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Veröffentlichungsversion / Published Version

Zeitschriftenartikel / journal article

### Empfohlene Zitierung / Suggested Citation:

Beckert, B., Dittrich, C., & Adiwibowo, S. (2014). Contested land: an analysis of multi-layered conflicts in Jambi Province, Sumatra, Indonesia. *ASEAS - Austrian Journal of South-East Asian Studies*, 7(1), 75-92. <https://doi.org/10.14764/10.ASEAS-2014.1-6>

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## Contested Land: An Analysis of Multi-Layered Conflicts in Jambi Province, Sumatra, Indonesia

Barbara Beckert, Christoph Dittrich, & Soeryo Adiwibowo

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In the lowland areas of Sumatra, conflicts over land and natural resources are increasing as fundamental land use transformation processes take place and the region is gradually integrated into globalized markets. Set against the background of the conflict arena of Bungku village, Jambi province, this paper describes and analyzes the struggle for land between a group of indigenous people, the Batin Sembilan, and an oil palm company, PT Asiatic Persada. By highlighting the path dependency of land conflicts, the article shows that access to land results from concurring but ambivalent institutional regimes and power asymmetries, leading to an ostensible state of equilibrium in a post-frontier area.

**Keywords:** Access to Land; Indonesia; Jambi Province; Land Conflicts; Post-Frontier

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Grundlegende Veränderungen in der Landnutzung sowie die fortschreitende Einbindung in globalisierte Märkte führen in den Tieflandregionen Sumatras zu zunehmend gewalttätig ausgetragenen Konflikten um Land und natürliche Ressourcen. Vor dem Hintergrund der Konfliktarena von Bungku, einem Dorf in der Provinz Jambi, beschreibt und analysiert der Beitrag den Kampf um Land zwischen den indigenen Batin Sembilan und einem Palmölunternehmen, PT Asiatic Persada. Der Artikel zeigt anhand der Pfadabhängigkeit von Landkonflikten, dass Zugang zu Land aus der Gleichzeitigkeit und Ambivalenz institutioneller Systeme und Machtasymmetrien resultiert, was zu einem scheinbaren Gleichgewichtszustand in Post-Frontier-Regionen führt.

**Schlagworte:** Indonesien; Landkonflikte; Post-Frontier; Provinz Jambi; Zugang zu Land

## SUMATRA – GLOBALLY INTEGRATED AND LOCALLY CONTESTED

The Indonesian island of Sumatra has been known for decades for its vast plantation industries, based on key cash crops like rubber, oil palm, and industrial timber (mainly gamelina, sengon, and acacia). Since the 1970s, the lowland rainforests of Central Sumatra have been largely converted into timber, rubber, and oil palm plantations, after the Indonesian government had assigned almost the entire area for logging. Between 1985 and 2008, Sumatra's forest resources had been cleared with an average speed of 542,000 hectares per year, resulting in a natural forest cover of only 29 percent in 2008, compared to 58 percent in 1985, and hence a strong increase in CO<sub>2</sub> emissions (WWF Indonesia, 2010, p. 15). Beside the conversion of forests into large-scale agro-industrial development projects, resource extraction (such as coal and gas exploration and exploitation) has been and still is a key development strategy (Jiwan, 2013, p. 73). As the Coordinating Ministry for Economic Affairs of the Republic of Indonesia (2011) states, 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'. (p. 51)

With this economic policy and the integration of the region into globalized markets, fundamental land use related transition processes still take place and land prices substantially increase (Potter, 2001, p. 313). 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, jungle rubber, as well as rubber and oil palm plantations. Due to new actors entering the politico-economic stage, transformation takes place leading to new forms of re-territorialization (Tomlinson, 1999, pp. 148–149). Access to land becomes more and more contested as various actors with different economic intentions and socio-cultural backgrounds are getting involved in land claims. In this regard, Jambi province, Central Sumatra, stands as an example for a highly dynamic conflict arena<sup>1</sup> where borders between the local and the global become indistinct. Conflicts over land and other natural resources are becoming worse. In 2010, Zazali (2012, p. 12) counted approximately 100 land use and forestry conflicts of varying intensity in the province. Conflicts are escalating in intensity because of the growing range of parties involved, like communities, NGOs, corporations, and governmental institutions (Zazali, 2012, p. 12).

The present article has two objectives: Set against the background of the wider conflict arena of Bungku village, the paper will first describe and analyze land conflicts between a group of indigenous people, the Batin Sembilan,<sup>2</sup> and the interna-

1 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).

