

LOCAL INITIATIVES TO RETURN COMMUNITIES' CONTROL OVER FOREST LANDS IN INDONESIA: CONVERSION OR OCCUPATION?¹

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Introduction

The general objective of this paper is to describe a certain tendencies in changing forest landscapes, from “forests” into “agriculture” areas. This paper will revisit two relevant cases. The first case is concerned with the conversion of “forest” areas into palm-oil plantations in East Kalimantan and how local people are reacting to it. The second case is the conversion of “forest” areas into agricultural lands as a result of land occupations by local people, who have lived in surrounding areas but have never gotten benefits from the forest. This last case takes place in Ciamis, West Java, which is particularly surrounded by forests that have been managed by Perum Perhutani (a state-owned forest enterprise).

To provide a background to the two cases, we briefly discuss some tendencies in forestry and land tenure in Indonesia, especially before and after political reformation (1998), followed by the implementation of regional autonomy (2001). Therefore, structurally the paper begins with description about the development of Indonesian forestry and land tenure politics during the last three decades, especially throughout the New Order regime (1967-1998). These historical dynamics were later affected by political reform beginning in 1998, and the Regional Autonomy era which followed starting in 2001. All of these factors have led to the shift in paradigm from ‘state-based’ resource management to ‘community-based’ natural resource management, which will be described shortly. These two cases, concerning forest conversions in Pasir, E. Kalimantan and land occupations in Ciamis, W. Java, were drawn into the paper in order to figure out the real-life field phenomena of ‘decentralization euphoria’. To complete the discussion, analysis of these phenomena in relation with theories of agrarian/forestry land reform has been added. The existing pages of this paper are limited, and therefore will not be able to cover the whole complicated forestry/land tenure problems in Indonesia. At the end, lessons-learned which are derived from both cases will be outlined in more detail in order to gain future possibly useful perspectives on forest land reform for the country.

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Development of Forestry Land Tenure Politics in Indonesia

Indonesia belongs to the three world's richest tropical rainforest countries (beside Brazil and Zaire), and 'A green-belt at the equator' is a popular term used to name Indonesia. This term was probably actually only valid to describe the condition of the forests before the last half century. Although there are different figures mentioned by various sources, the official data mention the total forest area of the country ranging from 120-140 millions (M) hectares. It has to be understood however, that this data reflects all areas with or without tree stands, as long as they have been declared by the government as "forests" (legal definition). In other words, the actual number of the real closed forests of the country should be less than the above figures, especially nowadays when enormous parts of these resources have been intensively exploited or converted into different purposes over the last four decades of development.

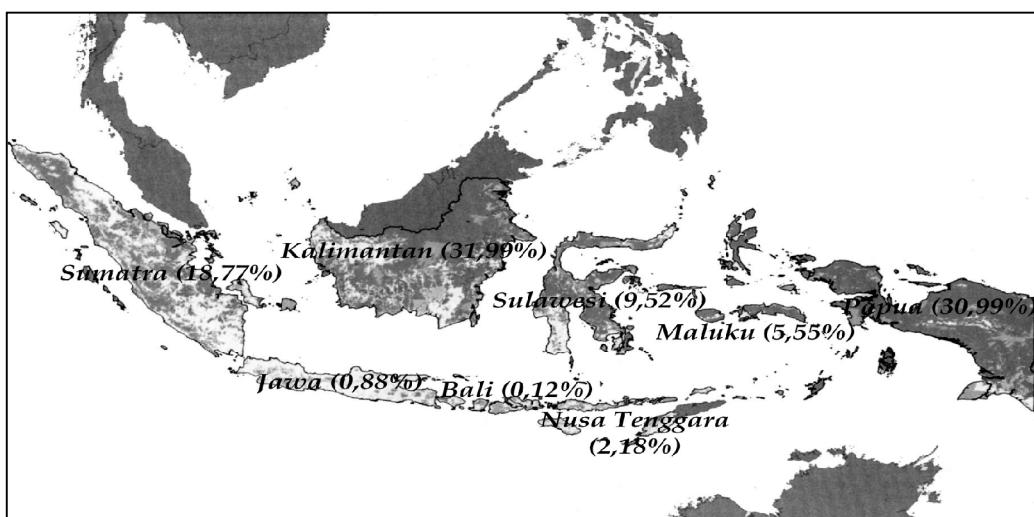


Figure1. Indonesian Archipelago and Distribution Percentage of Forest Areas

Administratively, all forest areas that have no private ownership certificate are determined to be 'state-controlled', based on the Basic Law of 1945 (Article 33; paragraph 3: "Land, water, and all natural resources, that belong to common pools and public goods, are under state control and will be utilized for the maximum welfare of the people"). Moreover, the position of the state as the organization of all peoples' authority has been underlined by Agrarian Act No. 5/1960 (Article 2:1), and the existence of the law claiming "state-forests" as established under the Basic Forestry Law (Act no. 5/1967), and later renewed as the Forestry Law (Act no. 41/1999).⁴

Historically, this model of "state-forests" was implemented in Indonesia during colonial times when the Dutch authority under Governor-General Daendels (1808-1811) imposed a program to restore the teak forests (*Tectona grandis*) in Java. However, with his

⁴ In Law No. 5/1967, it is stated that 'All forests within the Indonesian Republic including the natural wealth in the forests, are under the control of the State' (article 5:1). In Law No. 41/1999 which replaced the earlier law, the same wording occurs with an additional phrase namely "... for the greater of peoples' welfare" (article 4:1). Both Laws stated sanctions in the form of punishment by imprisonment and/or fines for every activity against them and therefore special police authorities were given to the Forestry officers.

authority he did not only want to restore the teak forests, but also to monopolize the management and exploitation of the teak timber by giving the rights to Dienst van het Boschwezen, a forest institution, to control land, trees, and laborers in and around areas declared as forests.⁵ This became a starting point for the principle of state control over an area declared as “forest” (or “state-forest”), which was strengthened through enactment of “Domeinverklaaring” principles as stated by Forestry Law 1865⁶ and then Agrarian Law (Agrarisch Wet) 1870 (Peluso, 1990 and 1992; Peluso and Vandegeest, 2001).

There were two important principles from the colonial system which still exist until the present time. These are: (1) the forest area was declared as state domain (Landsdomein) and was managed in order to make a profit for the state (2) limitations were placed on communities living in or around the forest area, to limit access to the products of the forest, especially wood, except for rights to collect the deadwood, and non timber products. The Dutch system of centralized control over ‘forest’ land is still alive in the two laws of forestry of independent Indonesia mentioned above.

Nowadays, based on current government calculation and designation, in the year 2003, from around 190.5 million hectares of land in Indonesia, 67.4% has been declared as state-forest area.⁷ It means, based on the principle of state control over the “forest”, the Ministry of Forestry, who became a representative of the state-controlled forest – in total – is now in charge of around 128.45 M hectare of territory that is declared as “forest” throughout all of Indonesia. In Java itself, 3.29 M hectares of land are designated as “state-forest”.⁸ From this huge land, 76% is in the hands of Perum Perhutani – the state-owned forest enterprise.

