

# Conservation, REDD+ and the struggle for land in Jambi, Indonesia

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**Abstract:** The Hutan Harapan project in Jambi is implemented within Indonesia's first private ecosystem restoration concession. Ongoing disputes over land access and control challenge the project implementation. Drawing on field work conducted in 2012 and 2013 this paper analyses how smallholder access land and how different authorities and discourses are used by smallholders to legitimate land claims. We argue that the Harapan case shows that marginalized smallholders and indigenous groups are able to establish powerful actor coalitions across scales. Actor coalitions provide smallholders the ability to maintain land claims within the protected Hutan Harapan. La Via Campesina and its Indonesian branch Serikat Petani Indonesia use the Hutan Harapan conflict as a showcase to criticize REDD+ at global venues such as UN climate change conferences.

**Keywords:** Land conflicts, Forest Conservation, Peasant movement, REDD+, Indonesia

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Source: Jonas Hein 2013

Picture 1: Slash and burn farming within Hutan Harapan conservation project



## Introduction

Indonesia has the third largest tropical forest cover in the world. Its rich biodiversity makes Indonesia a key country of concern for donors and international conservation NGOs. Due to recent debates on Reducing Emissions from Deforestation and Forest Degradation (REDD+) the attention towards Indonesia's tropical forests further increased. In 2008 the conservation company PT. Restorasi Ekosistem Indonesia (REKI) received the first ecosystem restoration concession (ERC) from the Ministry of Forestry (MOF) and established the Hutan Harapan Project. REKI was founded by three NGOs namely Burung Indonesia, Bird-life International and the Royal Society for the Protection of Birds (RSPB). The project area covers 100,000 ha in the provinces of Jambi and South Sumatra (see Fig. 1 and Fig. 2). It aims to protect one of the last remaining patches of tropical dry land rainforest. The German International Climate Initiative (ICI), the Danish International Development Agency DANIDA and private donors such as Singapore Airlines provide funding for the project.

This article analyses how smallholders gain access to land and how different authorities are used by different actors to legitimate land claims within the Hutan Harapan. Ongoing disputes over land access and control challenge the project implementation. Mainly because parts of the project area are claimed by local indigenous groups and smallholders supported by non-governmental organizations (NGOs) and peasant associations. Multiple partly blurred conflict lines exist between REKI and the transnational peasant movement claiming land but also between sub-national governments and the Ministry of Forestry. Indonesia has a long history of land conflicts caused by weak community rights, overlapping authorities, inconsistent regulations and incomplete land reforms. Hutan Harapan, literally "Forest of Hope" is a space of friction, a space where conservation movements encounter peasant movements and a space where different stakeholders have uneven abilities to engage with authorities holding the power or the legitimacy to enforce land claims (Tsing, 2005, p. 4; Pye, 2013, p. 457; Sikor and Lund, 2009).

This article is based on multi-sighted qualitative research conducted in 2012 and 2013 in Jakarta, Bogor and Jambi.

Interviews on forest governance, land tenure and Indonesia's emerging REDD+ governance framework were held on the national and sub-national level with representatives of the Indonesian government and various NGOs. In the village of Tanjung Lebar semi-structured interviews with farmers and village elites and participatory observations were conducted. Interview guides with open and closed questions were used to identify historical and current modes of land access and land use and to assess the local population's knowledge of existing forest and conservation regulations. Tanjung Lebar partly overlaps with the project area of Hutan Harapan. Interviews have been recorded, transcribed (partly by Indonesian assistants) and coded with Atlas Ti. Furthermore, this paper builds on the review of Indonesian land tenure and forest regulations.

The research note starts with a conceptualization of access to land drawing on Jesse Ribot and Nancy Peluso's Theory of Access (2003) followed by a description of key aspects of Indonesia's forest and land governance systems. We proceed with the introduction of the main actors struggling for access and control of land within the Hutan Harapan. In the section "the local conflict arena" we analyze historical roots of the conflict, actors strategies to gain access to land and their specific strategies to legitimate their land claims.