2 The Batin Sembilan originate from nine founding brothers who settled along nine rivers in the

tional oil palm company PT Asiatic Persada. Particular attention is given to the path dependency of present land conflicts and thus the changes in land tenure regulations over time will be described in detail. Following the argument of Peluso and Lund (2011), the paper will secondly show that within this highly dynamic conflict arena of Bungku village “new frontiers of land control are being actively created” (p. 668). The advancement of the conventional frontier to a post-frontier concept will be intertwined with the “theory of access” (Ribot & Peluso, 2003). The theoretical concept will thus be applied to the empirical insights by showing that access to land is constantly contested, leading to an ostensible state of equilibrium in post-frontier areas.

### THE CONCEPT OF ACCESS IN A POST-FRONTIER CONFLICT ARENA

The research interest in frontiers can be traced back to 1893 when Frederick Jackson Turner described the violent land seizure in North America in his book *The Significance of the Frontier in American History* (Turner, 1893). Geiger (2008) applied the term frontier to today’s state-territorialization projects and defines frontier as “an area remote from political centers, which holds strategic significance or economic potentials for human exploitation, and is contested by social formations of unequal power” (p. 94). According to Fold and Hirsch (2009), “the frontier is thus in part a metaphor for national development in its material and ideological senses, as well as in terms of spatial expansion and delimitation” (p. 95). However, 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). According to Sato (2000, pp. 161–165), a frontier can therefore be conceptualized as a kind of in-between space, a space of spatial and temporal transitions, with “lands in between” and “people in between”. The dissolution of the conventional frontier as a zone of transition between forests and agricultural land into a “space of multifaceted development trajectories” (Fold & Hirsch, 2009, p. 95) is at the heart of today’s post-frontier debate (Peluso & Lund, 2011; Rindfuss et al., 2007). Fold and Hirsch (2009, p. 95) analyze post-frontiers as connected spaces as they are embedded in supra-local influences and processes of globalization and reflect the reshaping of frontier society, environment, and economy as well as the continuing significance of these areas in national development schemes. 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). As “‘new’ frontiers challenge, transform, or extinguish previous ones” (Peluso & Lund, 2011, p. 669), the landscape is turned into a dynamic post-frontier area which can be described as an “amalgam of spaces of newly emerging social and

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Batanghari region, Jambi province (Colchester, Anderson, Firdaus, Hasibuan, & Chao, 2011, p. 9). First introduced by the Dutch, the term *Suku Anak Dalam* (‘Ethnic Group of the Children of the Interior’) is nowadays used by the local government to classify ethnic groups according to certain cultural characteristics (Hauser-Schäublin & Steinebach, 2014, p. 23). For further information, see Steinebach (2013, pp. 65–73).

environmental relations” (Fold & Hirsch, 2009, p. 96). This means that the development of the classical frontier is challenged by different actors gaining, maintaining, or losing access to land. This paper therefore draws on the “theory of access” by Ribot and Peluso (2003), who define access as the “ability to benefit from things” (p. 153). By focusing on ability rather than rights, the authors distinguish access from property and thereby draw attention to a wider range of social relationships that can enable or constrain people to benefit from resources (Ribot & Peluso, 2003, p. 154). Over time and scale, people and institutions are positioned differently in relation to access to land: “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). In short, access to land is affected by the “bundle of powers” different people hold and can draw on (Ribot & Peluso, 2003, p. 154). As they point out, it

is important to concurrently examine the larger contexts of such political economic relations. Policies, markets, technologies, knowledge, and even identities, constitute and are constituted by these broader social forces. 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. (Peluso & Ribot, 2003, p. 173)

## MULTI-LAYERED CONFLICTS IN THE CONTESTED ARENA OF BUNGKU VILLAGE

### Introducing the ‘Time Bombs’ of Bungku Village

Jambi province with a present population of about 3.2 million people (Badan Pusat Statistik [BPS] Provinsi Jambi, 2012, p. 129) is located on the east coast of Central Sumatra. There are three distinct regions: a marshy coastal peat area in the east, a more undulated area with mainly poor soil in the center, and the Barisan mountain range in the west. Empirical research was carried out in the central part of the province, in Batanghari, and in Sarolangun regency. These two regencies are amongst the least populated in Jambi province.<sup>3</sup> The authors collected data in 2012 and 2013 in consecutive field visits with a total duration of ten months. Following a qualitative research approach, multifaceted research methods were applied, including participant observation, semi-structured household interviews, focus group discussions with key informants, Participatory Rural Appraisal (PRA) tools as well as expert interviews. Field research was conducted in seven villages in the two respective regencies as well as in Jambi city. Even though this paper mainly presents data obtained through secondary material analysis, the complexity of the local conflict arena could not have been revealed without intensive fieldwork. This paper thus presents a cutout of the dataset by analyzing the conflict arena of Bungku village, Batanghari regency. Bungku is of particular interest because the village illustrates the variety of land use conflicts and actor groups involved (see Figure 1). As one local farmer stated,

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3 Population densities in Sarolangun as well as in Batanghari regency comprise 42 persons per square kilometer and 44 persons per square kilometer, respectively (BPS Provinsi Jambi, 2012, p. 129).

