical relict from the Hinduist-Buddhist era in Sumatra is the Muaro Jambi Temple Compound³¹ (see Picture 1) which served as center for worship and education from the seventh century onwards.

³⁰ *Melayu* translates to Malay.

³¹ The Muaro Jambi Temple Compound is located on the outskirts of Jambi City.



Picture 1 Today's remains of Muaro Jambi Temple

© Barbara Beckert, 2013

In the twelfth and thirteenth century, the balance of power shifted in the region, when several small trading states emerged on the northern coast of Sumatra and converted to Islam as early as 1290. Islam spread gradually from the coastal ports to the trading centers of Palembang and Jambi and later to the interior regions of Sumatra (Sager, 2008, p. 291). Around the same time, the Buddhist kingdom of Minangkabau gained power in central Sumatra and extended its hegemony to the coastal regions of the Malacca Strait (Cribb, 2000, p. 77). The importance of Jambi and Palembang declined, however, their ports had a remaining significance.

Apart from the Sriwijaya Empire, the island of Java developed as a key center of military power and cultural influence in the region. In the fourteenth century, the Javanese Hindu-Buddhist Majapahit Kingdom claimed suzerainty over the whole of Sumatra, including the Sriwijaya Empire (Cribb, 2000, p. 78). Like the Minangkabau Kingdom, Jambi became a vassal region of the Majapahit until the fall of the Majapahit Empire (in the early sixteenth century). The influences from Java however continued to prevail in the following centuries.

In 1460, Puteri Seleras Pinang Masak ('Queen of Ripe Betelnut') became the legendary first queen of Jambi, married to a descendant of a Turkish sultan, whose boat stranded off the shores of Jambi (Andaya, 1993, p. 10; Locher-Scholten, 2004, p. 38). All following regents of the sultanate of Jambi are believed to be descendants of this couple. "Pinang Masak is also credited with establishing the basis for a universal Jambi adat (...) and one of the primary means in which Islam (...) was merged with adat beliefs (...) and spread throughout the kingdom"³² (Sagar, 2008, p. 292). "The early history of the sultanate of Jambi roughly coincided with the advent of Islam, though precise dates are impossible to pinpoint. The Islamization of Sumatra is generally believed to have begun in the fifteenth century" (Locher-Scholten, 2004, p. 38). The kingdom/sultanate of Jambi was administratively divided into three parts: 'the realm of the king'³³, the 'distant branch communities' including Kerinci³⁴ and 'the land of the *jenang*'³⁵, which consisted of the tribute paying interior communities that were referred to as *batin* districts (Sagar, 2008, p. 295). The oldest settled communities in Jambi are commonly termed as *batin* groups. The term *batin* itself refers to a title which is associated with the leaders of non-Muslim jungle and sea peoples (Andaya, 1993, p. 14). *Batin* groups do not self-identify as nomadic people and thus differentiate themselves from the semi-nomadic Orang Rimba³⁶ (Colchester et al., 2011, p. 10). The *batin* districts or villages were located along rivers and were represented by locally elected *batin* leaders. Land was owned by the sultan and land rights could only be granted by him to different lineage groups (so-called *suku*) as communal land, but not as individual property (Steinebach, 2013, p. 70). Land in the *batin* districts was either loaned or given to the *batin* headman and his communities as gift of the king (Sagar, 2008, p. 297). "The *batin* peoples (...) were not responsible for providing services towards maintaining the kingdom, but were instead involved in tribute relationships through a representative of the king called the *jenang*. (...) (P)eriodically, the *jenang* would come to a *batin* district and give gifts (...) such as cloth, axes, knives, hoes, salt and sugar to the *batin* head, which were to be distributed to the family heads in his district. In exchange the *batin* head was responsible for collecting different types of tribute from each village head in his *batin* district and handing it over to the *jenang*" (Sagar, 2008, p. 297). The population in these upstream areas was largely autonomous but linked to the sultanate through tribute relations.

³² *Adat* means customary practice and law. Indonesian *adat* is regionally very diverse, has however some universal principles in common. *Adat* is rooted in a strong interaction between the living and spiritual worlds and aims at maintaining an appropriate equilibrium among individuals, the community and the cosmos. There is hence a strong communal solidarity and focus on collective unity, which is supported by kinship relations and a magico-religious identification with land (Fitzpatrick, 1997, p. 177).

³³ This region consisted of twelve districts, with villages located along the upstreams of Batanghari and Air Hitam Rivers, in Tungkal and along the borders of the kingdom (Sagar, 2008, p. 297).

³⁴ This region was given a (semi-) autonomous status within the kingdom (Sagar, 2008, p. 297).

³⁵ A *jenang* was a representative or a patron of the king.

³⁶ Both ethnic groups play a significant role in the empirical analysis in Chapter 5 and Chapter 6.

The backbone of the sultanate of Jambi was Sumatra's longest river, the Batanghari, which has its source in the Bukit Barisan mountain range and meanders around 800 kilometers towards the east coast (Locher-Scholten, 2004, p. 35). Together with its tributaries the Batanghari was the main mode of transport, and thus communication. In the fifteenth and early sixteenth century, the sultanate prospered through a flourishing pepper trade, initially with the Portuguese and later with English and Dutch East Indies companies. Jambi was at that time the second richest port after Aceh³⁷ (Locher-Scholten, 2004, p. 39; Andaya, 1993, p. 2). Beside pepper, goods such as forest products, beeswax, resin, gum, cane and timber were transported from the upstream areas by river to the coast and were then traded in markets outside Jambi for cotton, salt, ironware and earthenware (Locher-Scholten, 2004, p. 37; Colombijn, 2005a, p. 260). This prosperity attracted the attention of the Javanese kingdom of Mataram which forced Palembang and Jambi to become vassals of Java in 1640s (Cribb, 2000, p. 81).

In the middle of the seventeenth century, Jambi and Palembang became more and more independent of the Javanese overlords and initiated close relations with the Dutch East India Company (*Vereenigde Oost-Indische Compagnie, VOC*) (Cribb, 2000, p. 82). The Dutch East India Company had already established its first permanent trading post in Banten, on the island of Java, in 1603 and gradually expanded their influence on the whole archipelago (and thus also Jambi) by having a monopoly on pepper trade. Much labor was needed to work in the interior pepper fields and the traditional economic relations with the upstream districts and the neighboring Palembang were deteriorated. "These measures led to increased slave raiding, a growing slave trade, and eventually conflict and chaos in the upstream regions of Jambi and Palembang" (Sagar, 2008, p. 301). In 1689 however, Jambi lost its position as major pepper port, and the flourishing era in trading came to a standstill. At that time, the Batanghari River was increasingly difficult to navigate, especially during the rainy season when strong currents occurred. Despite many political reasons, the difficulties in transport may have been a reason for Jambi's decline (Colombijn, 2005b, p. 14). General tensions in trading between the producers in the upstream regions (*ulu*) and middlemen in the downstream regions (*ilir*) emerged (Locher-Scholten, 2004, p. 39). The dichotomy between these two regions should persist in the following centuries. In the upstream region, people started to cultivate coffee and cotton and gold soon replaced pepper as main export good (Colombijn, 2005b, p. 6; Locher-Scholten, 2004, p. 39). The Dutch East India Company did not manage to profit from the rivalry between the upstream and downstream regions and closed its post in Jambi in 1770 (Kerlogue, 2004, p. 678).

³⁷ The city of Aceh, also called Banda Aceh, is located at the northern tip of the island of Sumatra.

Jambi's population was at that time already quite heterogeneous: The so-called *kubu*³⁸ population lived a semi-nomadic way of life in the forests and were the main collectors of various forest products, ethnic Malays settled on the riverbanks of the Batanghari and Tembesi and Jambi's upstream region was inhabited by *batin* groups. "All these groups had preserved many of their legal institutions and enjoyed a large measure of autonomy" (Locher-Scholten, 2004, p. 37). The Melayu³⁹ however perceived and treated the *kubu* in a very inhuman, subordinated manner, "a result not only of the valuable slave commodity they had become, but also the effect of a more crystallized Islamic Melayu ethnic identity, which may have developed in reaction to the Dutch" (Sagar, 2008, p. 304). Some Minangkabau people, who lacked land in their mountainous home region, migrated to the area of Jambi in the seventeenth century and acknowledged the *batin* population as their leaders. Thereupon Minangkabau people were appointed by the *batin* as local chiefs (*penghulu*). In the eighteenth century, the Minangkabau controlled gold mining in the region and increasingly the whole sultanate of Jambi as they outnumbered the Jambian population especially in the upstream regions (Locher-Scholten, 2004, p. 40).

In the early nineteenth century, the Dutch returned to Jambi and soon controlled the sultanate in terms of trade. The sultanate itself remained nominally independent (Locher-Scholten, 2004, p. 85). From the 1840s onwards, the British showed their interest in Sumatra and in Jambi in particular. They managed to assert their right to trade and circumvented the Dutch hegemony by using alternative trade routes (Kerlogue, 2004, p. 678). "In response, the Netherlands' foreign and colonial policies were attuned, as has often been noted in relation to the nineteenth and twentieth centuries" (Locher-Scholten, 2004, p. 87). In 1858, the Dutch formally took over the sultanate of Jambi and the reigning Sultan Taha Safiuddin⁴⁰ (1816-1904) was forcefully removed from his palace. In the following decades, he led a guerilla war against the Dutch colonial administration as he tried to reunite the population of the sultanate (Locher-Scholten, 2004, p. 115). Sultan Taha Safiuddin controlled the upstream salt trade and a part of all forest products had to be paid as tax or tribute in order to finance his resistance (Sagar, 2008, p. 315). In the meantime, slavery was made illegal in Dutch colonies in 1860 and the Dutch began several development oriented social programs and tried to settle down some of the more accessible *kubu* communities (Sagar, 2008, p. 309). When oil was discovered at the end of the nineteenth century, the Dutch colonial administration became again more seriously interested in extracting Jambi's profits.

³⁸ The term *kubu* "was a collective name used by the sedentary population to refer to non-Muslim hunter-gatherer bands or shifting cultivators who led a more or less nomadic life in the vast forests" (Steinebach, 2013, p. 70). At the same time, it was used as synonym with slave, or wild animal (Sagar, 2008, p. 305). Nowadays, it is considered pejorative and people prefer to be known as Orang Rimba ('people of the forest').

³⁹ The term Melayu refers to ethnic Malays who migrated from mainland Asia to the island of Sumatra. In Jambi province this ethnic is termed Melayu-Jambi. Hereinafter, only the term Melayu is used to refer to the Melayu-Jambi ethnic.

⁴⁰ Another spelling is Sultan Taha Syaifuddin.

Jambi was formally annexed as sub-district to the Residency of Palembang in 1903 and lost its independence completely in 1904 with the capture and assassination of Sultan Taha Safiuddin (Locher-Scholten, 2004, p. 239). However, resistance against the Dutch colonial administration continued to persist.

4.2 Jambi's development under the Dutch colonial administration

At the beginning of the twentieth century, Jambi's economic development was assessed quite positively by the Dutch colonial administration. "The fertile soil, the wealth of minerals and forest products, the many waterways accessible to steamships, the convenient location in relation to Singapore, and the rather industrious and docile population, who, in spite of the gross misrule of past sultans nonetheless enjoy a measure of prosperity, prove that all the conditions needed for substantial and lasting economic development are present" (I. A. van Rijn van Alkemade, Resident of Palembang to governor-general about Jambi, June 25, 1904, NA, Col., vb. January 21, 1905, no. 22, cited in Locher-Scholten, 2004, pp. 239-240).

In 1906, the first resident⁴¹ of Jambi, O. L. Helfrich, started administrative reforms and divided Jambi into 83 districts (*marga*) which were based on *adat* land. "The boundaries relating to traditional *adat* regions were for the most part kept the same, and the main changes within the traditional administration of upstream Jambi concerned the elimination of *batin* heads and the position of the *jenang*" (Sagar, 2008, p. 319). Both, the *batin* and the *jenang* were officially replaced by Dutch administrative reforms, but remained important leaders on a village-scale⁴². The newly established districts were put under district headmen from Jambi City, the so-called *pasirah*⁴³ (Locher-Scholten, 2004, p. 268). Their superior, the *demang*, had to meet certain educational standards and thus these positions were filled with people from outside Jambi, "which widened the gap between administration and population" (Locher-Scholten, 2004, p. 269). In 1912, the newly established districts were merged to 25 districts, however in practice there were only 17. "The intermediate position of the *demang* was abolished, although the title itself was retained for the new district headman, who derived their power not from *adat* but from government appointment" (Locher-Scholten, 2004, p. 269). Often Minangkabau people received positions as district headmen and could therefore further expand their power whereas local *adat* headmen were left behind. The Dutch administrative reforms had a massive

⁴¹ This term describes a permanent deputy of the Dutch colonial administration.

⁴² Interview with staff member of KKI WARSI, Jambi City, 16.09.2013, Interview No. 99.

⁴³ Until the enactment of the Village Government Law No. 5/1979 the *pasirah/demang* remained a relevant public authority, responsible for land tenure (Galudra et al., 2014, p. 723).

impact not only on the administrative structure of the province, but also on the societal structure, as traditional *adat* leaders were replaced by outsiders. Hereby, a first non-recognition of customary practices by the ruling class took place, while at the local level customary laws and practices retained their importance.

The expansion of the Dutch colonial power had not only an influence on administrative matters but also on infrastructure with a network of roads being established from 1913 onwards (Sagar, 2008, p. 319). These infrastructure developments established a basis for the introduction of plantation agriculture in Sumatra and population grew rapidly in Jambi. The Dutch encouraged people to take up smallholder monocrops such as coconuts, copra and rattan.

Natural rubber was already grown in the region, but soon became an overexploited resource with excessive collecting costs (Feintrenie & Levang, 2009, p. 325). Para rubber plants (*Hevea brasiliensis*), smuggled from Brazil, were first grown in Malacca on the Malay Peninsula in the 1890s and were imported by Chinese merchants to Jambi in 1904. Para rubber soon fully replaced natural rubber, which led to a radical transformation of forests. The cultivation of rubber boomed from 1910 onwards and rubber exports from Jambi totaled 132 tons in 1914 (Sagar, 2008, p. 321). The heyday of rubber cultivation was in the 1920s, due to an increased international demand and high rubber prices (Feintrenie & Levang, 2009, p. 326). In 1927, rubber exports from Jambi had reached 38,644 tons per year (Sagar, 2008, p. 321). Rubber was mainly planted amidst dryland rice fields, which were left fallow after the second rice harvest and rubber seedlings managed to survive among the secondary forest regrowth. After ten years, the trees were ready to be tapped and a new cropping system was established: the rubber agroforests (Feintrenie & Levang, 2009, p. 326). "Agroforests introduced a new concept unknown in swidden cultivation, the concept of productive capital" (Feintrenie & Levang, 2009, p. 327) and rubber agroforests were soon a way to guarantee the local farmers access to land. Rubber trees (but also fruit trees such as durian) were used as mean to demarcate land use claims. Rice, which has traditionally been cultivated in subsistence farming, had soon to be imported from Java and was not regarded as potential alternative income source to rubber. Consequently, almost the entire area of Jambi province was planted with rubber trees in the 1930s but as Jambi was sparsely populated, with only 5.46 inhabitants per square kilometer, labor availability was a major constraint to production (Locher-Scholten, 2004, p. 36; 276).

That is why, the Dutch colonial administration had started to resettle people from the densely populated island of Java to the 'outer islands', with Sumatra as major destination. This so-called *kolonisatie* (colonization) program was regarded as measure to enhance national unity and Java was seen as cultural center of the archipelago (Fearnside, 1997, p. 553). Migrants from Java, but also from other parts of Sumatra such as Kerinci, arrived in Jambi mainly between 1905 and 1925, supporting

the province's boom in rubber cultivation. In larger plantations rubber tapping was mainly done by these workers (Martini et al., 2010, p. 2). Jambi's rubber boom contributed to an unprecedented degree of wealth⁴⁴ for the local population (Locher-Scholten, 2004, p. 277). During the Great Depression in the 1930s rubber prices dropped massively and only the export of rattan could slightly absorb the financial losses. In order to curb the growth of rubber production, international rubber quotas were adopted to all rubber-producing countries, including the Dutch East Indies. In 1937, each producer had to keep to a specific quota by a system of coupons⁴⁵ (Locher-Scholten, 2004, p. 278). With this system, the rubber producers received again the entire revenues of their rubber sales. The coupon system also led to an active trade in coupons, which served as licenses to harvest the crop (Locher-Scholten, 2004, p. 279). Another rubber boom followed, and boosted the income of the local people.

Over decades, the Dutch could stave off annexations by colonial newcomers, but with the rise of Japan, the international atmosphere began to change (Cribb, 2000, p. 149). The Japanese had a main interest in the oil wells of the Dutch East Indies to fuel their military operations in World War II and occupied the archipelago from 1942 until 1945. During these years, rubber was not traded and the upstream areas were literally cut of the downstream markets. The years of the Japanese occupation are mentioned as time of great suffering and poverty. In Jambi, the Dutch withdrew in disarray in 1942 even before the arrival of the Japanese army. "The old hope that 'rich resources' would transform the land into a 'flourishing region, a new pearl on Insulinde's crown', had become a hollow boast from the past"⁴⁶ (G. J. Velds cited in Locher-Scholten, 2004, p. 284).

When the Japanese surrendered to the Allies in 1945, the upstream-downstream trade was re-established, people returned to rubber tapping, and Indonesian nationalists took advantage of the interregnum to declare independence. However, the Dutch did not formally recognize Indonesia's independence and a long war followed. The Dutch returned to Jambi in 1947 and descendants of Sultan Taha Safiuddin fought against them – but this time under the banner of Indonesian nationalism⁴⁷ (Sagar, 2008, p. 323). The Dutch transferred sovereignty to the new Indonesian Republic in 1949 (Cribb, 2000, p. 149). Jambi became part of Central Sumatra province and in 1957 an autonomous province.

⁴⁴ This prosperous time was referred to as *hujan emas*, which means golden rain.

⁴⁵ This period was called *zaman koepon* or coupon-period (Locher-Scholten, 2004, p. 279).

⁴⁶ Insulinde is a term for the islands of the Malayan archipelago.

⁴⁷ In Semurung, a village bordering the research village Desa Jernih in the southern Bukit Duabelas area, the Dutch attacked the guerilla fighters and the indigenous Orang Rimba helped the guerilla fighters finding a way through the forests of Bukit Duabelas (Sagar, 2008, p. 323).

4.3 The development towards post-colonial plural legal orders and their effects on Jambi's land use transformation

Jambi's post-colonial land use transformation results from a complex interplay of concurrent and often ambivalent, constantly renegotiated, institutional frameworks. The foundation for these plural legal orders was laid out with the implementation of administrative reforms during the Dutch colonial era and further perpetuated in post-colonial Indonesia. However, as Fitzpatrick (2007, p. 132) states, it is not about blaming the Dutch, but moreover to highlight specific characteristics of colonial land law that helped producing insecure land tenure relationships for large numbers of Indonesians. "These characteristics are: subordination of autochthonous Indonesian systems to formal laws and land titles, and failure to develop autochthonous systems to facilitate their evolutionary development and eventual integration into the national legal order" (Fitzpatrick, 2007, p. 132).

The first set of rules, which changed the local system of property rights and access to land, evolved with the Dutch colonial administration. First only interested in controlling the regions spice trade, the Dutch soon implemented a cultivation system (*cultuurstelsel*) under which certain cash crops like coffee, sugar, tea, cinnamon, tobacco, as well as silk had to be produced for the European market (Brown, 2011, p. 84). "It was not until the colonial interest shifted from trade towards agricultural and forest production that the Dutch started to be seriously interested in the Hinterland and control over the population at large" (Benda-Beckmann & Benda-Beckmann, 2010, p. 894). In the beginning, the Dutch colonial administration assured not to interfere with internal local affairs and to recognize the existing legal *adat* system, under which private property did not exist. This policy soon changed, regulatory power was taken over and the political and legal position of local communities was hence restricted (Benda-Beckmann & Benda-Beckmann, 2010, p. 894). In order to gain better control over the labor power in Dutch owned plantations, they soon implemented a number of laws that regulated more and more parts of the political and economic life and public order (Benda-Beckmann & Benda-Beckmann, 2010, p. 895). The indigenous population was left behind as their rights were curtailed and transformed to serve colonial interests. "The colonial dual economy allowed the Europeans – with forced or semi-forced labor – to produce for the world market, while the indigenous population was severely restricted in its economic development and was only granted limited access to the world market" (Benda-Beckmann & Benda-Beckmann, 2010, p. 895).

The colonial legal dualism evolved with the application of Dutch law to the Dutch residents in the Dutch East Indies. With the Government Regulation for the Dutch East Indies of 1854, the colonial administration distinguished three categories of citizens for whom different laws and regulations were binding (Fitzpatrick, 1997, pp. 174-175). The 'Europeans' were under a court system which resembled

the Dutch law, the 'Foreign Orientals' (mainly Chinese, Japanese and Arabs) were regarded as privileged in comparison to the indigenous population and were thus bound to the European law as well. The indigenous population, the 'inlanders', were governed by their various *adat* laws, which were however subject to state regulation. Customary land laws were only applicable for land which was not claimed as state property (Benda-Beckmann & Benda-Beckmann, 2010, p. 895). "The colonial legal structures of (non-) recognition influenced adat and religious legal orders and decision making authorities, but they did not, however, fully determine their scope. In many domains the local law flourished irrespective of colonial legal limitations" (Benda-Beckmann & Benda-Beckmann, 2010, p. 895). Nevertheless, the first element of subordination was established: Customary laws were only a potential source of state law when they appeared in a written form and could be easily overwritten by Dutch regulations (Fitzpatrick, 2007, p. 133).

In 1865, the Dutch colonial Forestry Law was applied in the East Indies and together with the Dutch Agrarian Law adopted only five years later, all uncultivated land was regarded as domain of the state (*Domeinverklaring*) (Rachman, 2011, pp. 30-31). Supporting foreign capital, uncultivated land could either be assigned as leasehold for 75 years or as concession to private corporations for a period of 99 years (Löffler, 1996, p. 21). Rachman (2011) describes the Dutch Agrarian Law as "landmark of the liberal era in which colonial rulers facilitated European corporate capital to invest in the Netherland Indies in order to extract export commodities" (p. 18). The rights of local communities were only theoretically guaranteed by the Dutch Agrarian Law; they were not granted the same status as Dutch statutory rights (Fitzpatrick, 2007, p. 133). All land that could not be proven of individual private ownership was considered as 'state land' and customary land rights were subordinated to formal conceptions of title and tenure (Fitzpatrick, 2007, p. 134; Rachman, 2011, p. 18). Forests were especially important as "both motives and means of claiming territory and expanding the state's jurisdiction, as well as providing revenue, exports and raw materials for other economic activities and infrastructure" (Peluso & Vandergeest, 2001, p. 768). Since the Dutch colonial era, codified state laws and *adat* laws exist in parallel and until today, *adat* law remains valid in most regions of Indonesia, especially in regard to property, inheritance and land law. This division of law led to a distinction between Western land law and Indonesian land law which is described by the term legal pluralism. Plural legal orders are defined as two or more legal systems that coexist in the same social field (Merry, 1988, p. 870)

After Indonesian independence, many fundamental laws and policies of the Dutch colonial administration were perpetuated. For instance, state control over the forest estates of Java was reinforced while at the same time forests outside Java had a largely decentralized jurisdictional status

through much of the Soekarno⁴⁸ era. In 1957, the former Dutch colonial plantations were nationalized and in the same year provincial officials were given a greater authority to manage the forest resources within their boundaries. This authority included the right to distribute timber extraction permits to third parties (Regulation 64/1957) (Barr et al., 2006, p. 20). Thus, the Directorate General of Forestry in Jakarta had no longer an authority over the provincial forestry service (*Dinas Kehutanan Provinsi*). The provincial governments were allowed to extract taxes and royalties from timber extraction, however an unspecified share had to be given to district governments and the central government. “In this way, Regulation 64/1957 marked the beginning of Indonesia’s long history of having parallel decentralized and deconcentrated forestry bureaucracies” (Barr et al., 2006, p. 20), which was only abolished with Indonesia’s regional autonomy law in 2001.

The key colonial themes of subordination and neglect of autochthonous systems were perpetuated during the Soekarno era. In 1960, president Soekarno introduced the Basic Agrarian Law (BAL, *Undang-Undang Pokok-pokok Pertanahan*) 5/1960 which, amongst others, aimed at reconciling the dual system of national and *adat* legal codes governing land rights, and hereby providing legal certainty to autochthonous Indonesians (Fitzpatrick, 1997, p. 172). It was regarded as “revolutionary overhaul of the feudal and colonial agrarian structures” (Rachman, 2011, p. 36). Existing statutory rights and most *adat* rights were translated by the BAL into Western-style registrable land rights⁴⁹. At the same time, the BAL emphasized the 'social function' of land, as well as the responsibility of the state in managing the countries resources in the interest of the people. The 'social function' testimony of the BAL is ultimately based on the *adat* customary territorial rights of disposal (*hak ulayat*⁵⁰) (Lucas & Warren, 2013, p. 6). Nevertheless, *adat* land claims were only recognized as long as they did not conflict with 'national interest' or higher laws. The central government in fact defined what became a matter of 'national interest'. “As a result, despite rhetorical recognition of *adat* values as the foundation of Indonesian land law, the subordination of local customary rights to national interest claims was ultimately rationalized by the same evolutionary developmentalist ethos that had previously underpinned colonial policy and land law” (Lucas & Warren, 2013, p. 6). Despite its social function principle, the BAL considers the Western legal concept of private property as purest and most complete form of title and assumes that *adat* land tenure would evolve over time into individual

⁴⁸ From 1945 until 1967 Soekarno was the first president of the Republic of Indonesia.

⁴⁹ *Hak milik* (the right of ownership) is the strongest right subsumed under the BAL, and may be the source of secondary rights, such as *hak pakai* (the right of use), *hak guna bangunan* (right to build), *hak sewa* (right to lease) or *hak guna usaha* (right to exploit) (Fitzpatrick, 1997, p. 183).

⁵⁰ *Hak ulayat* is the community right of control in *adat* land law, known by Dutch scholars as *bescchikkingsrecht*. It has two features: first, “the more work and capital that an individual puts into a piece of land, the greater is the community’s recognition of the individual’s particular right to it” (Fitzpatrick, 1997, p. 181) and second, the transfer of rights (either to outsiders or individual community members) is subject to strict community control. Rights of use can only be obtained by outsiders with the consent of the community and with the payment of recognition money (Fitzpatrick, 1997, p. 181).

property rights (Lucas & Warren, 2013, p. 7; Fitzpatrick, 1997, p. 188). Consequently, *adat* communities were not regarded as legitimate title-holding entities (Fitzpatrick, 1997, p. 187). “Subsequent laws also gave government authorities discretion to recognize *adat* land ownership and thereby determine circumstances where communities are legally entitled to defend their customary land use rights (*hak ulayat*) against the State or a company licensed by the State” (Paoli et al., 2013, p. 51). Another objective of the BAL was to redistribute land via a land reform legislation (Lucas & Warren, 2013, p. 2). In order to implement this legislation, individual land holdings were limited in size and the private sector’s access to land was impeded. The gained surplus of agricultural land was then to be redistributed. In reality however, the land reform program was difficult to be implemented and a focus was instead set on the resettlement of population via transmigration⁵¹ programs.

To promote economic growth a seven-year national development plan was first formulated in 1960, putting a special focus on generating exchange earnings from the forestry sector and more specifically from logging. Until 1965, Indonesia’s log shipments however only accounted for two percent of the overall timber exports from insular Southeast Asia (Barr et al., 2006, p. 22). With president Soeharto’s New Order regime (1967-1998)⁵², Indonesia was sought to be integrated into the world capitalist system, following a 'land for development' policy and fostering national economic growth (Rachman, 2011, p. 43). The national government’s authority to administer forest resources on the 'outer islands', hereby especially on the island of Sumatra, expanded tremendously and large-scale commercial logging was promoted. Log exports were regarded as fastest way to generate capital investments and to increase foreign exchange earnings (Barr et al., 2006, p. 23). Despite logging, oil and gas exploration and extraction was another important part of gaining revenues for infrastructure development and other investments during the New Order period (Cribb, 2000, p. 177). Under Soeharto the BAL was reinterpreted in order to serve the state’s capital-intensive developmentalist program; and moreover the interests of Soeharto’s cronies. Customary groups were hereby expropriated of their lands which instead became concessions distributed to Indonesian conglomerates and foreign investors (Lucas & Warren, 2013, pp. 7-8). “In short, while the BAL is presented as an example of legal unification, in practice under Soeharto it founded a system of remarkable normative complexity and all-pervasive tenurial insecurity” (Fitzpatrick, 2007, p. 139).

The residual rights of customary groups were further diminished with the introduction of the Basic Forestry Law in 1967. With the Basic Forestry Law (BFL, *Undang-Undang Pokok-pokok Kehutanan*)

⁵¹ Established during the Dutch colonial rule, transmigration programs were a centerpiece of independent Indonesia’s development program and financially supported by the World Bank. By 1989, around 5 million people had been shipped to the 'outer islands' as part of the official transmigration program; around 3 times more people had moved independently (Fearnside, 1997, p. 554).

⁵² After Soeharto’s military coup in 1965, he officially became the second president of the Republic of Indonesia in 1967.

5/1967, 143 million hectares of the Indonesian territory (equivalent to three quarters of Indonesia's total land area) were classified as 'Forest Estate' (*kawasan hutan*), completely ignoring indigenous people's rights in these territories (Anderson, 2013, p. 246; Barr et al., 2006, p. 23). Land, which was claimed as state land (*tanah negara*) under the BFL, comprised vast areas of forests, inhabited by indigenous communities, as well as former colonial plantations that had been cultivated for decades by peasants from Java and Sumatra (Lucas & Warren, 2013, p. 9). By a ministerial decree, four different functional categories of land could be classified under the BFL: 'Production Forest', 'Protection Forest', 'Nature Conservation Forest' and 'Recreation Forest'. Further, the state forestry bureaucracy authority (Ministry of Forestry) was allowed to grant a 'right of forest exploitation' (*Hak Pengusahaan Hutan, HPH*) to state- and private companies (Barr et al., 2006, p. 23). "With the creation of the HPH timber concession system, the Basic Forestry Law effectively restructured the relationship between the national and provincial arms of the state apparatus. In keeping with the 1957 forestry regulations, the BFL gave provincial governments authority to distribute concession areas up to 10,000 ha to Indonesian companies" (Barr et al., 2006, p. 23). Concessions larger than 10,000 hectares were granted to domestic and foreign investors by the Directorate General of Forestry under the Ministry of Agriculture (Barr et al., 2006, p. 23). As coordination between the different administrative levels was weak, the HPH's distributed by forestry officials in Jakarta often overlapped with smaller concessions allocated by provincial or district authorities (Barr et al., 2006, p. 25). Most of the HPH timber concessions were controlled by a small number of large forestry conglomerates, which had close ties to the Soeharto regime.

From 1967 onwards, logging was regarded as cornerstone of Indonesia's economic development and boomed especially on the island of Sumatra. In the 1970s, almost the entire forested area of Jambi province was allocated to concessions (Martini et. al., 2010, p. 3; Colchester et al., 2011, p. 12). The opening of the Trans-Sumatra highway in the early 1980s contributed to an enhanced mode of transportation of logs compared to the traditional way of transporting logs via rivers (Persoon & Wakker, 2005, p. 338). Indonesia banned the export of round wood in the 1980s aiming at supporting the growth of a wood processing industry. Logging activities continued, often illegally. From the mid-1980s to 1999, 1.6 million hectares of forest cover were lost annually in Indonesia (Barr et al., 2006, p. 28). In 1985, Sumatra's natural forest cover accounted for 58% but forest cover loss increased tremendously in the following years (WWF Indonesia, 2010, p. 15). A consequence of the export ban of round wood was that foreign timber companies pulled out of Indonesia and domestic concession

holders were often not able to invest in wood processing companies. This resulted in a quite small number of timber conglomerates controlling Indonesia's logging activities and plywood production⁵³.

The initial focus of the Soeharto administration on logging soon shifted to foreign investments in plantation monoculture, mainly on oil palm (*Elais guineensis*) cultivation. First oil palm seeds were brought from Africa to the Botanical Garden in Bogor, Java, in 1848, but the palm tree was initially considered as ornamental plant only. Commercial oil palm plantations were developed in Sumatra from 1911 onwards, under the Dutch *cultuurstelsel*⁵⁴ policy, in which farmers were forced to plant certain commodities (Feintrenie & Levang, 2009, p. 331; Jiwan, 2013, p. 51). Oil palm plantations were mainly operated by foreign (mostly Dutch) private companies which held the required financial and workforce inputs (Jiwan, 2013, p. 51). In 1916, 1,200 hectares were under plantation, until 1940, the areas under oil palm expanded to 110,000 hectares and then doubled to 250,000 hectares by 1978⁵⁵ (Afrizal, 2013, p. 152). The Soeharto administration, together with the World Bank, began to push oil palm cultivation in the 1980s and financially supported the development of private oil palm plantations and smallholder estates. In order to facilitate oil palm cultivation, transmigration programs were fostered and the relocation of people from Java, Madura and Bali to the island of Sumatra became effective (Persoon & Wakker, 2005, pp. 334-337). For Jambi province, it was already the second migration flow⁵⁶ and forest conversion projects expanded to the swamp forests, too. The World Bank supported the Indonesian government financially in "resettling approximately 30,000 families from Java and Bali on four sites along the Trans-Sumatra Highway in the province of Jambi. Assistance has also been requested to upgrade the condition of about 4,000 families already settled at one other site in the area. The project would contain provisions for land development, basic infrastructure, selection and transport of settlers to the site, housing, subsistence packages, and supporting agricultural services" (The World Bank, 1979, p. 1). On average, each transmigration household was given 3.5 hectares of land (including 0.25 hectares for the house lot). Households were granted a 'right of use' title (*hak pakai*) for their land within the first two years. After five years on site, the households were granted a full 'right of ownership' title (*hak milik*) by the National Land Agency (*Badan Pertanahan Nasional*, BPN) (The World Bank, 1979, p. 33). As part of its nationwide transmigration program, the World Bank promoted the establishment of Nucleus-Estate-Smallholder (NES) schemes (*Perkebunan-Inti-Rakyat*, PIR) in Indonesia. In NES schemes, a private or state-owned plantation company

⁵³ Pulp and paper products accounted for over 50% of Indonesia's forest related exports by the year 2000 (Barr et al., 2006, p. 27).

⁵⁴ A cultivation system implemented by Johannes van den Bosch, governor-general of the Dutch East Indies, in 1830. Indonesian historians refer to it as *Tanam Paksa* or enforcement planting.