The administrative control of all forest resources in the hands of the state (or the government as its personification) was actually in contradiction with the lived reality. For ages, which meant long before the Indonesian independence in 1945, forests have played important roles for the life and livelihoods of native inhabitants or so called local traditional communities (“masyarakat adat or masyarakat lokal”). Local communities have therefore occupied and managed their surrounding resources from generation to generation. Until now, however, many local communities in remote Indonesian areas are still living in and dependent on the surrounding forests. Indeed, in accordance with higher accessibility and market availability following the implementation of various national economic development programs, the resources play important roles not only to meet socio-cultural demands and intangible (e.g. ecological) or non-monetary benefits (subsistence), but now also have become significant cash-income sources for better well-being, in many cases. Expressing this situation quantitatively, based on CIFOR (2004), currently there are about 50 million of the more than 200 million total Indonesian populations who live in forest areas and 20 million more are found in villages surrounding the forests, of which 6 million people earn

⁵ Daendels also instituted a system of penalties for those who logged the forest without agreement of the colonial government), with a maximum jail sentence of 10 years or a fine of 200 gulden. See Peluso, 1990: 32.

⁶ Ordonnantie van 10 September 1865, Staatsblad No. 96: Reglement voor het beheer en de exploitatie der houtbosschen van de Lande op Java en Madura. In this Act not only teak-,but also all types of forests were classified as a state domain.

⁷ *Forestry Statistic of Indonesia*, 2003: 4-6, 13. The official figure is frequently 75,06% based on *Tata Guna Hutan Kesepakatan tahun* (Agreed Forest Land Use) 1983.

⁸ *Forestry Statistic of Indonesia*, 2003: 13.

money from those resources. These numbers do not include the thousands of laborers in timber industries.

Table 1.
Fluctuation of “Forest” Land Controlled by State (Government/Ministry of Forestry), 1986-2003

Type of “Forest”	1986 (M ha)	2000 (M ha)	+/- (1986-2000) (M ha)	2003 (M ha)	+/- (2000-2003) (M ha)
Production	62.47 [44.3]	57.00[47.3]	- 5.47	57.28 [44.6]	+ 0.28
Protected	29.68[21.1]	31.90[26.5]	+ 2.22	32.40 [25.2]	+ 0.50
Conservation	18.25[13.0]	23.30[19.4]	+ 5.05	24.73[19.3]	+ 1.43
Conversion	30.54[21.7]	8.20[6.8]	- 22.34	14.04[10.9]	+ 5.84
Total	140.84 [100]	120.40 [100]	- 20.44	128.45 [100]	+ 8.05

Formulated from: Forestry Statistics of Indonesia 2003; Rencana Strategis Departemen Kehutanan (Strategic Planning of Ministry of Forestry) 2001-2005; and Sumberdaya Lahan Indonesia, Sebuah Kajian Nasional (Land Resources in Indonesia, a National Analysis), 1990.

Note: Number in bracket [...] indicated a percentage from the total.

Centralized and capital-intensive timber industries, especially in the outer islands off Java as a whole, began in the early 1970s when extensive mechanical exploitation under the forest concessionaires' management system (or what in Indonesian is called Hak Pengusahaan Hutan/HPH System) had been implemented (supported by Government Regulation/PP No. 21/1970). The main mission of this forest utilization was to increase the country's economic revenues so as to support the country's national development programs. As a result, starting in the middle of the 1980s, forestry activities extended from natural forest logging in the initial period to establishment of industrial timber estates (or Hutan Tanaman Industri/HTI) in order to support raw materials supply to hundreds of wood industries (e.g. sawmills, veneer or plywood industries, pulp and paper, etc.) in the 1980s.

Up to the beginning of the 1990s there were 580 HPHs (forest concession management systems) exploiting 61.38 million hectares of the Indonesian natural forests. However, just ten years later, in parallel to the more limited resources, the total number of and the hectares of exploited forests had decreased to less than 50%. Meanwhile the number of HTI concessions in 2003 had reached already 96 units, who operated on approximately 4.4 million hectares. HTI was developed in order to support national wood industries and to reduce their raw material dependency from natural forests. Both forest concessionaires, HPH and HTI, have not only the rights to manage the forests, but they also have some obligations e.g. to increase the welfare of the people who live in the forests and derive livelihoods from the resources. That social duty can be implemented through different agrarian and non-agrarian activities. This government policy has been officially started since the beginning of the 1990s under the program frame called Pembinaan Masyarakat Desa Hutan/PMDH (Forest-Village Development Program).

Nevertheless, not all schemes of forest utilization were able to optimally meet the objective of increasing the communities' welfare, especially those who are living in the surrounding of the resources (local communities). For example, Sardjono et al. (1999) evaluated the implementation of PMDH by six big-, middle-, and small-scales HPHs in East

Kalimantan, finding that none achieved satisfactory performances with regard to their social duties. Therefore, there was a growing hope, when in the mid 1990s, something called community forestry (Hutan Kemasayarakatan/HKm) started to be implemented in Indonesia. The HKm is based on the concept of providing opportunities for local communities to get involved in management of state forests without disturbing their determined forest functions. Unfortunately, after one decade there was neither significant progress of HKm reported (more detailed see also Sardjono, 2004a and 2004b; Sardjono and Simorangkir, 2005).

On the other hand, deforestation and land degradation have increased, both in- and outside of the forest areas. According to the official figures, there were around 57.0 million hectares of degraded forests in Indonesia in the beginning of this 21st century (see Table 2.) with annual deforestation rates ranging from 1.6 to 2.3 million hectares. However, according to FWI/GFW (2001), 60% of the lowland forests in three main islands (i.e. Sumatra, Kalimantan, and Sulawesi) actually were cut down hugely throughout the years 1985-1997, and without any conservation efforts it is predicted that these lowland forests will disappear within the next six years (2010). Moreover, and importantly for discussion in further chapters, in Kalimantan only, there were already 20.5 million hectares of degraded forest identified at the beginning of the 1990s, of which 8.9 million hectares were found in East Kalimantan.

Table 2.
Official Estimation of Deforestation and Land Degradation in Indonesia (2000)

No.	Areas	Large (Ha)
1.	Critical lands outside forest areas	15,106,234
2.	Critical lands inside Protection Forests	8,136,646
3.	Degraded Forests	
	a. In Forest Concession (HPH) Areas	11,659,109
	b. Ex HPH (INHUTANI; State owned Enterprises)	2,591,184
4.	Logged Over Areas (LOA)	
	a. In Forest Concession (HPH) Areas	11,085,823
	b. Ex HPH (INHUTANI; State owned Enterprises)	2,498,242
5.	Destructed Mangrove Forests	
	a. Inside forest areas	1,712,462
	b. Outside forest areas	4,189,512
	Total	56,979,212

Source: Directorate of land rehabilitation and Social Forestry and Board of Forest Planology, the Ministry of Forestry (2000).

As previously mentioned, the Government has issued policies to claim all forests outside of private ownerships to be state forests. This ownership is verified by personal land-ownership certificates or other documents/institutions, which are in limited cases acknowledged by the government to be equal to communal permanent rights. ‘Traditional’ community rights would be acknowledged according to Agrarian Act No. 5/1960 as long as they exist under some conditions (e.g. there have been traditional social groups, structures, and functioned institutions, as well as clear traditional territories, all of which are under the official support of local administration authorities). Practically, there are no serious efforts

from government authorities to measure and then recognize traditional territory. In fact for many of these communities, under their local customary practices, use rights of the resources and rights of ownerships have practically no functional difference. Therefore, when then the forests were classified into many functions including production forests, and the management was handed over to HPH and HTI companies, the ‘living space’ of the local communities became narrower if not actually robbed from them.