[i]n Bungku village 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 1001 problems. One bomb after the other explodes here and there ... This is not the land of 1001 nights, it is the land of 1001 problems. (Local farmer, personal communication, 21 March 2013, Bungku village, own translation)

This quote illustrates the severity of land conflicts on the village level as each ‘time bomb’ represents one major land conflict. Located 85 kilometers southwest from the provincial capital of Jambi city (see Figure 1), Bungku village was founded in the 1970s as a resettlement project for the indigenous semi-permanent Batin Sembilan group. In 2011, the village population comprised 2,864 households and a total population of 10,215 people (BPS Kabupaten Batanghari, 2012, p. 18). Bungku consists of five hamlets (*dusun*) and 32 neighborhoods (*Rukun Tetangga*, RT) (see Picture 1). The inhabitants are mainly peasant farmers cultivating rubber and oil palms as cash crops in addition to vegetables for their own consumption. Households hold about five hectares of land on average; major non-agrarian sources of income are from small businesses such as grocery shops, food stalls, and repair shops.



Picture 1: Main road of Bungku village. Taken by Barbara Beckert, 20 March 2013, Bungku village.

Until the 1980s, shifting cultivation, horticulture, the collection of non-timber forest products, and the cultivation of fruit trees were important livelihood sources, mainly for the indigenous Batin Sembilan population. With the establishment of

road connections and governmental resettlement schemes, the Batin Sembilan increasingly became sedentary and involved in growing and tapping rubber (Colchester et al., 2011, p. 9). Presently, the Batin Sembilan are outnumbered by migrants from Java and other parts of Sumatra.<sup>4</sup> The total administrative village territory covers 77,000 hectares and most of this area is comprised of large concession areas: the ecosystem restoration concession of PT REKI (Restorasi Ekosistem Indonesia), the timber plantation of PT Wanakasita Nusantara/PT Agronusa Alam Sejahtera, and the PT Asiatic Persada oil palm plantation. Aside from the concession areas, 15,830 hectares of Bungku village are classified as forest reserve<sup>5</sup> called *Taman Hutan Raya* (THR) *Sultan Thaha Syaifuddin* (see Figure 1).

PT REKI is located in the southern part of Bungku and is known as *Harapan*<sup>6</sup> rainforest. It covers an area of more than 100,000 hectares and stretches from Jambi province to the neighboring province of South Sumatra. Until 2007, the area was legally logged by PT Asialog and PT Inhutani. In 2008 and 2010, an ecosystem restoration license (*Izin Usaha Pemanfaatan Hasil Hutan Kaya*, IUPHHK) was given to the company PT REKI for the southern and northern concession part. Being implemented as the first ecosystem restoration license in Indonesia, the Harapan rainforest concession 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, and Nuclear Safety (BMU), Singapore Airlines, and others. The project serves as a 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 Indonesia while at the same time promoting REDD<sup>7</sup> (Hein, 2013, p. 15; Hein & Faust, 2014, p. 21). The Batin Sembilan do not have land tenure security as they do not hold title deeds issued by the National Land Agency (*Badan Pertanahan Nasional*, BPN), but instead draw on customary land rights (*hak ulayat or tanah adat*).<sup>8</sup> PT REKI negotiated conservation agreements with the Batin Sembilan population, allowing them to use a parcel of land within the Harapan rainforest concession and to collect non-timber forest products (Hein & Faust, 2014, p. 23). However, an informal land trade started between customary leaders and migrants, leading to overlapping

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4 Under the transmigration program, around 45,000 people were moved to the area, mainly from Java (Steinebach, 2013, p. 65), and today around 90 percent of the inhabitants are migrants (Hauser-Schäublin & Steinebach, 2014, p. 3). For further information on the Indonesian transmigration program, see Hardjono (1977, pp. 16–35) and Fearnside (1997, pp. 553–555).

5 A forest reserve, or *Taman Hutan Raya*, is defined as a nature conservation area in which the collection of plants and animals is only allowed under certain circumstances and has to contribute to research, science, educational purposes or has to support culture or tourism (Undang Undang No. 5/1990).