⁵⁵ These numbers refer to the whole of Indonesia, but oil palm plantations were at that time concentrated on the island of Sumatra.

⁵⁶ The first migration flow already occurred in the early 20th century in the course of the rubber boom in Jambi province (see Chapter 4.2).

establishes a central estate (nucleus or *inti*) as well as a palm oil mill and provides services to surrounding individual smallholders in satellite areas (*plasma*). The corporation makes a contract with local farmers to produce a certain crop and provides loans and services. These services usually include land development, providing inputs such as seedlings and fertilizer, credit and technical advice and the collection and processing of fresh fruit bunches (Cramb & Curry, 2012, p. 228). Usually, the smallholders in *plasma* schemes were part of a transmigration program and were additionally supported by government programs. To a varying extent, local people were involved in these *plasma* schemes. Smallholders in *plasma* schemes allocate plots of land for the company to develop (whether transmigration plots, privately owned plots or land from the village commons) and in turn receive only a proportion of the developed land back for managing. At best, 80% of the land is returned to the smallholders and 20% is retained for the nucleus estate – in practice, the proportion is much less (Cramb & Curry, 2012, p. 228). The smallholders are in turn obliged to sell their fresh fruit bunches to the estate's mill, which usually is the only mill in the area anyway. Fresh oil palm fruit bunches need to be processed quickly after harvest because they are highly perishable. These NES schemes largely remain in place until today, however the overall conditions have changed⁵⁷. The palm oil sector at that time is referred to as “Soeharto palm oil oligarchy” (Aditjondro, 2001), an expression referring to the alignment of strong economic and political interests of an elite class which enabled the deprivation of indigenous people's rights by the oligarchy (Jiwan, 2013, p. 52; Yasmi et al., 2009, p. 99). “In the Soeharto era, the government only focused on the exploitation of natural resources, and so many companies were established, but nobody was thinking about the villagers living the area”⁵⁸. Political actors were at that time the main business players, they were supported by the Indonesian military in the process of land acquisition (Lucas & Warren, 2013, p. 14).

Soeharto's economic development strategy of logging and monoculture plantations was facilitated through the Village Government Law 5/1979 (*Undang-Undang, Republik Indonesia No. 5 Tahun 1979 tentang Pemerintahan Desa*). It was introduced by the Soeharto administration in 1979 to establish a uniform village structure across the country. Older colonial regulations were regarded as inadequate for the government's plan to accelerate rural development (Bebbington et al., 2006, p. 1960). Former village entities (called '*kampung*') were turned into so-called *desa*, and *kepala desa* were implemented as administrative village heads⁵⁹. In theory, the villagers had a right to say, but all village decisions were finally taken by the village head who was in turn only accountable to the district head (*bupati*). This

⁵⁷ Since decentralization new plantation areas can in theory only be established with the consent of district governments and local communities. Contracts are often similar to the traditional NES schemes, because communities here provide land for the establishment of plantation estates and get loans and other support from the oil palm companies (Gatto, 2015, pp. 20-21).

⁵⁸ Interview with staff member of Yayasan CAPP, 31.10.2013, Interview No. 104.

⁵⁹ To administer people within a village, further sub-village units were implemented: rural hamlets (*dusun*), community solidarity unit (*Rukun Warga, RW*), and neighbor solidarity unit (*Rukun Tetangga, RT*).

system of accountability continued on the next higher governmental levels, too. Thereby a form of direct control between the central government in Jakarta and villages all over the country was established. "Such a system created few incentives for the village head to work for the interests of the community. Indeed, job security for the village leadership depended on how well they served the interests of the district (and sub-district) government" (Bebbington et al., 2006, p. 1961). This opened the door for corruption and misuse of public funds. The state and rural elites fostered rural transformation, and local communities had no power to control these activities. Village boundaries were defined under this new regulation which often did not match with communities' traditional land claims. Former traditional customary (*adat*) leaders lost their authority but were often included in the new village government structures. Moreover, the whole new village structure did not match with the former local socio-political and territorial organization that was now declared customary and hence informal (Steinebach & Kunz, 2016, pp. 87-89). The Village Government Law of 1979 remained in place until 1999 when it was replaced by Law 22/1999 on Regional Governance.

The top-down development approach of the Soeharto administration, which mainly benefitted Jakarta's elites, was followed by a phase of political upheaval, leading to an atmosphere of institutional change. In the early 1990s, the unfulfilled promise of an agrarian reform became a key issue in Indonesia and was fostered by student movements. Land conflicts were recorded throughout the archipelago (Lucas & Warren, 2013, pp. 9-13).

In 1992, plantation estates in Indonesia covered an area of 3.8 million hectares, which were held by 1,206 domestic and foreign companies. Between 1993 and 1998, another three million hectares of land were assigned to development projects in Indonesia. Most of this assigned land was however not developed, and left over as 'sleeping land' (*lahan tidur*), provoking reclaiming actions by the local communities after the fall of Soeharto in 1998. In Jambi province, rubber plantations accounted for an area of 471,782 hectares and outnumbered oil palm plantations with an area of only 45,528 hectares in 1990 (Kementerian Pertanian, 2011). These numbers rose steadily in the following years. While rubber plantations accounted for an area of 541,894 hectares in 1999, oil palm plantations in Jambi province grew exponentially and comprised an area of 389,849 hectares in the same year (Kementerian Pertanian, 2011). With the increase in rubber and oil palm plantations, deforestation rates in Jambi province accounted for 40,000 hectares per year between 1990 and 2000 (Wijaya et al., 2015, p. 132).

During the Asian financial crisis (1997-1998), the plantation sector was liberalized and extensive investments of foreign companies followed. This market liberalization very much changed the Indonesian palm oil sector. Since then, private companies from Malaysia, Singapore, and the USA control about 60% of the plantation sector. Nevertheless, the Indonesian palm oil sector is comprised

by the same conglomerates and consolidated companies like in the Soeharto era, so that it is referred to as the post-Soeharto palm oil oligarchy (Pichler & Pye, 2012, p. 146).

4.4 Consolidating legal ambiguities in the present reformation era: a basis for land conflicts in Jambi

The Asian financial crisis of 1997 opened the floor for a public political dialogue in Indonesia in which resource rich provinces began to call for a greater role in managing their own affairs, especially in terms of resource extraction. They demanded that a greater share of the profits should stay within their regions. "Actors in the districts and provinces sought to reverse the injustices and inequitable development left behind by Soeharto's three decades in power. In many areas, villagers demanding the return of land and forest resources appropriated by timber, mining, and plantation companies began taking direct action by blocking roads, seizing heavy equipment, and demanding compensations from firms involved" (Barr et al., 2006, p. 33). The reclaiming actions not only included the demand for the return of land but also for fair compensations of earlier expropriated resources.

After Soeharto resigned in 1998, the following years (known as the reformation era or *era reformasi*) were characterized by a rapid and far-reaching decentralization process in which Soeharto's political and financial patronage was disassembled. The succeeding president Habibie (1998-1999) revoked the New Order regime's highly centralistic laws by introducing Law 22/1999 on Regional Governance (*Undang-Undang No. 22 Tahun 1999 tentang Permerintahan Daerah*) and Law 25/1999 on Fiscal Balancing between the central government and the regional governments (*Undang-Undang No. 25 Tahun 1999 tentang Perimbangan Keuangan antara Pemerintah Pusat dan Daerah*). With these two laws, administrative and regulatory authority was transferred from the national government to the provincial (*propinsi*), district (*kabupaten*), and municipal (*kota*) governments, providing the fundamental legal basis for Indonesia's decentralization process (Barr et al., 2006, p. 31). Article 11 of Law 22/1999 further accentuated the transfer of authority to districts and municipalities rather than to provinces; amongst others in the areas of agriculture, industry, trade, capital investment, environment and land. It was assumed that district-level decisions would be in accordance with the needs and aspirations of the district inhabitants (Ribot et al., 2006, p. 1873).

Two regulations (62/1998 and 6/1999) aimed at decentralizing some aspects of forest administration, and district governments were adjudged with a greater role in forest management. "Within this context, district officials suddenly found that it was politically feasible to assert far-reaching administrative authority over forest resources located within their jurisdictions, and many moved

aggressively to do so” (Barr et al., 2006, p. 2). District governments were allowed to issue small-scale timber extraction and forest conversion permits (up to 100 hectares). This led to the establishment of district-level timber regimes which in turn fostered a renewed logging boom between 1999 and 2002. Permits were issued even in areas where it was prohibited to do so (Ribot et al., 2006, p. 1873).

Soon after the decentralization of the forestry sector was initiated, a recentralization of the forest administration took place. Just a few months after Law 22/1999 on Regional Governance was enacted, Law 41/1999 on Forestry was passed which superseded the Basic Forestry Law (BFL) 5/1967. It reaffirmed the role of the central government in administering the nation’s forest resources and differentiates between state forests (*hutan negara*), where no private rights can be granted, and private forests that are subject to rights (*hutan hak*). Customary forests (*hutan adat*) are classified as part of state forests and are only recognized as long as there are no conflicts with national interests (Steinebach & Kunz, 2016, p. 78). Furthermore, Law 41/1999 assigned only little authority to the regional governments (Barr et al., 2006, pp. 44-45; Paoli et al., 2013, p. 51). Hereby, it stands in stark contrast to Law 22/1999 on Regional Governance. “In the period since the two laws were enacted, this legislative dissonance has allowed the government policymakers at various levels of the Indonesian state to claim legitimacy for policy positions that are often diametrically opposed to one another” (Barr et al., 2006, p. 45). On the one hand, district governments related to Law 22/1999 in granting them the primary authority for administering forest resources. On the other hand, Ministry of Forestry officials in Jakarta understood that Law 41/1999 gives the central government the legal authority over most aspects of forest administration (Barr et al., 2006, p. 45). In consequence, these contradictory laws led to competing claims over jurisdiction and to an intense political struggle. On the ground, it had the effect that district officials utilized their power by imposing new fees, formulating new district development strategies and granting concessions. Most of them were based on the exploitation of forest resources and were often overlapping with concessions issued by the national government or with national parks and conservation areas. “As a result, many local regulations conflict with higher-level policies and laws, while increased decision-making powers and the quest for locally generated revenues have led to indiscriminate licensing for inappropriate forest conversion” (Indrarto et al., 2012, p. xi). Forests were regarded as source of timber, which generated revenues, needed for local development (Siswanto & Wardojo, 2005, p. 142).

Under Megawati’s⁶⁰ presidency (2001-2004), there was a general feeling within the Indonesian society that the district governments exceeded the powers granted to them earlier, leading to calls for a revision of the Regional Autonomy Law 22/1999. It was argued that under this regulation a focus was

⁶⁰ Megawati Soekarnoputri is the daughter of Indonesia’s first president Soekarno and succeeded President Abdurrahman Wahid who was in office from 1999 to 2001.

only set on the rights of the district governments but not on their responsibilities. With the Government Regulation 34/2002, the Ministry of Forestry rescinded in 2002 much of the authority over forest administration that was granted earlier to district authorities and a recentralization process took place (Barr et al., 2006, p. 2; Djogo & Syaf, 2004, p. 14). Especially, the areas of forestry planning and management were assigned to the central government and only areas of minor importance were delegated to the regional governments (Barr et al., 2006, p. 46). The regulation divided Indonesia's government-controlled forests into three categories: 'Conservation Forests', 'Protection Forests', and 'Production Forests'. The provinces were in charge of the long and medium-term management plans, however the ultimate approval had to be given by the Ministry of Forestry in Jakarta. Moreover, timber extraction was laid under control of the central government, as only the Ministry of Forestry was given the authority to issue commercial timber utilization permits (*Izin Usaha Pemanfaatan Hasil Hutan Kayu, IUPHHK*) in 'Production Forests'. This new license replaced the 'right of forest exploitation' (HPH) from 1967 (Barr et al., 2006, p. 47). Logging permits were allocated to individuals, cooperatives, and private sector and state companies for a duration of 55 years for concession areas in natural forests and 100 years for timber harvesting in plantations. Additionally, Regulation 34/2002 revoked Regulation 6/1999 and thereby again limited the role of the district governments in granting small-scale timber extraction and forest conversion permits. But in reality, many district governments continued to issue these permits, generating significant revenues.

“It is evident that decentralization in Indonesia has happened without sufficient upward or downward accountability. It is not surprising that district authorities feel neither the pressure to protect forests in accordance with guidelines laid down by higher authorities, nor to incorporate local preferences into their decisions, except those that encourage earning revenues from forest resources that have been off-limits to locals for decades” (Ribot et al., 2006, p. 1874). In contrast, regional governments were granted the authority to supplement national laws through passage of regional regulations (*Peraturan Daerah*) that do not conflict with or weaken laws or regulations defined by the central government (Paoli et al., 2013, p. 52). At that time, the Indonesian government itself recognized, that a “combination of a unified system and a separated system” (Barr et al., 2006, p. 54) is in place, entailing that responsibilities are divided between the central government and regional governments.

The passage of different laws and regulations in the *era reformasi* had direct effects on Jambi's land use transformation. From 1998 onwards, illegal logging increased in Jambi province (Djogo & Syaf, 2004, p. 4). Timber demand by legal forest industries in Jambi accounted for 3.8 million cubic meters per year. The allowable and sustainable timber supply was however only 1.1 million cubic meters per year. Until 2001, these numbers increased to an annual demand of 5 million cubic meters, while the legal and sustainable supply was only 500,000 cubic meters per year (Djogo & Syaf, 2004, p. 4). The

deviation was met through illegal logging in national parks and protected forests. It is further reported, that in the early years of decentralization, the efforts of the provincial government to stop illegal logging have been undermined by the district governments in Jambi (Djogo & Syaf, 2004, p. 6). Funds provided by the central government for district development and public service, have often been misused by district government officials. Like in many other provinces, there was a lack of proper control mechanisms and district governments felt that it was now their time to get a slice of the cake. “Decentralization has to this point been a disastrous process leading to the destruction of large production forests, conservation forests, and nearly all of the national parks in Jambi” (Djogo & Syaf, 2004, p. 14).

Concerning plantation development, wide discretionary power was assigned to local governments and private companies. The Law on Plantations 18/2004 defines national policies for plantation development in Indonesia (Paoli et al., 2013, p. 53). It describes the legal grounds for acknowledging *adat* land ownership and delegates more responsibility to companies in obtaining consent from local communities when land is to be released for oil palm plantation development. Furthermore, it defines legal instruments that companies can use to protect 'their rights' over land, once required permits have been issued (Paoli et al., 2013, p. 52). Law 18/2004 assigns authority to companies to enforce plantation security and again reinforces the authority of district officials to issue licenses, monitor compliance and oversee conflict resolution (Paoli et al., 2013, p. 52).

The binary distinction between codified state laws and *adat* laws still exists, resulting in attempts of unification versus legal pluralism. This has been an important feature of the Indonesian society since the Dutch colonial era, and still shapes the contemporary debate on land law. Decentralization did not bring much change in terms of land tenure security. Access to land is still contested among different powerful actors. Even though *adat* laws exist in parallel with state laws, the state has the ultimate legal power to define land access. This becomes especially relevant when land access is contested between companies and peasants. The concepts of *adat* and *adat* law can be powerful tools for communities seeking for access to land and land tenure security⁶¹ (Fitzpatrick, 2007, p. 145). But in reality, exclusionary processes prevail and *adat* law can only be effective when people are able to use their agency to resist and relate with more powerful actors who support their fight for land. By focusing on *adat* law, it has to be kept in mind though, that millions of other land occupiers are completely ignored, as they are not part of customary practice and law. “Indeed, it may even be said that the focus on *adat*, as a key concept in legal reform, has allowed bureaucrats and legislators to produce apparently

⁶¹ In fact, numerous laws and regulations were passed since 2011, which have direct effects on communities' struggle for access to land. As these laws and regulations were passed during or after field research in Jambi, their possible impacts are highlighted in Chapter 7.

positive references to adat law and adat law communities, while avoiding more practical issues relating to conflict resolution, jurisdictional limits, urban and peri-urban informal settlements, and decentralized systems for recording rights and transactions” (Fitzpatrick, 2007, p. 141).

In a nutshell, the colonial and post-colonial administrations fostered the emergence of legal pluralism. Laws do not only exist in parallel but sometimes also conflict with each other. A consequence thereof is that powerful actors have undermined forest protection, and concessions were and are still being allocated haphazardly all over Jambi province, depriving local communities of their land rights. As legal ambiguities are prevalent today, the landscape is characterized by an overlapping mosaic of resource governance and territorial control. Frictions and fractions emerge, as local actors struggle for land and power. The frontier, as zone of transition between the untamed nature and agricultural land, is dissolved into a dynamic post-frontier. Within such a post-frontier, internal frontiers emerge as land relations are constantly under contestation. The following empirical Chapters 5 and 6 focus on access and exclusion of local actor groups in two conflict arenas in Jambi province by highlighting their agency to resist against adverse land relations, hereby shaping the transformation of the post-frontier.

“Although, the area was customary land, the village authorities could not do anything, as all land is under the regulation of the central government. The Republic of Indonesia has the right to manage all land in its country, but where is the right of the villagers (...)?”⁶²

5. Intertwined exclusions in the southern Bukit Duabelas post-frontier conflict arena

This chapter presents the first empirical case study of this research project, and analyzes conflictive land relations between access, exclusion and resistance in the southern Bukit Duabelas area. Hereby, it is referred to the area south of the twelve hills of today’s Bukit Duabelas National Park, located in Sarolangun district, Jambi province⁶³. In the first section of this chapter, the southern Bukit Duabelas conflict arena is introduced by dipping into conflictive land relations in one research village, Desa Jernih. In Desa Jernih, land conflicts center on two conflict cases, which are representative for the conflict arena. One conflict is related to land allocation and land licensing by the oil palm plantation companies PT JAW and PT EMAL and the other is related to environmental conservation in the Bukit Duabelas National Park. This inductive village snapshot of Desa Jernih is extended in section two by outlining land use transformation processes in the southern Bukit Duabelas area in recent decades. Section three provides a brief overview of all research villages in the southern Bukit Duabelas area; apart from Desa Jernih, empirical research has been conducted in Desa Baru, Gurun Mudo and Bukit Suban. Against this background, section four analyzes the 'powers of exclusion' at play in both conflict cases by including empirical data from four research villages into the analysis. Section four shows that some 'powers of exclusion' are more important than others for determining land relations between access and exclusion in the conflict arena. Both, the PT JAW/PT EMAL conflict as well as the Bukit Duabelas National Park conflict have to be understood in their interplay. The interdependence of both conflict cases is taken into account by alternately analyzing the past and present root causes of the two conflicts. The exclusions in the southern Bukit Duabelas conflict arena are ultimately defined as intertwined, which is understood by the researcher as a combination of different forms of exclusions taking place in one conflict arena. Section five focuses on the agency of smallholders to respond to these conflictive land relations. The Melayu villagers’ fight for land tenure security and their resistance

⁶² Interview with key informant, Desa Jernih, 06.09.2013, Interview No. 76.

⁶³ The region is also called Air Hitam, which is at the same time the eponym of the sub-district. It derives from Air Hitam River.

strategies are thereby analyzed. Ultimately, the southern Bukit Duabelas area is conceived as post-frontier conflict arena, summarized in section six.

5.1 Introducing the southern Bukit Duabelas conflict arena

The conflictive land relations in the southern Bukit Duabelas area are introduced by means of a participatory resource map, conducted with villagers of Desa Jernih⁶⁴ (see Map 3).



Map 3 Participatory resource map of Desa Jernih

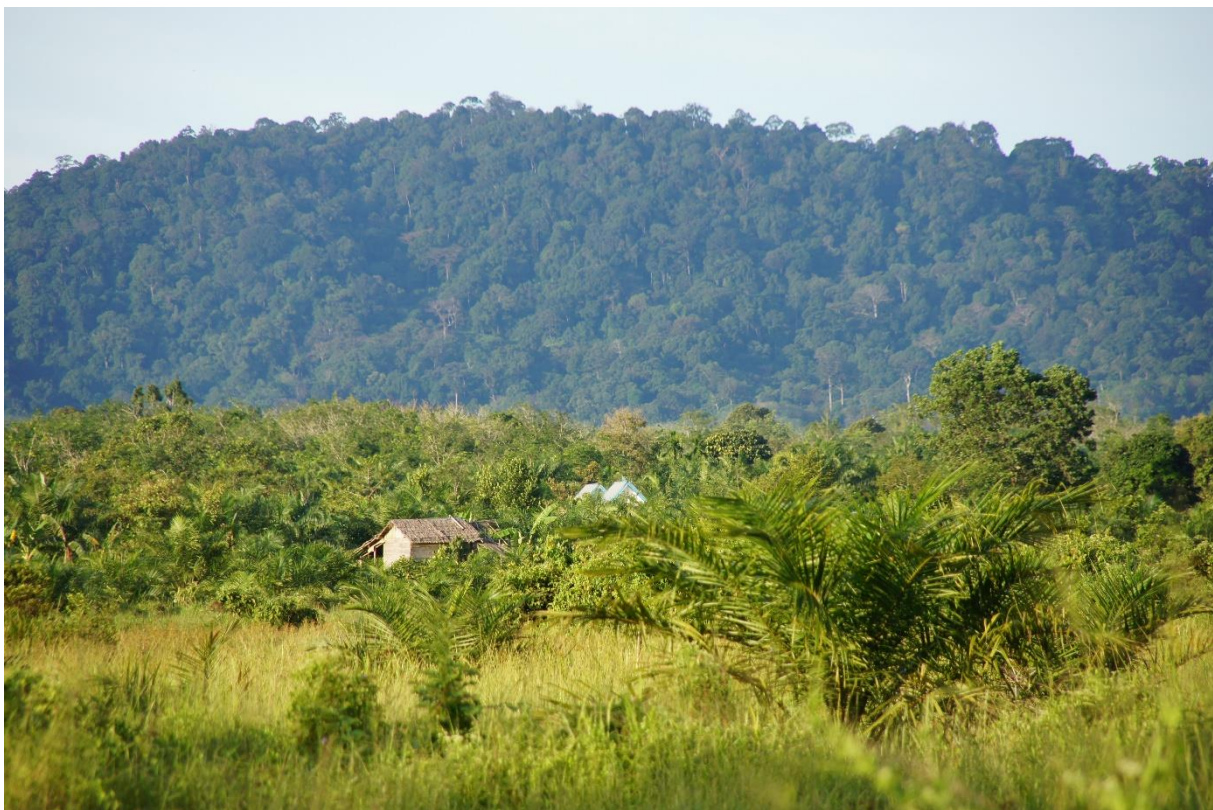
Map 3 illustrates land use patterns within the village boundaries of Desa Jernih. It shows that access to agricultural land is a challenging venture as most of the village land is under cultivation. Furthermore, Map 3 depicts that Desa Jernih is located right in between the oil palm plantation areas of PT JAW (*Jambi Agrowijaya*) and PT EMAL (*Era Mitra Lestari*)⁶⁵ in the south, and Bukit Duabelas National Park in the north. At the lower part of the map, south of Air Hitam River, the villagers

⁶⁴ A similar conflict situation applies also to other villages in the vicinity of the oil palm plantations PT JAW and PT EMAL.

⁶⁵ The oil palm plantation companies PT JAW and PT EMAL are today under the management of the Sinar Mas group.

participating in the preparation of the resource map noted the following: “The peatlands, which are under the HGU (*Hak Gunah Usaha*, 'right to cultivation') of PT JAW and PT EMAL, belong to the village territory. The oil palm plantation companies PT JAW and PT EMAL have not yet developed any *plasma* land for the villagers of Desa Jernih”⁶⁶ (see Map 3). At the upper part of Map 3 it is referred to another conflict situation. Villagers of Desa Jernih claim approximately 350 hectares of land, planted with rubber and fruit trees, which are located within the boundaries of Bukit Duabelas National Park. From the Melayu villagers’ perspective, “There are two problems in Desa Jernih: dealing with the companies’ HGU and dealing with the national park. Everything will be more difficult in the future”⁶⁷.

Picture 2 depicts the southern Bukit Duabelas post-frontier conflict arena. The foreground shows a newly established oil palm plantation, in the center of the picture there is a rubber plantation, and the hilly area in the background shows the Bukit Duabelas National Park. How can the two land conflicts in Desa Jernih be explained and how are they interrelated? In the following sections, both conflict cases, the PT JAW/PT EMAL conflict as well as the Bukit Duabelas National Park conflict, will be looked at.



Picture 2 The southern Bukit Duabelas post-frontier conflict arena, Desa Jernih

© Barbara Beckert, 2013

⁶⁶ For a definition of the term *plasma* land refer to Chapter 4.3.

⁶⁷ Interview with key informant, Desa Jernih, 18.10.2012, Interview No. 29.

5.1.1 The PT JAW/PT EMAL conflict

In the early 1990s, a conflict between Melayu villagers from the southern Bukit Duabelas area and two oil palm plantation companies, PT JAW and PT EMAL, emerged. Over the years, the conflict escalated again and again and to date the conflict has not been settled or solved. Both companies received a 'right to cultivation' (*Hak Gunah Usaha*, HGU)⁶⁸ for their concession areas in the early 1990s. The concessions were however allocated on customary (*adat*) land of the nearby villages, including Desa Jernih. "The villagers didn't have a land certificate, so they couldn't do anything about it"⁶⁹ was a statement often heard in interviews. The concession areas were said to be used as nursery for coconut trees (*Kelapa Hebrida*), but in fact, the areas were developed as oil palm plantations⁷⁰. The companies promised to provide services to smallholders of the area by developing *plasma* land, as well as compensation payments to the affected villages. Both promises were however not kept. "Although, the area was customary land, the village authorities could not do anything, as all land is under the regulation of the central government. The Republic of Indonesia has the right to manage all land in its country, but where is the right of the villagers? The people have no power. The government has the power. This here is my house, it could just be destroyed by the government, and then, what could I do?"⁷¹. Over the years, villagers of Desa Jernih, together with other affected villagers from the area, demonstrated for the development of *plasma* land and hundreds of protesters were put into prison in 2002⁷². The demonstrations took place on site but also on sub-district (Air Hitam) and district level (Sarolangun). Until 2013, there were no *plasma* schemes initiated by either plantation company. In other villages in the area (such as Pamenang) people were still demonstrating in 2013 for the development of *plasma* land⁷³. The PT JAW/PT EMAL case centers on the legal basis of land allocation by the state and the non-recognition of customary (*adat*) laws and regulations. "The plantation companies have HGU's, but the villagers have traditional customary land rights"⁷⁴, is an often-heard statement in interviews. In fact, oil palm companies are legally required to develop *plasma* land; it is a prerequisite for plantation licensing and formalized by law (Law on Plantations 18/2004; Minister of Agriculture No. 333/Kpts/KB.510/6/1986 regarding *Perkebunan-Inti-Rakyat*)⁷⁵.

⁶⁸ In fact, a HGU gives a plantation company the right to cultivate land for 35 years, and can be extended for another 25 years. Villagers however stated that the initial HGU permits of PT JAW and PT EMAL were issued for 25 years only.

⁶⁹ Interview with key informant, Desa Jernih, 15.10.2012, Interview No. 20.

⁷⁰ Interview with key informant, Desa Jernih, 15.10.2012, Interview No. 20.

⁷¹ Interview with key informant, Desa Jernih, 06.09.2013, Interview No. 76.

⁷² Interview with key informant, Desa Jernih, 03.09.2013, Interview No. 74.

⁷³ Interview with key informant, Desa Jernih, 03.09.2013, Interview No. 73.

⁷⁴ Interview with key informant, Desa Jernih, 02.09.2013, Interview No. 72.

⁷⁵ A detailed explanation of the relevant laws and regulations in regard to oil palm plantation development will be provided in Chapter 5.4.1

5.1.2 The Bukit Duabelas National Park conflict

Melayu villagers from Desa Jernih and the surrounding villages have been cultivating land in the area of today's Bukit Duabelas National Park already since the early twentieth century, long before the area was put under environmental protection in 1984⁷⁶. Traditionally, the area was used to grow fruit trees, such as durian and *duku* (*Lansium domesticum*), as well as rubber, amidst the natural forest. Due to the loss of customary (*adat*) land in the concession areas of PT JAW and PT EMAL in the early 1990s, as well as in the surrounding transmigration areas, Melayu villagers increasingly began to secure land access within the boundaries of Bukit Duabelas National Park. The national park is inhabited by around 2,000-3,000 Orang Rimba, a group of semi-nomadic forest dwellers. The fact that the Orang Rimba are allowed to use certain parts of the national park for sustaining their livelihoods causes growing discontent among the Melayu villagers. "The Orang Rimba⁷⁷ are allowed to plant fruit and rubber trees within Bukit Duabelas National Park. There are villagers who pretend to be Orang Rimba in order to cultivate land there, too. They have cars, but live in the forest"⁷⁸. Both Orang Rimba and Melayu villagers claim parts of Bukit Duabelas National Park as their customary (*adat*) land. In turn, their land claims cause further conflicts with national park authorities. "The villagers want to occupy land there, as the border of the national park is not clear, there are only *batok* or *polygon*⁷⁹ which can easily be broken. There are not enough *Polhut*⁸⁰ staff to safeguard the area", states a staff member of the Bukit Duabelas National Park Agency in an interview⁸¹. Fruit and rubber trees, once planted by Melayu villagers, were cut down by national park officials in 2011 who hereby criminalized their plantation activities as illegal forest encroachment⁸². Here again, customary land claims of Melayu villagers are not acknowledged.

⁷⁶ Interview with key informant, Desa Baru, 31.10.2012, Interview No. 31.

⁷⁷ In village interviews the Orang Rimba were either referred to as *kubu*, *Suku Anak Dalam* (SAD) or Orang Rimba. For an easier legibility and to avoid confusion the researcher replaced the pejorative terms *kubu* and *Suku Anak Dalam* with the term Orang Rimba.

⁷⁸ Interview with key informant, Desa Jernih, 02.09.2013, Interview No. 72.

⁷⁹ *Batok* or *polygon* means boundary stone.

⁸⁰ *Polhut* is the abbreviation for *Polisi Kehutanan* or forest police.

⁸¹ Interview with staff member of the Balai Taman Nasional Bukit Duabelas, Sarolangun, 09.09.2013, Interview No. 97.

⁸² Interview with key informant, Desa Baru, 31.10.2012, Interview No. 31.

5.2 Land allocation and the emergence of environmentalism in the southern Bukit Duabelas area at a glance

In the following, the Melayus' struggle for land in the southern Bukit Duabelas conflict arena is disentangled. The hitherto existing focus on conflictive land relations in Desa Jernih is extended by taking a look at the transformation of the southern Bukit Duabelas area in the past decades. Different rationales had been in place focusing on both, land allocation for development and protection of the environment.

5.2.1 Land allocated for 'development': transmigration schemes and the establishment of PT JAW/PT EMAL

A major transformation of the southern Bukit Duabelas area began with the Dutch colonial rule. In the early 20th century most of the Melayu villages in the southern Bukit Duabelas area⁸³ already existed and were first mentioned in western literature in 1908 (Hagen, 1908). Until that time, traditional income and livelihood sources had been swidden agriculture, hunting, and fishing, the cultivation of rattan and collection of forest products. Forest-based people, such as the semi-nomadic Orang Rimba, had been involved in regional trade. They had paid tribute to regional chiefs and kings and later to the sultan with forest products (see Chapter 4.1). Valuable woods but also resins and dyes had been traded via middlemen and representatives of the king, called *jenang* (see Chapter 4.1 and 4.2). The Melayu villages in the southern Bukit Duabelas area had served as trading posts and connection to Jambi City. The Dutch colonial administration introduced rubber in the early twentieth century which soon replaced the collection of forest products as income source (see Chapter 4.2). Until today, rubber is mainly grown in agroforests in the buffer zone of Bukit Duabelas National Park (see Map 4).

An extensive transformation of the southern Bukit Duabelas area began shortly after Soeharto had declared logging as cornerstone for Indonesia's economic development in 1967 (see Chapter 4.3). Logging companies entered the area and started to clear land for transmigration sites. Initially, the main access to the area was via the Trans-Sumatra Highway (*Jalan Raya Lintas Sumatra Tengah*), which connects the district capitals of Sarolangun, Bangko and Muara Bungo, southwest of the Bukit Duabelas area. Different logging companies held large concessions in the area in the 1980s⁸⁴. Transmigration sites were mainly established in the northwestern (e.g. Kuamankuning transmigration

⁸³ Despite Desa Jernih, other Melayu villages in the southern Bukit Duabelas area include Desa Baru, Gurun Mudo, Lubuk Kepajang, Lubuk Jering, Semurung and Aur Berduri.

⁸⁴ Interview with key informant, Desa Jernih, 06.09.2013, Interview No. 76.

site) and southern (e.g. Hitam Hulu transmigration site) Bukit Duabelas area (Persoon & Wakker, 2005, p. 346). From the 1980s onwards, the Indonesian Government promoted the establishment of transmigration sites through so-called Nucleus-Estate-Smallholder (NES) schemes (*Perkebunan-Inti-Rakyat*)⁸⁵. In the course of the transmigration program, three major oil palm concessions were established in the southern Bukit Duabelas area: PT SAL (*Sari Aditya Loka*) as well as the earlier mentioned companies PT JAW and PT EMAL. Together, these three oil palm plantation companies cover a large area which reaches from the research villages Bukit Suban in the west to Gurun Mudo in the east⁸⁶ (see Map 4).

PT SAL, a sub-company of PT Astra Agro Lestari⁸⁷, was formally established as part of a transmigration project in 1986 and is one of the biggest oil palm plantations in the area⁸⁸. Oil palms were planted within two NES schemes (*inti 1* and *inti 2*) in the early 1990s⁸⁹. PT SAL provided the development of *plasma* land for the surrounding transmigration villages⁹⁰. A palm oil mill was built within PT SAL's plantation area in 1993 which has a capacity to process 120 tons of fresh fruit bunches per hour (Trinastiti, 2013). However, commercial plantation operation did not start until 1995, in the meantime many transmigrants had already returned to Java due to a lack of livelihoods. Presently, PT SAL employs around 800 workers from different villages, either as permanent (*karyawan tetap*) or daily workers (*buruh harian lepas*).

The oil palm plantation companies PT JAW and PT EMAL were granted concession areas in 1992 and 1993. Both concessions cover an area of approximately 12,000 hectares respectively⁹¹ (see Map 4). Neither PT JAW, nor PT EMAL have ever developed *plasma* land for smallholders⁹². Most workers come from the surrounding villages, mainly from Desa Baru⁹³. Today PT JAW and PT EMAL are managed by the Sinar Mas group⁹⁴.

⁸⁵ For a detailed description on NES schemes, refer to Chapter 4.3.

⁸⁶ The official concession sizes are difficult to pinpoint and information varies highly amongst different sources.