In one side, this condition tends to create many conflicts over land which has been claimed as “state-forest” and for use by third parties, which are mostly for commercial uses i.e. timber exploitation, mining, as well as in the name of conservation. A figure from ARC-Agrarian Conflict Data-base regarding land conflicts, which are caused by competing claims over the “forest”, has a significant number. By 2001, from 1,753 cases recorded by this data-base system⁹, 141 cases are related to the development of production forests; and 44 cases are related to the development of conservation and/or protected forests; and where not less than 1.7 M hectare “forest” lands are disputed (Bachriadi, 2004).¹⁰

On the other side, deforestation and degraded environments after three decades of intensive exploitation periods have brought the local communities an even worse condition. Actually, since the beginning of natural resource utilization (the 1970s) there have been potential social conflicts of interest between big-scale companies with surrounding local communities, and these mainly arise from the tenure problems. Only due to the very powerful and authoritarian New Order Regime, could these problems be suppressed for to protect the interests of the large-scale investors.

Many people are surprised, however, that deforestation rates have increased and even gotten worse, along with the reformation era which began in 1998, which was later followed by the implementation of regional autonomy in 2001. Illegal logging and land encroachment seems uncontrollable in parallel with the issues of small-scale (100 hectares) and short-term (only one year) timber concessions as well as timber utilization permits by district heads. This opportunism was also triggered by differences ‘in hurry’ forestry policies¹¹. Besides these factors, deforestation rates rose higher after the implementation of regional autonomy because of the increasing interests of the districts (kabupaten) in forest land conversion into different uses such as export-oriented crop estates, or even mining industries in order to increase the regional income fees.

In this context of polity change, according to many investigations, it was legally untouchable and politically entered a ‘vicious circle’ since many ‘local elites’ become part of these ‘crime-links’. It is widely known that during political transition, many of local politicians have to keep their relationships with their constituencies, including those who are working with and as illegal loggers. Beside that, administrative, financial, and political

⁹ This number does could be reached by this data-base system.

¹⁰ This is a “minimum number of land disputed” between local people and third parties, such as forest concession companies. The meaning of “minimum number of lands disputed” is the number of lands disputed that is available through this data-base system. In many land conflicts, particularly in “forest” areas does not mention how large the land which is claimed by local communities belongs to them. Sometime, when local people claimed their land which was taken over by a timber company, what they meant is that all of that concession originally belonged to them as part of their customary land.

¹¹ Short time during transition from the New to the Reformation Orders in the period of 1998-1999, such as PP. No. 62/1998 on Handing Over a Part of the Authority to the Local Government; PP. No. 6/1999 on Forest Exploitation and Forest Product Utilization Rights in Production Forest; and Decree of the Forestry and Crop Estate Ministry No. 310/1999 on Guidelines for Issuing Forest Products Utilization Rights.

authorities, which mostly had been handed over by the central government in the frame of regional autonomy, had shifted strong governance positions of the districts/cities, and even encouraged many of them to ignore the roles of the provincial governments, and instructions given by technical departments/ ministries (e.g. forestry ministry). This was often true especially concerning natural resources (e.g. forest) utilization as an economic development bone. Consequently, this situation in general cases also moved a ‘client-patronage’ relationship system from the central level (national) to the district levels.

However, the most vulnerability in this natural resource-rich province, despite the fact that almost 50% of the forests had already been exploited and destroyed, remained with the region not being able to increase the welfare of its local forest-surrounded communities.. According to Sardjono (2004^a), that situation came up from two main factors: (1). During the New Order regime, there was financial capital flight from resource-rich regions (e.g. East Kalimantan) to Jakarta (Central Government), and there remained very limited trickle-down effects to the region and indeed to local communities. The communities even had to economically subsidize big-scale companies, because they had to give their living space to be exploited; while (2). In the beginning of the Regional Autonomy era, although the communities had more space to participate in forest utilization through different local schemes, with insufficient capitals (human, social, physical, and indeed financial capitals) they had to hand over the rights to outside and environmentally irresponsible investors. The limited fees which the local communities got from the investors had to be paid by wider and worse local resource destruction.

Parallel to the reformation and regional autonomy implementation, social conflicts increased in many parts of the province. The conflicts did (and do) not only involve timber companies and local surrounding communities (vertical conflicts), but also between or among the communities (horizontal conflicts). The second case mainly followed resource scarcities and historically-unclear traditional land tenure problems.

Cases: Forest Conversion and Land Occupation

Establishment of Palm-Oil Plantation in District of Pasir, East Kalimantan¹²

Pasir is one of the nine districts – and most southern district – of East Kalimantan Province which has an area of approx. 11.6 Km² (including ocean, rivers, lake, etc.) or if we only count the land territory, it covers 10.6 Km².

The economy of the Pasir district is based on local existing natural resources, especially production forests (permanent, limited, and converted) that cover an area of more than 50% of the district’s territory. Until the middle of the 1980,s there were at least 11 timber companies operating in approx. 1.2 million hectares of forests. However, after reformation (1998), only 3 HPHs have actively operated in a forest area of approx. 245,000 hectares. That situation was affected mainly by two factors: (1). After evaluation of the first concession right which had a duration of 20 years, many of the HPHs could not be extended due to their unsatisfactory performances; (2). The extended old or new HPHs were unable to continue their exploitation, because it was financially no longer feasible e.g. there was no more valuable time or only insufficient timber with minimum diameter of 50 cm allowed to be cut in their area, or if it was financially feasible, they had social problems

¹² The data and information used in this article is drawn from the study results submitted to Food and Agriculture Organization (FAO), Rome (Sardjono and Simorangkir, 2005).

and conflicts with surrounding local communities (Note: beside these HPHs, there were 3 HTI companies managing \pm 32,000 hectares of forest plantation in Pasir). Such socially ‘intractable’ conflicts were actually an accumulation of different objective and subjective factors, which were rooted in the insecurity and unfairness felt by local communities who surrounded the forests.

There are seven main social issues concerning the conflicts, among which are (1). Taking over forest areas/living spaces of local communities (because many of the communities had been present in the area before the HPHs); (2). Limitations on community activities in the exploited areas (especially areas for shifting cultivation and non-timber forest products collection, e.g. rattan, aloe-wood, honey); (3). Minimum communication between communities and companies (there were many differences concerning economic orientation, education, etc., which led to difficult assimilation between both social groups); (4). Labor recruitments came more from outsiders/migrants (and not local communities); (5). Minimum benefits from the existing companies to local communities (seen from physical and financial impacts or the situation before and after the HPHs’ operation); (6). Encroachment on the traditional protected or sacred forests/places (local communities usually have prior-determined places for traditional uses since ages before); and (7). Deforestation and its impacts on rural agro-ecosystems (e.g. erosion in the exploited forests have increased river turbidity, where people used the water for daily consumption) (Sardjono, 2004c).

Further phenomena concerning social conflicts and “reformation euphoria”¹³ which make illicit felling, illegal sawmills, and illegal timber trading, have also increased steadily in all forest functions, especially in logged-over areas of the former HPHs. The ex HPH areas, which legally still belong to state forests, in reality were like ‘no-man’ areas that created free-access to every user. The following case from Tiwei and long Gelang villages (Table 3.) allows us to understand better the historical trends of conflicts and illegal logging in Pasir.