## Conceptualizing access to land

Ribot and Peluso (2003, p. 155) define access as "[...] the ability to benefit from things". Access refers to

de jure and de facto options to benefit from given opportunities of any kind or in this specific case from land. Any analysis of access has to consider power relations. Power rather emerges from people and is performed through networks or "webs of power" (Ribot and Peluso, 2003, p. 156). Different actors have differing positions within "webs of power" and consequently have uneven abilities to access land or to prevent access of others. Right-based access refers to property arrangements which are backed up by formal or customary authorities (Sikor and Lund, 2009). Societies with plural land tenure systems are characterized by nested and plural legal authority arrangements with unequal ranges of validity and unequal abilities to enforce claims. Claims backed by high-level administrative authorities may have a higher legitimacy than claims backed by a village official or vice versa.

Influential actors with access to political institutions on different political scales may have the ability to actively choose specific political scales to achieve their objectives (Lebel, Garden & Imamura, 2005). Access to specific institutions on different scales is an important factor in explaining socially differentiated abilities to benefit from resources (Leach et al., 1999: 233). In the context of private conservation and REDD+, new actors and transnational sources of authority emerge. REDD+ establishes a transnational layer of forest governance through decisions taken at conferences of the framework convention on climate change (UNFCCC), donor safeguards and certification schemes developed



Figure 1: The research area Jambi, Sumatra

Source: Center for International Forestry Research, Peta Rupa Bumi Indonesia (Bakosurtanal), own village survey. Cartography: Niklas Rehkopp, Institute of Geography, University of Goettingen



Picture 2: Reforestation efforts of the Hutan Harapan project

by NGOs.

In frontier regions with confusing and dynamic institutional landscapes, access to authority and social identity are outstanding determining factors shaping the ability to benefit from resources (McCarthy and Cramb, 2009; Rhee, 2009). Ethnicity and kinship shape patron-client linkages and permit privileged access to state officials and consequently to formal or semi-formal processes which facilitate resource access (McCarthy, 2005; Rhee, 2009). Ethnicity is context-

dependent and determines affiliation to groups with specific customary arrangements permitting access for its members (Wimmer, 2008). Discourses about meanings and values of nature also structure access to land and forest resources in an important way. Discourses of specific “natures” such as conservation or environmental justice discourses are in some cases used to legitimate state control over forest resources or to legitimate access to land designated for conservation (Ribot and Peluso, 2003, p. 169).

Non- state actors	Description	Role within the conflict
REKI	Conservation company founded by NGO consortium	Holds the concession for the Hutan Harapan project Negotiates conservation agreements with smallholders Seeks to push illegal loggers and oil palm farmers out of the concession
Serikat Petani Indonesia (SPI)/ La Via Campesina	Peasant movement, promotes agrarian reform	Actively occupies land within the concession (Hutan Harapan) and distributes land to smallholders
Customary authorities	Customary leader of Batin Sembilan	Enabled land access for rural migrants and SPI Claim parts of the Hutan Harapan project as their <i>Wilayah Adat</i> (customary land)
State actors	Description	Role within the conflict
Ministry of Forestry	Responsible ministry	Legal authority over forest land Issued the private conservation concession (ERC) for REKI Issues IDs for settlers
Village government of Tanjung Lebar	Village head and sub village heads	Accepts the informal settlements as official sub-villages ( <i>dusuns</i> ) and neighborhoods ( <i>RT, rukun tetangga</i> )

Table 1: The main actors

## Forest governance and land tenure in Indonesia

Indonesia has two main land tenure categories which are governed by different laws. The Basic Agrarian Law (BAL) regulates non-forest land while the Forest Law 41/1999 governs forest land (Bachriadi and Wiradi, 2011, p. 3, Indrarto et al., 2012). All forest land belongs to the state (with a few exceptions). Private and formal property exists only on land classified as non-forest. Formal access to forest land for economic and conservation purposes (ERCs) are provided by the MOF through a concession system (Indrarto et al., 2012; Peluso and Vandergeest, 2001). Conservation concessions date back to forest management reforms in 2004. For the first time they provide the opportunity for private actors to implement forest conservation and ecosystem restoration activities within state forest land (Walsh et al., 2012, p. 35; Hein, 2013). Responsibilities previously exercised by the central government such as environmental protection, environmental monitoring and even the allocation of land use permits can be exercised by the conservation companies holding an ERC concession.