⁸⁷ Interview with key informant, Bukit Suban, 08.10.2012, Interview No. 10.

⁸⁸ Interview with staff member of KKI WARSI, Jambi City, 16.09.2013, Interview No. 99.

⁸⁹ Interview with key informant, Bukit Suban, 12.10.2012, Interview No. 18.

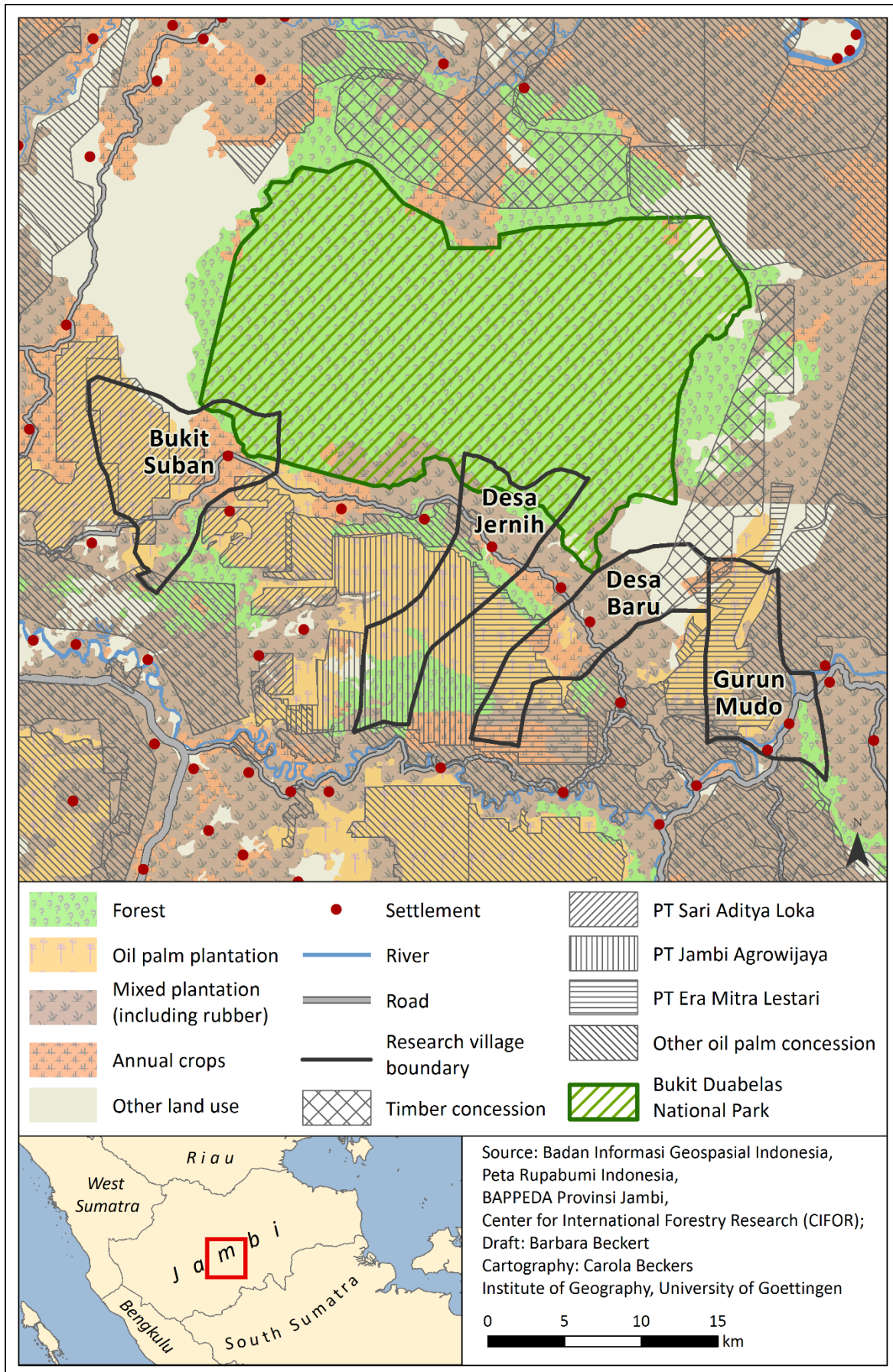
⁹⁰ Interview with key informant, Bukit Suban, 12.10.2012, Interview No. 18.

⁹¹ Interview with key informant, Desa Jernih, 03.09.2013, Interview No. 74.

⁹² Interview with key informant, Desa Jernih, 06.09.2013, Interview No. 77.

⁹³ Interview with key informant, Desa Baru, 03.11.2013, Interview No. 36.

⁹⁴ The Sinar Mas group is one of the largest conglomerates in Indonesia operating in the pulp and paper-, agribusiness and food-, financial services-, real estate development-, telecommunications, energy and infrastructure sector.



Map 4 Land use, major concessions and research villages in the Bukit Duabelas area

5.2.2 The establishment of the Bukit Duabelas National Park

Large scale logging activities, the designation of transmigration sites, the establishment of oil palm plantations and the loss of traditional customary land of the Melayu communities had the effect that the forests of Bukit Duabelas were more and more exploited. From the 1980s onwards, Melayu smallholders increasingly encroached the Bukit Duabelas area for the cultivation of rubber. As a result, the Orang Rimba felt a strong pressure on their forest resources and traditional livelihoods. Several Orang Rimba headmen from the southern Bukit Duabelas area raised their voice (together with their *jenang*) for the prohibition of logging in the Bukit Duabelas area and for the protection of their forests under constitutional law (Persoon & Wakker, 2005, p. 346). In 1984, the *Bupati*⁹⁵ of Sarolangun declared almost 30,000 hectares as protected forest⁹⁶. In the following years, the protected forest was put under varying conservation categories. Initially, the importance of the forest as *Lebensraum* for the Orang Rimba was stressed, then the forest was regarded as area for research and education, and later the area was seen as habitat for endangered species such as tapirs (*Tapirus indicus*) and tigers (*Panthera tigris sumatrae*) (Steinebach, 2012, p. 185). In 1987, the area was designated as UNESCO World Heritage Biosphere Reserve⁹⁷.

The varying forest conservation categories had no direct effects on the usage of the forest and its forest products and law enforcement was difficult to handle due to unclear administrative responsibilities. At that time, the Bukit Duabelas Biosphere Reserve fell under the jurisdiction of four different sub-districts⁹⁸. From 1997 onwards, the Orang Rimba received attention from a local NGO called WARSI (*Warung Informasi Konservasi*)⁹⁹. WARSI, together with the Norwegian anthropologist Oyvind Sandbukt¹⁰⁰, secured funding from the Norwegian Rainforest Foundation and the Norwegian Agency for Development Cooperation (NORAD) to initiate the 'Habitat and Resource Management for the Kubu Project'¹⁰¹ (Sagar, 2008, p. 340; Persoon & Wakker, 2005, p. 347). The Norwegian Rainforest Foundation is part of the NGO Rainforest Foundation International, with sister organizations in the

⁹⁵ *Bupati* means district head in *Bahasa Indonesia*.

⁹⁶ See Governmental Decree No. 522/182/1984.

⁹⁷ The decision was promulgated in the Ministerial Decree (*Surat Keputusan Menhut*) No.: 46/Kpts-II/1987.

⁹⁸ These four sub-districts were Air Hitam (Sarolangun district), Muara Tabir (Tebo district), Maro Sebo Ulu (Batanghari district), Batin XXIV (Batanghari district).

⁹⁹ In 1992, twenty different NGO's, working in South Sumatra, West Sumatra, Jambi and Bengkulu, founded the NGO WARSI. Initially, it served as discussion forum in the context of forest destruction and illegal logging. Natural resource conservation and community development became a central focus of the NGO in the following years. In 2002, WARSI was renamed into KKI (*Komunitas Konservasi Indonesia*) WARSI.

¹⁰⁰ Oyvind Sandbukt became the first anthropologist to conduct research among the *Orang Rimba* in the southern Bukit Duabelas area in the 1980s (Sagar, 2008, p. 25).

¹⁰¹ The project was later renamed into 'Habitat and Resource Management for the Orang Rimba' due to the pejorative meaning of the word *kubu*. Initiated in 1998, the project continued until 2012 (Manembu & Sunito, 2009, p. 2).

United Kingdom and the USA¹⁰² (Rainforest Foundation Norway, 2016). Forest conservation always builds on cooperation with indigenous people who are regarded as integral component for rainforest protection. Within the scope of the 'Habitat and Resources Management for the *Kubu* Project', WARSI supported the Orang Rimba in their fight for sustaining their livelihoods, against illegal logging and forest encroachment. The project started an advocacy campaign, which was oriented towards the Indonesian media. The aim was to influence public opinion, governmental officials and in general all decisions making activities related to policies and management of the area (Sagar, 2008, p. 340). "The campaign romanticizes the Orang Rimba's way of life with exotic images (men are encouraged to wear loin cloths during visits from officials, donors or media) and stories of the Orang Rimba living an isolated, primordial, untouched way of life in the forests, which is only now being disturbed by outside interests" (Sagar, 2008, p. 349). Indeed, the Orang Rimba were at that time already actively involved in logging activities. WARSI's campaign however portrayed the Orang Rimba as "passive victims, rather than legitimate political actors" (Sagar, 2008, pp. 340-341), focusing more on their needs rather than on their rights. WARSI established a mobile education program, which proved to be quite unsuccessful in the first years as Orang Rimba's customary (*adat*) laws actually prohibit and restrict the interaction with outsiders (Sagar, 2008, p. 341). The first teacher who was accepted by the Orang Rimba was the Indonesian anthropologist Butet Manurung. She later co-founded her own non-profit organization called SOKOLA, which provides educational opportunities for marginalized people in remote areas of Indonesia¹⁰³. Beside the advocacy campaign and the mobile education program, WARSI established a mobile health program, which was rapidly accepted by the Orang Rimba (Sagar, 2008, p. 342).

Supported by WARSI, the Orang Rimba started to adapt their traditional concept of *hompongon* as mean of empowerment in the context of boundary demarcation of their traditional living area in the Bukit Duabelas. "In the Orang Rimba language, *hompongon* are dams constructed across the width of a river to catch fish, and, in this case is an analogy for using rubber gardens as a means to block village swidden farmers/rubber planters from opening fields within their customary forests" (Sagar, 2008, p. 342). According to customary regulations it is not allowed to trespass land or gardens which belong to the Orang Rimba. Initially, the Orang Rimba perceived the cultivation of rubber trees as strong intervention in the natural environment, and as such not being in accordance with their customary laws (Steinebach, 2012, p. 189). The Melayu villagers in turn accepted rubber trees as visible sign for the demarcation of private property. So in the meantime the Orang Rimba found a compromise in

¹⁰² Rainforest Foundation International was founded in 1989 by the singer Sting and aims "to support indigenous peoples and traditional populations of the world's rainforests in their efforts to protect their environment and fulfill their rights" (Rainforest Foundation Norway, 2016).

¹⁰³ Butet Manurung's work was internationally recognized with the 'UNESCO Man and Biosphere Award', the 'TIME Magazine Hero of Asia Award' and the 'Young Global Leader Award'. She published a book, *Sokola Rimba*, about her educational work with the Orang Rimba, which was translated into English in 2012 and filmed in 2013.

relation to their customary laws (Steinebach, 2012, p. 189). As a result, the Orang Rimba themselves started to plant rubber gardens along the boundaries of Bukit Duabelas National Park, as a green belt, and hereby prevented the influx of Melayu villagers.

The efforts of the Orang Rimba in preventing Melayu villagers from clearing their customary forests (*hutan adat*) was promoted by WARSI on a national stage during the first AMAN (*Aliansi Masyarakat Adat Nusantara*, indigenous peoples alliance of the archipelago) conference, held in Jakarta in 1999. Until then, the Orang Rimba had been defined by the Indonesian state as remote communities (*Komunitas Adat Terpencil*, KAT), which is a derogatory governmental categorization (Steinebach & Kunz, 2016, p. 88). From this point of view, the Orang Rimba were regarded as “the constituting 'other' of the modern Indonesian villager and citizen” (Steinebach & Kunz, 2016, p. 87). Joining AMAN, the Orang Rimba were acknowledged as indigenous people which transformed the negative national categorization into “a global category of rights” (Steinebach & Kunz, 2016 p. 88). “Still they form the constituting other, but this time in a positive sense as international laws and conventions like Human Rights might be applied, national laws and politics discriminating traditional communities can be challenged by international rights and regulations often overlapping national legal orders” (Steinebach & Kunz, 2016, p. 88). Murray Li (2001, p. 666) raises the question, why the Orang Rimba have been selected by AMAN as exemplary case in the context of *adat* land rights. “Though still recognizably Orang Rimba, these people do not form the coherent stable communities envisaged in arguments for *adat* land rights, nor does the idea of 'sustainable forest management' begin to capture the fast-changing and highly pressured resource scenario with which they must contend. They are obviously needy, but they do not easily fit places of recognition constructed in terms of sovereign communities or conservation agendas” (Murray Li, 2001, p. 667). WARSI’s main argument was (and still is) that the Orang Rimba are in dire need of the Bukit Duabelas area for sustaining their livelihoods, an area that might otherwise be under threat. So in this context, not only the actual rights of the Orang Rimba to their customary lands were stressed, but their role in preserving and managing the forests of Bukit Duabelas sustainably. “Their technique, ironically enough, is to plant rubber trees of their own – a practice that they consider taboo, but which has enabled them to cordon off the forest from other villagers would not by-pass Orang Rimba out of respect for their place as legitimate occupants of the forest frontier” (Murray Li, 2001, p. 669). What becomes apparent here is that the Orang Rimba as well as the Melayu villagers were used by WARSI and AMAN in a way which suited nature conservation interests.

Shortly after the AMAN conference, the World Heritage Biosphere Reserve Bukit Duabelas was extended by the northern logging/timber concession areas of PT Inhutani V and PT Sumber Hutan Lestari and was then designated as Bukit Duabelas National Park in 2001 (the national park boundaries

are depicted in Map 4). The decision was promulgated in the Ministerial Decree (*Surat Keputusan Menhutbun*) No. 258/Kpts-II/2000, which underlines the ecological function of the national park and stresses that it is the living area of the Orang Rimba. The national park covers an area of 60,500 hectares and spreads over the administrative boundaries of three districts: Sarolangun (6,758 hectares), Batanghari (41,259 hectares) and Tebo (12,483 hectares) (Balai Taman Nasional Bukit Duabelas, 2012, p. 13). The preservation of lowland flora and fauna as well as the importance of the forests as flood drainage system for the whole region made the designation as national park possible¹⁰⁴. The main reason for the expansion of the protected area as well as for the establishment of the national park was that the park should be used as “refuge for the Orang Rimbas’ traditional way of life” (Sagar, 2008, p. 342). WARSI again played a crucial role in the establishment of Bukit Duabelas National Park. “The park was established with a unique clause, the first such case in Indonesia, that allowed the Orang Rimba to live their traditional lives, at least in regards to obtaining non-wood forest products, within the boundaries of the park. The decision is rather vague in regards to the swidden farming/rubber aspects of their economies, and was approved with the hope that the Orang Rimba would eventually enter settled mainstream Indonesian society outside the forests” (Sagar, 2008, p. 343). Even though, some Orang Rimba agreed to settle in the nearby villages, most of the Orang Rimba still live within the Bukit Duabelas National Park boundaries. WARSI had initially hoped that the status of the Bukit Duabelas Biosphere Reserve would remain, as laws and regulations are much more flexible compared to national park regulations. In fact, Indonesian national park policies prohibit people to live within a national park and are strongly against swidden agriculture within national park boundaries (Sagar, 2008, p. 343). The Ministerial Decree does not refer to *adat* or *adat* rights, but the Orang Rimba and WARSI feel that it recognizes them as customary community (*masyarakat adat*) with local land rights (Bakker & Moniaga, 2010, p. 191). Indeed, a Ministerial Decree has to be consistent with higher laws and regulations, in this case with the Forestry Law which states that all forest is state possession in which no *adat*-based ownership rights can exist (Bakker & Moniaga, 2010, pp. 191-192; see Chapter 4.3 and 4.4).

Despite the attempts of boundary demarcation by Orang Rimba and WARSI, many Melayu villagers were already successfully cultivating rubber inside the Bukit Duabelas National Park in 2001, and consider this land as their customary forest (*hutan adat*) as well. The Melayu villagers claim to have strong *adat* rights to the area. With the implementation of decentralization reforms in the early 2000s, illegal logging has increased yet again, also within the boundaries of Bukit Duabelas National Park. Especially the northern area of the former logging/timber concession PT Inhutani V was a gateway for

¹⁰⁴ Interview with staff member of the Dinas Perkebunan dan Kehutanan, Sarolangun, 09.09.2013, Interview No. 98.

obtaining illegally logged wood from the national park¹⁰⁵ (Sagar, 2008, p. 344). Soon, wealthy people from the area (often mentioned as wood traders or *toke kayu*) started their own illegal logging operations, often by bribing government officials. In addition, the boundaries of the national park were at that time not clearly determined which provided opportunities for illegal logging as well¹⁰⁶. From 2003 onwards, WARSI began to focus on the Melayu villagers living in vicinity to the national park by promoting alternative livelihood sources apart from illegal logging and cultivating land within the Bukit Duabelas National Park (Sagar, 2008, p. 344). Today, the Bukit Duabelas National Park consists of primary forest which has already been disturbed, as well as secondary forest. Due to overexploitation in the past, some parts of the national park are composed of cleared land or shrubs (Balai Taman Nasional Bukit Duabelas, 2011, p. 7).

5.3 Research villages in perspective

After having introduced the recent transformation of the southern Bukit Duabelas area in Chapter 5.2, the four research villages are presented briefly. Empirical research has been carried out in four villages in the southern Bukit Duabelas area: Desa Jernih, Desa Baru and Gurun Mudo, which are mostly inhabited by Melayu villagers, and Bukit Suban, which was founded as transmigration village. A focus is set on village history, village structure and predominant land use.

5.3.1 Desa Jernih

Desa Jernih is located south of the Bukit Duabelas National Park in Sarolangun district, Air Hitam sub-district (see Map 4). Official village documents state, that Desa Jernih was founded in 1900 when villagers from Desa Suko Mulyo moved to the area of Desa Jernih. Desa Jernih is one of the oldest villages in the region¹⁰⁷ and was already mentioned as Djernai Tua in western literature in 1908 (Hagen, 1908) (see Picture 3). At that time, the area was known for its crystal clear river, which never fell dry, even during severe droughts (Peraturan Desa Jernih, 2013). This characteristic gave the river and the village its name – *jernih* means clear water in *Bahasa Indonesia*. Jernih River is reported to carry gold, however gold mining is not allowed as it might foster erosion. In the past, Desa Jernih comprised two

¹⁰⁵ The logging/timber concessions in the northern Bukit Duabelas area are depicted in Map 4.

¹⁰⁶ In fact, in 2009 the boundary demarcation was not yet finished (Manembu & Sunito, 2009, p. 3) and interviewees even reported in 2013 that the boundaries of Bukit Duabelas National Park were not yet fully determined (Interview with staff member of the Balai Taman Nasional Bukit Duabelas, Sarolangun, 09.09.2013, Interview No. 97).

¹⁰⁷ Interview with key informant, Desa Baru, 31.10.2012, Interview No. 31.

village parts, Desa Jernih Tua and Desa Jernih Muda¹⁰⁸, which were merged to one village under the Village Government Law¹⁰⁹ of 1979¹¹⁰. Desa Jernih covers an administrative area of 9,400 hectares and inhabits approximately 2,400 people, mainly from Melayu ethnic but there are also settlers from Java. The village is subdivided into three hamlets (*dusun*): Lebuh, Jernih Tua, Jernih Muda (Badan Pusat Statistik Kab. Sarolangun, 2012, p. 21). It borders the villages Empang Benao Pemenang, Lubuk Jering, Semurung and partly overlaps with Bukit Duabelas National Park (see Map 4). Rubber was first introduced under the Dutch colonial rule and is still the predominant land use in Desa Jernih¹¹¹. With the establishment of the oil palm plantations PT JAW and PT EMAL oil palms were cultivated in the area since the 1990s. Villagers however did not start to cultivate oil palms before the year 2000. Rice and vegetables are cultivated by second-generation Javanese settlers.



Picture 3 Desa Jernih village scene

© Barbara Beckert, 2013

¹⁰⁸ *Tua* means old in *Bahasa Indonesia* and *muda* means young.

¹⁰⁹ For a detailed description of the Village Government Law 5/1979 refer to Chapter 4.3.

¹¹⁰ Interview with key informant, Desa Jernih, 18.10.2012, Interview No. 28.

¹¹¹ Interview with key informant, Desa Jernih, 04.09.2013, Interview No. 75.

5.3.2 Desa Baru

Desa Baru is located in Sarolangun district, Air Hitam sub-district, and south of Bukit Duabelas National park (see Map 4). It was founded during the Dutch colonial era, at that time five smaller villages¹¹² were merged to a new village called Desa Baru¹¹³. It covers an area of 6,400 hectares and is administratively subdivided in three hamlets (*dusun*): Pematang Pulai, Pembangunan and Masjid¹¹⁴. Desa Baru borders the villages Lubuk Kepayang and Semurung as well as PT EMAL oil palm plantation and Bukit Duabelas National Park. Approximately 2,820 people live in Desa Baru (Badan Pusat Statistik Kab. Sarolangun, 2012, p. 21). The vast majority of the population is comprised by Melayu ethnic, but there are also settlers from southern parts of Sumatra¹¹⁵ (see Picture 4). Until the 1990s, rubber cultivation was the predominant land use in Desa Baru, but since the establishment of PT EMAL oil palm plantation, the cultivation of oil palms among smallholders is continually increasing.



Picture 4 Traditional two-storied wood house in Desa Baru

© Barbara Beckert, 2012

¹¹² These villages were: Sungai Asam, Sungai Mengkuang, Aur Berduri, Sungai Lisik, Perumahan.

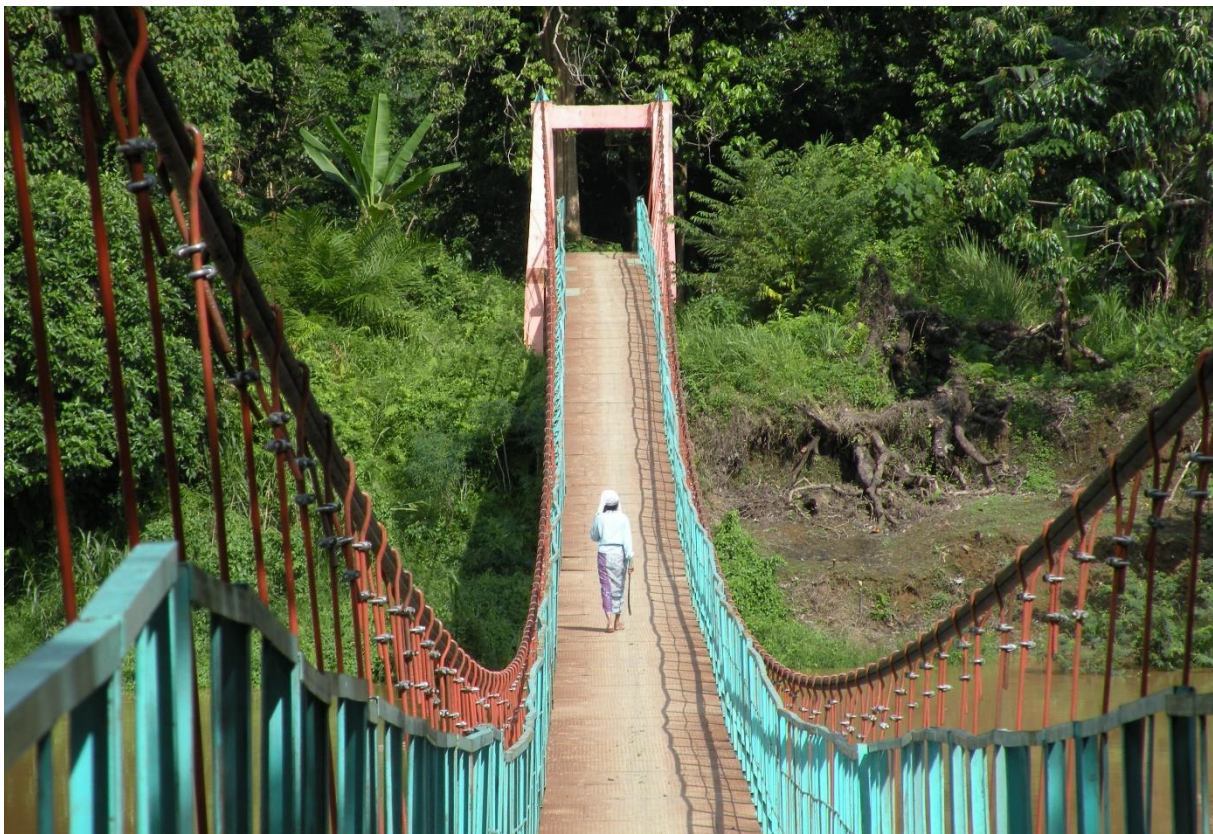
¹¹³ *Baru* means new in *Bahasa Indonesia*.

¹¹⁴ Interview with key informant, Desa Baru, 31.10.2012, Interview No. 31.

¹¹⁵ Interview with key informant, Desa Baru, 11.03.2012, Interview No. 4.

5.3.3 Gurun Mudo

Gurun Mudo is located in Sarolangun district, Mandiangin sub-district, and stretches alongside Tembesi River and the main road which connects the cities of Sarolangun and Jambi (see Map 2 and Map 4). Consequently, the village is well connected to the infrastructure network. Gurun Mudo already existed as Guran Muda in the Dutch colonial era (Hagen, 1908). The village covers an administrative area of 3,500 hectares and inhabits approximately 1,173 people who live in two hamlets (*dusun*): Dusun 1 and Dusun 2 (Badan Pusat Statistik Kab. Sarolangun, 2006, p. 15). Two-thirds of the population belongs to the Melayu ethnic, but there are also settlers from Java or Jambi City¹¹⁶. Gurun Mudo borders the villages Pemusiran, Semaran and Sikamis and PT EMAL oil palm plantation¹¹⁷. Land use is dominated by rubber cultivation, and smallholder's plantations are located on both sides of Tembesi River (see Picture 5). Oil palms were first introduced by the oil palm plantation PT EMAL, but smallholders did not start cultivating oil palms before 2003¹¹⁸.



Picture 5 Women crossing Tembesi River in Gurun Mudo

© Barbara Beckert, 2012

¹¹⁶ Interview with key informant, Gurun Mudo, 11.03.2012, Interview No. 6.

¹¹⁷ Interview with key informant, Gurun Mudo, 07.11.2012, Interview No. 41.

¹¹⁸ Interview with key informant, Gurun Mudo, 08.11.2012, Interview No. 42.

5.3.4 Bukit Suban

The transmigration village Bukit Suban is located in Sarolangun district, Air Hitam sub-district, southwest of the Bukit Duabelas National Park (see Map 4). Bukit Suban was founded in the course of Indonesia's transmigration program as oil palm transmigration village in 1984 (see Picture 6). Initially, 445 households (850 individuals) joined the transmigration project in Bukit Suban. Approximately two-thirds of the settlers were from Java and different parts of Sumatra (such as Medan, Padang and Palembang), while one-third were settlers from Jambi province¹¹⁹. The transmigration schemes were directly supported by the government, however, the extent of governmental support varied greatly. Between 1984 and 1995, transmigration was organized in three different schemes in Bukit Suban. The first transmigration scheme was called *Transmigrasi Umum*, which translates into general or sponsored migration (Fearnside, 1997, p. 555). In this transmigration scheme the government provided transportation to the settlement site, infrastructure, housing, land for agriculture and plantations as well as a living allowance for the first year. In the following *Transmigrasi Swakarsa* and *Transmigrasi Swakarsa Mandiri* schemes, the transmigrants received less governmental support, smaller land parcels and no living allowance¹²⁰. In the early years after arrival, villagers however did not fully use the provided land parcels, as the area had not been cleared yet. Oil palm cultivation just started with the establishment of PT SAL oil palm plantation in the early 1990s and the plantation was developed as NES scheme. However, at that time, many transmigrants had already returned to their hometowns and were gradually replaced by migrants from other parts of Sumatra. Today, more than 90% of Bukit Suban's inhabitants are cultivating oil palms¹²¹. Rubber is cultivated on an area of 1,500 hectares, but villagers also cultivate rubber outside the village boundaries in proximity to Bukit Duabelas National Park¹²². Bukit Suban borders the villages Sumber Mulyo, Papit, Mentawak Baru and Bunga Antoi and partly overlaps with Bukit Duabelas National Park (see Map 4). It covers an area of 15,000 hectares and inhabits approximately 6,011 people (Badan Pusat Statistik Kab. Sarolangun, 2012, p. 21). It is the most populous village in Air Hitam sub-district and is administratively subdivided into nine hamlets (*dusun*): Sidomulio, Sidomukti, Marga Rahayu, Catur Mulio, Sumber Rezeki, Nambah Dadi, Kedung Mulio, Mekar Jaya and Bukit Pal Makmur.

¹¹⁹ Interview with key informant, Bukit Suban, 09.10.2012, Interview No. 11.

¹²⁰ Interview with key informant, Bukit Suban, 09.10.2012, Interview No. 11.

¹²¹ Interview with key informant, Bukit Suban, 10.10.2012, Interview No. 13.

¹²² Interview with key informant, Bukit Suban, 12.10.2012, Interview No. 18.



Picture 6 Bukit Suban village scene

© Barbara Beckert, 2012

5.4 Analysis of land relations between access and exclusion using the 'powers of exclusion' framework

In this section, the conflictive land relations in the southern Bukit Duabelas conflict arena, which were introduced using the example of Desa Jernih in Chapter 5.1, and which were contextualized in Chapter 5.2, are now analyzed by means of the 'powers of exclusion' framework. Which actor groups struggle for land in this conflict arena, and which 'powers of exclusion' are at work here? The four 'powers', regulation, force, market and legitimation (see Chapter 2.3.2) are used as category of analysis for both conflict cases. Hereby, each 'power of exclusion' is evaluated from a state perspective first, before being applied to the respective local conflict case. It is shown that the respective powers are of varying significance. Actors in the southern Bukit Duabelas conflict arena have to relate to these 'powers of exclusion' in their fight for land access, and those aiming to exclude others have to do the same. In the following, the key processes in the PT JAW/PT EMAL conflict are summarized under the term "licensed exclusion" (Hall et al., 2011, p. 27), while the key processes in the Bukit Duabelas National Park conflict are termed as "ambient exclusions" (Hall et al., 2011, p. 60). The analysis shows, that the southern

Bukit Duabelas conflict arena can only be understood by the interplay of both 'licensed-' and 'ambient exclusions'. These exclusions are subsequently defined as intertwined exclusions.

5.4.1 'Licensed exclusions' in the PT JAW/PT EMAL conflict

In Chapter 5.1.1 and 5.2.1 it has been outlined that state interventions have strongly transformed the southern Bukit Duabelas area in accordance with government development plans. Land was opened up at the frontier in the early 1980s, first for logging and afterwards for the establishment of transmigration projects and the production of boom crops, such as oil palms. A focus of these state interventions has been on land settlement programs for the transmigrant population. Transmigrants were moved to the frontier where land was from the perspective of the state unused and available for agricultural development. In fact, land was subdivided between different customary groups of the area and was already under cultivation. Private property or individual land titles did however not exist under *adat* laws. Access to land was granted to 'outsiders', such as transmigrants, for example in Bukit Suban, while at same time, access to land was strongly restricted for the Melayu population in Desa Jernih, Desa Baru and Gurun Mudo. In addition, processes of land formalization were initiated and transmigrants received secure title deeds (*hak milik*) for their allocated land, including *plasma* land, which was developed as part of a NES scheme by the oil palm plantation company PT SAL. The oil palm plantation companies of PT JAW and PT EMAL have not provided *plasma* land for the Melayu villagers of the area. The Melayu villagers have thus not received secure title deeds and were moreover deprived of their customary (*adat*) lands on which the oil palm plantations were allocated. Melayu villagers of the southern Bukit Duabelas area have demonstrated for the provision and development of *plasma* land by the plantation companies, but until now, their claims are ignored.

In the PT JAW/PT EMAL conflict case, access to land has been reconfigured by the state via land licensing and further land settlement programs. This has fostered the exclusion of Melayu villagers of the area. Hall et al. (2011) call this type of exclusion "licensed exclusions" (p. 27). This expression is adapted here for the PT JAW/PT EMAL conflict. In the following sections, the analysis shows that the most relevant 'power of exclusion' is regulation. The other three 'powers of exclusion' (legitimation, force and market) are simultaneously at play, but in an attenuated form.

5.4.1.1 Regulation as major 'power of exclusion' in the context of oil palm plantation licensing

A first key mechanism to define who has access to land and under which conditions this access is granted is regulation. State regulatory power determines which areas of the national territory are to be used for certain purposes, such as plantation agriculture, settlement etc. A deeper analysis of the formal regulations in the context of oil palm plantation licensing is necessary in order to understand how PT JAW and PT EMAL acquired 'rights to cultivation' (HGU) for land, which is at the same time claimed as customary land by villagers and in how far the Melayu villagers' claim for *plasma* land is supported by national law¹²³. From a formal perspective, the Indonesian government has developed a complex legal framework for oil palm plantation development with authorities being divided between central and regional governments. The legal framework for oil palm plantation development is outlined first, before its consequences for the southern Bukit Duabelas conflict arena are disentangled.

The Indonesian National Constitution (*Undang-Undang Dasar* 1945) and the Basic Agrarian Law (BAL) of 1960 form the basis for modern Agrarian Law in Indonesia (see Chapter 4.3). To sum up, the BAL reinforced supremacy of the Indonesian state in regard to land by converting *adat* land rights into a series of new and weaker statutory titles. Thereby, indigenous land ownership was subordinated to national interests (Paoli et al., 2013, p. 51). Since then, several other laws emphasized supremacy of the state in land matters, such as Law No. 41/1999 on Forestry. "The current legal framework for oil palm is still firmly rooted in concepts of State control, with emphasis on rights conferred to companies via licenses issued by the State" (Paoli et al., 2013, p. 51). The division of authority between the Central Government and Local Governments in the reformation era had massive effects on the balance of power with respect to plantation development (see Chapter 4.4). The Central Government retained power to set national laws and regulations regarding oil palm plantation development, but local authorities were assigned with significant *de jure* and *de facto* authority to implement these guidelines (Paoli et al., 2013, p. 52).