Although the number of HPHs has decreased since the middle of the 1990s, it does not necessarily reflect the volume of timber coming out from the forests in Pasir. This is due to the government policy concerning timber exploitation, in which besides the AAC (Annual Allowable Cut) given to a HPH to exploit the permanent and limited production forest under the silvicultural system of TPTI/Tebang Pilih dan Tanam Indonesia (Indonesian Selective Cutting and Planting System), there is IPK/Ijin Pemanfaatan Kayu (Timber Utilization Permit) given especially to commercial crop plantation companies to exploit the remaining residual stand, in order to save the existing state investment (timber)¹⁴. It is actually a general phenomenon that many companies propose to develop a commercial crop plantation. Based on experience, however, these types of situations have brought many ecological problems in almost all regions of the province (and throughout Indonesia), since many of IPK companies do not seriously establish the plantations after clear-cutting the tree

¹³ For many people (especially free riders) reformation movement 1998 was defined as freedom of expression in many ways, including in breaking the laws and an intention to replace all forms of regulation that produced by previous regime. These kind of freedom of expression was used by many free riders to take an individual benefits through many illegal action under the name of breaking all forms of previous regime legacies.

¹⁴ In 2004, there were 3 IPK companies in Pasir. The IPK has usually also been given to exploit timber in forests that have been given over for mining and also for burnt areas (following forest fires), when relatively good stands may be found and are possible to be cut down (in Indonesian it is called “tebang penyelamatan”/safety logging). In addition to that, indeed, timber came up on the market from illegal logging activities (Sardjono and Simorangkir, 2005).

stands. They only needed the timber and then left the bare lands behind. Ecological problems in plantation areas have also been caused by improper burning during land preparation, which have led to uncontrollable forest fires.

Table 3.
Social-Economic Dynamics of the Forest Users in Surrounding of the Forrest Concession Area in Village of Tiwei and Long Gelang, District of Pasir, 1971-2004

Year	Description
1971	<ul style="list-style-type: none"> • HPH PT. Alas Kusuma (concession holder No. 438/Kpts/Um/9/73; with total area of 135,000 hectares) started to develop a corridor road for timber transportation from log-pond (at Lombok river) crossing the customary lands of Tiwei and Long Gelang villages); • In the same year the HPH continued the corridor with road crossing the area of HPH Nata Marga Jaya (concession holder No. 661/Kpts/Um/10/79; with total area of 40,000 hectares), which was also overlapping partly the customary land of Tiwei (notes: It seems that many of the HPHs have started the operation before the principle permits); • Villagers of Tiwei claimed compensations. Although at that time the bargaining position of the Tiwei's people was too low (because of the strong government position to protect the interests of HPH as an instrument to earn money for the country), finally they got compensation only for plants growing on the corridor road. The compensation (Rp. 350,000.00 or equal to ± USD 350.00 in the beginning of the 70's) was used to repair communities' housing; • People of Long Gelang shifted the village to the corridor in order to increase accessibility to their farm-lands; • HPH PT. Alas Kusuma established its base-camp in Tiwei Village (note: nowadays it becomes the settlement center of Tiwei).
1973	<ul style="list-style-type: none"> • Approaching its logging area, the base camp of PT. Alas Kusuma moved to Tompuk (note: now it is the area of Palembakan village)
1974	<ul style="list-style-type: none"> • Another HPH PT. Inne Dong Wha (concession holder No. 141/Kpts/Um/4/71; with total management unit area of 120,000 hectares) used the corridor road, without any information about compensation given to the local communities (notes: probably compensation was given to HPH PT. Alas Kusuma --- it should be proven, since there was no evidence/data/information about this); • Tiwei villagers moved their settlement to the ex base-camp of Alas Kusuma
1979	<ul style="list-style-type: none"> • Based on Act No. 5/1979 (on Village Administration), both villages have been definitively declared as villages
1983	<ul style="list-style-type: none"> • The regulation of the three ministries (agriculture, industry, and trade) concerning log export ban has collapsed the activities of HPHs Alas Kusuma and Inne Dong Wha (note: under the regulation all logs should be supplied by the local plywood and sawn timber industries)
1983	<ul style="list-style-type: none"> • Mapping of the area in Tiwei for development of Oil Palm plantation by state-owned enterprise PTPN XIII in the frame of Nucleus Estate program (Perkebunan Inti Rakyat/PIR)
1984	<ul style="list-style-type: none"> • The HPHs have left behind their areas
1984 – 1986	<ul style="list-style-type: none"> • Because of no maintenance the ex corridor road became bushy and practically unused; • The abandoned HPH heavy equipment spare-parts and other unused iron materials were collected and sold by the villagers of Tiwei (Rp. 150.00/kg).
1986	<ul style="list-style-type: none"> • The PIR Oil Palm started to be developed by the local government in Tiwei
1987/1988	<ul style="list-style-type: none"> • In the frame of commercial crops estate development, transmigration program located surrounding Long Gelang led to conflicts. Local communities claimed the (Central) Government, since their occupied farmlands were taken over and converted into settlement and estate. There was no compensation given by the local government to people in Long Gelang
1992	<ul style="list-style-type: none"> • HPH PT. Nata Marga Jaya kept the timber operation going

Table 3. (Continuation)

Year	Description
1994 - 1995	<ul style="list-style-type: none"> Boundary conflicts (horizontal conflicts) between both neighboring villages Tiwei and Long Gelang.
1997 - 1998	<ul style="list-style-type: none"> About 140 transmigrant families were settled in Tiwei village area in order to support the establishment of oil palm plantation
1998	<ul style="list-style-type: none"> Illegal logging by outsiders started in the area (reportedly not by local people), mostly from the surrounding of Long Ikit (the capital of Sub-District). Heavy trucks of illegal loggers destroyed the existing road (corridor); Following reformation in the beginning of 1998, people in Long Gelang reclaimed their lands, which had been used for transmigration settlements and crop estates.
1999	<ul style="list-style-type: none"> HPH PT. Nata Marga Jaya stopped their logging operation, because of no more commercially allowable cut trees in their areas
2002	<ul style="list-style-type: none"> Rehabilitation program of the government (c.q. district forestry service) through distribution of Jati (teak) and fruit trees to local villagers at Tiwei.

Resource: Supriyanto, 2005; with some modifications.

Pasir is indeed East Kalimantan's oldest district in establishing big-scale commercial crop plantations as an economic answer for the decreasing forest resources. From the biophysical condition (especially soils and topography) of the province and the characteristics of timber exploitation, the idea of commercial crop plantations is clearly realistic and reasonable. The expansion of plantations started since the beginning of the 1980s and until 2004 it covered approximately 74,000 hectares, mostly on converted production forests (or under RTRW classification, it falls into non-forested areas). The main commodity of the estate is oil palm, while others are e.g. rubber, hybrid coconut, coffee, pepper, and cocoa tree. Since regional autonomy (2001), all administration concerning commercial crop plantations has been under control of the local government (Pasir District).