6 Harapan means 'hope' in Bahasa Indonesia.

7 Reducing Emissions from Deforestation and Forest Degradation, REDD, is a United Nations backed scheme aiming to reduce land use-based green house gas emissions.

8 For a more detailed perspective on *adat* law, refer to Benda-Beckmann & Benda-Beckmann (2011).

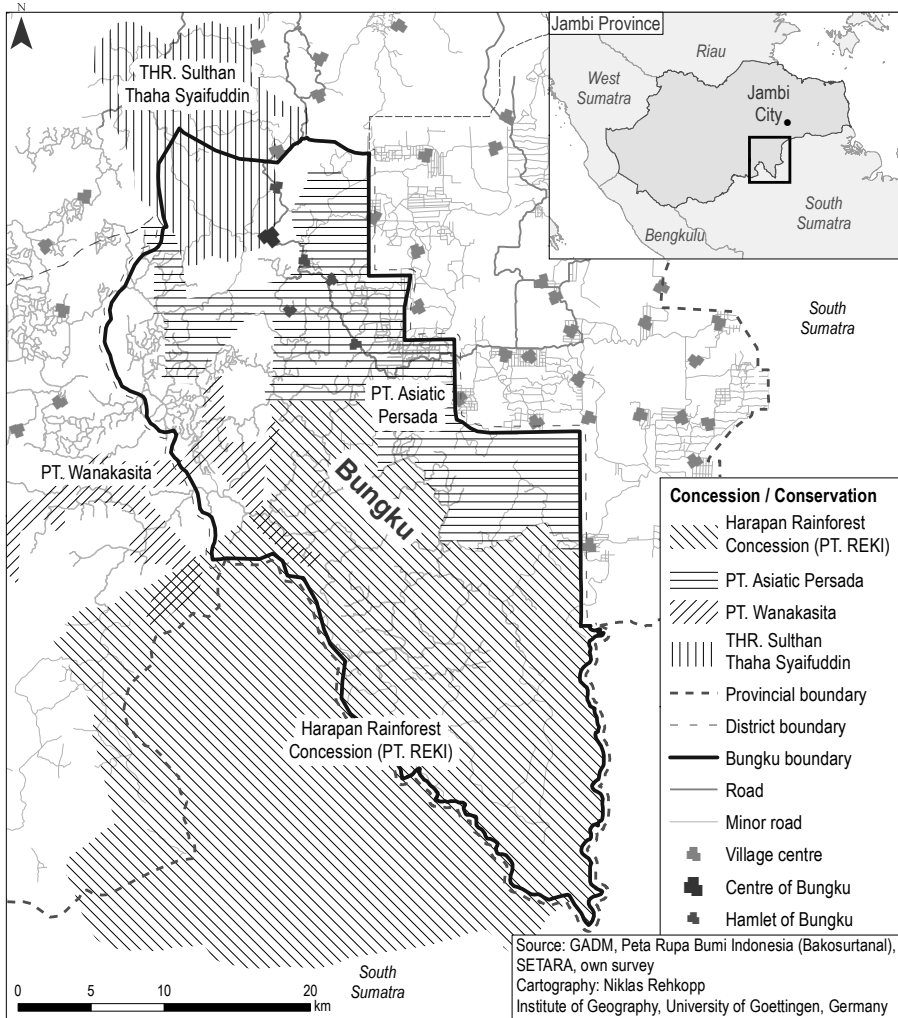


Figure 1: Map of Bungku village indicating major concession and conservation areas

land claims between PT REKI, the Batin Sembilan, and migrant communities. This resulted in massive land conflicts and illustrates the first ‘time bomb’ described in the quotation above.

The second ‘time bomb’ refers to the concession area of the companies PT Wanakasita Nusantara and PT Agronusa Alam Sejahtera, which spread across 28,000 hectares, where industrial timber (acacia and eucalyptus) for the pulp and paper industry is produced in large plantations. Due to management problems, sections of the concession remained undeveloped; villagers claimed that land, built houses, and cultivated rubber and oil palms. Today, these ‘irregular settlers’ ask to change the legal status of the concession from an industrial timber plantation (*Hutan Tanaman Industri*, HTI) to a ‘peoples’ plantation’ (*Hutan Tanaman Rakyat*, HTR). Under this community timber plantation program, launched in 2006, state forestland can be



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

The third ‘time bomb’ is referred to as the forest conservation area THR Sulthan Thaha Syaifuddin located in the northern part of Bungku (see Figure 1). It covers 15,830 hectares and was established in the 1990s (Steinebach, 2014, p. 18).<sup>9</sup> This area, administered under the authority of the Ministry of Forestry, is heavily contested, as the official law enforcement is weak and undermined by illegal logging of smallholders, land sales, settlement activities, and land conversion into oil palm and rubber plantations.