The laws and regulations on spatial planning, especially Law on Spatial Planning No. 26/2007, determine the specific location where local authorities are allowed to issue licenses for oil palm plantation development (Paoli et al., 2013, p. 53). According to this law, Indonesia is divided into areas allocated for environmental protection and areas for development. It is the highest legal reference for the delineation of environmental protection areas in Indonesia, as it requires that at least 30% of each island shall be protected from development (Paoli et al., 2013, p. 54). Development areas are subdivided into areas suitable for forestry or areas which can be used for other activities, such as

¹²³ These laws and regulations introduced in the following are not only relevant for oil palm plantation licensing but for plantation establishment in general.

agriculture. A more detailed analysis on the national, provincial and district level ensures that areas unsuitable for oil palm plantation development will be excluded from the licensing process (Paoli et al., 2013, p. 54). The current national spatial plan (*Rencana Tata Ruang Wilayah Nasional, RTRWN*) has been passed in 2008. Spatial planning is however not solely carried out on the national level, but also on provincial, regency and district level where own spatial plans are formulated. These lower level spatial plans have to be in line with national regulations.

After the area suitable for development has been delineated through spatial planning, oil palm plantation areas can be licensed. Here as well, a huge body of laws and regulations defines which licenses are necessary for the development of oil palm plantations, how these licenses may be obtained, which government authority on which level is allowed to issue them, and how a HGU, a 'right to cultivation', may be obtained (Paoli et al., 2013, pp. 56-57). According to the Law on Plantations 18/2004, the Ministry of Agriculture is the legal authority to formalize plantation licensing procedures. There are a number of permits which plantation companies have to receive before plantation development can be started by the companies (see Figure 4) (Paoli et al., 2013, p. 57).

A Location Permit (*Ijin Lokasi*) has to be obtained which gives plantation companies the right to start negotiations with local communities about the release of land for oil palm plantation development. This location permit initiates a number of ground survey activities, such as the environmental impact assessment (*Analisis Dampak Lingkungan, AMDAL*). This assessment shall avoid environmental impacts of plantations and their processing industries. In reality, severe environmental impacts are seldom a cause for rejecting an oil palm plantation project¹²⁴. "It also reflects a general sentiment that, in practice, the AMDAL is a formality to fulfill licensing requirements, rather than a genuine opportunity to screen or reshape development activities unsuitable in a given setting" (Paoli et al., 2013, p. 59).

¹²⁴ Other government regulations in this context address for example the usage of fertilizers, pesticides, herbicides and wastewater.

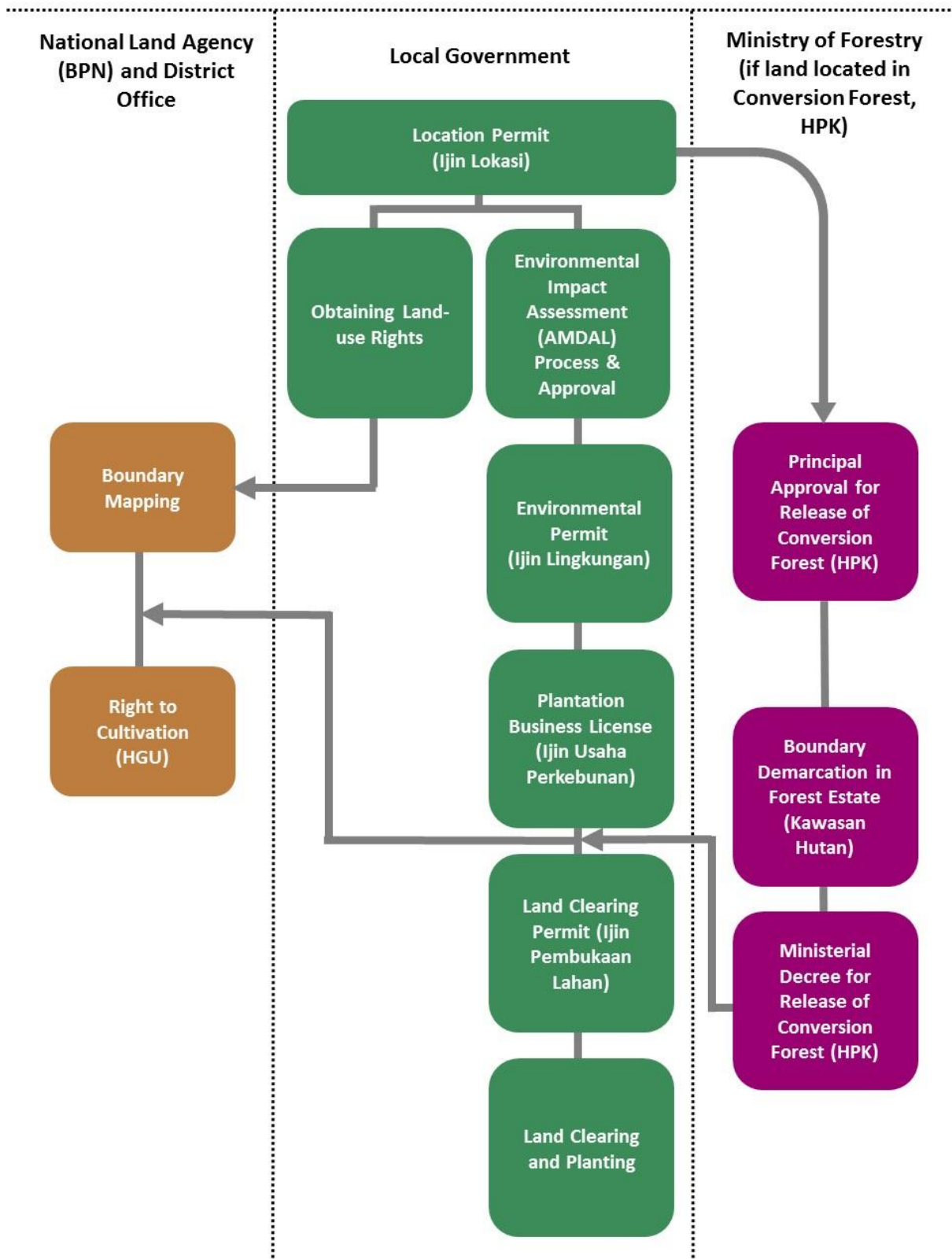


Figure 4 Legal framework for oil palm plantation development in Indonesia (Source: Paoli et al., 2013, p. 28; own depiction)

As soon as the AMDAL is approved, a local office of the Ministry of Environment can issue an Environmental Permit (*Ijin Lingkungan*) (see Figure 4). After further documents are provided by the plantation companies, such as a plantation development plan and a sworn declaration to develop smallholder *plasma* plots, a plantation business license (*Ijin Usaha Perkebunan*, IUP) can be obtained (Paoli et al., 2013, p. 57). Then, companies must gain a land clearing permit (*Ijin Pembukaan Lahan*, IPL) and can afterwards start with the development of their plantation¹²⁵. The last important plantation licensing process is the permit to acquire a HGU. This permit gives the plantation company the 'right to cultivation' for a duration of 35 years and can be extended for another 25 years. As the HGU process is time-consuming, it is possible to initiate it once the Location Permit has been obtained. The Location Permit in turn is only valid for three years (and can be further extended for one year). Within this time span, plantation companies have to complete their plantation licensing procedures and start developing their plantations (Paoli et al., 2013, p. 57). The HGU itself can only be issued after the full plantation licensing process is completed and plantation boundaries have been demarcated by local offices of the National Land Agency (*Badan Pertanahan Nasional*, BPN) (see Figure 4) (Paoli et al., 2013, p. 56). The Ministry of Agriculture monitors the performance of a plantation and its legal compliance. Under the Ministry of Agriculture Regulation 07/2009 an operational plantation business shall be evaluated every three years and the evaluation is implemented by the district head (*Bupati*) (Paoli et al., 2013, p. 62).

In the southern Bukit Duabelas conflict arena, state regulations regarding oil palm plantation licensing were not fully implemented as intended by law. Villagers in Desa Jernih and Desa Baru stated in interviews that PT JAW and PT EMAL received their HGU without the villagers' prior consultation. Village negotiations might either not have taken place, or villagers have not received any notice from their village heads regarding this matter. The oil palm plantation companies distributed compensation payments to the village heads in order to acknowledge the fact that village- and customary land was converted in oil palm plantations. These compensation payments were however distributed in unfair manner and only inadequately¹²⁶. Interviewees reported that the companies have even extended their plantation operations beyond their licensed areas¹²⁷. In all three Melayu research villages, Desa Jernih, Desa Baru and Gurun Mudo, villagers stated that they were deprived of their lands, be it individually hold or community *adat* lands, which were either 'taken away' by PT JAW and PT EMAL or 'sold' by village officials to these companies. "In our village, a lot of customary territory has suddenly been

¹²⁵ If the respective plantation area is located in an area classified as forest, e.g. 'conversion forest' (*Hutan Produksi Konversi*, HPK), the Ministry of Forestry gets involved. In this case, the 'conversion forest' has to be released from the forest zone first, before the other permits can be obtained (see Figure 4).

¹²⁶ Interview with key informant, Desa Jernih, 07.09.2013, Interview No. 80.

¹²⁷ Interview with key informant, Desa Jernih, 15.10.2012, Interview No. 20.

cultivated by companies” was an often-heard statement¹²⁸. State regulations were and are not clearly communicated at the village level and are, moreover, not consistent with customary laws and regulations. Along with the transformation of the southern Bukit Duabelas area, and land being allocated to oil palm plantation companies, state regulatory power has expanded. The expansion of state regulatory power had been only enabled through the establishment of a uniform village structure which was designated in the Village Government Law 5/1979 in 1979 (see Chapter 4.3). Under this law, new village boundaries were defined, which did not necessarily match with traditional *adat* land claims. Moreover, the whole former socio-political and territorial village organization was declared informal. The plantation licensing procedure requires oil palm plantation companies to provide a sworn declaration to develop *plasma* plots in order to acquire a HGU. In the PT JAW/PT EMAL conflict case, neither of the two plantation companies has developed *plasma* plots. State law thus supports the Melayu villagers’ claim for *plasma* land in the PT JAW/PT EMAL conflict.

Since the Dutch colonial era, plural legal orders exist in Indonesia and thus codified state laws and *adat* laws exist in parallel (see Chapter 4.3). The state however retains the ultimate power to decide about land allocations and plantation licensing and largely ignores customary (*adat*) regulations. Neither village authorities, nor individual villagers usually have *de jure* land titles in customary areas which are regarded as common land, or as land of the ancestors. Customary regulatory power is diminished by state regulatory power in the southern Bukit Duabelas area, and is only acknowledged as long as it does not conflict with national interests. Customary laws and regulations are however strongly effective at the village level and are widely applied to date. They remain an effective tool for conflict resolution, especially in Melayu villages. Different types of conflicts are tried to be solved by *adat* law, e.g. land conflicts but also interpersonal conflicts. Only if conflict resolution through *adat* laws is not possible, state authorities (e.g. police) are getting involved. At the village level, *adat* laws are regarded as more important than governmental regulations^{129 130}. Melayu villagers in the southern Bukit Duabelas area emphasized that the regional government should improve the economic situation of the people, but instead tends to issue 'rights to cultivation' (HGU) for the profit of the companies, which in turn do not benefit the villagers¹³¹.

Summing up, exclusion of Melayu villagers mainly takes place via the power of regulation and via land settlement and land formalization programs for the transmigrant population. Melayu villagers’ access

¹²⁸ Interview with key informant, Desa Jernih, 06.09.2013, Interview No. 77.

¹²⁹ Interview with key informant, Bukit Suban, 09.10.2012, Interview No. 11.

¹³⁰ Apart from land law and conflict resolution, *adat* laws are also used for marriage arrangements.

¹³¹ Interview with key informant, Desa Jernih, 06.09.2013, Interview No. 76.

to land has been strongly restricted through regulatory state power. However, others 'powers of exclusion' are at play as well.

5.4.1.2 Legitimation, force and market as further 'powers of exclusion' in the context of oil palm plantation licensing

State interventions via land settlement and land formalization programs, which foster conflictive land relations between access and exclusion, require a certain rationale. Legitimation is thus another important 'power of exclusion'. Opening up land at the frontier and land settlement via transmigration programs has been a strong argument for national economic growth in Indonesia and was first promoted with Soeharto's 'land for development' policy (see Chapter 4.3). State interventions which change land relations, such as the land settlement program, are justified from the perspective of the state in terms of economic and moral arguments. In the 1980s, approximately 30,000 families from the densely populated islands Java and Bali were resettled to Jambi province. The population pressure in Java and Bali was ought to be solved with this land settlement program while at the same time the 'outer islands' were supposed to be included into the national economy by focusing on logging and plantation monoculture (see Chapter 4.3). An incentive for the transmigrants was the prospect to get secure *de jure* land titles at the new location. This was seen as possibility to reduce poverty. As outlined in Chapter 4.1 land tenure was already regulated in precolonial times. Different customary groups controlled land and forests along different rivers, but that land was not mapped or clearly delineated and often just extended from certain fruit trees or other landmarks in the area. Also the Melayu population has been living in the area since pre-colonial times and makes customary land claims based on the fact that the area has already been cultivated by their ancestors before access to land was regulated by the nation state. In order to implement the land settlement program, indigenous and autochthonous communities' claims to land were not acknowledged and their land access was restricted.

In the PT JAW/PT EMAL conflict case the state used force as 'power of exclusion'. The Melayu villagers of the southern Bukit Duabelas area demonstrated for their rights in the 1990s and then again in the early 2000s and asked for a fair compensation and for the provision of *plasma* land by the oil palm companies PT JAW/PT EMAL. In 2002, hundreds of protestors were put into prison. Their claims for access to their customary areas, for the provision of *plasma* land and a fair compensation were violently turned down by the police and consequently by the state apparatus.

The last 'power of exclusion', market, is not so obviously at play like the other 'powers of exclusion'. Large areas of agricultural land are under the HGU of oil palm plantation companies in the southern

Bukit Duabelas area. For smallholders there is not much land left which can be bought and cultivated and land prices continuously increased in the recent years. A consequence is that only wealthy households can afford to expand their plantations and buy new agricultural land. In addition, transmigrants, which came to the southern Bukit Duabelas area in the 1980s, received *de jure* land titles and thereby their allocated land became more valuable on the land market, compared to land without land title. The costs for obtaining a land certificate are high, the process is time intensive and almost no interview partner in the southern Bukit Duabelas area did have a *de jure* land title (*hak milik*), issued by the National Land Agency (BPN)¹³². Land titles can be used as collateral to gain access to bank loans. The Melayu villagers are excluded, both from government supported land titling and from buying land in general as they usually lack the financial resources. When land is developed by an oil palm plantation company as *plasma* land, smallholders pay back the companies' investments costs over the following years (see Chapter 4.3). Therefore, it is much easier for smallholders to pay back loans in *plasma* schemes than to raise high amounts of own capital for buying seedlings, fertilizer etc. by themselves.

5.4.2 'Ambient exclusions' in the Bukit Duabelas National Park conflict

It has been outlined in Chapter 5.1.2 and 5.2.2 that the natural resources of the Bukit Duabelas area have increasingly been exploited over the past decades. Large areas of forests were logged and afterwards allocated to oil palm plantation concessions. As a result, the indigenous Orang Rimba felt a strong pressure on the natural resources in the Bukit Duabelas area and asked for the protection of their *Lebensraum*. Their pursuit for environmental protection was supported by local NGOs, and in 1987 the Bukit Duabelas World Heritage Biosphere Reserve was established with a size of 30,000 hectares (see Chapter 5.2.2). The biosphere reserve aimed at protecting the environment and at the same time the livelihoods of the Orang Rimba. In 2001, Bukit Duabelas National Park was established and thereby 60,500 hectares of primary and secondary forest were put under protection. Since land has been allocated for oil palm plantation concessions in the southern Bukit Duabelas area, there is a conflict over access to land within the national park boundaries between the Orang Rimba and people from the surrounding villages, mainly Melayu villagers, as both groups claim parts of the Bukit Duabelas National Park as their respective *adat* forests.

¹³² Kunz et al. (2016) found out, that there are on the village level *de facto* strategies to legitimize land claims by "mimicking national laws" (p. 141) and *de jure* processes of land formalization. Such a mimicked title deed is called *Sporadik*, which is a village scale tenure proof of land, widely used in the research area. The National Land Agency (BPN) does however not recognize this land title.

In the following, it is analyzed how environmental conservation rationales lead to land relations between access and exclusion in the Bukit Duabelas National Park. Access to land is reconfigured here by a global conservation ideology and aims for protecting the *Lebensraum* of the Orang Rimba while Melayu smallholders are excluded from a large area of potentially arable land. Hall et al. (2011) call this type of exclusion “ambient exclusion” (p. 60) because, as they argue, discourses promoting environmental conservation have become ambient in the past decades (Hall et al., 2011, p. 60). This expression is adapted for the Bukit Duabelas National Park conflict. In the following sections, the analysis shows that regulation and legitimation are the main powers of exclusion at work here while force and market only play a minor role.

5.4.2.1 Regulation and legitimation as major 'powers of exclusion' in the context of national park management

Access to forest areas was first restricted in the Dutch colonial era when all uncultivated land was put under the domain of the state through the implementation of the Dutch Forestry Law in 1865 and the Dutch Agrarian Law in 1870 (see Chapter 4.3). Around one hundred years later, the Basic Forestry Law (BFL) classified 143 million hectares of the Indonesian territory as 'Forest Estate' (*kawasan hutan*). With this classification, (indigenous) peoples' rights in these areas were completely ignored (see Chapter 4.3). Under the BFL four different functional categories of forests were classified such as 'Production Forest', 'Protection Forest', 'Nature Conservation Forest' and 'Recreation Forest'. These forest categories form the basis for different degrees of resource use in forests. State interests were always in the focus of restricting access to forest land. First, resource extraction was the main paradigm of state interests, for example through the allocation of logging permits but since a couple of decades, environmental concerns come to the fore as well, following a global commons discourse. With the establishment of conservation areas of any kind, the state tries to restrict access to forests and through the process of zoning, the boundaries of conservation areas are delineated. The main 'power of exclusion' in the context of access to land in forest areas is regulation.

Indonesia's national park management is carried out through a zonation system which is based on Law 5/1990 (*Undang-Undang No. 5 Tahun 1990 tentang Konservasi Sumberdaya Alam Hayati dan Ekosistemnya*). It defines national parks as areas designated for the protection of natural ecosystems which are managed by the National Park Agency (*Balai Taman Nasional*) (Mulyana et al., 2010, p. 2). National parks function as areas for research and education, cultural needs, recreation and tourism¹³³.

¹³³ This definition complies with the IUCN definition of national parks which are classified as category II protected areas (IUCN, 2016).

According to Regulation 56/2006 of the Ministry of Forestry on Guidelines for National Park Zoning (*Peraturan Menteri Kehutanan Nomor 56/Menhut-II/2006 tentang Pedoman Zonasi Taman Nasional*) all these functions are allocated to certain areas, or zones. The basics for the establishment of zones within national parks are existing ecological, socio-economic and cultural conditions. This means, that it has to be considered which zones are actually needed, how big the respective zones should be and in which location they should be established (Mulyana et al., 2010, p. 3). Zoning is implemented in seven steps: preparation, data collection and analysis, compiling a zoning draft, public consultation, dissemination of zoning documents, boundary demarcation, and official designation (Mulyana et al., 2010, p. 3). In general, national parks in Indonesia are divided into seven different types of zones focusing both on conservation and utilization purposes (see Table 4).

Core zone (<i>Zona inti</i>)	In the core zone biodiversity is strictly protected, the natural condition is still good and the environment has not yet been disturbed by human impacts.
Wilderness zone (<i>Zona rimba</i>)	The wilderness zone supports the protection of the core zone and the utilization zone.
Utilization zone (<i>Zona pemanfaatan</i>)	The utilization zone is mainly used for human benefit and for tourism.
Traditional use zone (<i>Zona tradisional</i>)	The traditional use zone shall benefit communities which historically rely on the natural resources of the area.
Rehabilitation zone (<i>Zona rehabilitasi</i>)	In the rehabilitation zone the natural environment has been heavily damaged and is now being recovered by local communities.
Religious use zone (<i>Zona religi, budaya dan sejarah</i>)	The religious use zone aims at preserving religious sites as well as sites with cultural or historical importance for local communities.
Special use zone (<i>Zona khusus</i>)	In a special use zone the area has been used by local communities before the national park was established and thus supports the livelihoods of these communities. The zone can also be used for infrastructure development, e.g. telecommunication, transportation, electricity.

Table 4 National park zoning in Indonesia

(Source: Kementerian Kehutanan Republik Indonesia, 2006, p. 2; own translation)

The core zone, the wilderness, and the utilization zone are the most important zones. The others are implemented in accordance with the national park development, changes in the ecosystem, and interaction with local communities. In practice the use zones overlap. The zonation of a national park

is reviewed every three years and can be revised accordingly. The possibility to regularly adapt the national park zonation poses a lot of uncertainty for the rights of local communities, particularly in special use zones (Mulyana et al., 2010, p. 3).

The Bukit Duabelas National Park was established following two main rationales, environmental protection in a proper sense, and protecting the environment for sustaining the traditional livelihoods of the Orang Rimba¹³⁴. Only through an exemption clause, it is tolerated that the Orang Rimba live their traditional lives within the national park, but it is not clearly regulated in how far they are allowed to do swidden farming and cultivate rubber within the national park boundaries. The National Park Agency had hoped that over the years, the Orang Rimba would settle outside the forests of the national park (see Chapter 5.2.2). Some Orang Rimba did actually take part in the governmental resettlement programs but the majority continues to live as semi-nomads in the forests of the Bukit Duabelas National Park. The zonation of Bukit Duabelas National Park was first prepared by the Nature Conservation Agency (*Balai Konservasi Sumber Daya Alam, BKSDA*) in 2004 and further amended in 2006. The Bukit Duabelas National Park Agency (*Balai Taman Nasional Bukit Duabelas*), then officially in charge, began to redesign the zonation of the national park in 2009, involving the Orang Rimba communities. For them the national park forms the basis for sustaining their traditional livelihoods (Balai Taman Nasional Bukit Duabelas, 2011, p. 3). The public consultation started in 2009 at the local level, involving representatives from the Orang Rimba communities. The results were then further discussed at the sub-district and district level. At the time of research, only six zones were established in the Bukit Duabelas National Park: all but the special use zone¹³⁵. State regulations in the context of national park establishment, management and zoning are confronted on the local level by daily struggles for access to land. According to the Bukit Duabelas National Park Agency, even the Orang Rimba are not allowed to enter the core zone of the national park although they have already planted Durian as well as other fruit trees there in the past¹³⁶. The Orang Rimba are thus excluded from accessing certain parts of the national park.

Interviewees from all research villages in the southern Bukit Duabelas area reported that in general they do support environmental conservation in the national park as it protects the area from floods and erosion, protects the water resources as well as flora and fauna, and has positive effects on the weather^{137 138 139}. Illegal logging does not seem to be a severe issue any more. The same applies to

¹³⁴ Interview with staff member of KKI WARSI, Jambi City, 16.09.2013, Interview No. 99.

¹³⁵ Interview with staff member of KKI WARSI, Jambi City, 29.10.2013, Interview No. 103.

¹³⁶ Interview with staff member of KKI WARSI, Jambi City, 16.09.2013, Interview No. 99.

¹³⁷ Interview with key informant, Bukit Suban, 13.10.2012, Interview No. 19.

¹³⁸ Interview with key informant, Gurun Mudo, 07.11.2012, Interview No. 41.

¹³⁹ Interview with key informant, Desa Baru, 02.11.2012, Interview No. 34.

illegal gold mining¹⁴⁰. While there is an overall consent on the village level that environmental conservation in the Bukit Duabelas National park has to be supported, national park officials still identify an increasing demand for agricultural land as main challenge for the national park¹⁴¹. Signboards can be found which either demarcate the border of Bukit Duabelas National Park or prohibit certain land use within the national park (see Picture 7¹⁴²) but uncultivated land is perceived as *tanah kosong*, or empty land, leading to the assumption that it can be used freely by anybody who first cultivates the area. “The national park is already easily accessible and governmental regulations cannot be enforced as there are not enough *Polhut* officials”¹⁴³.



Picture 7 Prohibition sign at the border of Bukit Duabelas National Park

© Barbara Beckert, 2012

What causes conflicts among Orang Rimba and Melayu villagers is that it is tolerated by the National Park Agency that Orang Rimba use non-timber forest products for sustaining their livelihoods. The

¹⁴⁰ Interview with key informant, Desa Jernih, 03.09.2013, Interview No. 74.

¹⁴¹ Interview with staff member of the Balai Taman Nasional Bukit Duabelas, Sarolangun, 09.09.2013, Interview No. 97.

¹⁴² The signboard in Picture 7 states: “It is forbidden to cut trees, harvest, and collect forest products in the forest without any rights or permission by an authorized officer. The maximum punishment is 10 years and the maximum fine accounts for five billion Indonesian Rupiah” (own translation).

¹⁴³ Interview with staff member of the Dinas Perkebunan dan Kehutanan, Sarolangun, 09.09.2013, Interview No. 98.

Orang Rimba are not prevented from clearing and cultivating land within the national park boundaries whereas Melayu villagers are excluded from access to this land¹⁴⁴. Melayu villagers are mainly the ones left behind. They are excluded from access to their customary (*adat*) areas which are located within the national park and those growing rubber in the boundary area face tenure insecurity, too¹⁴⁵.

This highly dynamic arena of conflictive land relations has led to a flourishing land sale between the Orang Rimba and villagers of the area. Land is cleared and prepared for cultivation by the Orang Rimba and then 'sold' to both Melayu villagers and transmigrants. In fact, customary regulations prohibit Melayu villagers to establish plantations within the national park by themselves as their customary authorities have once supported the establishment of Bukit Duabelas National Park. Of course, land located in a national park cannot be sold officially, that is why interviewees reported that not the land itself is sold, but only the trees. It seems that "the culture of the Orang Rimba has changed. In the past, they mainly cultivated cassava, but now they are mainly cultivating rubber and oil palms. The villagers pay the Orang Rimba to establish gardens or plantations inside the national park. If the *Polhut* comes and asks questions about the land, the Orang Rimba will answer that it is their land, not the villagers' land. So the villagers are only able to buy the trees but not the land itself"¹⁴⁶. At the time of research, large areas of land within the national park were already cleared by Orang Rimba, prepared for cultivation, and 'sold' to villagers of the area. In addition, replanting can only be done by Orang Rimba. "Villagers can harvest within the Bukit Duabelas National Park, but not replant. Orang Rimba can replant"¹⁴⁷, a fact that was often mentioned in interviews. According to the NGO KKI WARSI, around 10,000 hectares of land within the national park are currently under cultivation¹⁴⁸. "This is not only the case in Bukit Duabelas National Park but in other national parks in Indonesia as well. The government is not able to enforce regulations as the number of villagers who grab land is high. On average, one household has five hectares of land within Bukit Duabelas National Park, this means around 2,000 households cultivate land there"¹⁴⁹. According to village interviews, the southern parts of Bukit Duabelas National Park are still in a relatively good condition: "Only in Air Hitam sub-district, the national park is still in a good condition, green and protected, in other parts/sub-districts, the national park has already turned into a villagers' plantation"¹⁵⁰.

¹⁴⁴ Interview with key informant, Desa Jernih, 07.09.2013, Interview No. 78.

¹⁴⁵ Interview with key informant, Desa Jernih, 06.09.2013, Interview No. 77.

¹⁴⁶ Interview with staff member of the Balai Taman Nasional Bukit Duabelas, Sarolangun, 09.09.2013, Interview No. 97.

¹⁴⁷ Interview with key informant, Desa Jernih, 03.09.2013, Interview No. 74.

¹⁴⁸ Interview with staff member of KKI WARSI, Jambi City, 16.09.2013, Interview No. 100.

¹⁴⁹ Interview with staff member of KKI WARSI, Jambi City, 16.09.2013, Interview No. 100.

¹⁵⁰ Interview with key informant, Desa Jernih, 06.09.2013, Interview No. 76.

So why do the Orang Rimba sell land and consequently also their livelihoods as well as their *Lebensraum* to villagers from the area? In the research project at hand, this question can only be answered by interview statements of Melayu villagers and experts as Orang Rimba could not be included in the research project¹⁵¹. According to expert interviews, the Orang Rimba do not oversee the consequences of their land selling activities¹⁵². “The Orang Rimba do not implement their culture/*adat* for their livelihoods”¹⁵³. Another interview partner stated: “Their daily needs increased over the years but their skills are not developed enough and they are not ready to compete with the villagers. Because of that, the Orang Rimba clear land and sell it to the villagers. They don’t use their land wisely. Now they are consumptive people. The media always says that the Orang Rimba have a strong culture and live in harmony with nature, but in fact it is not like this anymore”¹⁵⁴. An interview statement of a staff member of KKI WARSI goes in the same direction: “Many Orang Rimba already live in the villages and they undergo social change. They don’t need the forest any more but sell the land in order to buy motorcycles, mobile phones etc. as their daily needs increase. The Orang Rimba want to participate in the economic success”¹⁵⁵. But there is also another perspective. “In the past, the Orang Rimba felt that if they sell only two hectares of land, they still have a lot of land left. But now they already feel that their area is limited and getting smaller and smaller”¹⁵⁶.

Most land selling activities take place in the western part of Bukit Duabelas National Park where a single person cultivates up to 40 hectares of land¹⁵⁷. Land is not equally sold in all parts of the national park which traces back to the fact that the Orang Rimba community consists of different groups with different headmen (called *Temenggung*). “There are around 14 different Orang Rimba groups. They all have different perceptions and there are different actors within the Orang Rimba community. Some sell land, others don’t agree with that”¹⁵⁸. Especially close to Bukit Suban, much land within the national park boundaries has been converted into oil palm plantations, however mainly by transmigrants. It was often heard in interviews that transmigrants tend to cultivate more land within the national park than Melayu villagers as the Melayus’ customary (*adat*) leaders have once supported the establishment of Bukit Duabelas National Park. This is an indicator that *adat* law and practice is

¹⁵¹ For conducting research within the Bukit Duabelas National Park additional permits would have been necessary which are difficult to obtain (see Chapter 3.4).

¹⁵² Interview with staff member of KKI WARSI, Jambi City, 29.10.2013, Interview No. 103.

¹⁵³ Interview with staff member of the Balai Taman Nasional Bukit Duabelas, Sarolangun, 09.09.2013, Interview No. 97.

¹⁵⁴ Interview with staff member of the Balai Taman Nasional Bukit Duabelas, Sarolangun, 09.09.2013, Interview No. 98.

¹⁵⁵ Interview with staff member of KKI WARSI, Jambi City, 16.09.2013, Interview No. 99.

¹⁵⁶ Interview with staff member of KKI WARSI, Jambi City, 29.10.2013, Interview No. 103.

¹⁵⁷ Interview with staff member of KKI WARSI, Jambi City, 16.09.2013, Interview No. 100.

¹⁵⁸ Interview with staff member of KKI WARSI, Jambi City, 29.10.2013, Interview No. 103.

still important in regard to land¹⁵⁹. The transmigrants in turn have not been part of the negotiations between governmental authorities, customary authorities, WARSI and village communities at the time the national park was established. Transmigrants feel that they do not have to follow customary regulations in regard to land and can therefore clear land more easily within the national park than Melayu villagers¹⁶⁰. The Orang Rimba are having access to land in the national park while they are at the same time excluding themselves by selling it to villagers from the area. "Now the Orang Rimba don't have land anymore. The village population increases and many people want to expand their plantation areas towards the national park. Above all, the villagers like to have more land than finding another job"¹⁶¹.

It has been outlined that regulatory powers of the state as well as local regulatory powers define who gains access to land in which area, and who is excluded from access to that land. From the perspective of the state, environmental protection is the legitimation for excluding people from potentially arable land. Environmental concerns do not only lead to people versus state issues, but also to conflicts between different ethnic groups in the competition of land: "If the Orang Rimba are allowed to cultivate land, then the villagers want to do the same"¹⁶². From a historical perspective, Melayu villagers have been cultivating land on the foothills of the Bukit Duabelas hills since the early twentieth century and the forests of Bukit Duabelas have always been a livelihood source for the semi-nomadic Orang Rimba (see Chapter 5.1.2 and 5.2.1). Both the Orang Rimba and the Melayu villagers of the southern Bukit Duabelas area have an equally rooted history of land tenure and both groups have been equally deprived of their customary lands by the state. Bukit Duabelas National Park has become "a contested island of livelihood security for villagers and Orang Rimba likewise" (Steinebach & Kunz, 2016, p. 82). It has been outlined in Chapter 4.1 that the population of the southern Bukit Duabelas area traces their origin back to the sultanate of Jambi and was linked to the sultanate through tribute relations. "This patron-client relationship is legitimated by memories of common origin of Orang Rimba and sedentary Jambi-Melayu residents that identifies them as descendants of brother and sister (...)" (Steinebach, 2012 p. 71-73). Their common descent implies that both groups have legitimate land rights in the forests of the Bukit Duabelas National Park. The only difference is, that only the Orang Rimba are recognized by the state as indigenous people but not the Melayu villagers. In fact, according to the 'Convention concerning Indigenous and Tribal Peoples in Independent Countries' by the International Labor Organization (ILO), Melayu village communities would fulfill the criteria to be

¹⁵⁹ Interview with staff member of the Bukit Duabelas National Park Office, Pematang Kabau, 05.09.2013, Interview No. 96.

¹⁶⁰ Interview with staff member of the Bukit Duabelas National Park Office, Pematang Kabau, 05.09.2013, Interview No. 96.

¹⁶¹ Interview with key informant, Desa Jernih, 06.09.2013, Interview No. 76.

¹⁶² Interview with key informant, Desa Jernih, 07.09.2013, Interview No. 78.

recognized as indigenous peoples (Steinebach & Kunz, 2016, p. 90). Article 1.1 states: “The convention applies to: (a) Tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations; (b) Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions” (ILO, 1989). The convention furthermore identifies self-identification as fundamental criterion for determining indigenous peoples (ILO, 1989). All of these criteria would apply to the Melayu villagers of the southern Bukit Duabelas area if Soeharto had not implemented the Village Government Law 5/1979 under which the former socio-political structure of villages and village boundaries were changed (see Chapter 4.3). That’s why the strong *adat* rights of Melayu villagers are not acknowledged and cultivation of land by Melayu villagers within the Bukit Duabelas National Park is regarded by the state as illegal forest encroachment. Hereby, the state and more specifically the National Park Agency follows an exclusivist understanding of *adat*, which aims to protect the national park from an influx of villagers and safeguards the position of the comparatively small Orang Rimba community.

5.4.2.2 Force and market as further 'powers of exclusion' in the context of national park management

Force and market come into play in 'ambient exclusions' but in the Bukit Duabelas National Park conflict case they only play a minor role.