The plantations were unequally distributed in all sub-districts, but the larger-scale ones are found only in five sub-districts namely, Long Ikit (23,553 Ha.), Pasir Balengkong (12,071 Ha.), Long Kali (11,522 Ha.), Kuaro (10,296 Ha.), and Muara Engau (9,400 Ha.). Meanwhile, according to the models and schemes developed by the local government, the Smallholder Estate (or Perkebunan Rakyat) is the dominant one. Until the end of 2004, there were more than 17,000 families (which means about 58,000 up to 85,000 persons) whose lives are dependent on estate schemes (Table 4.)¹⁵.

¹⁵ Beyond the existing plantations, the local government has already reserved a larger area of approximately 250,000 hectares to expand Oil Palm plantations. This situation underlines the economically bright future of that commodity in Pasir, and indeed the possibility of having more people participate in the program. Both the area and Oil Palm production showed an increase during the last half decade (1999 – 2004). When in 1999, the production reached 337,391 ton, five years later (although the district area has been reduced almost one third due to the establishment of PPU District in 2003) it still increased to 389,337 tons (TKKPD, 2005).

Table 4.
**The Number of Local Communities Participating in Oil Palm Plantations and
Average Managed Farmland in Pasir District (2004)**

No	Sub-Districts	Plantation Area (Ha)	Participants (Family)	Average Managed Farmland/Family (Ha)*)
1.	Batu Sopang	299.50	104	2.9
2.	Muara Samu	110.00	31	3.5
3.	Batu Enggau	8,345.17	300	27.8
4.	Tanjung Harapan	1,070.00	36	29.7
5.	Pasir Belengkong	10,535.50	2,972	3.5
6.	Tanah Grogot	910.00	536	1.7
7.	Kuaro	8,410.06	4,043	2.1
8.	Long Ikitis	22,157.14	7,640	2.9
9.	Muara Koman	381.00	256	1.5
10.	Long Kali	6,423.00	1,229	5.2
Total		58,641.37	17,147	3.4

Source : Modified from different sources

Notes : *) estimation based on plantation area divided by the number of participants

Assuming that the above average managed farmland is reliable and considering the average production can reached 7,298.43 - 8,491.55 kg/Ha with the price of the product per-kg of Rp. 607.72 (Disbun Pasir, 2005), it can be concluded that the income per family participating in Oil Palm in Pasir can range from Rp. 15,080,366.39 to Rp. 17,545,648.20 during the year, or can be estimated at about Rp. 1.25 – Rp. 1.50 millions/month. If every family on average consists of 5 members, the income distribution is between Rp. 250,000.00 and Rp. 300,000.00/ person/month (note: 1 USD~ Rp. 9,000.00 in 2004). However a family's income from Oil Palm depends also on e.g. how large the owned land is and how intensive the care on the farm land, as carried out by farmers. The most interesting point in the case of Pasir District, is that at least three of the four villages which have been visited for writing this paper are proposed to develop that plantation, although non-timber forest products (rattan, aloe-wood, honey bee, etc.) are still playing important roles for their economy (see Table 5 below).

Table 5.
The Life and Land Use Dynamics in Some Villages of Pasir District
based on Field Observation (2005)

Aspects	Villages (Sub-Villages)			
	Lempesu	Bekoso	Long Gelang	Swan Slotung*
Districts	Pasir Belengkong	Pasir Belengkong	Long Ikis	Muara Koman
Demography:				
a. Population	532 People	2,432 People	320 People	116 People
b. Family	127 Families	720 Families	85 Family	20 Families
c. Member	4.2	3.2	3.8	5.8
d. Ethnic	Paser (indigenous)	Paser (indigenous)	Paser (indigenous)	Paser (indigenous)
Land Tenure:				
a. Ownership	0.5 -2.0 Ha.	0.5 – 2.0 Ha.	1.0 – 3.0 Ha.	1.0 – 3.0 Ha.
b. Village Land	10.0 Ha.	10.0 Ha.	10.0 Ha.	-
c. Customary Land	30.0 Ha.	-	500 Ha.	8.680 Ha.
Living Sources	-Seasonal Farming -Oil Palm -Labor -Private Company	-Seasonal Farming -Oil Palm -Private Company -Husbandry	-Seasonal Farming -Oil Palm -Rattan -Other For.Prods.	-Seasonal Farming -Oil Palm -Aloe-wood -Honey Bee -Rattan
Land Use Issues	-100% of the people participated in Oil Palm -NTFPs (Non Timber Forest Products) have been exploited by migrants -The environment quality decreases following mining and deforestation	->50% of the population participated in Oil Palm -NTFPs have been exploited by migrants -Only few families are still collecting NTFPs	-People participated in Oil Palm (1.0-2.0 Ha.) but many are still collecting NTFPs -NTFPs (Non Timber Forest Products) have been exploited by migrants -Illegal logging exists	-People still depend mainly on farmland and NTFPs (esp. from customary land) -Only limited/ small scale Oil Palm plantation is allowed in the village
Customary Regulation	-Still respected (social lives) but concerning natural resource management (NRM) becomes looser	-Both in social lives and NRM become looser (except. Taboos)	-Strong implemented but generally only for local inhabitants	-Very strong and implemented (incl. valid for both local inhabitants and outsiders)
Poverty	79% of Families	27% of Families	53% of Families	19% of Families

Source: Primary Data (2005); with additional secondary data concerning poverty in Sardjono and Simorangkir (2005) (*Swan-Slotung is Sub-Village of Mulyu

It can be concluded that problems of forest destruction and poverty are also caused by internal factors, for example, the readiness of the people to face the very fast socio-economic dynamics. This includes capacity building (especially in technical and human resource capital), implementing local law enforcement (esp. the role of local traditional regulation in natural resource management), and also developing institutions at village level

in order to compete with external growth (better information and access to technologies) which influence poverty. It seems that the local communities have struggled to adapt a very dynamic socio-economic growth by themselves, without sufficient advice. In that case they have had to pay too expensively with the destruction of their natural resources especially forests, while introducing technology and economic sources have so far not been reliable enough to make their lives better.

It is very interesting to say that based on field observation also, the growing interests of many local communities to participate in smallholder model have been encouraged by the possibility for individuals to claim the former lands declared as state owned (forest) lands. However, other groups of the villagers, especially those who have interests in conservation of the customary ownerships, do not agree with such a scheme. The last groups are willing to participate in Oil Palm Plantations, because it has significantly increased their family's income, as long as the lands are still under community control (note: Is it decomunalization or privatization – see Figure 2.). These contradictory interests often lead to worse situations in the village, especially in the form of horizontal conflicts.

The worse situations come from the fact that conflicts among villagers (local inhabitants) concerning lands have increased in many places. It has been addressed in the previous discussion regarding Forest/Timber concessions and indeed commercial crop plantations legally receiving rights to manage their areas. In spite of that, local communities in many parts of the district (and certainly with their traditional rights on the surrounding resources) existed even longer than before the companies started (in the 1970s). Exploration done by Wijaya, et al. (2005) showed that Pasir Kingdom was already established in the 16th century, and occupied areas of Pasir District, PPU District, and even part of South Kalimantan. Since then, many community groups received rights to manage or to occupy lands as gifts for their services to the kingdom. Many of the community groups have also occupied lands communally since a few centuries earlier ago, and have used natural markings as their territorial boundaries (see e.g. Heriyanto, 2005).