The fourth ‘time bomb’ is represented by the longest on-going land conflict in Bungku: the conflict between the Batin Sembilan and the palm oil company PT Asiatic Persada. In the 1970s, the company held an extensive logging concession in the area. In 1986, the company PT BDU received the right to cultivation (*Hak Guna Usaha*, HGU) by the BPN to develop 20,000 hectares of plantation within this logging concession (Colchester et al., 2011, p. 5). Having started as a cocoa plantation, oil palms were not planted until the 1990s. In 1992, the company was named PT Asiatic Persada and in the following years, ownership changed several times until the company was sold to Wilmar International in 2006 (Colchester et al., 2011, p. 5). In 2013, the company was again sold to two companies: to the Indonesian-based company PT Agro Mandiri Semesta and the British Virgin Islands-based company Prima Fortune International Ltd. (Parker, 2013). As the plantation expanded into customary land of the semi-permanent Batin Sembilan, disputes and already existing conflicts intensified. Since 2008, small groups of Batin Sembilan have occupied land inside the PT Asiatic Persada plantation, claiming it as their customary and ancestral land. The parties could neither agree on financial compensation payments nor on any compensating land area, hence these Batin Sembilan groups have to earn their living by collecting loose palm fruits on PT Asiatic Persada’s plantation. In 2011, the land conflict escalated into violence when the police destroyed huts and houses erected by the Batin Sembilan within the plantation area of PT Asiatic Persada (Colchester et al., 2011, p. 46). In the meantime, the company started to dig a trench, five meters deep and wide, in order to protect the plantation from the intrusion of local people and to prevent the theft of palm fruits (see Picture 2). The unresolved conflict escalated again in late 2013 when the police destroyed 150 huts and houses of the Batin Sembilan on behalf of PT Asiatic Persada (Parker, 2013). In March 2014, a further level of escalation was reached when one villager was killed and five others injured during a clash with security forces of PT Asiatic Persada (Butler, 2014).

### Land Conflicts and Path Dependency

The analysis shows a strong path dependency of land conflicts in Bungku village. Forest-dependent communities, such as the Malay-speaking Batin Sembilan (Colchester et al., 2011, p. 9), have played an important role in regional trade and barter activities throughout the past centuries. Hence, forest products have always been

<sup>9</sup> However, during the Dutch colonial power, it was already designated as protected forest (*Boshwezen*) because of its rich diversity of Ironwood species, locally known as *Kayu Bulian* (*Eusideroxylon zwageri*) (Steinebach, 2014, p. 11).



Picture 2: A new frontier is set; trench designating the border of the oil palm plantation PT Asiatic Persada. Taken by Barbara Beckert, 26 September 2013, Bungku village.

important in sustaining livelihoods, traded for sandal wood, rattan, resins, natural dyes, and also gold. In the nineteenth century, these forest products were traded as far as India, the Arab World, and China (Locher-Scholten, 2003, p. 276). Until the present day, the Batin Sembilan follow the concept of collective customary land (*wilayah adat*).<sup>10</sup> Historically, this land use system was combined with frequent movements on this land for economic and cultural reasons (Colchester et al., 2011, p. 9).

In the early twentieth century, Jambi province was characterized by dynamic land use transformation – a result of the expansion of the Dutch colonial power on the Indonesian archipelago accompanied by the introduction of plantation agriculture. Traditional social and land use systems rapidly changed with the adoption of para rubber, which was planted extensively by local smallholders. International demand for rubber increased due to the fast-growing automobile industry and high rubber prices. Rubber cultivation boomed from 1910 onwards with a heyday in the 1920s (Feintrenie & Levang, 2009, p. 326; Locher-Scholten, 2003, pp. 276–277). Oil palms were first introduced by the Dutch colonialists in 1848 and large-scale plantations

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<sup>10</sup> Since the Dutch colonization, several legal orders coexisted, leading to ambiguities and competition between codified state laws and customary laws (*hukum adat*) (Steinebach, 2013, p. 68). There is no consistent understanding or well-defined legal process for how customary land claims should be justified (Barr et al., 2006, p. 110). In general, the borders of customary territories run along rivers, and the collectively owned land is regularly redistributed among community members under the supervision of *adat* leaders. Land rights are inherited bilaterally and access to customary land is granted by customary authorities such as *adat* leaders (Hauser-Schäublin & Steinebach, 2014, p. 13).

were developed in Sumatra from 1911 onwards (Feintrenie & Levang, 2009, p. 331; Jiwan, 2013, p. 51). These plantations were mainly operated by private Dutch companies, who could afford the large financial and workforce inputs required to establish these operations (Jiwan, 2013, p. 51).