Force can be a 'power of exclusion' when people are evicted from their land or when their crops are destroyed. In 2011, forestry officials cleared a Melayu villager’s plantation in the Bukit Duabelas National Park and burned a small hut, which served as shelter and resting area¹⁶³. In order to solve the conflict, the Orang Rimba told the forestry officials that they cultivated the land concerned, not the Melayu villagers. “When Orang Rimba sell land to villagers, they are still responsible for that plantation. The Orang Rimba always try to protect the villagers’ land”¹⁶⁴. It seems that the Orang Rimba and

¹⁶³ Interview with key informant, Desa Baru, 31.10.2013, Interview No. 30.

¹⁶⁴ Interview with staff member of the Bukit Duabelas National Park Office, Pematang Kabau, 05.09.2013, Interview No. 96.

Melayu villagers do not only interact and collaborate when it comes to land 'sales' but also afterwards when land access has to be defended.

Market as 'power of exclusion' does not play a role in the Bukit Duabelas National Park conflict. In theory, the attribution of market-based values for environmental goods and services can provide a rationale for exclusions for example via Payments for Ecosystem Services (PES), or Reducing Emissions from Deforestation and Forest Degradation (REDD+) or corporate involvements in conservation (Hall et al., 2011, p. 84). None of them plays a role in the Bukit Duabelas National Park conflict case.

5.4.3 Understanding the southern Bukit Duabelas conflict arena as result of intertwined exclusions

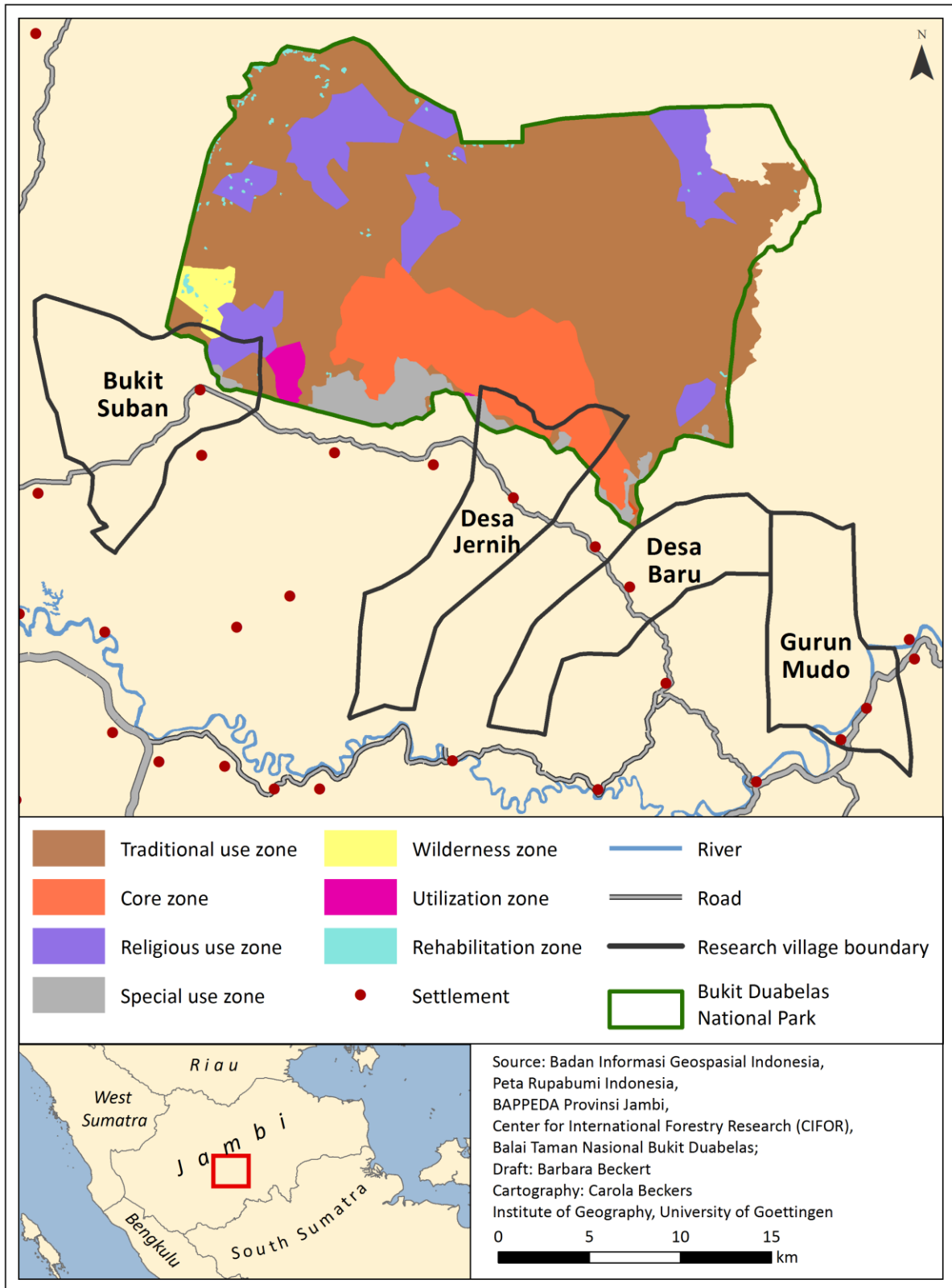
The previous sections of Chapter 5 have shown that over time the initial conflict over the provision of *plasma* land by the oil palm plantation companies PT JAW and PT EMAL has extended geographically northwards to the Bukit Duabelas National Park. Melayu villagers, who have been deprived of their customary lands by the 'licensed exclusions' of the PT JAW/PT EMAL conflict, try to secure access to land within the boundaries of Bukit Duabelas National Park. Here, following a conservation rationale, 'ambient exclusions' are taking place and access to land is only tolerated for the semi-nomadic Orang Rimba, even though both Orang Rimba and Melayu villagers have an equally rooted history of land tenure. The southern Bukit Duabelas conflict arena can only be understood as result of intertwined exclusions as neither the term 'licensed exclusions' nor the term 'ambient exclusions' can fully describe the conflict arena at hand. Intertwined exclusions are understood and defined by the researcher as a combination of different types of exclusion taking place in one conflict arena; a fact that has not been considered by Hall et al. (2011). In the southern Bukit Duabelas conflict arena intertwined exclusions refer to the interdependence of both 'licensed' and 'ambient exclusions'.

5.5 Melayu villagers fighting for their cause

Disputes over rightful claims to land located within national parks regularly arise in Indonesia. To date, the country's policy has mainly been focusing on excluding people and human activity from its protected areas and national parks, which cover more than 28 million hectares of land (Mulyana et al., 2010, p. 1). The Bukit Duabelas National Park represents a special case as the Orang Rimba are tolerated to live within the national park boundaries. Regulation 56/2006 on national park zoning (*Peraturan Menteri Kehutanan, No. 56/Menhut-II/2006 tentang Pedoman Zonasi Taman Nasional*)

however allows for the involvement of local communities of the area by enabling the designation of special use zones (*zona khusus*)¹⁶⁵ (see Chapter 5.4.2.1). A special use zone “is an area within a national park where the presence of people and their activities is officially recognized and managed, which can enable simultaneous conservation of the park’s resources and development for local people. A special use zone can help overcome conflicts between local people and the national park, since it is an area where the needs of people and of the park can be reconciled” (Mulyana et al., 2010, p. 2). Local people who already live in the vicinity of a national park and have historical and rightful (customary) claims to land should be the main beneficiaries of a special use zone. A special use zone might also be used for public facilities or infrastructure development (e.g. telecommunication towers, electricity installations or roads) (Kementerian Kehutanan Republik Indonesia, 2006, p. 2). From a conservational perspective, special use zones might seem to retrospectively legalizing illegal forest encroachment in state forest areas. But special use zones shall indeed focus on two purposes: on environmental conservation and on providing livelihoods for the local communities of the area (Mulyana et al., 2010, p. 4; see Table 4). A special use zone can only be established with the consent of all stakeholders involved. They jointly agree on the specific criteria for conservation and sustainable development. These criteria include environmental issues, but also cultural and political questions (Mulyana et al., 2010, p. 5). The exact delineation of a special use zone, as well as its establishment, has to be managed collaboratively amongst all stakeholders involved. Once it is established, a special use zone is managed by the national park authority, according to its rules. Additionally, stakeholders negotiate specific rules for a special use zone which are binding for all stakeholders involved. The National Park Agency then grants the authority to monitor the adherence of the rules to a multi-stakeholder organization (Mulyana et al., 2010, p. 5). “Thus, a special use zone is not to be perceived as merely the designation of an area for special use, but rather as an agreement on location, area, rights, duties and responsibilities of all stakeholders and a clear division of roles and working agreements among all stakeholders” (Mulyana et al., 2010, p. 5). The designation of special use zones is an adaptive process that requires collaborative management of all participating stakeholders. Authority is hereby transferred from the Ministry of Forestry and National Park Authority to the stakeholder groups involved.

¹⁶⁵ Interview with staff member of KKI WARSI, Jambi City, 29.10.2013, Interview No. 103.



Map 5 Zonation of the Bukit Duabelas National Park and the proposed special use zone

In the Bukit Duabelas National Park only six zones had been designated until 2010, all but the special use zone¹⁶⁶. Melayu smallholders from the surrounding villages were not included in the zonation system of the national park, even though they already cultivated land in this area before the national park had been established. The Melayu villagers' resistance develops in this complex 'terrain' and dates back to their continuous deprivation of land rights and their exclusion from access to land. In 2010 and 2011, conflicts between Melayu villagers of the southern Bukit Duabelas area and national park and forestry officials emerged, because the villagers are officially not allowed to expand their plantations or replant¹⁶⁷. They are thus only able to 'illegally buy land' from the Orang Rimba. In order to avoid further conflicts between Melayu villagers, Orang Rimba and national park officials, Melayu villagers proposed the designation of a special use zone in the Bukit Duabelas National Park during a public consultation in 2011¹⁶⁸. Until that time, a special use zone had never been applied for in the Bukit Duabelas National Park. The proposed special use zone shall have a size of 2,777 hectares and shall be located at the southern fringe of the national park (see Map 5).

It aims to benefit smallholders from six villages in the southern Bukit Duabelas area, namely Bukit Suban, Pematang Kabau, Lubuk Jering, Desa Jernih, Semurung, Desa Baru¹⁶⁹. After the designation of the special use zone a defined land area would be distributed to each village. For example, Desa Jernih applied for 350 hectares of land and Desa Baru applied for 144 hectares¹⁷⁰. The National Park Agency states, that a comprehensive assessment is needed for the implementation of the proposed special use zone, which involves all parties and is based on the principles of mutual respect, mutual trust and mutual benefit (Balai Taman Nasional Bukit Duabelas, 2011, p. 23). The Melayu villagers of Desa Jernih in turn promise: "We will still protect the forest. We will only take the advantage to improve our economy. The rehabilitation of the forest will be guaranteed. We only want to have the special use zone because this land has its own history and is connected to our village since a long time. We are afraid and suspicious that in the future the governmental regulations might change so that we are not allowed to use the land any more. With this proposal we want to ensure that we can use the land and replant our rubber trees in the future as well"¹⁷¹.

At the time of field research in 2012 and 2013 the proposal for a special use zone was not yet approved, it was just passed on to the next governmental level^{172 173}. The proposal is supported by village

¹⁶⁶ Map 5 depicts the zonation of the Bukit Duabelas National Park including the proposed special use zone.

¹⁶⁷ Interview with staff member of KKI WARSI, Jambi City, 29.10.2013, Interview No. 103.

¹⁶⁸ Interview with staff member of KKI WARSI, Jambi City, 29.10.2013, Interview No. 103.

¹⁶⁹ Interview with key informant, Desa Jernih, 18.10.2012, Interview No. 29.

¹⁷⁰ Interview with key informant, Desa Baru, 31.10.2012, Interview No. 31.

¹⁷¹ Interview with key informant, Desa Jernih, 18.10.2012, Interview No. 29.

¹⁷² Interview with staff member of KKI WARSI, Jambi City, 29.10.2013, Interview No. 103.

¹⁷³ Interview with key informant, Desa Jernih, 18.10.2012, Interview No. 29.

authorities, the NGO KKI WARSI and the Ministry of Forestry¹⁷⁴. The special use zone would give tenure security to the Melayu villagers of the southern Bukit Duabelas area. "If the special use zone is established they will feel safe in the future. They would then have a 'right to cultivate' there" outlines a staff member of the NGO KKI WARSI¹⁷⁵.

The preparation of a proposal for a special use zone by the Melayu villagers of the southern Bukit Duabelas area is understood as active resistance in the context of conflictive land relations in the area. The villagers hereby operate within the scope of national park regulations and bring their struggle for land access to the national level and thus to a higher political scale. The Melayu villagers relate their land access claims to their ethnic identity and to the regional history of the area. This is the specific 'terrain' in which their unique resistance develops. They refer to the fact, that their ancestors¹⁷⁶ have already been cultivating land on the southern fringe of today's Bukit Duabelas National Park since pre-colonial times. A social network supports them in their fight for land access in the Bukit Duabelas National park, which is composed of village authorities but also societal organizations like the NGO KKI WARSI and even the Ministry of Forestry. All these local-, regional- and national-scale actors thus acknowledge the Melayu villagers' land access claims. Another important aspect is, that the livelihoods of the Orang Rimba, as well as the overall lowland rainforest ecosystem, can only be preserved if land cultivation by villagers of the area is restricted to certain parts of the national park, such as e.g. a special use zone. From the Melayu villagers' perspective, their fight for a special use zone is the only option for gaining access to land at all, and thus their proposal is the only legal corollary possible. Interview partners often stated that the national park should be used for the benefit of the villagers and the Orang Rimba likewise¹⁷⁷. However, the proposed special use zone will only benefit smallholders from six villages in the southern Bukit Duabelas area. For smallholders from villages in the vicinity of the northern, western and eastern boundaries of Bukit Duabelas National Park this special use zone will not bring any change. They can only sustain their livelihoods by continuing their land cultivation activities within the national park, which in turn opens the floor for even more uncontrolled land use activities.

To sum up, the two (main) land conflicts in the southern Bukit Duabelas conflict arena, analyzed as 'licensed exclusions' and 'ambient exclusions' in Chapter 5.4.1 and 5.4.2, have to be understood as 'intertwined exclusions' (see Chapter 5.4.3). Consequently, it only makes sense to determine the conflict escalation stage for both conflicts in their interplay, this means for the southern Bukit Duabelas conflict arena as a whole. According to the different conflict escalation stages by Yasmi et al. (2006,

¹⁷⁴ Interview with key informant, Desa Jernih, 18.10.2012, Interview No. 29.

¹⁷⁵ Interview with staff member of KKI WARSI, Jambi City, 29.10.2013, Interview No. 103.

¹⁷⁶ The Indonesian term referred to in village interviews is *nenek moyang* (*nenek* means grandmother).

¹⁷⁷ Interview with key informant, Desa Jernih, 18.10.2012, Interview No. 29.

pp. 542-543), it is a 'Stage 4: Protest and Campaigning' conflict (see Table 1). Each party, the Melayu villagers, the Orang Rimba and the National Park Agency, has a clear position and concern regarding the Melayu villagers' land claims and there have even been demonstrations on village-, sub-district and district level for the provision of *plasma* land by the oil palm plantation companies PT JAW/PT EMAL. The fact that the NGO KKI WARSI supports the proposal for a special use zone and advocates for the Melayu villagers' rights to land access is understood as active campaigning by the NGO. Moreover, *adat* leaders from the six Melayu villages in the southern Bukit Duabelas area support the proposal for a special use zone as it would give more tenure security to smallholders of the area. The Melayu villagers would then be allowed to tap their rubber, but also to replant old rubber trees, and would not have to face any threats to be criminalized as illegal forest encroachers by the National Park Agency or the Ministry of Forestry.

5.6 The southern Bukit Duabelas area as post-frontier conflict arena

Conflictive land relations in the southern Bukit Duabelas conflict arena have been analyzed in the previous sections of Chapter 5.

Conflict Case	Exclusion Rationale	Land Status	Conflict Origin	Main Conflict Parties	Conflict Escalation Stage ¹⁷⁸	Resistance strategy
PT JAW/ PT EMAL conflict	Oil palm plantation licensing	HGU	Over- lapping customary land claims	PT JAW, PT EMAL, smallholders	Stage 4: Protest and Campaign- ing	Proposal for the designation of a special use zone in the Bukit Duabelas National Park
Bukit Duabelas National Park conflict	Environmental conservation	National Park		National Park Agency, Provincial Forestry Service, Orang Rimba, smallholders		

Table 5 Summary of major land conflicts in the southern Bukit Duabelas area

(Source: own investigation)

¹⁷⁸ According to Yasmi et al. (2006, pp. 542-543), see Table 1.

It has been outlined that both the PT JAW/PT EMAL conflict case and the Bukit Duabelas National Park conflict case can only be understood in their interplay, defining the southern Bukit Duabelas conflict arena as result of a combination of both 'licensed' and 'ambient exclusions', called 'intertwined exclusions'. Table 5 summarizes both conflict cases.

Of course, these two land conflicts are not the only ones, they are rather two of the most prominent and most severe land conflicts in the southern Bukit Duabelas area. There are also other forms of land conflicts, which mainly center on the boundaries of specific pieces of land, on an individual-, village- or district level. On an individual level conflicts mainly center on the lack of secure title deeds (*hak milik*). A certain piece of land is often sold by a smallholder several times to different buyers. Land has then to be re-measured and resized, together with village authorities, and afterwards a village-scale tenure proof of land, called *Sporadik*¹⁷⁹, is issued¹⁸⁰. But conflicts may also arise between village governments, due to different definitions of village boundaries, such as between Desa Jernih and the neighboring village Lubuk Jering¹⁸¹. At the time of field research this conflict has not been solved yet. Land conflicts can even occur between two districts. In 2005, the district governments of Sarolangun and Merangin were in conflict, as it was not clear in which district the village Bunga Antoi was actually located¹⁸². This conflict was solved in the meantime and the village is nowadays administratively located in Merangin district.

To sum up, the southern Bukit Duabelas conflict arena is characterized by a mosaic of resource governance and territorial control (this mosaic is clearly visible in Map 4), in which land relations between access and exclusion are prevalent. These conflictive land relations between access and exclusion are embedded in globalized processes, such as the strong international demand for palm oil, thus oil palm plantation licensing is done on a large-scale. The designation of conservation areas is fostered as well, due to a global environmental conservation discourse. Land tenure security is of utmost importance for sustaining the livelihoods of smallholders and especially for the Melayu villagers who have been deprived of their customary (*adat*) lands in the past. The southern Bukit Duabelas area is a dynamic conflict arena in which access to and exclusion from land is constantly re-negotiated. The everyday negotiation processes, which center on access to land and property rights, demonstrate internal frontiers where local actors' agency to resist against adverse land relations comes to the fore. The southern Bukit Duabelas area is thus clearly conceptualized as post-frontier conflict arena.

¹⁷⁹ For more information on *Sporadik* refer to Kunz et al., 2016, pp. 138-141.

¹⁸⁰ Interview with key informant, Desa Jernih, 04.09.2013, Interview No. 75.

¹⁸¹ Interview with key informant, Desa Jernih, 07.09.2013, Interview No. 78.

¹⁸² Interview with key informant, Bukit Suban, 10.10.2012, Interview No. 13.

*“To the bitter end, we will continue to occupy this piece of land.”*¹⁸³

6. Counter-exclusions in the Harapan post-frontier conflict arena

This chapter presents the second empirical case study of this research project and analyzes conflictive land relations between access, exclusion and resistance in the Harapan area. The Harapan area is defined as area located in proximity to the Harapan Rainforest conservation concession of PT REKI (*Restorasi Ekosistem Indonesia*) in Batanghari district, Jambi province. In order to allow for a comparative analysis, the empirical Chapters 5 and 6 are structured similarly. In the first section of this chapter, conflictive land relations in the Harapan area are presented by the example of a married couple, ethnic Batin Sembilan¹⁸⁴, who occupy a piece of land in Bukit Terawang in the northern part of the oil palm plantation concession PT Asiatic Persada¹⁸⁵. The PT Asiatic Persada conflict is selected as in-depth case study as it is the longest ongoing and most severe land conflict in the Harapan area. However, the Harapan conflict arena is comprised by a number of other concessions and the recent transformation of the Harapan area is introduced in section two by focusing on the history of land conflicts. Empirical research has been conducted in Pompa Air, Bungku and Mekar Jaya, and a brief overview of these three research villages is provided in section three. In section four, empirical data of the three research villages are used to analyze land relations between access and exclusion in the PT Asiatic Persada conflict, using the 'powers of exclusion' framework. It is shown, that regulation is the underlying 'power of exclusion', which strongly influences the evolution and persistence of the PT Asiatic Persada conflict. Smallholders are exposed to force as dominant 'power of exclusion' and defend their land claims by using legitimation to counter exclusions in the context of conflictive land relations. The term “counter-exclusion” is adapted from Hall et al. (2011, p. 170) to emphasize the capacity of the Batin Sembilan to resist in the context of conflictive land relations. Section five will focus on the resistance strategies of Batin Sembilan in the PT Asiatic Persada case who ally with national and international NGO's in their fight for land access. Ultimately, section six will show how the Harapan area can be understood as post-frontier conflict arena.

¹⁸³ Interview with key informant, Pompa Air/Bukit Terawang, 10.03.2013, Interview No. 51.

¹⁸⁴ In village interviews the Batin Sembilan were either referred to as *kubu*, *Suku Anak Dalam* (SAD) or Batin Sembilan. For an easier legibility and to avoid confusion the researcher replaced the pejorative terms *kubu* and *Suku Anak Dalam* with the term Batin Sembilan.

¹⁸⁵ Bukit Terawang is the name of a hilly area within the oil palm plantation PT Asiatic Persada, the nearby settlement is called Lamanteras.

6.1 Introducing the Harapan conflict arena

Driving through the Harapan area in March 2013, a multitude of small huts, built in the midst of a large oil palm plantation, attracted the researcher's attention. These huts seemed much more organized than just providing shelter for daily workers of the oil palm plantation, it seemed that people were living there more or less permanently. At the same time, signboards indicated that the plantation is under the 'right to cultivation' (*Hak Guna Usaha*, HGU) of the company PT Asiatic Persada (see Map 6). In order to find out more about this situation, interview partners in the research village Pempa Air suggested the researcher to talk to people who claim land in a hilly area called Bukit Terawang¹⁸⁶, located in the northern part of the PT Asiatic Persada oil palm plantation, south of Pempa Air village (see Map 6). The area is difficult to access, especially during the rainy season. Cross-country motorbikes were necessary to drive on small trails through the hilly parts of the oil palm plantation. A few days after having heard of Bukit Terawang for the first time the research team managed to go to Bukit Terawang with a local guide in order to meet a married couple who occupy a piece of land there: Ibu Erni and her husband Pak Faizal¹⁸⁷ (Beckert & Keck, 2015, p. 15; see Picture 8).



Picture 8 Land occupied in Bukit Terawang/PT Asiatic Persada

© Barbara Beckert, 2013

¹⁸⁶ *Bukit* means hill in Bahasa Indonesia.

¹⁸⁷ Fictitious names.

Ibu Erni's parents, ethnic Batin Sembilan¹⁸⁸, cultivated six hectares of land in Bukit Terawang in the 1970s. Over the decades, their land and its surrounding area has been allocated to varying concessions until the company PT Asiatic Persada was granted an oil palm plantation concession in the 1990s. Only then, things began to change for Ibu Erni and her family. PT Asiatic Persada began to convert 20,000 hectares of land into an oil palm plantation and the rubber trees which were planted in the meantime by Ibu Erni and her parents were cut down¹⁸⁹. Ibu Erni and her family were evicted from their land. "The workers of PT Asiatic Persada came to the people's houses in order to distribute compensation payments. The company pushed the villagers to accept the compensation payments. We received 6.5 million Indonesian Rupiah¹⁹⁰ for our six hectares of land, but the compensation payments did not depend on the amount of trees or tree species planted there. If we wanted or not, we were evicted by the company (...). We could not do anything because at that time it was still the Soeharto era, the government system was a dictatorship. That's why, everyone was afraid of the government"¹⁹¹. In the late 1990s, Ibu Erni married Pak Faizal, who migrated from the capital city Jakarta to the Harapan area in search of a better life.

In 2011, Ibu Erni and her husband started to occupy land in Bukit Terawang. They hereby joined a group of 284 families from Pompa Air village who already occupy land within the PT Asiatic Persada concession since 2008, claiming it as their part of the Batin Sembilans' collective customary (*adat*) and ancestral land¹⁹². The occupants state, that the compensation payments distributed by PT Asiatic Persada in the 1990s were not fair and transparent and that Bukit Terawang is actually located outside the officially licensed HGU of PT Asiatic Persada. The conflict parties could neither agree on compensation payments nor on any compensating land area. Hence, the only option for the Batin Sembilan communities is to earn their living by collecting loose palm fruits, left-behind by PT Asiatic Persada's plantation workers. Ibu Erni and Pak Faizal pointed out, that they will continue their fight for land access and land tenure security: "To the bitter end, we will continue to occupy this piece of land"¹⁹³.

¹⁸⁸ As outlined in Chapter 4.1 the term *batin* refers to the oldest settled communities in Jambi. *Batin* groups settled along rivers or watersheds at least since the 15th century. The term Batin Sembilan refers to a semi-nomadic group of people who settle along nine (*sembilan*) rivers in the Harapan area. Like the Orang Rimba in the Bukit Duabelas area, the Batin Sembilan are often called *Suku Anak Dalam* (SAD, 'tribe of the children of the interior'), which is a political, deprecatory term for indigenous communities in Jambi province, "who were assumed to be backward people in need of modernization to bring them into the national mainstream" (Colchester et al., 2011, p. 11).

¹⁸⁹ Interview with key informant, Pompa Air/Bukit Terawang, 10.03.2013, Interview No. 51.

¹⁹⁰ The exchange rate for the early 1990s was not available. In December 2016, 6.5 million Indonesian Rupiah (IDR) are converted into 452 Euros (EUR).

¹⁹¹ Interview with key informant, Pompa Air/Bukit Terawang, 10.03.2013, Interview No. 51.

¹⁹² Interview with key informant, Pompa Air/Bukit Terawang, 10.03.2013, Interview No. 51.

¹⁹³ Interview with key informant, Pompa Air/Bukit Terawang, 10.03.2013, Interview No. 51.

In the following days and weeks after having met Ibu Erni and Pak Faizal in their hut in Bukit Terawang it became clear, that the PT Asiatic Persada conflict is by far not the only land conflict in the Harapan area. An interview partner from the neighboring village Bungku described the Harapan area as follows: “In Bungku four time bombs already exploded, one after the other. Outsiders regard Bungku as a place of diamonds and pearls, but these people do not know that Bungku actually is a place of 1,001 problems. One bomb after the other explodes here and there. This is not the land of 1,001 nights, it is the land of 1,001 problems”¹⁹⁴. This quote illustrates the severity of land conflicts in the Harapan area and the four 'time bombs' refer to four major land conflicts (Beckert et al., 2014, pp. 78-82). In all four land conflicts the Batin Sembilan are excluded from access to land. The PT Asiatic Persada conflict is the longest ongoing and most severe land conflict in the Harapan area with human rights abuses taking place (Colchester et al., 2011). The other three conflicts center on conflictive land relations in the Taman Hutan Raya Sultan Thaha Syaifuddin forest reserve¹⁹⁵, the industrial timber concession areas of the companies PT Wanakasita Nusantara/PT Agronusa Alam Sejahtera, as well as the Harapan Rainforest conservation concession of PT REKI.

6.2 Land allocation and the emergence of environmentalism in the Harapan area at a glance

In the following, the Batin Sembilans' struggle for land access in the PT Asiatic Persada oil palm concession is unraveled by introducing the recent transformation of the Harapan area. Like in the Bukit Duabelas area (see Chapter 5.2), land has been allocated to various plantation concessions in the past decades and environmental conservation concerns came to the fore.

6.2.1 Land allocated for 'development': transmigration schemes, the establishment of PT Asiatic Persada and further concession areas¹⁹⁶

Since pre-colonial times, Jambi province has been inhabited by batin groups (see Chapter 4.1). In the Harapan area, in Batanghari district, these groups are called Batin Sembilan. The Batin Sembilan trace

¹⁹⁴ Interview with key informant, Bungku, 21.03.2013, Interview No. 58.

¹⁹⁵ *Taman Hutan Raya* (abbreviated THR), or forest reserve, is defined as a nature conservation area in which the collection of plants and animals is only allowed under certain circumstances and which has to contribute to research, science and educational purposes or has to support culture or tourism (*Undang Undang* No. 5/1990 *tentang konservasi sumber daya alam hayati dan ekosistemnya*). In village interviews it is often referred to as Tahura or Senami forest.

¹⁹⁶ Parts of this section have been published in Beckert et al., 2014 and Beckert & Keck, 2015.

their origin back to nine brothers who ruled along nine rivers¹⁹⁷ in the region and established semi-permanent settlements there¹⁹⁸ (Colchester et al., 2011, p. 9). These nine brothers are reported to be descendants of one of the former rulers of Jambi before it became an Islamic sultanate in the 15th century¹⁹⁹ (Hidayat, 2012, p. 21). Like the Orang Rimba (see Chapter 5.2), the Batin Sembilan were at that time shifting cultivators, but also lived from hunting and fishing and from the collection of forest-products, and thus played a crucial role in regional trade, too. Rivers were important routes of transportation and communication and essential for trading²⁰⁰ (see Chapter 4.1). Batin Sembilan groups moved frequently along river catchment areas and their tributaries and this area is still regarded as their collective customary land²⁰¹. Until today, different Batin Sembilan lineages refer to different rivers and their tributaries for legitimizing collective customary (*adat*) land claims. Over the centuries, the Batin Sembilan established strong bonds to their customary lands and burial sites are regarded as evidence for their land claims (Hidayat, 2012, p. 50).

The Dutch colonial administration brought major changes to the Harapan area in the late 19th and early 20th century when they started to drill for oil^{202 203}. The Dutch were also interested in extracting valuable timber species, such as ironwood (*Eusideroxylon zwageri*), and the Harapan area was known for its rich abundance in endemic ironwood species as well as for its strategic location in relative proximity to Jambi City. The national logging boom, which was promoted by president Soeharto in order to enhance economic development in the 1960s (see Chapter 4.3), reached the Harapan area in the 1970s. Virtually the entire forested area of Jambi was allocated to timber concessions at that time and in the Harapan area a number of logging concessions were granted to different companies (Colchester et al., 2011, p. 12.)^{204 205}.

¹⁹⁷ These nine rivers are: Bulian, Bahar, Jebak, Jangga, Pemusiran, Burung Antu, Telisak, Sekamis, Singoan (Hidayat, 2012, p. 3).

¹⁹⁸ Interview with staff member of KKI WARSI, Jambi City, 16.09.2013, Interview No. 100.

¹⁹⁹ It is difficult to reconstruct the early history of the Batin Sembilan as written sources only start with the arrival of the English- and Dutch East India Companies (Andaya, 1993, p. xxi).

²⁰⁰ The main river in the Harapan area is called Bahar River, and the area is often called Bahar region.

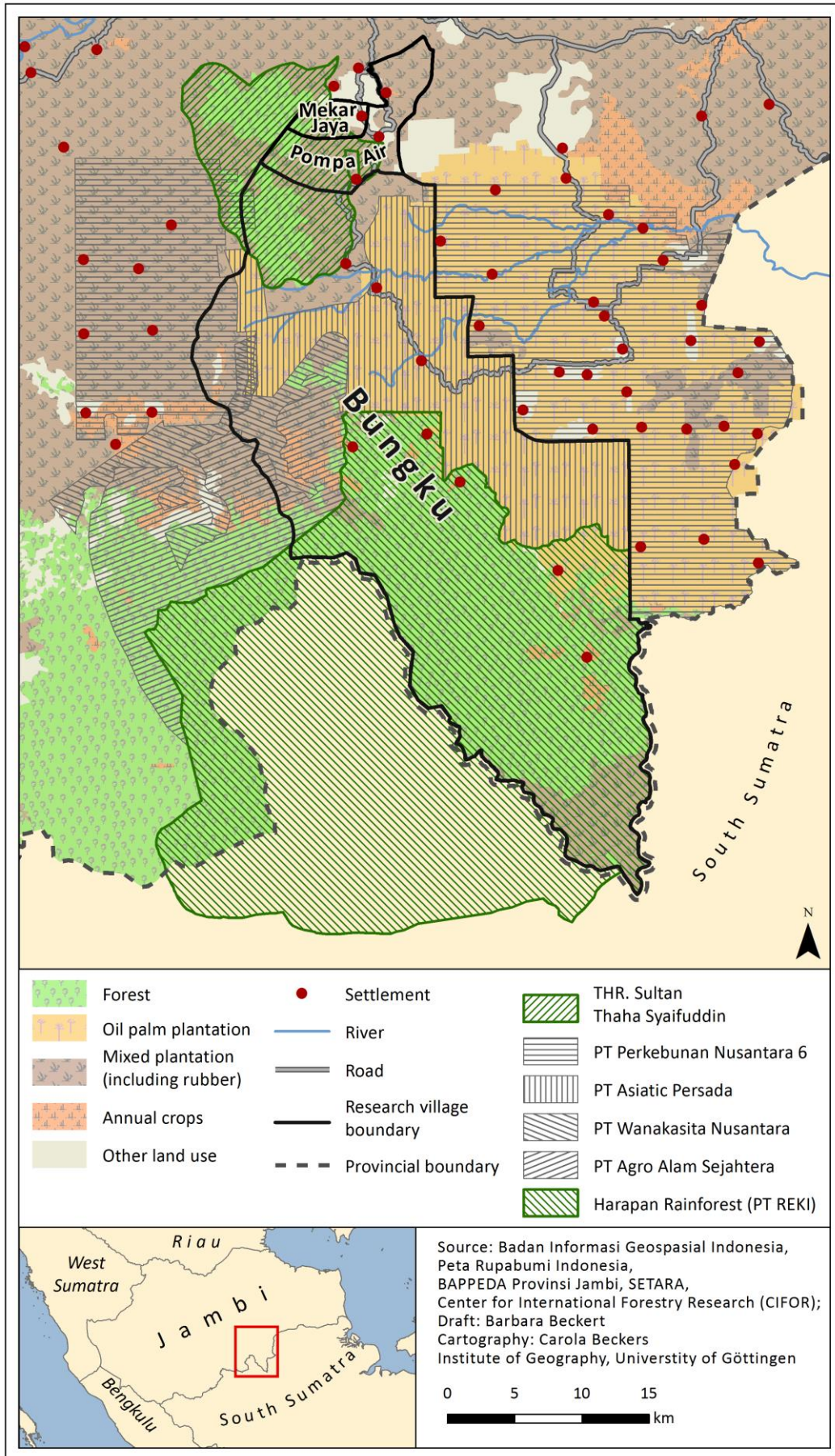
²⁰¹ Interview with key informant, Bungku, 26.09.2013, Interview No. 92.