Forest and agricultural regulations and legislation only give limited recognition to customary land rights or adat land rights (Moeliono and Dermawan, 2006, p. 109f). In many cases, forest concessions, plantation permits and protected areas overlap with land claimed by local communities. Local and indigenous communities have the opportunity to apply for various community or village forest concessions while it is usually difficult for these communities to gain access to these concessions (*hutan desa*). Experts from academia and NGOs interviewed in July 2012 mentioned that requirements such as the preparation of management plans and performance of forest inventories, and the levying of administrative charges represent significant barriers to local communities which cannot be overcome without external support.

## The struggle for land: the main actors

Crucial actors within the local conflict arena claiming forest land either for conservation, subsistence agriculture or cash crop cultivation are the conservation company REKI (the



company implementing the Hutan Harapan project), the peasant movement Serikat Petani Indonesia (SPI) member of La Via Campesina, the Ministry of Forestry, and village governments (see Table 1). REKI seeks to generate income through non-timber forest products (NTFP), eco-tourism, ecosystem services and potentially REDD+ (see Picture 2). Overall goal of the Hutan Harapan project is to protect patches of lowland rainforest which have the potential to sequester 10-15 million tons of CO<sub>2</sub>e within 30 years (International Climate Initiative [ICI], 2013) and to establish conservation agreements with local communities to incentive environmental friendly land-use. With the local ethnic group Batin Sembilan, living in neighbouring Bungku village, REKI successfully negotiated conservation agreements (Hein, 2013). The agreements will allow smallholders to use a parcel of land and to collect non-timber forest products (NTFP) within the Hutan Harapan project, in accordance with guidelines developed by REKI (e.g. no oil palm cultivation and no slash and burn). In addition REKI provides healthcare and school service free of charge.

The main opponent of REKI is SPI, founded in 1998 in North Sumatra with currently 20.000 members in Jambi Province. SPI argues for a pro-poor land reform supported by their main slogan "Land for Peasants" (Serikat Petani Indonesia, 2013). SPI is not only a lobby and advocacy group for smallholders but promotes land occupations and informal settlement projects of landless farmers. The umbrella organization of SPI, La Via Campesina, represents 200 million famers in 70 countries. The main objective of the organization is to achieve food and land sovereignty for smallholders (La Via Campesina, 2011).

### The local conflict arena

Tanjung Lebar with officially 2,876 inhabitants is located in the district of Muaro Jambi at the northern edge of Hutan Harapan. Main ethnic groups are Javanese, Batak and Melayu Jambi (Polsek Sungai Bahar, 2011). The village dates back to the pre-colonial era and was founded by the indigenous Batin Sembilan (sub-group of Melayu Jambi). Under Suharto's presidency transmigration settlements were established in this area in 1986 forming

enclaves within the village territory of Tanjung Lebar and became independent villages later on. Batin Sembilan from Tanjung Lebar state that the land located between Bahar River and Lalan River tributaries is part of their Wilayah Adat (customary land). The concession of Hutan Harapan is located south of the main village of Tanjung Lebar. It was used as a logging concession by PT Asialog until the early 2000s. The project area overlaps with the Wilayah Adat of the Batin Sembilan. Since logging activities did not require the permanent use of the whole concession area, the Batin Sembilan were still able to practice dry rice farming and to collect NTFPs such as latex, rattan and fruits within the logging concession.

After PT Asialog stopped logging but before REKI started the conservation project in 2010 the situation changed fundamentally. Political turmoil and decentralization policies after the fall of Suharto led to the reemergence of adat rights as a means to claim land and natural resources within the former Wilayah Adat (Benda-Beckmann and Benda-Beckmann, 2001, p. 34). Customary leaders and individuals pretending to be customary leaders of the Batin Sembilan started to engage in informal land trade. Rural migrants received land from Batin Sembilan families; in most cases below market

prices on condition that they settle permanently, invest in village development, and deliver agricultural techniques to the Batin Sembilan.