Following Indonesian independence in 1945, foreign companies were nationalized (van Gelder, 2004, p. 18). Land use schemes in Jambi province changed massively in the following decades, especially under Suharto's New Order regime, with the promotion of logging and the completion of the trans-Sumatra highway (Martini et al., 2010, p. 3). During the 1970s, virtually the entire forested area of Jambi was allocated as forestry concessions for the extraction of timber (Colchester et al., 2011, p. 12). At the peak of the logging boom in the 1980s, regional policy shifted towards the expansion of plantations with the implementation of large transmigration schemes. Bordering Bungku village, the state-owned company PT Perkebunan Nusantara VI developed a nucleus estate together with smallholdings for Javanese transmigrants with a total size of 30,000 hectares (Colchester et al., 2011, p. 12; Jiwan, 2013, p. 52). Suharto gave palm oil concessions to family members, political elites, and domestic conglomerates that had often been involved in the logging industry (Jiwan, 2013, p. 52; Yasmi, Guernier, & Colfer, 2009, p. 99).

Since the establishment of the road connections in the 1980s, the Batin Sembilan have increasingly settled and intensified growing and tapping rubber, but this has not changed their strong bonds to collective customary lands. They regard burial sites as evidence for their traditional land claims. By the 1980s, access to land had been restricted for local communities and indigenous groups. With the Basic Forestry Law, the Ministry of Forestry classified 143 million hectares of the Indonesian territory as forest estate (*kawasan hutan*) (Anderson, 2013, p. 246; Barr et al., 2006, p. 23), completely ignoring indigenous peoples' rights in these territories. In the "Suharto palm oil oligarchy" (Aditjondro, 2001), political actors were at the same time the main business players. The alignment of strong economic and political interests between the Indonesian palm oil business, the government, and Sino-Indonesian business people enabled the deprivation of indigenous rights by the oligarchy. During the Asian financial crisis in the late 1990s, the letter of intent with the International Monetary Fund liberalized the plantation sector and extensive investments of foreign companies followed. This market liberalization very much changed the Indonesian palm oil sector. Currently, private companies from Malaysia, Singapore, and the USA control about 60 percent of the plantation sector. However, today the same conglomerates and consolidated companies comprise the Indonesian palm oil sector, so that it is referred to as the "post-Suharto palm oil oligarchy" (Pichler & Pye, 2012, p. 146). The gradual process of a top-down development approach, which mainly benefitted Jakarta's elites, was superseded by a phase of political upheaval, leading to an atmosphere of institutional change. After the collapse of the Suharto regime, the period between 1999 and 2002 was characterized by rapid and far-reaching decentralization with a transfer of administrative and regulatory authority from the national government to the provincial, district, and municipal governments (Barr et al., 2006, p. 1). First and foremost, the effects of decentralization could be felt in the forestry sector. In 1999, with the introduction of Indonesia's regional autonomy law, the central government transferred considerable authority to district governments. With the imple-

mentation of a series of forestry sector reforms in which district governments and local communities were adjudged with a greater role in forest management, “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). Many large-scale concessions were granted at that time, new fees were imposed by district officials, and new district development strategies were formulated, most of them based on the exploitation of forest resources and often overlapping with concessions issued by the national government or with national parks and conservation areas. The rights of local communities and indigenous people were limited or extinguished (Jiwan, 2013, p. 55).<sup>11</sup> However, the political climate changed to the effect that forest-dependent communities were able to (re)assert claims over land and forest resources that they were displaced from during the New Order period:

Collectively, these actions reflected a widespread feeling that after 32 years of centralized control in the forestry sector, the time had now come for district and local actors to get their rightful share of the benefits associated with forest resources. (Barr et al., 2006, p. 2)

Even though the Indonesian Constitution recognizes the rights of indigenous peoples to their lands, economies, and systems of law, the Indonesian government has ignored these sections of the Constitution and interprets Indonesia’s founding law as granting the right to manage all natural resources to the benefit of the nation (Anderson, 2013, p. 246). Since 2002, the Ministry of Forestry rescinded much of the authority over forest administration that was granted earlier to district authorities and a process of recentralization took place (Barr et al., 2006, p. 2; Djogo & Syaf, 2004, p. 14).