²⁰² Interview with key informant, Pompa Air, 06.03.2013, Interview No. 44.

²⁰³ Interview with key informant, Bungku, 23.09.2013, Interview No. 87.

²⁰⁴ Interview with key informant, Bungku, 23.09.2013, Interview No. 88.

²⁰⁵ Major logging companies in the Harapan area were PT Asialog, PT Inhutani, PT Tanjung ASA, PT Tanjung Johor, PT Bangun Desa Utama and PT Tanjung Jati (Colchester, 2011, p. 12). Further logging companies were mentioned in village interviews, such as PT Sama Bulian, which was a logging concession in the area of today's THR Sultan Thaha Syaifuddin forest reserve.



Map 6 Land use, major concessions and research villages in the Harapan area

At the peak of the logging boom in the 1980s, the national policy shifted from resource extraction towards the expansion of plantation monocultures on former logging concessions (see Chapter 4.3). Infrastructure developments followed, and rubber, which had been introduced in the early 20th century by the Dutch (see Chapter 4.2), was increasingly cultivated by the Batin Sembilan in the Harapan area²⁰⁶. In addition, large transmigration schemes were implemented at that time, either as rubber²⁰⁷ or oil palm transmigration schemes of the state owned company PT Perkebunan Nusantara VI (PT PN VI) (see Map 6). PT PNVI developed a Nucleus-Estate-Smallholder (NES) oil palm plantation scheme east of Bungku village²⁰⁸ in the early 1980s (see Map 6).

More than 45,000 transmigrants, mainly from the island of Java, were relocated to the Harapan area²⁰⁹. This NES scheme comprises a total area of approximately 30,000 hectares²¹⁰ (Hauser-Schäublin & Steinebach, 2014, pp. 10-11) and *plasma* smallholdings were provided for the transmigrants. The transmigration scheme of PT PNVI was allocated on collective customary (*adat*) land of the Batin Sembilan, different groups were displaced and had to move to other areas. Moreover, only few Batin Sembilan were included into the NES scheme²¹¹.

Apart from PT PNVI, another oil palm plantation concession was licensed in the Harapan area: PT Asiatic Persada (see Map 6). The PT Asiatic Persada conflict, which was introduced in Chapter 6.1, dates back to the 1970s and has its roots in the extensive logging concession of the company PT Bangun Desa Utama (PT BDU). The company, which had close relations to the military and cronies of president Soeharto²¹², was a subsidiary of the company PT Asiatic Mas Corporation (PT AMC). Soeharto's friends and family members came from Jakarta to the PT BDU logging concession for hunting tigers and deers²¹³. As the forested area was logged more or less completely, the governor of Jambi offered PT BDU in 1984 to establish a cocoa and oil palm plantation on an area of 40,000 hectares²¹⁴ – however this only remained an idea²¹⁵. In 1986, PT BDU received a 'right to cultivation' (HGU) for 20,000 hectares of land²¹⁶, valid for a duration of 35 years^{217 218} (for a background on the HGU process refer to Chapter

²⁰⁶ Interviewees reported that rubber has been planted in the Harapan area as early as 1943 (Interview with key informant, Bungku, 22.09.2013, Interview No. 85).

²⁰⁷ The research village Mekar Jaya was founded as rubber transmigration village (see Map 6).

²⁰⁸ Interview with staff member of Yayasan CAPP, Jambi City, 31.10.2013, Interview No. 104.

²⁰⁹ Interview with staff member of Yayasan CAPP, Jambi City, 31.10.2013, Interview No. 104.

²¹⁰ The nucleus (*inti*) plantation of PT PNVI covers an area of 6,368 hectares and there are 22,000 hectares of *plasma* smallholdings (Hauser-Schäublin & Steinebach, 2014, pp. 10-11).

²¹¹ Interview with staff member of Yayasan CAPP, Jambi City, 31.10.2013, Interview No. 104.

²¹² Interview with staff member of Yayasan SETARA, Jambi City, 31.10.2013, Interview No. 105.

²¹³ Interview with staff member of Yayasan SETARA, Jambi City, 31.10.2013, Interview No. 105.

²¹⁴ Decree of the Governor of Jambi No. 188.4/599, Date: 02.12.1985.

²¹⁵ Interview with staff member of Yayasan SETARA, Jambi City, 31.10.2013, Interview No. 105.

²¹⁶ The decision was promulgated in the Ministerial Decree (*Surat Keputusan*): No. 46/HGU/DA/86, with the HGU certificate No: 1, Date: 20.05.1987.

²¹⁷ Interview with key informant, Pompa Air, 11.03.2013, Interview No. 51.

²¹⁸ Interview with staff member of Yayasan SETARA, Jambi City, 31.10.2013, Interview No. 105.

5.4.1.1, Figure 4 and the following analysis in Chapter 6.4). In the meantime, a small cocoa plantation was established on 1,200 hectares²¹⁹, the rest of the concession area remained undeveloped. In 1992, PT BDU was renamed as PT Asiatic Persada and first oil palms were planted in the northern part of the concession²²⁰. After years of land tenure insecurity for the Batin Sembilan, and land being largely uncultivated, PT Asiatic Persada started to expand into their customary (*adat*) areas by planting oil palms in the late 1990s. *Plasma* land for smallholders was not provided by PT Asiatic Persada. In the following years, ownership changed several times and PT Asiatic Persada was sold to different parent companies²²¹. In 2000, it was bought out by the Commonwealth Development Corporation and Pacific Rim, in 2006 by Cargill and later in the same year by Wilmar International²²² (Colchester et al., 2011, p. 5). In 2013, PT Asiatic Persada was again sold to two other parent companies: to the Indonesian-based company PT Agro Mandiri Semesta and the British Virgin Islands-based company Prima Fortune International Ltd.²²³ (Parker, 2013). Over the years, conflictive land relations intensified (the PT Asiatic Persada conflict is further analyzed in Chapter 6.4).

In the Harapan area, land has not only been allocated for rubber and oil palm concessions (PT PNVI, PT Asiatic Persada). West of the PT Asiatic Persada concession, a large area is used for the cultivation of timber for the pulp and paper industry²²⁴ (see Map 6). In the 1990s, a 'forest plantation concession' (*Hutan Tanaman Industri*, HTI) was allocated to the company PT Wira Karya Sakti (PT WKS) which planted a fast growing tree species, *Gmelina arborea*. Due to management problems, sections of the concession remained undeveloped and were not under cultivation for several years. Batin Sembilan, who had lost access to their customary (*adat*) areas in the PT PNVI and PT Asiatic Persada concession areas, started to claim that land, built houses and cultivated land there, mainly food crops but also oil palms and rubber²²⁵. Spontaneous migrants came to the area as well. In the meantime, an area of 28,000 hectares has been allocated to the companies PT Wanakasita Nusantara (PT WN) and PT Agronusa Alam Sejahtera (PT AAS) (see Map 6). Industrial timber, mainly acacia and eucalyptus, is produced here. Conflictive land relations are still prevalent as the Batin Sembilan and other villagers of the area ask to change the legal status of the concessions from a 'forest plantation concession' (*Hutan Tanaman Industri*, HTI) to a 'peoples' plantation' (*Hutan Tanaman Rakyat*, HTR)²²⁶. Under this community timber plantation program, launched in 2006, state forestland can be allocated to local

²¹⁹ Interview with key informant, Bungku, 23.09.2013, Interview No. 88.

²²⁰ Interview with staff member of Yayasan SETARA, Jambi City, 31.10.2013, Interview No. 105.

²²¹ Interview with staff member of Yayasan SETARA, Jambi City, 31.10.2013, Interview No. 105.

²²² Interview with staff member of KKI WARSI, Jambi City, 16.09.2013, Interview No. 100.

²²³ Interview with staff member of KKI WARSI, Jambi City, 16.09.2013, Interview No. 100.

²²⁴ Interview with key informant, Bungku, 21.03.2013, Interview No. 58.

²²⁵ Interview with key informant, Bungku, 21.03.2013, Interview No. 58.

²²⁶ Interview with key informant, Bungku, 21.03.2013, Interview No. 58.

communities for a period of up to 100 years (Obidzinski & Dermawan, 2010, p. 339; Noordwijk et al., 2007, p. 5).

6.2.2 Environmental conservation in the Taman Hutan Raya Sultan Thaha Syaifuddin forest reserve and the Harapan Rainforest (PT REKI)²²⁷

In the Harapan area, environmental conservation concerns first came up under the Dutch colonial administration. In 1933, the Dutch attempted to establish a nature reserve on customary (*adat*) land of the Batin Sembilan in the area of today's Taman Hutan Raya Sultan Thaha Syaifuddin forest reserve (see Map 6) aiming to preserve endemic ironwood trees. This decision was only announced verbally and never passed as law (Kunz, 2016, p. 41). However, interviewees reported that the Dutch already demarcated the boundaries of the planned protection area²²⁸. With the establishment of transmigration schemes in the Harapan area and the allocation of land for plantation concessions in the 1970s and 1980s, land availability had decreased drastically for the non-transmigrant population and especially the Batin Sembilan had been deprived of their customary (*adat*) land (see Chapter 6.2.1)²²⁹. Since the 1980s, the area of today's Taman Hutan Raya Sultan Thaha Syaifuddin forest reserve was increasingly exploited and used for the cultivation of food crops and rubber²³⁰. Jambi's Social Department established a social housing project in order to settle the semi-nomadic Batin Sembilan communities of the area. Wooden huts were provided by the government and each household received 0.5 hectares of land for cultivation²³¹. This was of course not enough land to make a living and cultivation extended into the forest, too. In addition, migrants from other parts of Sumatra came to the Harapan area, looking for jobs as daily workers in plantation concessions, and seeking for access to land. They started to settle in the surroundings of the social housing project, either bought houses from those Batin Sembilan who did not want to participate in the social housing project anymore, or built new houses²³². In 1999, the area was put under a formal protection status by the Ministry of Forestry and named Taman Hutan Raya Sultan Thaha Syaifuddin forest reserve, covering an area of 15,830 hectares (see Map 6)²³³. Thereby, the social housing project became an "island with a special status within the protection forest" (Kunz, 2016, p. 50). At the local level the designation of the forest reserve was not communicated, and signs which inform about and demarcate the boundaries of the

²²⁷ Parts of this section have been published in Beckert et al., 2014 and Beckert & Keck, 2015.

²²⁸ Interview with key informant, Bungku, 23.09.2013, Interview No. 87

²²⁹ Interview with key informant, Mekar Jaya, 01.04.2013, Interview No. 69.

²³⁰ Interview with key informant, Bungku, 23.03.2013, Interview No. 62.

²³¹ Interview with key informant, Bungku, 23.09.2013, Interview No. 88.

²³² Interview with key informant, Bungku, 23.09.2013, Interview No. 88.

²³³ Interview with key informant, Mekar Jaya, 01.04.2013, Interview No. 69.

forest reserve have only be installed by the Ministry of Forestry in 2007, eight years after the area had been put under a formal protection status²³⁴. Nowadays, the forest reserve is heavily contested and law enforcement is weak and undermined by illegal logging of smallholders, land sales and settlement activities²³⁵. The forest reserve is regarded as source of livelihood: “When people need extra money, they go to the forest reserve to log ironwood trees. They cooperate with police and army officials, otherwise illegal logging would not be possible”²³⁶. Village interviews revealed that almost the whole forest reserve is cultivated by either Batin Sembilan or villagers of the area: “Now hundreds until thousands of people live inside the Taman Hutan Raya”²³⁷. Since 2004, the cultivation patterns changed from rubber to oil palms²³⁸. Smallholders seemingly legalize their agricultural activities by acquiring a permission letter from a village head, called '*izin garapan*', which gives them the 'allowance' to cultivate land within the forest reserve. “The village head just issues the '*izin garapan*'. From thereon, any risk is under the responsibility of the villagers”²³⁹. This statement indicates that these 'permission letters' are not backed by state regulations, which prohibit the cultivation of land in forest reserves. The process of mimicking de jure national laws in village regulations is summarized by Kunz et al. (2016) under the term “mimicry of the legal” (p. 129)²⁴⁰. There have been attempts by the Ministry of Forestry to afforest the forest reserve in 2010, but villagers of the area were afraid that they will be excluded from access to land, protested against the reforestation project in the district capital Muara Bulian²⁴¹. Ultimately, replanting did not take place²⁴². “The Ministry of Forestry Department made a policy to solve the problem: the villagers can continue to use their cultivated land areas within the forest reserve, but they are not allowed to expand their cultivation area, or clear the forest”²⁴³. “What is left today is only the name Taman Hutan Raya (forest reserve), but there is no forest anymore”²⁴⁴.

The second attempt to conserve the environment in the Harapan area has been made with the designation of the Harapan Rainforest conservation concession of PT REKI, which is located in the southern part of Bungku village (see Map 6). It covers 100,000 hectares and stretches from Jambi province to the neighboring province of South Sumatra. Until 2007, the area was under the logging concessions of PT Inhutani and PT Asialog²⁴⁵. Selective logging took place, only big trees were cut down,

²³⁴ Interview with key informant, Bungku, 23.03.2013, Interview No. 62.

²³⁵ Interview with key informant, Bungku, 23.09.2013, Interview No. 88.

²³⁶ Interview with key informant, Mekar Jaya, 01.04.2013, Interview No. 69.

²³⁷ Interview with key informant, Bungku, 23.09.2013, Interview No. 88.

²³⁸ Interview with key informant, Mekar Jaya, 31-03.2013, Interview No. 68.

²³⁹ Interview with key informant, Bungku, 23.03.2013, Interview No. 62.

²⁴⁰ For a detailed analysis of these mimicry of the legal-processes in the Taman Hutan Raya Sultan Thaha Syaifuddin forest reserve refer to Kunz et al., 2016.

²⁴¹ Muara Bulian is the district capital of Batanghari district.

²⁴² Interview with key informant Pompa Air, 08.03.2013, Interview No. 48.

²⁴³ Interview with key informant Pompa Air, 08.03.2013, Interview No. 48.

²⁴⁴ Interview with key informant, Bungku, 23.03.2013, Interview No. 62.

²⁴⁵ Interview with key informant, Bungku, 21.03.2013, Interview No. 58.

leaving the rest of the forest more or less intact²⁴⁶. In 2008 and 2010, an 'ecosystem restoration concession' (*Izin Usaha Pemanfaatan Hasil Hutan Kayu-Restorasi Ekosistem*, IUPHHK-RE) was given to the company PT REKI. An 'ecosystem restoration concession' is a new type of concession area for the management of 'Production Forests', introduced by the Ministry of Forestry in 2004 (Buergin, 2016, p. 281). Hereby, a market-based instrument has been established to counter deforestation and forest degradation and to restore forest ecosystems in logged-out former concession areas (Buergin, 2016, p. 281). In 2008, PT REKI received the license for the southern concession part, located in South Sumatra province, and two years later for the northern concession part, located in Jambi province²⁴⁷. The 'ecosystem restoration concession' was allocated to PT REKI for a duration of 65 years and can be extended for another 35 years²⁴⁸. Being implemented as first 'ecosystem restoration concession' in Indonesia it was acquired through a joint initiative of national and international NGOs (such as Burung Indonesia, Royal Society for the Protection of Birds, and BirdLife International) and is funded by various donors, including the Danish International Development Agency (DANIDA), the German Federal 'Ministry for the Environment, Nature Conservation, Building and Nuclear Safety' (BMU), Singapore Airlines, and others²⁴⁹. The project serves as pilot project for sustainable climate and forest conservation policy and aims to conserve and restore one of the few remaining tracts of lowland rainforest in Sumatra while at the same time promoting REDD+ (Hein, 2013, p. 15; Hein & Faust, 2014, p. 21; Hein, 2016, pp. 81-83). PT Inhutani and PT Asialog as well as the Harapan Rainforest conservation concession of PT REKI were allocated on collective customary (*adat*) land of the Batin Sembilan. The Batin Sembilan were however allowed to enter the logging concession areas for hunting and collecting non-timber forest products²⁵⁰. After the logging concessions had expired in 2007, and before the 'ecosystem restoration concession' had been allocated to PT REKI in the northern concession part in 2010, massive illegal logging occurred in the area^{251 252}. Due to new actors entering the area, the Batin Sembilan had been deprived of access to their collective customary (*adat*) land. As forest resources were increasingly depleted, the Batin Sembilan started to sell land to migrants in order to sustain their living. An informal land trade started between customary leaders and migrants, leading to overlapping land claims between the Batin Sembilan, PT REKI, and migrant communities. This resulted in massive land conflicts. Only financially very strong actors, often called land mafia²⁵³, can afford to 'buy' and clear-cut parcels of land within the 'ecosystem restoration concession', the Batin Sembilan usually

²⁴⁶ Interview with key informant, Bungku, 26.09.2013, Interview No. 92.

²⁴⁷ Interview with key informant, Bungku, 21.09.2013, Interview No. 83.

²⁴⁸ Interview with staff member of PT REKI, Harapan Rainforest, 25.09.2013, Interview No. 101.

²⁴⁹ For further information refer to the Homepage of the Harapan Rainforest:

<http://harapanrainforest.org/harapan>

²⁵⁰ Interview with key informant, Bungku, 25.09.2013, Interview No. 91.

²⁵¹ Interview with key informant, Bungku, 25.09.2013, Interview No. 90.

²⁵² Interview with staff member of KKI WARSI, Jambi City, 29.10.2013, Interview No. 103.

²⁵³ Interview with staff member of KKI WARSI, Jambi City, 29.10.2013, Interview No. 103

cannot afford this²⁵⁴. “The Batin Sembilan don’t destroy the forest, outsiders from Kerinci, Medan or Java destroy the forest. They come in the evening and clear the forest using a chainsaw and enter the area via secret paths”²⁵⁵. In order to impede land selling activities and forest conversion, PT REKI negotiated conservation agreements with the Batin Sembilan population, allowing them to use parcels of land within the Harapan rainforest conservation concession and to collect non-timber forest products (Hein & Faust, 2014, p. 23, Hein, 2016, pp. 176-177). Despite massive deforestation activities within the conservation concession, PT REKI currently attempts to afforest the area with endemic tree species such as ironwood, meranti (*Shorea*) and blackboard trees (*Alstonia*)²⁵⁶. For solving the land conflicts in the Harapan Rainforest conservation concession of PT REKI an interview partner of the NGO KKI WARSI suggested: “A solution for the PT REKI conflict would be that the land which is already cultivated by villagers should be excluded from PT REKI’s concession area. It is better to have 70,000 hectares of forest with strong law enforcement instead of 100,000 hectares with a chaotic law enforcement situation”²⁵⁷.

6.3 Research villages in perspective

Empirical research has been carried out in three villages in the Harapan area: Pompa Air and Bungku which are mostly inhabited by migrants from Java and other parts of Sumatra as well as ethnic Batin Sembilan, and Mekar Jaya, which was founded as rubber transmigration village. In the following, the research villages are introduced briefly, a focus is hereby set on village history, village structure and predominant land use.

6.3.1 Pompa Air

Pompa Air is located in the northern part of the Harapan area in Batanghari district, Bajubang sub-district (see Map 6). A first settlement was established in the Dutch colonial era when a water pump was constructed, which supplied the whole area and especially the workers of the nearby oil company PT BPMS²⁵⁸ with freshwater²⁵⁹. Pompa Air village, which deduces its name from this water pump, was then officially founded in 1984 when 80 households began to settle in the area²⁶⁰. Pompa Air covers

²⁵⁴ Interview with key informant, Bungku, 25.09.2013, Interview No. 91.

²⁵⁵ Interview with key informant, Bungku, 25.09.2013, Interview No. 91.

²⁵⁶ Interview with staff member of PT REKI, Harapan Rainforest, 25.09.2013, Interview No. 101.

²⁵⁷ Interview with staff member of KKI WARSI, Jambi City, 29.10.2013, Interview No. 103

²⁵⁸ Today this company is part of Indonesian oil and gas state company PT Pertamina.

²⁵⁹ Interview with key informant, Pompa Air, 06.03.2013, Interview No. 44.

²⁶⁰ Interview with key informant, Pompa Air, 06.03.2013, Interview No. 43.

an administrative area of 6,300 hectares and inhabits approximately 2,307 people (Badan Pusat Statistik Kab. Batanghari, 2012, p. 20). The village population is mostly comprised by ethnic Javanese, but there are also settlers from other parts of Sumatra such as Lampung, Padang and Medan and ethnic Batin Sembilan. The village is subdivided into four hamlets (*dusun*) namely Suka Maju, Titian Tunggang, Mangun Jaya and Laman Teras²⁶¹. Pompa Air borders the villages Bungku, Sungkai, Ladang Peris, Bajubang, Kilangan, Singkawang, Mekar Jaya and Sri Dadi. The village partly overlaps with the boundaries of the Taman Hutan Raya Sultan Thaha Syaifuddin forest reserve (see Map 6) (see Picture 9). In the past, smallholders in Pompa Air mainly cultivated rubber, but since the early 2000s the cultivation of oil palms is continuously increasing.



Picture 9 Signboard of the THR Sultan Thaha Syaifuddin forest reserve, Pompa Air

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6.3.2 Bungku

Bungku village is located in Batanghari district and Bajubang sub-district, south of Pompa Air village (see Map 6). In 1973, the government established a social housing project in order to settle ethnic

²⁶¹ Interview with key informant, Pompa Air, 06.03.2013, Interview No. 43.

Batin Sembilan in the area of Bungku (Faust et al., 2013, p. 9). Bungku village was then officially founded in 1982. The village covers an administrative area of 77,000 hectares and has a total village population of approximately 10,215 peoples (BPS Kabupaten Batanghari, 2012, p. 18). It is hereby the largest village in Batanghari district and even referred to as the “largest village in Indonesia”²⁶². Presently, the Batin Sembilan are outnumbered by migrants from Java and other parts of Sumatra. Bungku village consists of five hamlets (*dusun*): Bungku Indah, Johor Baru 1, Johor Baru 2, Kunangan Jaya 1 and Kunangan Jaya 2²⁶³. The village territory comprises parts of the Taman Hutan Raya Sultan Thaha Syaifuddin forest reserve, the concession areas of PT Wanakasita Nusantara/PT Agronusa Alam Sejahtera and PT Asiatic Persada as well as the Harapan Rainforest conservation concession of PT REKI (see Map 6). Due to its large village territory, Bungku borders 15 villages in Jambi province alone. Smallholders in Bungku village mainly cultivate oil palms (see Picture 10) and rubber.



Picture 10 Oil palm truck on the main road of Bungku

© Barbara Beckert, 2013

²⁶² Interview with staff member of Yayasan CAPP, Jambi City, 31.10.2013, Interview No. 104.

²⁶³ Interview with key informant, Bungku, 21.03.2013, Interview No. 58.

6.3.3 Mekar Jaya

Mekar Jaya is located in Batanghari district, Bajubang sub-district, and north of Pompa Air village (see Map 6). Founded as rubber transmigration settlement in 1987, around 335 households from Java initially joined the NES scheme²⁶⁴. At that time, the settlement was called UPT Kilangan 1²⁶⁵. Upon arrival, the transmigrants received one hectare of land for housing and for the cultivation of food crops. The transmigrants could only earn their living as daily workers in the nearby nucleus estate (*inti*) rubber concession²⁶⁶. A few months after their arrival in the Harapan area many transmigrants returned to Java as they could not sustain their living in Mekar Jaya anymore²⁶⁷. They were replaced by migrants from other parts of Sumatra.



Picture 11 Rubber plantation in Mekar Jaya

© Barbara Beckert, 2013

In 1991, the transmigrant villagers of Mekar Jaya received another two hectares of rubber smallholdings (*plasma*) (see Picture 11), however they never received secure title deeds (*hak milik*) for their allocated land. The transmigration settlement became an official village in 1993 and was then

²⁶⁴ Interview with key informant, Mekar Jaya, 01.04.2013, Interview No. 69.

²⁶⁵ UPT, *Unit Pemukiman Transmigrasi*, means transmigration settlement unit.

²⁶⁶ Interview with key informant, Mekar Jaya, 30.03.2013, Interview No. 66.

²⁶⁷ Interview with key informant, Mekar Jaya, 30.03.2013, Interview No. 66.

renamed as Mekar Jaya²⁶⁸. It covers an administrative area of 960 hectares and inhabits approximately 1,575 people (BPS Kabupaten Batanghari, 2012, pp. 18-19). Mekar Jaya consists of four hamlets (*dusun*): Dusun 1, Dusun 2, Dusun 3, Dusun 4 and borders the villages Pompa Air, Singkawang and Sri Dadi. The village territory partly overlaps with the Taman Hutan Raya Sultan Thaha Syaifuddin forest reserve (see Map 6). Rubber is still the dominating land use in Mekar Jaya, but oil palms are increasingly cultivated as well.

6.4 Analysis of land relations between access and exclusion using the 'powers of exclusion' framework: the PT Asiatic Persada conflict

In this section, the conflictive land relations in the Harapan conflict arena, which were introduced in Chapter 6.1 by the example of Ibu Erni and her husband and the PT Asiatic Persada conflict, and which were further contextualized in Chapter 6.2, are now analyzed using empirical insights from three research villages (see Chapter 6.3). The four 'powers of exclusion', regulation, force, market and legitimation are used as category of analysis. The PT Asiatic Persada conflict has been identified during field research as being the longest on-going land conflict in the Harapan conflict arena. Therefore, the following analysis focuses only on this land conflict. The 'powers of exclusion' are analyzed from a state perspective first and then set against the perspective of local actors. It is shown that regulation is a strong 'power of exclusion' in the PT Asiatic Persada conflict, as the incorrect implementation of laws and regulations in the context of plantation licensing contributed to the emergence of the conflict. While the relevance of the regulatory 'power of exclusion' should not be underestimated, the major 'powers of exclusion' in the PT Asiatic Persada conflict are force and legitimation. The market power does not play a prominent role here.

6.4.1 Regulation as underlying 'power of exclusion'²⁶⁹

In Chapter 6.2.1, a brief history of the allocation of land to the oil palm plantation company PT Asiatic Persada, formerly called PT BDU, has been provided. It has been outlined that PT BDU received a 'right to cultivation' (HGU) in 1986 for 20,000 hectares of land. According to oil palm plantation licensing procedures, a HGU can only be issued by the National Land Agency (*Badan Pertanahan Nasional*, BPN) in Jakarta (see Chapter 5.4.1.1 and Figure 4). In the PT BDU case, the HGU was issued by the Ministry

²⁶⁸ Interview with key informant, Mekar Jaya, 02.04.2016, Interview No. 71.

²⁶⁹ Parts of this section have been published in Beckert et al., 2014 and Beckert & Keck, 2015.

of Home Affairs^{270 271}. The Ministry of Forestry must release land from the forest status first before a company can receive a 'right to cultivation' (HGU), issued by the National Land Agency. Only afterwards land can be cleared for plantation development. This process is an essential prerequisite for acquiring a HGU and was not done according to state laws in the PT BDU case. First conflicts already evolved at that time when different Batin Sembilan communities started claiming their customary (*adat*) land located within the HGU of PT BDU^{272 273}. In 1987, a year after the HGU was unlawfully issued by the Ministry of Home Affairs, the Ministry of Forestry released 27,150 hectares of forest to be converted into a plantation area by PT BDU^{274 275}. In 1992, PT BDU received another forest release permit, but this time for 27,600 hectares^{276 277}. Both forest release permits are valid for exactly the same area. Interview partners from the NGO Yayasan SETARA Jambi outlined: "This is a wrong way to get a HGU. The Ministry of Forestry should release the area from the forest zone first, before BPN issues a HGU"²⁷⁸. To sum up, the HGU was issued by the Ministry of Home Affairs, who has not the authority to issue a HGU, and the legal basis for the issuance of a HGU, the forest release permit, was only granted afterwards. This means, that the whole HGU of PT BDU²⁷⁹ is null and void. On top, the Ministry of Home Affairs stipulated, that the concerns of Batin Sembilan smallholders in the area have to be resolved first, before the HGU retains its validity (Colchester et al., 2011, p. 13). Obviously, this was not the case, another factor which makes the HGU invalid. "In general in Indonesia, the administration is done first, then the implementation is done. So this means a HGU is usually issued first, then the land is being surveyed to find out about the reality in the field. This is a big problem in general in Indonesia"²⁸⁰.

This complex situation was further aggravated by the fact that Batanghari district, where the PT Asiatic Persada concession is located, was divided in 1999 into two separate districts: Batanghari and Muaro Jambi²⁸¹. The division of administrative power was slow and took almost three years. The border between these two districts runs through the PT Asiatic Persada concession and it is still not clear where exactly the district boundaries are located. The HGU of PT Asiatic Persada is administered in Batanghari, but actually overlaps with settlements located in Muaro Jambi (Colchester et al., 2011, p.

²⁷⁰ Interview with staff member of Lembaga Swadaya Masyarakat Peduli Bangsa, Pompa Air, 12.03.2013, Interview No. 95.

²⁷¹ Decree No. SK 46/HGU/DA/86, HGU certificate No. 1, 1986.

²⁷² These first conflict occurred mainly in the area of Bungku, Tanah Menang and Pinang Tinggi.

²⁷³ Interview with staff member of Lembaga Swadaya Masyarakat Peduli Bangsa, Pompa Air, 12.03.2013, Interview No. 95.

²⁷⁴ Interview with staff member of Lembaga Swadaya Masyarakat Peduli Bangsa, Pompa Air, 12.03.2013, Interview No. 95.

²⁷⁵ Interview with staff member of Yayasan SETARA, Jambi City, 31.10.2013, Interview No. 105.

²⁷⁶ SK Menhut No. 667/KPTS-2/1992, Date: 03.07.1992.

²⁷⁷ Interview with staff member of Yayasan SETARA, Jambi City, 31.10.2013, Interview No. 105.

²⁷⁸ Interview with staff member of Yayasan SETARA, Jambi City, 31.10.2013, Interview No. 105.

²⁷⁹ PT BDU was renamed as PT Asiatic Persada in 1992.

²⁸⁰ Interview with key informant, Bungku, 21.09.2013, Interview No. 83.

²⁸¹ Interview with key informant, Bungku, 21.09.2013, Interview No. 83.

12). Therefore, it became even more complicated to address legal inconsistencies and conflictive land relations.

PT Asiatic Persada's parent company, PT AMC, had two more subsidiaries in the Harapan area, PT Jamar Tulen and PT Maju Perkasa Sawit. In the year 2000, these two companies received location permits (*izin lokasi*) for 3,871 hectares and 3,381 hectares respectively^{282 283}. Location permits are only the first step towards acquiring a HGU (see Chapter 5.4.1.1 and Figure 4). A HGU was never issued to these two companies, they are not registered and any plantation activity is thus illegal^{284 285}. "These companies are like a cash machine for the *Bupati*, they are not official and do not pay taxes to the country"²⁸⁶. Again legal regulations are not applied as intended by state laws.

In the same year, PT Asiatic Persada's parent company, PT AMC, sold its three subsidiaries²⁸⁷, and several resales followed (see Chapter 6.2.1). Along with every resale, the HGU of PT Asiatic Persada was transferred to new parent companies as well. As the HGU lacks its legal basis (PT Asiatic Persada) or was never acquired at all (PT Jamar Tulen, PT Maju Perkasa Sawit) each transfer was invalid²⁸⁸. The three subsidiaries of PT AMC were always resold collectively. First violent evictions of Batin Sembilan families, cultivating land within PT Asiatic Persada's plantation, occurred around the year 2000, when the military was involved for the first time²⁸⁹. Batin Sembilan families were forced to move to other areas within PT Asiatic Persada's plantation concession. Every resale of PT Asiatic Persada to a new parent company took place because of unresolved land conflicts between Batin Sembilan and PT Asiatic Persada, and with each resale, the Batin Sembilan hoped that things get better^{290 291}. A real conflict resolution did however not take place.

In 2002, PT Asiatic Persada promised to establish *plasma* smallholdings for Batin Sembilan communities on a total area of 1,000 hectares. The plantation licensing procedure requires oil palm plantation companies to develop *plasma* plots in order to acquire a HGU. A suitable area was however never identified²⁹². The establishment of *plasma* smallholdings remains a constant demand of some

²⁸² Interview with staff member of Lembaga Swadaya Masyarakat Peduli Bangsa, Pompa Air, 12.03.2013, Interview No. 95.

²⁸³ Interview with key informant, Bungku, 23.09.2013, Interview No. 88.

²⁸⁴ Interview with key informant, Bungku, 23.09.2013, Interview No. 88.

²⁸⁵ Interview with staff member of Yayasan SETARA, Jambi City, 31.10.2013, Interview No. 105.

²⁸⁶ Interview with staff member of Yayasan SETARA, Jambi City, 31.10.2013, Interview No. 105.

²⁸⁷ These three subsidiaries are PT BDU/PT Asiatic Persada, PT Jamar Tulen and PT Maju Perkasa Sawit.

²⁸⁸ Interview with key informant, Bungku, 23.09.2013, Interview No. 88.

²⁸⁹ Interview with staff member of Yayasan SETARA, Jambi City, 31.10.2013, Interview No. 105.

²⁹⁰ Interview with key informant, Bungku, 23.09.2013, Interview No. 88.

²⁹¹ Interview with staff member of the Forest Peoples Programme, Jakarta, 15.11.2013, Interview No. 106.

²⁹² The proposed *plasma* smallholdings were located in areas which overlap with other village boundaries or within the area of PT Jamar Tulen and PT Maju Perkasa Sawit which lack legal basis.

Batin Sembilan communities involved in the PT Asiatic Persada conflict^{293 294}. Other Batin Sembilan communities, from Tanah Menang, Padang Salak and Pinang Tinggi, never regarded the establishment of *plasma* smallholdings as fair compensation for the loss of their customary (*adat*) land. They still demand the return of their land (see Map 7 for the extension of these communities' claimed customary area) (Rofiq & Hidayat, 2013, p. 2).