SPI members claim that their settlements and land conversion activities were approved by Batin Sembilan and members of the village government of Tanjung Lebar. The first members of SPI affirm that live within the project territory since 2007. At the same time, the conservation company claims that SPI members only started to settle within the project area after the conservation project started in 2010 and accuses SPI members for destroying the most valuable forest of the project area. Today SPI occupies more than 2,000 ha of land within the Hutan Harapan project. SPI members mentioned that farmers have to meet two criteria to obtain land use rights for up to 6 ha land per household from SPI. First, they have to be poor thus unable to buy land on the formal land market. Secondly, they have to agree to not planting oil palms. REKI, however, accuses SPI members for growing oil palms as well as for illegal logging.

To legitimize their land claims SPI refers to Basic Agrarian Law (BAL), transnational anti REDD+ discourses and global environmental justice discourses. SPI members cite the clauses of the BAL which states that "land has a social function and that

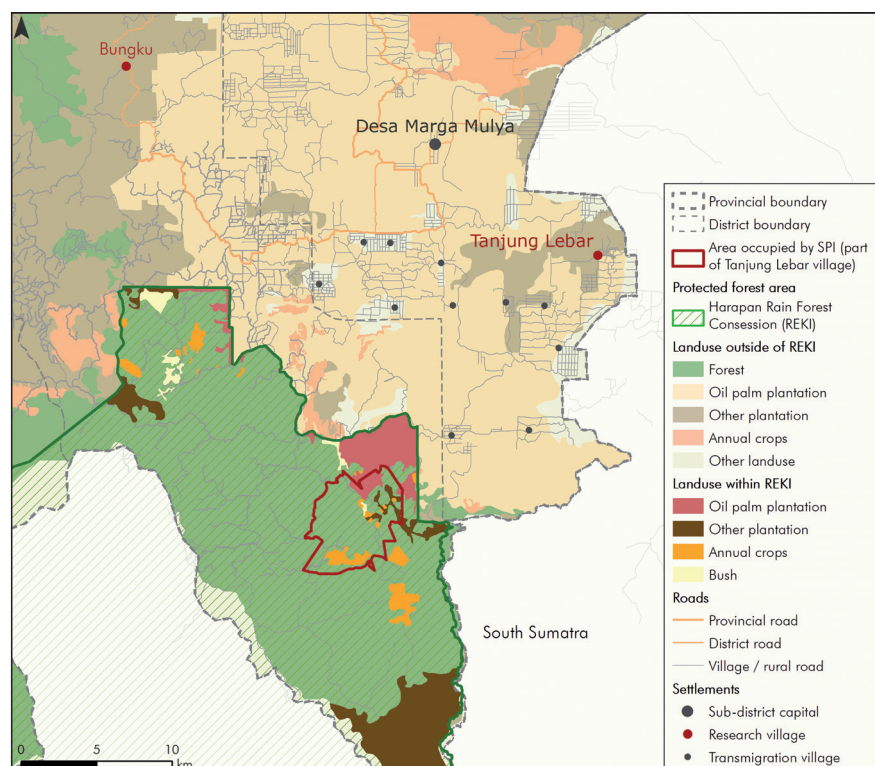


Figure 2: Detailed map of the conflict arena

Source: Center for International Forestry Research, Peta Rupa Bumi Indonesia (Bakosurtanal), AMAN, own village survey. Cartography: Niklas Rehkopp, Institute of Geography, University of Goettingen





Picture 3: Informal SPI Settlement within Hutan Harapan



Picture 4: SPI Members at a Mosque construction site within Hutan Harapan

every Indonesian citizen has equal rights to obtain land rights (unofficial translation)” (Ministry for Agriculture of the Republic of Indonesia, 1960). In regard to REDD+, SPI members and SPI leaders in Jakarta argue that industrialized countries should reduce their emissions domestically instead of “offsetting” them in Indonesia. SPI argues that REDD+ and private conservation projects should not put the rights of smallholders at risk. SPI, with support of La Via Campesina, takes local land conflicts related to conservation and REDD+ to the transnational scale. They use the Hutan Harapan conflict as a showcase to criticize REDD+ at UN Climate Change Conferences and other global venues (La Via Campesina, 2012). Furthermore, they use the high attention towards Indonesia’s forests to highlight inequalities within the Indonesian land and forest governance system and link them to transnational environmental justice discourses related to forest carbon offsets (Hein and Garrelts, 2013, p. 441). Active scale jumping or in other words active scale choices and environmental justice discourses are used to legitimize land claims within the Hutan Harapan Project (Pye 2013, p. 433, Lebel et al., 2005).