Based on observations, the occupation of the lands among the traditional communities usually fell in parallel with the first opening of primary forests for their farmlands, or for using the forest areas for collecting different forest products and for hunting grounds. Under communal rights, individual access or use rights of the community members have been acknowledged, but the lands should be returned to communal right when they are not utilized anymore (see e.g. Sardjono, 2004a). In reality and general cases, many individual users try to occupy resources as long as possible or permanently, especially after the population increased and the competition on resources got higher. Therefore different valuable tree crops e.g. fruit trees, rattan, etc. are cultivated or maintained on the occupied lands. Although after the establishment of the Republic of Indonesia (1945) and especially with the issue of Agrarian Act 5/1960, all lands without an ownership certificate belonged to the state¹⁶. Many community groups (including in Pasir District) do not want to release the customary lands.

Again, only due to the very powerful and centralized New Order regime (1967-1998), land claims practically did not appear when the forest/timber companies and also commercial estates began their work, although in actuality, the communities had objections to the policies. After the reformation (followed by regional autonomy), the socio-political situations changed, and democratization became the spirit of resource use. There have been

¹⁶ All rights which have been given before the issue of that Agrarian Act 5/1960. would be acknowledged until 1980 or 20 years (they had to be returned to the state)

not only vertical, but also horizontal conflicts, especially concerning resources (incl. forests and lands) coming up in almost all parts of the country. Horizontal conflicts are usually caused by unclear natural boundaries or historical backgrounds (versus administrative territory) of two (or more) community groups or villages. Besides these problems, the conflicts have also been caused by different interests of utilization of the same piece of land or territory among the community members. The example from Tiwei and Long Gelang in Long Ikis District (Table 6.) will explain that situation:

Table 6.
Implication of Oil Palm Plantation on Internal/Horizontal Conflicts among Communities in Long Gelang and Tiwei of Pasir District

Description	Villages	
	Long Gelang	Tiwei
Internal Conflicts in the Village		
Conflicts Driven	<ul style="list-style-type: none"> Some families occupying lands surrounding the Oil Palm plantation development program did not want to participate in it because of possible permanent loss of their rights on lands that were replaced by government/companies with only parcel of land (about 2.0 hectares). They were willing to lend the land without giving over the rights 	<ul style="list-style-type: none"> Some 'elite' families in the village claimed the village land that traditionally belonged to them. They had objection to replace the family- to be communal lands for Oil Palm plantation program. The compensation price of the demanded lands for Oil Palm plantation was too small
Conflicts Sources	<ul style="list-style-type: none"> Unclear land occupation rights under traditional law and the real recent price of the lands 	<ul style="list-style-type: none"> Unclear land occupation rights under traditional law and the real recent price of the lands
Conflicts with Other Villages		
Conflicts Driven	<ul style="list-style-type: none"> Competing lands located in strategic places (along the main road of the villages) and proposed to be used for Oil Palm plantation program (conflicts between two villages Long Gelang and Tiwei) 	<ul style="list-style-type: none"> Competing lands located in strategic places (along the main road of the villages) and proposed to be used for Oil Palm plantation program (conflicts among villages Tiwei, Long Gelang, Belimbing and Olung)
Conflicts Sources	<ul style="list-style-type: none"> Land claims between users 	<ul style="list-style-type: none"> Land claims among users

Source: Heriyanto, 2005 (modified)

From the previous long discussion it can be concluded that policies on forest utilization through timber management systems and conversion of forested as well as non-forested lands into plantations, especially palm-oil plantations have not been connected yet to better resource management and reducing poverty to date. In the Pasir case, it is clear that intensive timber exploitation in the last decade has resulted in large degraded lands and unproductive forest areas in the district. The remaining relatively good protection forests and conservation areas are being under pressure of different users, including land

encroachments and illegal logging activities.¹⁷ On the other hand, there was no achievement reported concerning the reforestation and land rehabilitation program, which for Pasir in the period of 2001 to 2003 (3 years) spent at least Rp. 25.6 billions (for more than 112,000 hectares). The forest concession clearly was not able to increase the welfare of the surrounding local communities. It has mentioned before that instead of ‘trickle-down effects’, the generally very poor local communities have to subsidize the companies (trickle-up effects), since they have to give over their living space or forests where they had collected timber and NTFPs. The forest exploitation has invited outsiders to Pasir¹⁸, and unemployed migrants who enter the forests, exploiting different NTFPs (see Table 5. above).

Palm-oil plantations have been decided as the core-business of the district and have been extended up to the grass roots level through different small-scale programs, are probably a rational solution for forest degradation. The farmers participating in the plantation program have been ensured their incomes and therefore there is increasing demand among the local communities to establish palm-oil plantations. However, large plantations give no guarantee to reducing poverty so far, and even the local communities who were able to protect the remaining forests show better life and livelihoods (see Table 5.). Beside this phenomena, palm-oil plantation establishment has been used as a reason to get IPK (meaning exploitation of remaining residual stands), to convert communal lands into individual ownerships, and raising more conflicts concerning land occupation among the local communities or villages in Pasir, which have tended to increase in the last half decade (see Table 6.).

Land Occupation in State Forest Areas in District of Ciamis, West Java

The declaration of Java's forests as part of the state domain was empowered by two nineteenth century laws, namely the Forestry Law of 1865 and the Agrarian Law (Agrarische Wet) of 1870 (Peluso, 1990: 34; Peluso, 1992: 53; Peluso and Vandergeest, 2001: 774-775).¹⁹ From these two colonial regulations, a development of “forest” in Java had a legal foundation, which then was followed by a kind of scientific timber management system, and increasing numbers of “forestry” lands through conversion. Conversion from natural forest and people's land into forest plantations resulted (Peluso, 1990: 38-39; Peluso, 1992: 66-67).²⁰ This achievement of colonial forest arrangement was continued and enjoyed by Indonesia's Perhutani – a state-owned forest company. In other words, Perhutani just continued the legacy of the colonial forest system with all of its characters, performances, and attitudes.

Set up in 1961, Perhutani today controls the same “forest” area in Java as the colonial forest service did, which now covers an area of 2.5 million hectares – 19.6% of the total land in Java Island. Of this company controlled “forest” area, approximately 1.94 million hectares is production forest, and 0.63 million hectares is protection forest.

¹⁷ Only for 2004 there were 41,800 M³ illegal log and sawn-timber saved. That means bigger than average volume of legal log production of the district from 2001-2003 (only 36,100 M³) and approx. 15% of the total IPK's timber volume of the district in the same time (Dishut Kaltim, 2004; UPTD Kehutanan Pasir, 2005).

¹⁸ In the framework of the Transmigration program or spontaneous migrants, due to working opportunities.

¹⁹ UU Agraria (Agrarische Wet) 1870 stated “all land that could not be proven to be owned – individually or communally – by villagers was the property of the state”.

²⁰ Simon estimated, until 1942 – a year at Japanese occupation started in Indonesia, around one million hectares teak plantation developed in Java Island. See: Simon, 2001; also Peluso, 1992: 267-270.

Although this controlled production forest is only 4.5% of the total Indonesian production forest (based on the most recent calculations), however, with the huge controlled resources it has a monopoly in the marketing of teak timber, dominates the pine-resin production and trade, as well as control of forest village development, and forest labor. It also has financial autonomy to make its own annual budgets. For that reason, Perhutani is often referred as a “state within the state” (“negara di dalam negara”) (Peluso, 1990: 49). So the best example of how a company can become wealthy by using state power is what Perhutani did and does today.