In 2006, PT Asiatic Persada was sold to Asia's leading agribusiness group, Wilmar International, with headquarters in Singapore. Under the new management it was again promised to establish *plasma* smallholdings for Batin Sembilan communities but this never became effective. Wilmar International is financed by the International Finance Corporation (IFC), which is a part of the World Bank Group²⁹⁵. Wilmar International is a prominent member of the Roundtable on Sustainable Palm Oil (RSPO)²⁹⁶ and supplies global business companies such as Unilever and Nestlé. As Wilmar International is financed by the IFC, several complaints by Batin Sembilan via a consortium of NGOs²⁹⁷ were submitted to the IFC's Compliance Advisor Ombudsman (CAO)²⁹⁸ and to the RSPO in 2006, 2008 and 2011 for not following RSPO standards. Under the RSPO there are eight main principles and criteria for sustainable palm oil production²⁹⁹. In the PT Asiatic Persada case, complaints are related to the second RPSO principle: "compliance to applicable laws and regulations" (RSPO, 2013, p. 11). Under this principle a number of sub-principles and criteria are summarized. 1.) "There is compliance with all applicable local, national and ratified international laws and regulations." 2.) "The right to use the land is demonstrated, and is not legitimately contested by local people who can demonstrate that they have legal, customary or user rights." 3.) "Use of the land for oil palm does not diminish the legal, customary or user rights of other users without their free, prior and informed consent" (RSPO, 2013, pp. 11-13).

²⁹³ Interview with key informant, Pompa Air, 07.03.2013, Interview No. 46.

²⁹⁴ Interview with key informant, Bungku, 23.09.2013, Interview No. 88.

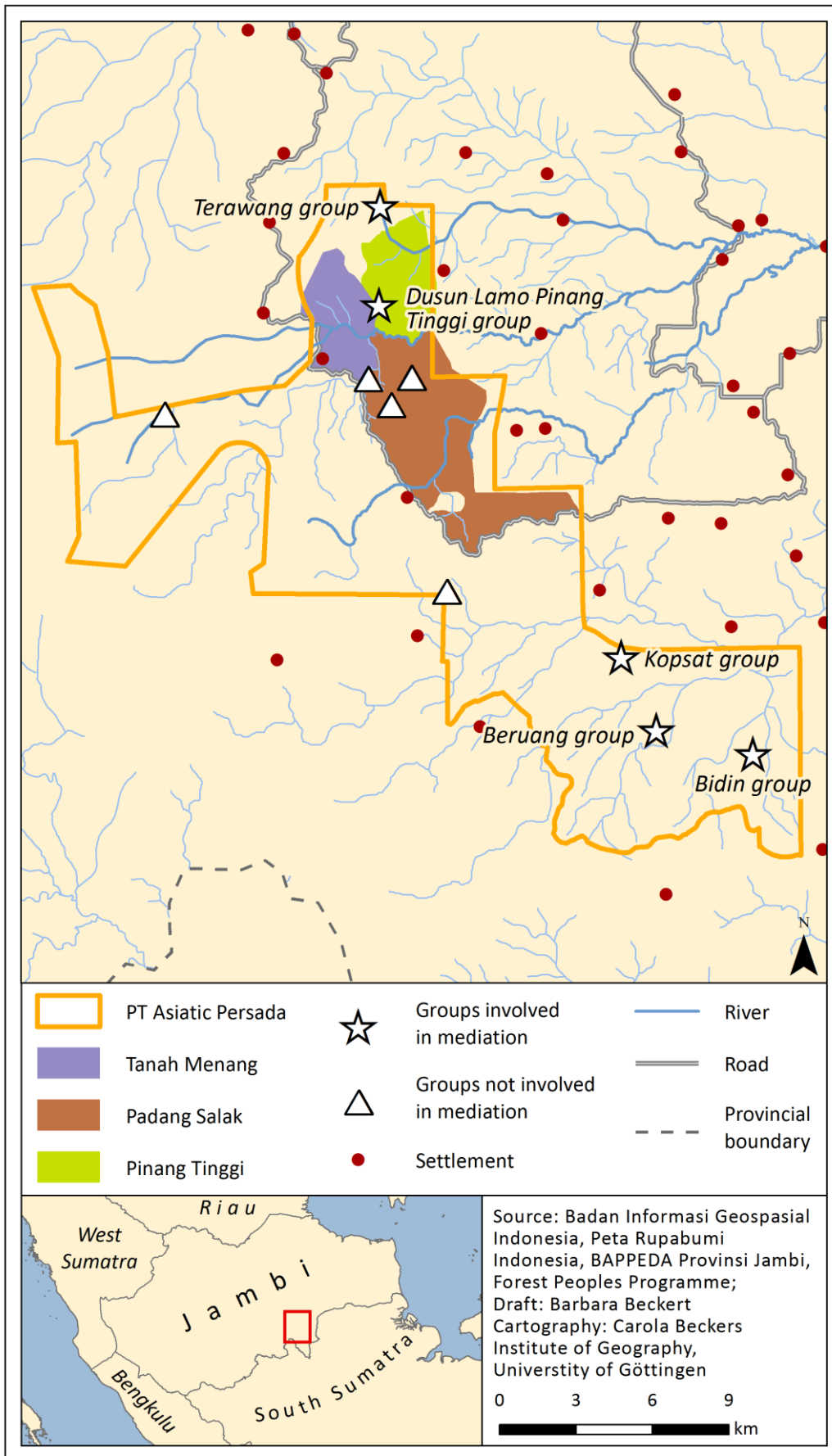
²⁹⁵ The IFC is the largest global development institution focusing exclusively on developing the private sector in 'developing countries' (IFC, 2016).

²⁹⁶ The RSPO is a non-profit organization, founded in 2004, which aims at uniting stakeholders of the palm oil industry to develop and implement global standards for sustainable palm oil production (RSPO, 2016).

²⁹⁷ This consortium included: Sawit Watch, Forest Peoples Programme and Yayasan SETARA Jambi.

²⁹⁸ The CAO is "the independent recourse mechanism for the International Finance Corporation (IFC) and Multilateral Investment Guarantee Agency (MIGA). The CAO responds to complaints from project-affected communities with the goal of enhancing social and environmental outcomes on the ground" (CAO, 2016).

²⁹⁹ The eight principles for oil palm growers to be RSPO certified are: 1. Commitment to transparency; 2. Compliance with applicable laws and regulations; 3. Commitment to long-term economic and financial viability; 4. Use of appropriate best practices by growers and millers; 5. Environmental responsibility and conservation of natural resources and biodiversity; 6. Responsible consideration of employees, and of individuals and communities affected by growers and mills; 7. Responsible development of new plantings; 8. Commitment to continuous improvement in key areas of activity (RSPO, 2013, pp. 7; 11-14).



Map 7 Conflict mediation in the PT Asiatic Persada concession

Since then, the conflict has been mediated by a joint team including the IFC, the CAO, local and international NGOs and the provincial government of Jambi. The aim was to resolve ongoing land conflicts in the concession area of PT Asiatic Persada. The mediation started in 2012, involving Batin Sembilan communities in six villages in the Harapan area, including the Batin Sembilan communities from Bukit Terawang (see Chapter 6.1) (Chao, 2013, p. 198). Other Batin Sembilan communities did not want to take part in the conflict mediation process because of insecure outcomes (see Map 7).

In April 2013, Wilmar International sold PT Asiatic Persada to non-IFC and non-RSPO members: PT Agro Mandiri Semesta and Prima Fortune International Ltd. Wilmar International circumvented compliance with RSPO rules and sold PT Asiatic Persada in the middle of an ongoing mediation process with no prior consultation or information-sharing to the communities concerned or the joint mediation team. Hereby, only Wilmar International's interests were enforced. "Basically, they were never going to resolve the conflict (...). Under the RSPO frame every single concession must get certified. There are about hundred Wilmar plantations and every single one must get certified. Which is great, that they can't get away with one good example and the rest is shit. PT Asiatic Persada was supposed to be certified in 2014 (...). It was obvious, that they were not gonna get the certification in 2013, so they sold it"³⁰⁰. At the same time, Wilmar International does not follow its own 'No Deforestation, No Peat, No Exploitation Policy' in which the company states to respect the Universal Declaration of Human Rights as well as "the rights of indigenous and local communities to give or withhold their Free, Prior, and Informed Consent (FPIC) to operations on lands on which they hold legal, communal or customary rights" (Wilmar International, 2013, p. 1). Furthermore, complaints and conflicts shall be resolved through an "open, fair and consultative process" (Wilmar International, 2013, p. 1).

The joint mediation team submitted another complaint to Wilmar International in May 2013 on the lack of transparency and information prior to the handover of the concession (Chao, 2013, p. 199). The response by Wilmar International "failed to demonstrate awareness and concern for the livelihoods and rights of the affected communities, which have been deeply affected by Wilmar's operations" (Chao, 2013, p. 199). Several further complaints to Wilmar International were submitted. How is it possible that the IFC performance standards can be circumvented by just selling PT Asiatic Persada to a non-IFC member? And how is it possible that Wilmar International can circumvent compliance with RSPO rules by just selling PT Asiatic Persada to non RSPO members, while at the same time remaining a RSPO member itself? Moreover, the new parent companies of PT Asiatic Persada belong to the Ganda Group, which is closely related to Wilmar International. "The Ganda Group itself is not a RSPO member. But it has two concessions which are RSPO members. It is very bizarre. The Ganda Group is not trying

³⁰⁰ Interview with staff member of the Forest Peoples Programme, Jakarta, 15.11.2013, Interview No. 106.

to be certified as a group”³⁰¹. The Ganda Group was founded by Ganda Sitorus, who is the younger brother of Wilmar co-founder Martua Sitorus, and the Ganda Group is a palm oil supplier of Wilmar International. “So basically, it is one big family, they are just passing it on, that’s obvious”³⁰². In fact, the palm oil produced on the PT Asiatic Persada plantation stays within Wilmar International’s supply chain, the fresh fruit bunches are brought to a port that is owned by Wilmar International³⁰³. The PT Asiatic Persada case demonstrates a critical weakness of the RSPO, as there are no criteria related to the obligations of RSPO member companies when concessions are sold to non-RSPO companies, particularly in the context of land conflicts and conflict mediation processes (Chao, 2013, p. 199). “There is no requirement for example, that companies should not divest themselves of an operation when there is conflict resolution under way, you could assume that’s obvious”³⁰⁴. In September 2013, PT Asiatic Persada informed the CAO to withdraw from the CAO-led mediation, which ended officially in December 2013. PT Asiatic Persada instead wanted to continue a government-led mediation process (CAO, 2016).

In a nutshell, regulation is used as 'power of exclusion' in the PT Asiatic Persada conflict. Different actors on different scales do not apply national and international laws and regulations accordingly. Hereby, the Batin Sembilan communities in the Harapan area are again deprived of their right to land access.

6.4.2 Force and legitimation as major 'powers of exclusion'

The PT Asiatic Persada conflict is reported to be one of Indonesia’s most severe oil palm related conflict, with a number of human rights violations taking place (Colchester et al., 2011; Hartmann, 2015, p. 126). Throughout 30 years of conflict, force has been used as particular 'power of exclusion'. It comes into play when protesters are confronted by violent repression. Force was used for the first time by PT Asiatic Persada when compensation payments were 'offered' to the Batin Sembilan communities (see Chapter 6.1). An interview partner from Pompa Air outlined the following: “Employees from PT Asiatic Persada came to the villagers houses, offering compensation. They said to the villagers: if you don’t want to take the compensation, we will take your land anyway”³⁰⁵. Others outlined, that the compensation payments were not fair and some did not even get any compensation

³⁰¹ Interview with staff member of the Forest Peoples Programme, Jakarta, 15.11.2013, Interview No. 106.

³⁰² Interview with staff member of the Forest Peoples Programme, Jakarta, 15.11.2013, Interview No. 106.

³⁰³ Interview with staff member of the Forest Peoples Programme, Jakarta, 15.11.2013, Interview No. 106.

³⁰⁴ Interview with staff member of the Forest Peoples Programme, Jakarta, 15.11.2013, Interview No. 106.

³⁰⁵ Interview with key informant, Pompa Air, 11.03.2013, Interview No. 52.

at all³⁰⁶. “Only part of the villagers received compensation payments, if villagers were not at home, they did not get any. The villagers were forced to accept the compensation, if they rejected to give PT Asiatic Persada their land, they were told to go to the police. But at that time it was the Soeharto era, the people were afraid of the police and the central government. This only changed during the reformation era, so now they are brave enough to occupy the land”³⁰⁷. Force was also used as power to evict people. First violent evictions and clashes with security forces of PT Asiatic Persada and the military occurred in 2000, 2004, 2006 and 2008^{308 309}. In 2010, several smallholders from Bungku village were accused to have stolen oil palm fruits from the PT Asiatic Persada plantation and were put into prison. In 2011, a violent clash occurred over the same allegations, and PT Asiatic Persada’s security forces, supported by a mobile police brigade (BRIMOB), destroyed the homes of 83 families living inside the concession area (Parker, 2013).



Picture 12 Trench designating the border of the PT Asiatic Persada oil palm plantation

© Barbara Beckert, 2013

“BRIMOB came with bulldozers and destroyed many houses”³¹⁰. Gunfights and despoliations took place, leaving one man injured, and the Batin Sembilan families had to flee from the area. “People

³⁰⁶ Interview with key informant, Pompa Air, 11.03.2013, Interview No. 52.

³⁰⁷ Interview with staff member of Lembaga Swadaya Masyarakat Peduli Bangsa, Pompa Air, 12.03.2013, Interview No. 95.

³⁰⁸ Interview with key informant, Pompa Air, 11.03.2013, Interview No. 52.

³⁰⁹ Interview with key informant, Bungku, 23.09.2013, Interview No. 88.

³¹⁰ Interview with key informant, Pompa Air, 06.03.2013, Interview No. 44.

were evicted by the army³¹¹, stated an interview partner from Bungku village. After this incident, several complaints were submitted by the Batin Sembilan and their supporting NGO's to the CAO and the RSPO (see Chapter 6.4.1) for not following RPSO standards and an independent report examined the severe human rights violations taking place in the PT Asiatic Persada conflict (Colchester et al., 2011). In the meantime, PT Asiatic Persada had begun to dig a trench, five meters deep and wide around their concession area to protect the plantation from the 'intrusion' of local people and to prevent the alleged 'theft' of palm fruits (see Picture 12).

In October 2013, hundreds of Batin Sembilan demonstrated for weeks in front of the governor's palace in Jambi City and blocked roads (Jambi Express, 2013)³¹². The Governor of Jambi then announced to apply for a withdrawal of PT Asiatic Persada's HGU. NGO's believed at that time, that this might be just another unfulfilled promise to the Batin Sembilan³¹³. Two months later 1,500 security forces, including the military, attacked settlements within the PT Asiatic Persada concession, in the area of Padang Salak, Pinang Tinggi and Bukit Terawang (see Map 7) and destroyed huts and houses of 150 Batin Sembilan families³¹⁴ (Parker, 2013). In March 2014, a further level of escalation was reached when one villager was abused and killed, and five others severely injured during another clash with security forces of PT Asiatic Persada in Bungku village (Butler, 2014). The eyewitnesses of the murder had to flee to Jakarta.

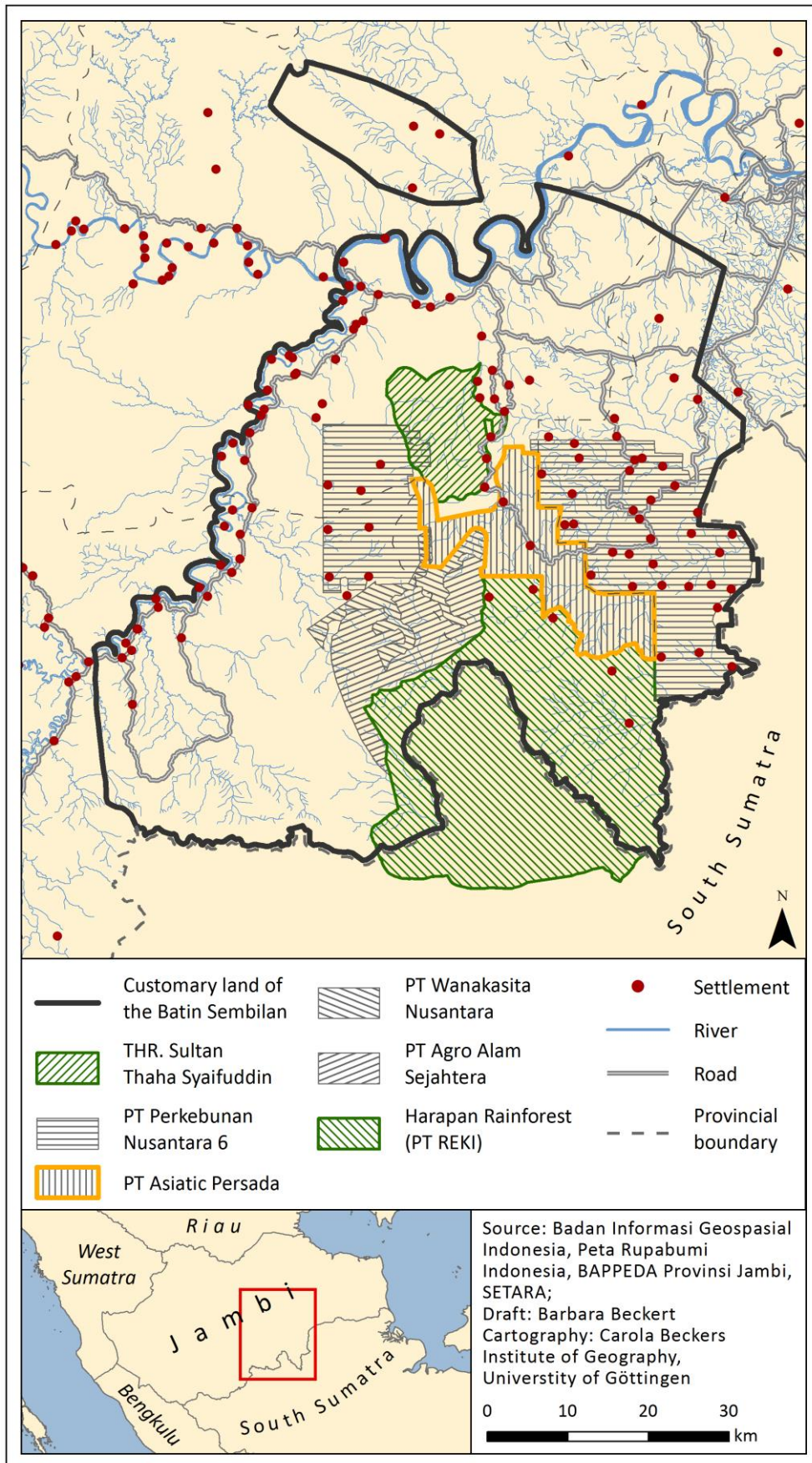
It has been outlined in Chapter 6.1 and Chapter 6.2 that land in the Harapan area has been allocated to logging as well as plantation concession for the cultivation of boom crops such as oil palm and rubber. Moreover, a large area of land was allocated to a NES scheme by the company PT PNVI for the resettlement of more than 45,000 transmigrants from the island of Java. From the perspective of the state, allocating land for development, or for land settlement programs, have been strong rationales which legitimize the exclusion of others. However, the excluded Batin Sembilan communities have not stopped to express their claims to their customary lands. They regard the Harapan area as their collective customary land, which explains the conflictive land relations between access and exclusion here. Graveyards located within the PT Asiatic Persada concession are regarded as visible sign for their long-lasting land claims (Colchester et al., 2011, p. 18). Their customary land comprises all concession and conservation areas presented in Chapter 6.2:

³¹¹ Interview with key informant, Bungku, 26.09.2013, Interview No. 93.

³¹² Interview with staff member of Yayasan SETARA, Jambi City, 31.10.2013, Interview No. 105.

³¹³ Interview with staff member of Yayasan SETARA, Jambi City, 31.10.2013, Interview No. 105.

³¹⁴ The most severe violence took place after field research, in late 2013 and 2014, and can thus only be recalled from secondary literature.



Map 8 Customary land of Batin Sembilan communities in the Harapan area

from PT PNVI and PT Asiatic Persada, to PT Wanakasita Nusantara/PT Agro Alam Sejahtera, and includes the Taman Hutan Raya Sultan Thaha Syaifuddin forest reserve, as well as the Harapan Rainforest conservation concession of PT REKI (see Map 8).

Most of the Batin Sembilan communities have never left their customary land and occupy, in the perspective of PT Asiatic Persada, the concession area. It is said, that 50% to 70% of the concession area is being occupied³¹⁵. The ethnic background of the land occupiers is evaluated differently by interview partners. Some interview partners said, that “most people who occupy land in PT Asiatic Persada are Batin Sembilan, only 30% come from other areas”³¹⁶. Others state, that only ten percent of the land occupiers are actually ethnic Batin Sembilan, and that 90% come from other areas³¹⁷. Most of the so-called 'outsiders', who occupy land within the PT Asiatic Persada concession, have family relations to the Batin Sembilan communities. Identity is about social acceptance not about blood (Colchester et al., 2011, p. 15). The descent system of the Batin Sembilan is bilateral and land is inherited by sons and daughters equally (Steinebach, 2013, p. 74). “Amongst the Batin Sembilan, the ritual is, if you marry a Batin Sembilan you become a Batin Sembilan, you share the land and you have the same rights as the Batin Sembilan. This is what many do not understand”³¹⁸. The Batin Sembilan are often supported by village communities: “With the establishment of PT Asiatic Persada, the possibility to find non-timber forest products has gone. The quality of the water was influenced as well. Now, if there is a dry season we have droughts for up to three months. In the past, it was easy to find fruit trees such as durian, mangosteen and rambutan in the forest, but now this is very difficult (...). We have the feeling that our livelihoods diminished compared to before and support the land occupiers”³¹⁹. It became clear in village interviews that despite oil palms being a popular source of livelihoods, the decline of natural resources is acknowledged in the area (Merten et al., 2016).

6.4.3 Market as 'powers of exclusion'

Theoretically, market as 'power of exclusion' comes into play because land is a highly demanded resource and there has been a tremendous increase in land prices in the Harapan area. However, there is almost no land available on the land market any more, as land is being allocated to concessions for several decades. Thus, the financial aspect of market as 'power of exclusion' does not play a prominent

³¹⁵ Interview with key informant, Bungku, 21.09.2013, Interview No. 83.

³¹⁶ Interview with key informant, Bungku, 23.09.2013, Interview No. 88.

³¹⁷ Interview with key informant, Bungku, 26.09.2013, Interview No. 93.

³¹⁸ Interview with staff member of the Forest Peoples Programme, Jakarta, 15.11.2013, Interview No. 106.

³¹⁹ Interview with key informant, Bungku, 23.09.2013, Interview No. 88.

role in counter-exclusions. Land claims are made via the power of legitimation and resistance strategies.

6.5 Resistance as strategy to counter the 'powers of exclusion'³²⁰

Conflictive land relations are prevalent in the Harapan conflict arena as access to land became increasingly difficult over the past decades, especially for Batin Sembilan communities, but for other smallholders, too. The PT Asiatic Persada conflict has never been solved and is rooted in a long history of inconsistencies, misunderstandings, and frictions related to the legality and size of the HGU (see Chapter 6.4.1). The Batin Sembilan draw on collective customary (*adat*) land rights to assert their land claims. Their marriage pattern of bilateral descent allows for the integration of members of other ethnic communities (see Chapter 6.4.2). Apart from 'outsiders' marrying into the Batin Sembilan communities, they are also supported by smallholders from the area, landless migrants or former transmigrants in land occupations and resistance. Ongoing in-migration and population growth increased pressure on land resources in the Harapan area and contributed to the escalation of land conflicts. The two hectares of land once given by the government to transmigrants as *plasma* smallholding (see Chapter 6.2.1, PT PNVI) are no longer sufficient to sustain their livelihoods. These groups are looking for land access as well, and thus support the Batin Sembilans' resistance.

The Batin Sembilan communities in the Harapan area are not only supported by smallholders on a village scale, but also by various NGOs and political parties on a regional and national scale^{321 322}. The outreach capacity of the NGOs varies and even brings the Batin Sembilans' cause to an international audience. Differently positioned local actors are thus connected to various global discourses. The Batin Sembilan together with their supporters, combine collective actions on the ground, for example land occupations and demonstrations, with their ethnics' identity and regional history. Identity is the legitimatory basis for the Batin Sembilans' resistance and is combined with superordinate structuring patterns on national and international level. The Batin Sembilan are fighting for access to land by following an indigenous rights discourse, and relating it to the debate on the effectiveness of the RSPO. According to the ILO 'Convention concerning Indigenous and Tribal Peoples in Independent Countries' (ILO, 1989), the Batin Sembilan fulfill the criteria³²³ to be recognized as indigenous peoples. "If there is

³²⁰ Parts of this section have been published in Beckert et al., 2014 and Beckert & Keck, 2015.

³²¹ NGOs working in the Harapan area: Yayasan SETARA Jambi, Yayasan CAPP, Walhi/Friends of the earth Indonesia, Serikat Petani Indonesia/Indonesian peasants' union. These NGOs are in turn supported by variety of international NGOs such as Forest Peoples Programme, Robin Wood, Rettet den Regenwald e.V.

³²² Interview with key informant, Pempa Air, 06.03.2013, Interview No. 44.

³²³ These criteria are outlined in Chapter 5.4.2.1.

one thing that is the same across all the different conflicts, is that the rights of communities are not recognized, be it oil palm development or conservation. They are not consulted enough or asked. Indigenous people are having the right to free prior and informed consent by international human rights laws, but this is not respected. National laws are not recognizing their rights either, and land is being allocated without consultation"³²⁴. By taking up these discourses, the Batin Sembilan are using scalar strategies in order to change existing power relations. Through a process of scale-jumping, the Batin Sembilan can fight for their interests on higher scales. Scale-jumping is understood as intentional strategy to change the spatial reference level of conflicts, this means that actors actively look for alliances on other scales of regulation (McCarthy, 2005, p. 749; Wissen, 2008, pp. 7-19). In December 2011, several Batin Sembilan were invited by German NGOs, Robin Wood, Rettet den Regenwald e.V., and Watch Indonesia, to raise their concerns in Hamburg, Germany (Klawitter, 2011). The Batin Sembilan demonstrated and camped in front of the Unilever head office for several days. They called attention to the fact that Unilever is being supplied by palm oil from Wilmar International, a company which is directly associated with the PT Asiatic Persada conflict. The Batin Sembilan use their indigeneity here to enhance their agency and empowerment, allowing for a transformation from marginalized victims to empowered actors in their struggle for land (Steinebach, 2013, p. 63; Beckert et al., 2014, p. 88). The PT Asiatic Persada conflict, where indigenous resistance against a multinational player takes place, exemplifies this transformation.

The Batin Sembilan and their supporters do not only relate to international discourses but also try to show the infringement of PT Asiatic Persada's HGU. It was often heard in village interviews that not only the HGU process itself is legally flawed, but also that PT Asiatic Persada's oil palm plantation covers more than 20,000 hectares: "The real HGU size is top secret"³²⁵, but numbers hereby range between 33,000 hectares and 42,000 hectares which are under PT Asiatic Persada's cultivation³²⁶. The plantation might even have been extended into the *plasma* smallholdings of PT PNVI in Sungai Bahar³²⁷³²⁸. "PT Asiatic Persada does not want to resize the plantation. If they will find out that the company has so much land outside the HGU, this also means, that the company does not pay enough taxes to the government"³²⁹. The Batin Sembilan demand resurveying the concession area of PT Asiatic Persada. A group of villagers went to Jakarta in order to apply for the re-measurement of the concession area at a central governments' office. It was agreed to resize PT Asiatic Persada's

³²⁴ Interview with staff member of the Forest Peoples Programme, Jakarta, 15.11.2013, Interview No. 106.

³²⁵ Interview with key informant, Bungku, 23.03.2013, Interview No. 62.

³²⁶ Interview with staff member of Lembaga Swadaya Masyarakat Peduli Bangsa, Pompa Air, 12.03.2013, Interview No. 95.

³²⁷ Interview with staff member of Yayasan SETARA, Jambi City, 31.10.2013, Interview No. 105.

³²⁸ Interview with key informant, Pompa Air, 11.03.2013, Interview No. 52.

³²⁹ Interview with key informant, Bungku, 23.09.2013, Interview No. 88.

concession, but the costs should be taken by the villagers themselves³³⁰. The case was handed over to the Provincial Government of Jambi, but there the request remained unanswered. Therefore, villagers from Pompa Air and Bungku started to collect money to engage the services of a lawyer in Jakarta to re-measure the extension of the oil palm concession³³¹. Through a re-measurement it could also be identified whether Bukit Terawang, and thus the land claimed by Ibu Erni and Pak Faizal, is located inside or outside the concession area of PT Asiatic Persada (see Chapter 6.1).

To sum up, the Batin Sembilans' agency to connect to more powerful actors, such as local, national and international NGOs, as well as their attempts to resize the concession of PT Asiatic Persada are regarded as active resistance strategies to counter the 'powers of exclusion' in the PT Asiatic Persada conflict. At the time of field research, the conflict escalation stage in the PT Asiatic Persada conflict was at 'Stage 8: Nationalization and Internationalization' (Yasmi et al., 2006, pp. 542-543). The conflict has reached international levels through the involvement of NGOs. However, despite active resistance taking place, it could also be felt, that many Batin Sembilan do not believe in a resolution of the PT Asiatic Persada conflict anymore. This feeling is summarized by a staff member of the Forest Peoples Programme: "The will to fight, the will to conflict is decreasing, diminishing. And it has been 30 years since they have been fighting for their land. So in some ways, perhaps, intense conflict is actually a sign that people are still fighting. When there is less and less conflict, it does not mean that it has been resolved. It has just been worn down as well"³³².

6.6 The Harapan area as post-frontier conflict arena

Conflictive land relations between access and exclusion have been analyzed in the previous sections of Chapter 6. It has been shown, that the Batin Sembilan ally with national and international NGOs in their fight for land access and hereby counter the exclusions taking place in the Harapan conflict arena. The PT Asiatic Persada conflict is summarized in Table 6.

³³⁰ Interview with key informant, Pompa Air, 06.03.2013, Interview No. 43.

³³¹ Interview with key informant, Bungku, 23.09.2013, Interview No. 88.

³³² Interview with staff member of the Forest Peoples Programme, Jakarta, 15.11.2013, Interview No. 106.

Conflict Case	Exclusion Rationale	Land Status	Conflict Origin	Main Conflict Parties	Conflict Escalation Stage ³³³	Resistance strategy
PT Asiatic Persada conflict	Oil palm plantation licensing	HGU under dispute	Over-lapping customary land claims	PT Asiatic Persada, (Batin Sembilan) smallholders	Stage 8: Nationalization and Internationalization	Alliance with national and international NGOs addressing indigenous rights discourses and RPSO effectiveness. Attempt for a re-measurement of the HGU

Table 6 Summary of the most severe land conflict in the Harapan area

(Source: own investigation)

Apart from the PT Asiatic Persada conflict, there are a number of other land conflicts in the Harapan conflict arena. Conflicts center mainly on concession areas, such as PT PNVI, PT Wanakasita Nusantara and PT Agronusa Alam Sejahtera, or conservation areas such as the Taman Hutan Raya Sultan Thaha Syaifuddin forest reserve and the Harapan Rainforest conservation concession of PT REKI (see Chapter 6.2). The underlying causes of these land conflicts are similar to those in the PT Asiatic Persada conflict case, and mainly evolve in the context of customary (*adat*) land claims by Batin Sembilan communities. Concession or conservation areas do not only overlap with customary land, but even with other concessions. This is the case between PT Asiatic Persada and the Harapan Rainforest conservation concession and between PT Asiatic Persada and the *plasma* smallholding area of PT PNVI³³⁴. There are also conflicts about the administrative boundaries of Batanghari and Muaro Jambi districts. Seventeen years after the division of Batanghari district in 1999, it is still not clear which settlements of Bungku are located in which district³³⁵. On an individual level land conflicts arise as well, due to a lack of official title deeds (*hak milik*) and insecure ownership. Different actors perceive their understanding of legitimate land access, land rights and land conflicts as the only truth, leading to the fact that multiple contested truths exist in parallel.

³³³ According to Yasmi et al. (2006, pp. 542-543), see Table 1.

³³⁴ It was reported in village interviews that PT Asiatic Persada cultivates oil palms within the boundaries of the Harapan Rainforest conservation concession on an area of 1,450 hectares (Interview with key informant, Bungku, 26.09.2013, Interview No. 92).

³³⁵ Interview with key informant, Bungku, 21.09.2013, Interview No. 83.

In the Harapan conflict arena land conflicts are manifold, and the struggle for access to land is at the heart of today's land contestations. Plantation licensing, as well as the designation of conservation areas, has led to a decrease in land availability and to a fragmented land use mosaic (see Map 6). However, not only the 'powers of exclusion' shape conflictive land relations, but also the local actors' agency to resist. In the PT Asiatic Persada conflict it has been shown, that the Batin Sembilan strategically ally with national and international NGOs in order to pursue their interests. They join globalized discourses through processes of scale-jumping. Internal frontiers are thereby created by different actors through uneven power options. The Harapan area is conceptualized as dynamic post-frontier conflict arena in which counter-exclusions take place.

"Only in narrative terms is the post-frontier defined as being in opposition to or replacing the frontier. Both appear on a continuum, wherein post-frontier assemblages connect practices and sustainability discourse in new ways." (Larsen, 2015, p. 16)

7. Discussion: Jambi's post-frontier in transformation

This chapter discusses Jambi's post-frontier in transformation. In the first section, the research findings are summarized by answering the research questions raised in the beginning of this dissertation. The findings are related to the conceptual framework on conflictive land relations in the post frontier. Section two highlights limitations and challenges of the research project from a conceptual and methodological point of view. The third section outlines relevant laws and regulations which were enacted after field research has been completed, and might have a strong impact on conflictive land relations in Jambi province in the future.

7.1 Summary of research findings in relation to the conceptual framework on conflictive land relations in the post-frontier

How did Jambi province transform into a dynamic post-frontier?

Jambi province has always been a region, known for its rich resources and natural abundance. Trade has been an important factor ever since, and especially during the Melayu-Jambi Kingdom. Trade relations intensified during the Dutch colonial era even more. The influence of the Dutch increased with logging of valuable timber species and the promotion of plantation monocultures, initially rubber, later on also oil palms. The Dutch exerted their influence towards administrative control and hereby laid the foundation for plural legal orders in post-colonial Indonesia, where codified state laws and customary (*adat*) laws exist in parallel. The conventional frontier, as zone of transition between forests and agricultural land, advanced mainly after the Indonesian independence when land was allocated under the paradigm of development to concession companies. Transmigrants were moved to 'outer islands' and remote rural areas in Jambi province in order to push plantation development. Legal ambiguities were perpetuated in post-colonial Indonesia leading to the uncontrolled allocation of concession areas, depriving local communities of their customary (*adat*) land rights. The landscape in Jambi province is nowadays characterized by an overlapping mosaic of resource governance and territorial control and land relations are constantly contested. In these post-frontier areas the specific

practices of social actors come to the fore, and these practices shape the transformation of the post-frontier.

Which processes lead to conflictive land relations between access and exclusion in the post-frontier?