The struggle over Indonesia’s rapidly diminishing primary forest resources is rooted in a long history of contradictory laws and regulations and an accompanying struggle of power between different actor groups.

As the land claims of local communities are weaker in forest areas, because the government claims all forest as state lands, it is often easier for companies to obtain large areas for conversion to oil palm plantations with minimal compensation, compared to establishing plantations in agricultural landscapes. (Anderson, 2013, p. 247)

In May 2013, the rights of customary communities were recognized and restored with a court ruling by the Constitutional Court of the Republic of Indonesia, declaring that customary forests (*hutan adat*) are no longer part of state-owned forests (*hutan negara*), which “fundamentally validates customary communities’ position in their scattered struggle over land, resources and territory” (Rachman, 2013, p. 1). First statements revealed the court decision’s potential to empower communities and their land claims. Whether or not they will be heard by the Ministry of Forestry remains unanswered.

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11 This is embodied in the Forestry Law 41/1999 and the Plantation Act 18/2004 (Jiwan, 2013, p. 55).

### A Violent Conflict Between the Batin Sembilan and PT Asiatic Persada

All these continuing political and societal dynamics have concrete impacts on Bungku's conflict arena and the PT Asiatic Persada conflict. The strong bonds of the Batin Sembilan population to their customary lands were never acknowledged by either of the concession companies (Colchester et al., 2011, pp. 5, 7). PT Asiatic Persada was developed as a nucleus estate palm oil concession in the 1990s without providing smallholdings for local communities.<sup>12</sup> This stands in stark contrast with the PT Perkebunan Nusantara VI transmigration project, which provided smallholdings, however, mainly for Javanese transmigrants. The Batin Sembilan population lost much of their customary land to the transmigration project in the eastern part of the PT Asiatic Persada concession and later to the Harapan rainforest conservation concession (PT REKI) in the southern part of Bungku (see Figure 1). Access to land is thus restricted and traditional livelihood sources are diminished.

The social structure of Bungku village massively changed during the last two decades due to in-migration from different parts of the Indonesian archipelago (mainly from Java and northern Sumatra). Marriages between Batin Sembilan and people of Javanese or Sundanese origin increasingly take place, leading to changes in the Batin Sembilan's concept of indigeneity. Their marriage patterns easily allow for the integration of 'foreigners' and promote anything but boundedness and exclusivity (Steinebach, 2013, p. 78). Therefore, all groups are claiming the same land as their ancestral land.

The PT Asiatic Persada conflict has never been solved and is rooted in a long history of inconsistencies, misunderstandings, and frictions related to the legal size of the right to cultivation (HGU) that was issued differently by different government institutions. These overlapping land claims are rooted in asymmetric webs of power creating new frontiers of land control. This situation was further aggravated by the fact that in 1999, the Batanghari regency was divided into two administrative units (Colchester et al., 2011, p. 12), which made it even harder to address problems related to access to land. Ongoing in-migration and population growth further increased pressure on land resources and contributed to exacerbating land conflicts. The two hectares of land, once given by the government to transmigrants as smallholding, are no longer sufficient to sustain their livelihoods due to population growth and family reunions.

The concept of scale<sup>13</sup> (Brenner, 2008; Gibson, Ostrom, & Ahn, 2000) can be used to analyze the spatial and temporal dimensions of conflicts related to land resources in Jambi province. Due to the opening up of the Indonesian economy towards international markets, multinationals – backed by state authorities – increasingly enforce their interests and land claims against local communities. The interests of these multinational companies are challenged by the growing debate over human rights,

12 A forest inventory in 1987 showed that around 2,000 families farming 4,000 hectares with shifting cultivation lived inside the PT Asiatic Persada concession (Colchester et al., 2011, p. 11).

13 The concept of scale refers to the political significance of territorial reorganization. Scales are interpreted as socially produced facilitating power asymmetries, social polarization, and spatial disparities. According to Gibson et al. (2000), scale is defined as "the spatial, temporal, quantitative, or analytical dimensions used to measure and study any phenomenon" (p. 218).