This company operates in three provinces in Java Island, i.e. Central Java (Unit I), East Java (Unit II), and West Java (Unit III). From all its operation units, based on findings and calculation at 2000, in fact, officially Perum Perhutani only supplied around 22.6% log as raw materials for wood industry in Java. There are around 13.6% raw materials supplies that originally came from the same Perhutani’s “forest” but that enter the market illegally. Meanwhile, the people’s forest with only around 391 thousand hectares (approximately only 16% compared to the whole Perhutani’s “forest”) can supply around 10.9% of the raw materials for this industry. Another supplies just fulfilled by logs that originally came from outside Java. In other words, official timber product from the land which is controlled by Perhutani was not projected to support wood-processing industries in Java (Bachriadi and Lucas, 2002).

In West Java, through 14 Kesatuan Pemangku Hutan/KPH (Forest Supervisory Office) under Perhutani Unit III, this state-owned company controlled around 792,467 hectares of land that is called “forest”, which has consisted of 552,065 hectares of production forest and 240.402 hectares as protected forest (www.dephut.go.id/informasi/_luas_perum.htm as quoted by Bachriadi and Lucas, 2002). In the District of Ciamis, the unit which operates is Kesatuan Pemangku Hutan (KPH) Ciamis, who controls 36,204.93 hectares of “forest” lands in 2000, and then decreased to 29,765 hectares in 2005, where around 24 thousand hectares are now planted in teak plantation.

In order to follow a new policy of the Ministry of Forestry to make social forestry the basis for “new forestry development” in Indonesia, Perhutani developed a program called PHBM (Pengelolaan Sumberdaya Hutan Bersama Masyarakat or Managing Forest Resources with the Community²¹). In this community or social forestry program, they piloted new forest planting methods, such as different plant spacing and different varieties – not forest management!

Although Perhutani’s social forestry regulation stated that local communities who joined this program could be involved in planning, implementing, monitoring, and evaluating forest management, they would get a smaller benefit-share of the harvested timber products than Perhutani, i.e. not more than 25% with the possibility to have more at the first harvest²². It is not surprising then if many NGOs (non-governmental organizations) saw this initiative as similar to putting ‘old wine in new bottles’ (see Bachriadi and Lucas, 2002).

²¹ For a definition of this program and what Perhutani means by PHBM see: *Decision of Monitoring Board of Perum Perhutani No: 136/KPTS/DIR/2001 on Managing Forest Resources with the Community (Pengelolaan Hutan Bersama Masyarakat)*, 29 March 2001.

²² See: Decision Letter of the Governor of Central Java No. 24 Tahun 2001, esp. Chapters I, VII dan VIII; and Decision Letter of the Direction of PT Perhutani (Persero) No. 001/KPTS/DIR/2002 on Guidance for Timber Forest Products Sharing (*Pedoman Bagi Hasil Hutan Kayu*).

Land occupation actions in “forestry” areas, which are under the management of KPH Ciamis, conducted by local communities who were associated with Serikat Petani Pasundan (Pasundan Peasant Union or SPP) began in 1998.²³ In this region, land occupation actions by SPP’s members started in the area of Cikaso – an area of 5 villages in the Sub-District of Banjarsari – in 1998, which then spread and reached coverage into 7 other areas where SPP developed a local chapter or their smallest organization in a sub-village, a village or at the inter-village level. In SPP, this small organization unit is called an OTL (Organisasi Tingkat Lokal or Local Level Organization).

Table 7.
SPP Land Occupation in “Forest” Area in District of Ciamis, West Java

Local Chapter	# Member	# Involved in Occupation	Average of Land Occupied per individual member (ha)	Total of “Forest” Land Occupied (ha)
Bagolo	694	383	0.51	199.00
Cigayam	295	190	0.54	102.61
Kalijaya	1,402	724	0.23	325.87
Margaharja	930	453	0.32	144.66
Pamotan	2,402	1,335	0.43	576.09
Selasari	333	210	0.66	138.68
Cikujang	362	215	0.13	45.91
Banjar Anyar	317	174	0.15	54.85
Cikaso	487	220	0.16	73.86
Pasawahan I	814	366	0.2	106.21
Pasawahan II	835	591	0.21	139.07
Bangun Karya	1,346	598	0.87	519.49
<i>Total</i>	10,217	5,459 [53.4%]	0.44	2,426.30

Based on SPP-Census (2003) conducted by Dianto Bachriadi (ARC), preliminary result (2005)

The case of land occupations in KPH Ciamis at the edge of the 1990s essentially showed a kind of pattern of loose relations between local communities and the state, related to natural resources control. Before the reformation movement in 1998 that brought Soeharto down from his presidency, Perhutani was the representative of the state which controlled almost all “forestry” areas in the District of Ciamis, and it was a strong figure. Although in reality it was a deeply porous organization, because of corruption and manipulation (see also Munggoro in <http://www.latin.or.id/wacana/Index.htm>), the New Order state, which Perhutani represents, is a very strong entity, and local people have a deep political traumatic to perform more radical actions than protests and using ‘hit and run’ tactics to gain access to “forestry” lands that have been controlled by this state-owned

²³ SPP is a local peasant union in West Java, formally announced to the public as a peasant mass-based organization in 2000. This union originally has existed since 1998, following some results of organizing work which occurred during the midst of the 1980s in some parts of the District of Garut, West Java. SPP operates in 3 districts in West Java, i.e.: the Districts of Garut, Tasikmalaya, and Ciamis. Presently, this union claims around 25,770 individual members in 8,590 family members, who are spread in 52 local chapters (OTL).

company. Therefore, as shown in the table below, before the resignation of Soeharto and the reformation movement, there were local actions related to Perhutani as various kinds of protest to the state-owned company's moves to expand to hold more land, similar to what happened in the Cikaso area.

The case of Cikaso originally neither placed local people in a face to face conflict with Perhutani nor set them directly in confrontation with the New Order state. As shown in a table above, this case started from a cultivation activity in the ex- private big plantation land which was relatively abandoned by the holder. Then Perhutani become a problem for local cultivators in Cikaso when this state-owned company received a "gift" from the central government to control that land as part of an exchange of land assets (*ruislag*); where a slot of "forestry" land in one area of northern West Java (near to the City of Jakarta and Bogor) would be used for the development of a new town (to be called Jonggol New Town; and to be managed by PT JBA, a private company owned by one of Soeharto's sons). According to government policies in maintaining a total designated "forested" area, once a conversion of forestry land occurred, the local government must designate a replacement of non-forest land to convert into a "forest" area in an area that was relatively and similarly as large as the original piece. In this case, the area of ex-plantation that already was being cultivated for a long period by the local people in Cikaso, was selected for replacement, and dedicated to Perhutani to develop and manage it as a new teak forest area. In that time in 1997, these local communities began their challenge to Perhutani, and changed their positions from lease-cultivators into a group of land occupants in the "forest" areas.