Research on land conflicts in the southern Bukit Duabelas and Harapan conflict arena has revealed, that an insufficient and defective implementation of existing laws and regulations is the main reason behind land conflicts. This leads to often unclear administrative responsibilities. Concession or conservation areas are often overlapping with customary (*adat*) areas and customary land claims are not acknowledged. Land scarcity contributes to the inevitability of conflictive land relations, as people have to sustain their livelihoods. With regard to the 'powers of exclusion' framework, regulation is thus the main power affecting access to and exclusion from land. But legitimation processes are important as well, when the legitimator perspective of the state (land for development or conservation rationales) is countered through an emerging customary legitimation discourse in which *adat* land claims are promoted. As conflict resolution is a challenging endeavor in the context of varying historical land claims of different local communities, force is often used by powerful actors leading to an escalation of land conflicts in the post-frontier.

How does resistance against adverse land relations influence the post-frontier?

In order to go beyond a mere description of the processes or 'powers' leading to access and exclusion in the post-frontier, resistance strategies of local actors were included into the analysis. In both research areas, the agency of local actors to resist has tremendous effects on conflictive land relations and the evolution of land conflicts. In globalized contexts, local actors retain the ability to connect their causes to discourses on higher scales, hereby gaining a platform to raise their voice for land access. The post-frontier is not only shaped by the 'powers of exclusion' and interrelated processes, but also actively by local actors through their resistance, who hereby transform the evolution of the post-frontier.

7.2 Limitations and challenges of the research project

While the research project provides innovative findings on the transformation of the post-frontier on a region-specific, conceptual and methodological level, it also has a number of limitations and drawbacks.

The adapted framework on conflictive land relations in the post-frontier has, from a conceptual point of view, not only advantages but also some disadvantages. The focus on the four 'powers of exclusion',

regulation, force, market and legitimation, helps to structure the understanding of conflictive land relations, but at the same time disregards the fact that there might be other 'powers of exclusion' relevant in the context of access to and exclusion from land as well. Therefore, the 'powers of exclusion' restrain the researchers' view on land conflicts and their underlying root causes, as well as possible other ways of securing access to land. Connecting the 'powers of exclusion' framework with a 'terrains of resistance' approach allows for great insights into the evolution of land conflicts, as hereby the agency of local actors to resist in the context of conflictive land relations is included into the analysis. While the research project at hand acknowledges the fact that resistance is from utmost importance to understand land conflicts, the specific resistance strategies of local actors could not be fully understood. Resistance was identified on a local scale in the southern Bukit Duabelas and the Harapan conflict arena, but could not be followed adequately on higher scales of analysis, such as national and international scales. Especially the Batin Sembilans' strategy to relate their struggle for land access to global discourses should have been investigated on higher scales, too. The agency of local actors to resist is dependent on power structures between differently positioned local actors. These power structures could not be fully understood and disentangled in the research project, due to time constraints.

Apart from conceptual limitations there are also methodological limitations and drawbacks (see Chapter 3.4). Research on land conflicts is a sensitive issue in Indonesia which poses a number of specific challenges. Village authorities played an important role for the researchers' access to the research villages and potential interview partners. Using a snowball sampling method might have hindered access to interview partners with different perceptions than the village authorities or the overall village community. Field research was especially time-consuming as mutual trust had to be established before land conflicts could have been addressed. Furthermore, insights gathered during village interviews have to be reflected against the background that all interview partners might have followed their own interests in the land conflicts. Doing field research in two distant research areas is time-consuming as well and comes at the drawback of gaining in-depth insights into conflictive land relations in one research area. Moreover, research insights can only limitedly be generalized for the whole province of Jambi, the island of Sumatra or Indonesia.

7.3 Recognition of customary communities' rights through new laws and regulations

After field research has been completed, several laws and regulations were passed, which might have a strong impact on conflictive land relations between access, exclusion and resistance in the study

region. These laws and regulations shall not remain unnoticed and are briefly outlined in the following sections. Their potential value for the recognition of the rights of customary communities is assessed. However, decisive outcomes on the local level can only be disentangled by further research.

7.3.1 Forest Moratorium and the One Map Initiative

In 2011, a two-year moratorium on the issuance of licenses in forest areas and on peatlands was decreed by the former president Susilo Bambang Yudhoyono³³⁶. It was part of a bi-lateral cooperation with Norway in the context of Indonesia's Reducing Emissions from Deforestation and Forest Degradation (REDD+) scheme. Its main goal is to cease licenses in 'primary' forest areas as well as on peatlands in order to reduce the country's high deforestation rates. Existing licenses should be reviewed and overlapping land claims be resolved (Sloan, 2014, p. 37). Unfortunately, secondary forests and logged forests are left out and all pre-existing licenses are not reviewed as well (Paoli, 2015, p. 33). This results in only 12-22 million hectares to be afforded new protection from licensing, an area which is much less than the current moratorium area of 64.67 million hectares suggests (Sloan, 2014, pp. 37-38). The Forest Moratorium was already extended twice, in 2013 and 2015, as the review of licenses and claims is far from being completed and goals were only partly met.

Closely related to the Forest Moratorium is the One Map Initiative, which aims to compile spatial data by different ministries and agencies into one database to be used by government offices at all levels. This is regarded as major step forward in Indonesian land governance (Paoli, 2015, p. 34). At the same time, questions are raised concerning the transparency of the mapping processes which can only be solved, if all ministries fully open their data to the public (Sloan, 2014, p. 39).

7.3.2 Constitutional Court Decision MK 35

In May 2013, the far-reaching Constitutional Court decision No. 35/2013 (*Mahkamah Konstitusi No. 35/PUU-X/2012*) recognized and restored the rights of customary communities, declaring that customary forests (*hutan adat*) are no longer part of state-owned forests (*hutan negara*). Hereby, the Forestry Law 41/1999 was revised and customary communities were acknowledged as "rights bearing subjects" (Rachman, 2013, p. 2). This decision "fundamentally validates customary communities' position in their scattered struggle over land, resources and territory" (Rachman, 2013, p. 1). It is estimated, that 10-40 million hectares of land could fall under the control of customary communities

³³⁶ Susilo Bambang Yudhoyono was president of the Republic of Indonesia from 2004 until 2014.

(Paoli, 2015, p. 36). A lot of practical issues have yet to be specified, e.g. which customary communities have rightful claims over which forest areas, and how will it affect existing land use licenses overlapping these customary forests. A huge number of laws, by-laws and regulations have already been passed which shall further clarify the procedures for recognizing customary rights to land. In 2015, it was designated that customary forests will not be removed entirely from the forest zone but will be reclassified as 'forests with rights' (*Peraturan Menteri Lingkungan Hidup dan Kehutanan No. 32/2015 tentang hutan hak*). As such, forests still have certain functions, such as production, protection or conservation which is regarded as success in terms of environmental protection. Consequently, customary communities might have to receive compensation payments according to the specific function assigned to their customary forest area (Paoli, 2015, pp. 39-40).

7.3.3 New Village Law 6/2014

In January 2014, the Village Law 6/2014 was passed which replaces the Regional Government Law 32/2004 and the Government Regulation 72/2005 on villages. The new Village Law substantially changes the role of the village within the state by recognizing the rights and authorities of villages as political entities (Paoli, 2015, p. 35). At the same time it alters the rights and responsibilities of villages. It has a strong implication on the recognition of customary rights, too. "The law states that villages have 'customary and traditional rights in regulating and managing the interests of local communities' and need to be recognized, protected and empowered to play a strong role in creating a just, wealthy and prosperous society" (Paoli, 2015, p. 35). The Village Law enables customary communities to establish customary villages (*desa adat*) which can be managed according to customary law. This implies that customary communities have to form their own village governments. In line with the Constitutional Court Decision No. 35/2012, customary communities have the rights to manage their customary land. Thus, local and customary control over land and forest is supported and villages can actively be part of spatial planning processes and thereby influence land use decision making processes. It has been argued, that the Village Law only recognizes customary communities and lands with a clear genealogy and territoriality. This in turn excludes other customary communities. This fact, together with the general shift in authorities and power opens the door for different types of new conflict (Paoli, 2015, pp. 36-37).

7.3.4 New Regional Governments Law 23/2014

In September 2014, the Law 23/2014 (*Undang-Undang No. 23 Tahun 2014 tentang Pemda*) was passed, which changes the division of responsibilities between various levels of government. The law itself is very detailed and covers a wide variety of topics related to governmental affairs. In general, it strengthens the authority of provincial governors while at the same time it diminishes the authority of district officials. The law has significant implications with regard to natural resource governance, as it transfers authorities in the forestry, marine, energy and mineral resource sector from the district level to the provincial and national level (Paoli, 2015, p. 34). "The shift seems intended to improve governance, i.e. it reflects recognition that districts/municipalities have not properly utilized their regulatory powers over natural resource industries" (Paoli, 2015, pp. 34-35). District governments have however retained their authority to issue plantation permits, the authority for issuing mining permits was revoked though. With respect to the Constitutional Court Decision MK 35 and the Village Law 6/2014, the new law on regional governments recognizes customary land rights and land claims. "The law reaffirms district governments' authority to recognize *adat* (customary) law communities and their rights, as well as establishment of customary areas (*tanah ulayat*) and customary villages" (Paoli, 2015, p. 35).

7.3.5 Law on Plantations 39/2014

From 2004 until 2014, the Law on Plantations 18/2004 (see Chapter 4.4) has defined national policies for oil palm in Indonesia. Local governments as well as private companies were assigned with wide discretionary powers leading to extreme variability in terms of social and environmental management of oil palm (Paoli et al., 2013, p. 53). "Outcomes on the ground thus reflect a combination of local government attitudes toward oil palm and especially their role as regulators, corporate philosophy of firms operating in the region, and community preparedness for negotiations" (Paoli et al., 2013, p. 53). In 2014, under the administration of Susilo Bambang Yudhoyono, the Law on Plantations 39/2014 was passed, which replaced the existing Law on Plantations from 2004. The new law stresses the principles of sustainability and maintenance of environmental functions. Plantation companies have to respect the rights of customary and local communities and have to obtain consent from them (Paoli, 2015, p. 27). "Article 17 states that local authorities are prohibited from issuing permits on land where *adat* communities have customary rights, except in cases where companies have obtained consent from such communities and reached agreements on compensation. Wording of this provision is noteworthy, as it allows for issuing of permits in *adat* areas only after agreement has been reached, not before. The terminology of Free, Prior and Informed Consent (FPIC) is not used explicitly in the provision, but in

practice it would seem to be requiring an FPIC type process" (Paoli, 2015, p. 27). Additionally, the new plantation law sets stricter rules on foreign ownership in the plantation sector and prioritizes domestic investments. Foreign companies are required to form a joint venture with a local partner, which has to be approved by the Ministry of Agriculture. Already existing foreign plantation companies shall comply with the new law after their 'right to cultivation' (HGU) ends (The Jakarta Post, 2014b). Three years after the relevant land rights were granted, any company has to use 30% of its land area for plantation activities; after six years the total land area under HGU has to be cultivated. If this is not the case, permits for the unplanted area can be revoked (Paoli, 2015, p. 27). Under the new plantation law, companies are required to allocate 20% of the plantation area to the local communities for plantation activities, so-called *plasma* land. The law does not state how this *plasma* regulation should be implemented though. Article 58 of Law 39/2014 on Plantations declares that the development of *plasma* land can be facilitated through credit patterns, profit sharing mechanisms or other agreed form of funding in accordance with the provisions of the legislation (*Undang-Undang No. 39 Tahun 2014 tentang Perkebunan*).

“The post-frontier is by no means settled, and as such is a critical field not only for social action, but equally so for social science enquiry.” (Larsen, 2015, p. 158)

8. Conclusion

Indonesia’s 2015 forest fires are counted among the most severe forest fires in history, apart from those in 1997 and 2006. These fires were caused by land clearing activities and unintentional, escaped fires. Whether companies or smallholders are mainly responsible for these fires is still unanswered by research (Tacconi, 2016, p. 641). However, it has been identified on which type of land area most of the fires occurred in Indonesia. “In 2015, almost 55% of the burnt area was not allocated to defined stakeholders, or it was unaccounted for; the holders of concessions for estate crops, palm oil and forestry account for only about one-third of the total burnt area” (Tacconi, 2016, p. 642). This means, that on two-thirds of the burnt area, different actors were involved in forest fires and thus cleared land for future plantation activities.

Research in the southern Bukit Duabelas and Harapan area has revealed that different kind of actors are struggling for land access, even within or outside officially demarcated areas, be it plantation concessions, conservation areas or village land. This holds true for companies and smallholders likewise. Smallholders have been deprived of access to land by the allocation of concession areas for development or conservation purposes by the state, and in addition lack secure title deeds for sustaining their livelihoods. Reclaiming collective customary (*adat*) land has become a new mean of getting access to land. “Adat has thus become a powerful term in political discourse, a source of social and political legitimacy presented in opposition to the state” (Fitzpatrick, 2007, p. 140). Smallholders have no other choice than encroaching protected forests or occupying land in plantation concessions. Consequently, conflictive land relations between access, exclusion and resistance are fostered. Forest cover in Jambi province is continuously decreasing, and between 2012 and 2016 a forest loss of eight football fields per hour was calculated (KKI WARSI, 2016). Processes of land use transformation still take place and Jambi province is transformed into a dynamic post-frontier conflict arena. The 'powers of exclusion' are hereby shaping land relations between access and exclusion. The agency of local actors to resist in turn leads to a constant transformation of the post-frontier.

The Indonesian government has recognized that land conflicts are still increasing throughout the country, involving currently more than one million households (Konsorsium Pembaruan Agraria, 2015), by the enactment of a number of new laws and regulations between 2011 and 2014. A special focus is put on the recognition of the rights of customary communities. In how far these laws and regulations

really have positive effects on the local level and on current and future land conflicts remains to be seen and has to be analyzed by further research. Undoubtedly, the post-frontier will be further shaped and transformed by new emerging negotiation processes connected to the recently enacted laws and regulations.

On top of everything outlined before, the post-frontier will be transformed within the next couple of years in a completely new manner. Land, currently allocated to plantation concessions, has already been granted to mining companies. In Jambi province alone, more than 400 mining permits have been issued so far. While frontiers have been conceived as zone of transition between forests and agricultural land, and settlers moved into the 'untamed' nature and extracted the above-ground resources, new social and environmental relations emerged in the post-frontier, understood as contested spaces at the global periphery, where the soil is used for the production of resources. New post-frontier dynamics will develop when resources are extracted below the ground by mining operations. It is expected, that conflictive land relations between access, exclusion and resistance will prevail in the future in Indonesia. Then, once again the post-frontier will turn into a 'space of exception'.

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Annex

Annex 1: List of interviews conducted on village, provincial and national level

Interviews with key informants on village level					
Interview No.	Village	Date	Interview Memo	Interview Transcript	Language
1	Pompa Air ³³⁷	03.03.2012	yes	no	<i>Bahasa Indonesia</i>
2	Bakti Mulia ³³⁸	04.03.2012	yes	no	<i>Bahasa Indonesia</i>
3	Markanding ³³⁹	09.03.2012	yes	no	<i>Bahasa Indonesia</i>
4	Desa Baru ³⁴⁰	11.03.2012	yes	no	<i>Bahasa Indonesia</i>
5	Semurung ³⁴¹	11.03.2012	yes	no	<i>Bahasa Indonesia</i>
6	Gurun Mudo ³⁴²	11.03.2012	yes	no	<i>Bahasa Indonesia</i>
7	Lubuk Jering ³⁴³	12.03.2012	yes	no	<i>Bahasa Indonesia</i>
8	Desa Jernih ³⁴⁴	12.03.2012	yes	no	<i>Bahasa Indonesia</i>
9	Pematang Kabau ³⁴⁵	12.03.2012	yes	no	<i>Bahasa Indonesia</i>
10	Bukit Suban	08.10.2012	yes	no	<i>Bahasa Indonesia</i>

³³⁷ This interview has been conducted in cooperation with Dr. Stefanie Steinebach.

³³⁸ This interview has been conducted in cooperation with Dr. Stefanie Steinebach.

³³⁹ This interview has been conducted in cooperation with Dr. Stefanie Steinebach.

³⁴⁰ This interview has been conducted in cooperation with Dr. Stefanie Steinebach.

³⁴¹ This interview has been conducted in cooperation with Dr. Stefanie Steinebach.

³⁴² This interview has been conducted in cooperation with Dr. Stefanie Steinebach.

³⁴³ This interview has been conducted in cooperation with Dr. Stefanie Steinebach.

³⁴⁴ This interview has been conducted in cooperation with Dr. Stefanie Steinebach.

³⁴⁵ This interview has been conducted in cooperation with Dr. Stefanie Steinebach.

11	Bukit Suban	09.10.2012	yes	yes	<i>Bahasa Indonesia</i>
12	Bukit Suban	09.10.2012	yes	yes	<i>Bahasa Indonesia</i>
13	Bukit Suban	10.10.2012	yes	yes	<i>Bahasa Indonesia</i>
14	Bukit Suban	11.10.2012	yes	no	<i>Bahasa Indonesia</i>
15	Bukit Suban	11.10.2012	yes	yes	<i>Bahasa Indonesia</i>
16	Bukit Suban	12.10.2012	yes	no	<i>Bahasa Indonesia</i>
17	Bukit Suban	12.10.2012	yes	yes	<i>Bahasa Indonesia</i>
18	Bukit Suban	12.10.2012	yes	no	<i>Bahasa Indonesia</i>
19	Bukit Suban	13.10.2012	yes	no	<i>Bahasa Indonesia</i>
20	Desa Jernih	15.10.2012	yes	no	<i>Bahasa Indonesia</i>
21	Desa Jernih	15.10.2012	yes	yes	<i>Bahasa Indonesia</i>
22	Desa Jernih	16.10.2012	yes	yes	<i>Bahasa Indonesia</i>
23	Desa Jernih	16.10.2012	yes	yes	<i>Bahasa Indonesia</i>
24	Desa Jernih	17.10.2012	yes	yes	<i>Bahasa Indonesia</i>
25	Desa Jernih	17.10.2012	yes	yes	<i>Bahasa Indonesia</i>
26	Desa Jernih	18.10.2012	yes	yes	<i>Bahasa Indonesia</i>
27	Desa Jernih	18.10.2012	yes	no	<i>Bahasa Indonesia</i>
28	Desa Jernih	18.10.2012	no	yes	<i>Bahasa Indonesia</i>
29	Desa Jernih	18.10.2012	yes	no	<i>Bahasa Indonesia</i>
30	Desa Baru	31.10.2012	yes	yes	<i>Bahasa Indonesia</i>
31	Desa Baru	31.10.2012	yes	yes	<i>Bahasa Indonesia</i>

32	Desa Baru	01.11.2012	yes	yes	<i>Bahasa Indonesia</i>
33	Desa Baru	01.11.2012	yes	yes	<i>Bahasa Indonesia</i>
34	Desa Baru	02.11.2012	yes	yes	<i>Bahasa Indonesia</i>
35	Desa Baru	02.11.2012	yes	yes	<i>Bahasa Indonesia</i>
36	Desa Baru	03.11.2012	yes	yes	<i>Bahasa Indonesia</i>
37	Desa Baru	03.11.2012	yes	yes	<i>Bahasa Indonesia</i>
38	Desa Baru	04.11.2012	yes	yes	<i>Bahasa Indonesia</i>
39	Gurun Mudo	06.11.2012	yes	yes	<i>Bahasa Indonesia</i>
40	Gurun Mudo	07.11.2012	yes	yes	<i>Bahasa Indonesia</i>
41	Gurun Mudo	07.11.2012	yes	yes	<i>Bahasa Indonesia</i>
42	Gurun Mudo	08.11.2012	yes	yes	<i>Bahasa Indonesia</i>
43	Pompa Air	06.03.2013	yes	yes	<i>Bahasa Indonesia</i>
44	Pompa Air	06.03.2013	yes	yes	<i>Bahasa Indonesia</i>
45	Pompa Air	06.03.2013	yes	yes	<i>Bahasa Indonesia</i>
46	Pompa Air	07.03.2013	yes	yes	<i>Bahasa Indonesia</i>
47	Pompa Air	07.03.2013	yes	yes	<i>Bahasa Indonesia</i>
48	Pompa Air	08.03.2013	yes	yes	<i>Bahasa Indonesia</i>
49	Pompa Air	08.03.2013	yes	yes	<i>Bahasa Indonesia</i>
50	Pompa Air	09.03.2013	yes	yes	<i>Bahasa Indonesia</i>
51	Pompa Air/Bukit Terawang	10.03.2013	yes	yes	<i>Bahasa Indonesia</i>
52	Pompa Air	11.03.2013	yes	yes	<i>Bahasa Indonesia</i>

53	Pompa Air	13.03.2013	yes	no	<i>Bahasa Indonesia</i>
54	Pompa Air	13.03.2013	yes	no	<i>Bahasa Indonesia</i>
55	Pompa Air	13.03.2013	yes	no	<i>Bahasa Indonesia</i>
56	Bungku (Dusun Johor Baru)	20.03.2013	yes	yes	<i>Bahasa Indonesia</i>
57	Bungku (Dusun Johor Baru)	20.03.2013	yes	yes	<i>Bahasa Indonesia</i>
58	Bungku (Dusun Johor Baru)	21.03.2013	yes	yes	<i>Bahasa Indonesia</i>
59	Bungku (Dusun Johor Baru)	21.03.2013	yes	no	<i>Bahasa Indonesia</i>
60	Bungku (Dusun Johor Baru)	22.03.2013	yes	no	<i>Bahasa Indonesia</i>
61	Bungku (Dusun Johor Baru)	22.03.2013	yes	no	<i>Bahasa Indonesia</i>
62	Bungku (Dusun Johor Baru)	23.03.2013	yes	no	<i>Bahasa Indonesia</i>
63	Bungku (Dusun Johor Baru)	23.03.2013	yes	yes	<i>Bahasa Indonesia</i>
64	Bungku (Dusun Johor Baru)	24.03.2013	yes	yes	<i>Bahasa Indonesia</i>
65	Mekar Jaya	30.03.2013	yes	yes	<i>Bahasa Indonesia</i>
66	Mekar Jaya	30.03.2013	yes	yes	<i>Bahasa Indonesia</i>
67	Mekar Jaya	31.03.2013	yes	yes	<i>Bahasa Indonesia</i>
68	Mekar Jaya	31.03.2013	yes	yes	<i>Bahasa Indonesia</i>

69	Mekar Jaya	01.04.2013	yes	yes	<i>Bahasa Indonesia</i>
70	Mekar Jaya	01.04.2013	yes	yes	<i>Bahasa Indonesia</i>
71	Mekar Jaya	02.04.2013	yes	yes	<i>Bahasa Indonesia</i>
72	Desa Jernih	02.09.2013	yes	yes	<i>Bahasa Indonesia</i>
73	Desa Jernih	03.09.2013	yes	yes	<i>Bahasa Indonesia</i>
74	Desa Jernih	03.09.2013	yes	yes	<i>Bahasa Indonesia</i>
75	Desa Jernih	04.09.2013	yes	yes	<i>Bahasa Indonesia</i>
76	Desa Jernih	06.09.2013	yes	yes	<i>Bahasa Indonesia</i>
77	Desa Jernih	06.09.2013	yes	yes	<i>Bahasa Indonesia</i>
78	Desa Jernih	07.09.2013	yes	yes	<i>Bahasa Indonesia</i>
79	Desa Jernih	07.09.2013	yes	yes	<i>Bahasa Indonesia</i>
80	Desa Jernih	07.09.2013	yes	no	<i>Bahasa Indonesia</i>
81	Desa Jernih	08.09.2013	yes	yes	<i>Bahasa Indonesia</i>
82	Bungku (Dusun Bungku Indah)	20.09.2013	yes	no	<i>Bahasa Indonesia</i>
83	Bungku (Dusun Bungku Indah)	21.09.2013	yes	yes	<i>Bahasa Indonesia</i>
84	Bungku (Dusun Bungku Indah)	21.09.2013	yes	yes	<i>Bahasa Indonesia</i>
85	Bungku (Dusun Bungku Indah)	22.09.2013	yes	yes	<i>Bahasa Indonesia</i>
86	Bungku (Dusun Bungku Indah)	22.09.2013	yes	yes	<i>Bahasa Indonesia</i>

87	Bungku (Dusun Bungku Indah)	23.09.2013	yes	yes	<i>Bahasa Indonesia</i>
88	Bungku (Dusun Bungku Indah)	23.09.2013	yes	yes	<i>Bahasa Indonesia</i>
89	Bungku (within PT REKI)	25.09.2013	yes	yes	<i>Bahasa Indonesia</i>
90	Bungku (within PT REKI)	25.09.2013	yes	yes	<i>Bahasa Indonesia</i>
91	Bungku (within PT REKI)	25.09.2013	yes	yes	<i>Bahasa Indonesia</i>
92	Bungku (within PT REKI)	26.09.2013	yes	yes	<i>Bahasa Indonesia</i>
93	Bungku (within PT REKI)	26.09.2013	yes	yes	<i>Bahasa Indonesia</i>

Interviews with experts on provincial and national level						
Interview No.	Place	Date	Organization	Interview Memo	Interview Transcript	Language
94	Jambi City ³⁴⁶	14.03.2012	KKI WARSI	yes	no	<i>Bahasa Indonesia</i>
95	Pompa Air	12.03.2013	Lembaga Swadaya Masyarakat Peduli Bangsa	yes	yes	<i>Bahasa Indonesia</i>
96	Pematang Kabau	05.09.2013	Kantor Taman Nasional Bukit Durableas (TNBD)	yes	yes	<i>Bahasa Indonesia</i>
97	Sarolangun	09.09.2013	Balai Taman Nasional Bukit Duabelas (TNBD)	yes	yes	<i>Bahasa Indonesia</i>
98	Sarolangun	09.09.2013	Dinas Perkebunan dan Kehutanan Kabupaten Sarolangun	yes	yes	<i>Bahasa Indonesia</i>
99	Jambi City	16.09.2013	KKI WARSI	yes	yes	<i>Bahasa Indonesia</i>
100	Jambi City	16.09.2013	KKI WARSI	yes	yes	<i>Bahasa Indonesia</i>

³⁴⁶ This interview has been conducted in cooperation with Dr. Stefanie Steinebach.

101	Bungku	25.09.2013	Harapan Rainforest (PT REKI)	yes	Yes	<i>Bahasa Indonesia</i>
102	Jambi City	28.10.2013	Dinas Perkebunan	yes	yes	<i>Bahasa Indonesia</i>
103	Jambi City	29.10.2013	Komunitas Konservasi Indonesia (KKI) WARSI	yes	yes	<i>Bahasa Indonesia</i>
104	Jambi City	31.10.2013	Yayasan CAPP	yes	yes	<i>Bahasa Indonesia</i>
105	Jambi City	31.10.2013	Yayasan SETARA Jambi	yes	yes	<i>Bahasa Indonesia</i>
106	Jakarta	15.11.2013	Forest Peoples Programme	yes	no	English

Annex 2: Interview guidelines³⁴⁷

Major topics for interviews with village authorities

- **Short village history**
- **General village information**
 - Village size and structure
 - Population
- **Land use and transformation**
 - History of land use change
 - Natural preconditions and natural resources available
 - Main agricultural products and land use schemes
 - Average land size of households
 - Most important actors involved in production, exchange and distribution of agricultural products
 - Farmer groups, associations or cooperatives
 - Major challenges, risks and drawbacks
 - Land conflicts and negotiations about land
- **Institutions and organizations**
 - Schools and health institutions
 - Civil society organizations, political organizations, governmental offices, NGOs
 - Businesses
 - Saving groups, relevant banks, money lenders
 - Role of *Adat*
 - Other important institutions or actors
- **Major changes in policies and regulations in past last 15 years**
 - Land rights and land regulations
 - Agriculture and forestry
 - Poverty alleviation
- **Other major events and trends**
 - Natural risks and hazards

³⁴⁷ Sequence of topics and questions depended on the interview situation, not all questions were asked in all interviews.

- Political transformations
- Economic development
- Migration

General interview guideline on household characteristics, individual land use choices and income strategies

a) Household characteristics

- Name of respondent
- Gender of respondent
- Marital status of respondent
- Ethnicity and religion of respondent
- Age and place of birth of respondent (including wife/husband)
 - o In case the respondent is not from the area:
 - Where were your parents born?
 - Where did you/your family live before?
 - In which year did you/your family move to this village?
 - Why did you/your family move to this village and how was this decision taken?
 - How have your livelihoods/income strategies changed since living in this village? Is life better now or was it better before?
- How many people live in your household (including absent household members)?
 - o Where did the absent household members go and for what purpose?
 - o Are you supported by absent household members financially or do you support the absent household members financially?
- Did you graduate from school (education level)?
- Are your children in school?
- What is your occupation (including household members); has your occupation changed in the recent years and what was the reason for this change?
- What is/was your parents' occupation?
- Are you member of any group or organization? What kind of group/organization?

b) Land use and land ownership

- Has the landscape or the land use/cultivation in the surroundings of your village changed in the last 15 years and how has it changed?
- Do you own/cultivate land?
 - o How many hectares of land?
 - o Where is this land located? How far is this land away from your house?

- Is this land located within the village boundaries?
- How did you get access to this land? Do you have any land titles?
- Is land still available in your village? What kind of land is still available?
- If you would like to get a new piece of land, what would you have to do?
- What are you cultivating on this land: food crops/cash crops etc.?
- How many hectares of which crop are you cultivating?
- Since when do you cultivate this crop and what have you cultivated before?
- What are the benefits of cultivating this crop and why did you choose to cultivate this crop? What is negative about cultivating this crop?
- Would you prefer to cultivate another crop? Which one?
- In case it was not mentioned before: Are you also cultivating oil palms or rubber and why/why not?
- How old are the oil palm trees/rubber trees, how long are they still productive?
- Do you employ laborers to work on your land? How many?
- Do you also have any uncultivated land and why is this land area uncultivated at the moment?
- Are there people who do not live in this village but who own/cultivate land in this village?
- Is there any customary land, which belongs to your village?
 - Who is allowed to use this land?
 - And for what purpose?
- What do you know about the protected area (e.g. Bukit Duabelas National Park, Tahura or Harapan Rainforest) and its regulations?
 - What is allowed there, what is forbidden?
 - Who is allowed to cultivate land in this area? Has this changed? How?
 - Is there any customary (*adat*) land located inside the protected area (e.g. Bukit Duabelas National Park, Tahura or Harapan Rainforest)?
 - Do you cultivate/used to cultivate land in that area?
 - How important are forest products for your livelihoods?

c) Households vulnerability context

- What would you regard as biggest problems/risks for your household?
- Is your piece of land/plantation at any time of the year prone to environmentally caused threats (e.g. plant diseases/insects, flooding, forest fires, droughts), which threaten your harvest?
- Are there any threats, which can cause that you might lose access to your land?

- Have there been any land disputes in this village/or the village surroundings in the past or are there any current land disputes in this village?
 - Do other villages claim land, which is located within the boundaries of your village and what is the result of this?
 - Do companies claim land, which is located within the boundaries of your village?
 - Is there any compensation given, if someone claims somebody else's land in your village?
 - Would you prefer to have land in another area, and why?

d) Livelihood/income strategies

- From which sources do you get your income?
- Which are the most important/reliable income sources of your household?
- Has your income (your households income) generally increased or decreased in the recent years and what reasons do you identify for that?
- What are the main expenditures of your household?
- Have market prices changed in the recent years e.g. for daily needs? Please specify.
- How important are social relations for your livelihoods? In case you need money, could you borrow money from relatives, friends or traders?

Specific interview guideline on land conflicts**a) General**

- Where do people come from in this area? What is the main ethnic?
- What is the main land use?
- What is the average land size of households? Minimum and maximum land sizes?
- Are there any companies operating in this village/close to this village? What kind of companies?
- Is there any conservation area close to this village? Which one?

b) Land conflicts within the village

- Can you tell us about land ownership in the village? To whom belongs the land?
- Who is allowed to use the land? Do villagers have land certificates/titles?
- How has land ownership changed in the past years, based on which strategy did land ownership change?
- Can you tell us about formal or informal rules or institutions, which regulate land ownership?
- Have there been any land disputes in this village in the past or are there any current land disputes?
- What is the reason for the land conflicts? Why are there conflicts about land?
 - o Do other villages claim land within the area of your village and what is the result of this?
 - o Do companies claim land within your village area? How was the land used before? How did the companies gain access to that land? Have regulations for land use in this area changed after companies started operating business?
- Is there any compensation (financial/other) given, if somebody appropriates/claims land in the village?
- Who is in conflict with whom?
- How did the land conflict develop? Can you tell us about the history of the conflict? When did it start, what was the reason for it? Were there different stages of conflict?
- Are there also new sources of land conflicts?
- How serious is the conflict at the moment? What is the current status of the conflict?
- How do stakeholders perceive conflict? Is conflict regarded as positive/negative phenomenon?
- Is there any connection between land (use) conflicts and political or institutional changes?

c) Identification of key actors

- What kind of different actors/actor groups are there in the village?
- Can you describe the role of each actor and their interests in the land (use) conflict?
- How do these actors achieve their interests? What do different actors do to achieve their interests?
- Can you describe the strategy of different actors to get land?
- Who has access to land/to natural resources?

d) Relationship between different actors

- What is the relationship between different actors? On what are these relationships based?
Who is a powerful actor?
- Are there any connections from villagers to NGOs, companies or other (government) institutions?
- Who is influencing which actors on which level (e.g. village, district, province) in the struggle for land and power?
- How important is networking between different local actors and NGOs or institutions?
What is the strategy of networking?

Annex 3: Curriculum Vitae

Academic Background	
04/2011 – 12/2016	PhD student at the Department of Human Geography, Faculty of Geoscience and Geography, University of Göttingen, Göttingen, Germany Title of PhD thesis: “A post-frontier in transformation: land relations between access, exclusion and resistance in Jambi province, Indonesia” Supervisors: Prof. Dr. Christoph Dittrich, Prof. Dr. Heiko Faust
03/2007 – 09/2010	Studies of Geography, Sociology and Cultural Anthropology at the University of Bonn, Germany Title of diploma thesis: „Livelihoods and Conservation – the impact of shifting land use patterns on rural livelihoods in the conservation district of Kapuas Hulu, Indonesia”
10/2004 – 02/2007	Studies of Geography, Communication Studies and European Cultural Anthropology at the University of Augsburg, Germany
Working Experience	
04/2011 – 07/2016	Research Associate at the Department of Human Geography, Faculty of Geoscience and Geography, University of Göttingen, Germany and the Collaborative Research Center 990
10/2008 – 01/2009	Intern at Federal Ministry for Economic Cooperation and Development, Bonn, Germany
03/2008 – 04/2008	Intern at OroVerde, Bonn, Germany
08/2007 – 09/2007	Intern at World Wide Fund For Nature, Indonesia