conservation, and sustainability. The PT Asiatic Persada case demonstrates the major influence of international and national actors over land resources, and how local actors are able to link their interests with global discourses and arenas.<sup>14</sup> From 2006 until 2013, PT Asiatic Persada belonged to Asia's leading agribusiness group, Wilmar International, with headquarters in Singapore. Wilmar International is a prominent member of the Roundtable on Sustainable Palm Oil (RSPO). As it is financed by the International Finance Corporation (IFC), several complaints by a consortium of NGOs were submitted to the IFC's Compliance Advisory Ombudsman (CAO) for not following RSPO standards. Since then, the conflict has been mediated by a joint team including local and international NGOs and the provincial government of Jambi (Chao, 2013, p. 198). In early 2013, however, Wilmar International sold PT Asiatic Persada to a non-IFC and non-RSPO member, PT Agro Mandiri Semesta and Prima Fortune International Ltd. By enforcing their company interests they circumvent compliance with RSPO rules.<sup>15</sup> The recent eviction of 150 Batin Sembilan households in December 2013 does not align with a rapid conflict resolution by the new shareholders. Up to now, futile attempts of conflict resolution can be seen in the PT Asiatic Persada case. The conflict even escalated again in March 2014 when there was a clash between villagers of Bungku and PT Asiatic Persadas' security forces. The PT Asiatic Persada case shows how the action of differently positioned local, national, and international actors are connected to various global discourses. On the one side, the Batin Sembilan are fighting for access to land by following an indigenous rights discourse, and relating it to the international debate on the effectiveness of the RSPO. By taking up this indigeneity discourse, the Batin Sembilan are using scalar strategies in order to change existing power relations. Connecting it to the landless peasant movement, the Batin Sembilan are using the concept of indigeneity in order to reassert access to land. Interview partners reported on various NGOs varying in outreach capacity in the area of Bungku village, actively supporting the Batin Sembilan to claim land. This mix of actors in everyday negotiation processes further changes access to land and thus contributes to the creation of new frontiers. On the other side, Wilmar International is not willing to solve a decade of conflict and is trying to evade responsibility by selling the investment (Colchester, cited in Parker, 2013). Within the conflict arena of Bungku, other actors and discourses supervene, such as the conservation and REDD schemes, which stand vis-à-vis a strong peasant movement for landless farmers in the PT REKI area (Hein & Faust, 2014, p. 23).

## CONCLUSION

The conflict arena of Bungku village has illustrated that access to land is subject to contestations and struggles resulting from concurring but ambivalent institutional regimes and power asymmetries. The case study shows how the Batin Sembilan en-

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14 This also applies to other Indonesian provinces; see, for example, Adiwibowo's (2005) study on Central Sulawesi.

15 This is contradicted by a recently published "No Deforestation, No Peat, No Exploitation Policy" of Wilmar International, in which the company states to respect the Universal Declaration of Human Rights as well as to give or withhold 'Free, Prior, and Informed Consent' (FPIC) (Wilmar International Limited, 2013, p. 1).

gage with discourses at different scales such as indigeneity, RSPO, conservation, and peasant movements (Hein & Faust, 2014, p. 21; Steinebach, 2013, pp. 64, 79). The Batin Sembilan use indigeneity to enhance agency and empowerment,<sup>16</sup> allowing for a transformation from marginalized victims to empowered actors in their struggle for land (Steinebach, 2013, p. 63). This is well-exemplified by the PT Asiatic Persada conflict, where indigenous resistance against a multinational player takes place. The four ‘time bombs’ analyzed against their historical trajectories, thus, translate into two main frontiers of land control. The conflict between local actors and PT Wanakasita Nusantara/PT Agronusa Alam Sejahtera and PT Asiatic Persada exemplifies how law enforcement is applied to private actors and shows the varying levels of success by local indigenous groups in gaining informal access to land. In the concession area of PT Wanakasita Nusantara/PT Agronusa Alam Sejahtera, law enforcement is significantly weaker compared to the PT Asiatic Persada concession and, consequently, access to land is slightly easier there for local actors. In the PT Asiatic Persada concession, law enforcement is guaranteed with the help of mobile police brigades, diminishing the access to land. The PT REKI and THR Sultan Thaha Syaifuddin case stand for conflicts related to conservational efforts of governmental and non-governmental organizations and the attempt of indigenous groups and local farmers to regain self-determination in regard to accessing local natural resources. To sum up, in all four land conflicts, “the moment’s ‘common sense’” (Peluso & Lund, 2011) is challenged by different actors, trying to enclose, exclude or territorialize it (Peluso & Lund, 2011, p. 669). This means that different actors perceive their understanding of the situation as the only truth, leading to the fact that multiple contested truths exist in parallel. These newly emerging social and environmental relations foster and accelerate a transformation process in which access to land is at the heart of today’s land contestations. These contestations can only be uncovered by dismantling the underlying power trajectories, leading to an ostensible state of equilibrium in this post-frontier area.



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16 In this context, agency is understood as the capacity to act (Barker, 2008, p. 474), whereas empowerment encompasses all strategies that enhance self-determination of individuals or groups.

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