REKI responded by stressing that its’ ERC permit issued by the MOF is the only legal claim in place. Consequently, the company considers most

of the land claims by migrants and SPI members as illegitimate as well as illegal and seeks to relocate in particular those groups involved in logging, land trade and oil palm cultivation. Land claims by Batin Sembilan and those of local communities living permanently in the area are regarded as more or less legitimate by REKI. Lines between actor categories as used by REKI are fluid. As forest conversion activities, smallholders and SPI members (both groups stigmatized as encroachers) were approved by customary authorities while Batin Sembilan are converting forests for oil palms inside the project area as well. Most of the settlements inside the project territory are ethnically diverse and recognized as official RTs or dusuns by the village government of Tanjung Lebar.

Apart from seeking the support of legal forces to tackle encroachment activities REKI tries to dissociate itself from REDD+ to avoid REDD+-offset related controversies and attempts to display the project as biodiversity project instead of a climate change project. This is demonstrated by the new project homepage which neither refers to REDD+ nor carbon sequestration. Nevertheless, the main donors DANIDA and ICI still list carbon sequestration or REDD+ as objectives of the Harapan project on their web pages (Ministry of Foreign Affairs of Denmark, 2012; ICI, 2013).

## Conclusion

The aim of this paper was to analyse how smallholders access land and how different authorities are used by smallholders to legitimate land claims within the Hutan Harapan project area. The contested land claims of the Hutan Harapan case show that REDD+ implementation and conservation is embedded in existing formal and informal struggles for political power and resource access linking different scales of decision-making (McGregor 2010). Smallholders typically draw on regional authorities to legitimize their claims. Yet the Harapan case shows that marginalized smallholders are able to establish strong actor coalitions within networks or “webs of power” (Ribot and Peluso, 2003, p. 156). Smallholders in Tanjung Lebar who became members of SPI draw on at least three sources of authorities linked to different discourses to legitimize their land claims. These sources of authority provide smallholders in Tanjung Lebar with the opportunity to resist powerful claims of the conservation company REKI.

First, they draw on the re-emergence of adat law as institutional arrangements mediating access to land and natural resources. Adat provides additional transnational “bundles of power” (Ribot and Peluso, 2003). Adat as place-based, ethnic-group specific arrangements of indigenous



groups are recognized by international agreements such as ILO Convention 169, UN Declaration on the Rights of Indigenous Peoples and by the Cancun Safeguards (1/CP.16). These agreements provide the opportunity to advocacy groups to initiate campaigns at transnational venues. The second source of authority is the BAL. The BAL, still in use but today only applicable to non-forest land, was formulated during the presidency of Soekarno as a comprehensive land law (Bakker and Moniaga, 2010, p. 188). Indonesian agrarian reform activists argue that the BAL is the only Indonesian land-related law recognizing the social function of land and limiting the maximum land size of individuals and companies. Indonesian Agrarian reform activists and the Indonesian peasant movements quote the law to underpin their campaigns as it reflects the more socialist oriented Soekarno era. SPI even uses the BAL in a more concrete way, as the organization claims to actively redistribute land to landless farmers within Hutan Harapan. The third source of authority are discourses linked to environmental justice. SPI and La Via Campesina refer to anti REDD+ discourses to legitimate their actions and to attract global attention for the concerns of smallholders.

The case study shows that Indonesia's last frontiers are a space of friction (Tsing 2005, p.4). Overlapping and competing authorities are a major challenge for conservation and REDD+ implementation. Conflicts over land access and control within Hutan Harapan are rather initiated by historical inequalities caused by the non-recognition of community rights within state forest than by the project intervention itself. REKI seeks to establish new land use regulations (conservation agreements) providing land use rights for biodiversity friendly and for low carbon land-use practices. So far, REKI has only negotiated agreements with indigenous Batin Sembilan groups in Bungku village. A general problem however is that the benefits

REKI provides through the conservation agreements are not sufficient to meet the opportunity costs of oil palm cultivation and illegal logging (c.f. Hein 2013). Since SPI claims that their members are not cultivating oil palms anyway a possible first step for conflict resolution might be to accept land claims of SPI members which are not growing oil palm and to start negotiating conservation agreements.

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