This case is very different with other land occupation actions, as happened in the village of Margaharja and others (see again Table 8. below). An example from Margaharja shows how local peoples' radicalism to occupy Perhutani land was pushed by certain factors, such as: (1) a lack of access to resources claimed as "state-forest", which became a main economic reason of the occupation actions; (2) increasing a local consciousness of the existence of "state-forest", which is managed by Perhutani since the 1970s, is a continuation of colonial works that originally took over local people's access to the forests land; (3) the wave of the reformation movement as symbol of people power that succeeded to weaken the power of the New Order state was convincing local people that Perhutani's power as representatives of the state is not so strong as imagined before; and (4) there are many informal contacts, social relations, and information channels which linked local communities with well-organized social movements which in this case focuses on SPP. However, there were also others such as urban-based social movements, student social movements, labor social movements, environmental social movements, womens' social movements, and so forth.

Therefore, the process of land occupations in "state-forests" which are held by Perhutani, on one side, reflected a power-shift in the relations of state and society where the pendulum of power was moving temporarily because of a political transition. On the other side, a group of local people, such as SPP and its many local chapters in Ciamis, tried to use this political opportunity to express their political and economic interests through land occupation actions. In the process, they had their capacities challenged to maintain this 'fireball'. If they could and can transform this fire into becoming more powerful, they will succeed in making a hole to break the legacy of the existence of "state-forests" in Java.

Table 8.
Pattern of Land Occupation in Three Local Chapters of SPP-Ciamis

Local Chapter	Kalijaya	Margaharja	Cikaso*
Starting Date of Occupation	2000	1999	1998
Previous Relations with Perhutani	- very few local people have access for tumpangsari**	- some local people gain access for tumpangsari**	- No relation with Perhutani before 1996; - some local people have access for tumpangsari**, after land was held by Perhutani since 1996
Main Reasons to Occupy the Land	- needed land for agriculture activities; - not all villagers had access for tumpangsari**	- needed land for agriculture activities; - not all villagers had access for tumpangsari**	-land was already cultivated for long period, since 1966, through leasing mechanism to the plantation company who held commercial use rights (HGU) but did not use it properly
Basic Arguments (Rhetoric) Used for Occupation	The land and “forest” belonged to local people (under management of local people) before the Dutch, designated as “state-forest” and then continued by Indonesian Forestry Service and Perhutani after independence	The land and “forest” belonged to local people (under management of local people) before the Dutch designated as “state-forest”, and then continued by Indonesian Forestry Service and Perhutani after independence	- Period of HGU was ended; - Perhutani has no right to control, because local people as cultivators were not involved in ruislag/exchange of assets processes between Government-Perhutani and a private company that used “forest” lands in other areas to build a new town
Trigger Events for Occupation	- trees looted in Perhutani areas by non-villagers; - had seen and heard about land occupations in neighbor village; - has an informal relation with neighboring OTL leaders	- trees looted in Perhutani areas by non-villagers; - had seen and heard about land occupations in some areas; - has an informal relation with SPP District Office	Conflicts between local cultivators and Perhutani based on the ruislag/exchange of “forestry land” assets which made Perhutani became a new land holder

Table 8. (Continuation)

Local Chapter	Kalijaya	Margaharja	Cikaso
Physical Conflict and Violence during and after Occupation Actions	- intimidation; - political stigmatization as "communist" - destruction of peoples' food crops	- intimidation; - illegal arresting; - open fire conflicts [NOTE: mean, people get fired upon?]; - destruction of peoples' food crops	- Intimidation
Response from Perhutani after Occupations	Offering occupants to join with PHBM (Perhutani's Social Forestry Program)	Offering occupants to join with PHBM (Perhutani's Social Forestry Program)	Avoiding direct conflict with local people/occupants
Peasants' Response back to Perhutani	Rejecting Perhutani's proposal on PHBM program	- Rejecting Perhutani's proposal on PHBM - Asking Perhutani to cut off all teak [NOTE: exploitation?] in occupation area	

Compiled from SPP's documents of chronology of land cases in District of Ciamis; local and student organizers' field notes.

Notes:

- * In the area called "Cikaso", which consists of 5 villages – including one village named Cikaso, today there exist 6 SPP Local Chapters or OTLs. At the beginning of this movement, all protesters gathered as one OTL, named OTL-Cikaso.
- ** Tumpangsari is the name for a kind of temporary rights of local people (who live around Perhutani forests) to use lands between young commercial trees for foodstuff agricultural activities. People who have access for tumpangsari must work, to keep and maintain the Perhutani's trees, without any compensation for this work.

Today, perhaps local peasant groups who associated with SPP-Ciamis have been successful to hold around 2,426 hectares – a very small amount of land compared to 36 thousand hectares of production forests held by KPH Ciamis! But through the process of reconsolidation of state power, this success is possible to become a turning point. Here are some challenges to SPP which must be taken into account, like: (1) a tendency of the re-empowerment of state power which can induce back Perhutani's power, including the possibility of privatization processes that will make its successor(s) have more determination; (2) or the cooptation process conducted by Perhutani through its PHBM scheme is possible to be more strong, following the consolidation of power in the state, such as re-emergent principles of law certainty and enforcement; and (3) the increasing capacity of SPP's groups themselves to maintain and consolidate divergent interests of their members in community life after land occupations, will help them create and build more steps for change and to continue their collective action missions.

Is Forestry Land Reform There?

The lag of access to land and other natural resources, such as forestry resources, for local communities, on the one hand, and the fact that other parties could control forestry lands on a huge scale, on the other hand, has became a main cause of rural poverty (see Eckholm, 1979; Baraclough, 1982; Prosterman, Temple and Hanstad, 1990; Sobhan, 1993). Unequal land holding has also caused rural social conflicts (Christodoulou, 1990; Prosterman, Temple and Hanstad, 1990; Yeros and Moyo, 2005), and seriously ecological destructions (Baclough and Ghimire, 1995 and 2000). These conditions knit a need for land reform, which in Indonesia is very clearly mandated by a Decree of People Assembly No. IX/2001 on Agrarian Reform (see Bachriadi 2002, Bachriadi and Wiradi, 2004; Petisi Cisarua, 2005). The problem is the political constellation at the national level, since the New Order was in power until today. Neither of the national configurations has ever reflected a tendency to bring a systematic agrarian reform as a main instrument to eradicate rural poverty (see also: Wiradi, 2000; Bachriadi, 2002; Bachriadi and Wiradi, 2004).

It has become a more difficult matter when these things are related to land in the areas declared as "forests" and/or "state-forests". As noted in previous pages, the existence of "state-forest" with all their political and economic interests, has a long history in Indonesia. Currently, many of these interests were added by an argument to provide services for ecological balance, not exclusively for this country, but also in the name of global ecological balance. With these various push factors, the Indonesian government preferred to maintain a centralistic model of forestry control and management.

Ironically, during this long history of tenure system, large-scale economic interest was worked more, and used its strong position in relation to the state to control those areas called "forests". One must look to the numbers of timber concessions who operated in Indonesia and the deforestation trends that were caused by operating extraction in legal or illegal ways (FWI/GFW, 2002). In addition is a trend towards the high rate of forest conversion into big plantations, particularly for palm-oil plantation estates (see FWI/GWF, 2002; Book of Sawit Watch/WALHI [?] ttg perkebunan kelapa sawit di Indonesia/About Palm Plantation in Indonesia; Bachriadi and Wiradi, 2004). It is likely to become worse, since recently the Government of Indonesia just passed an Emergency Law No. 1/2004 to allow some big mining companies to explore and exploit mines in the area, which today were declared as protected forests! (see Bachriadi, 2005). This has just twisted what ever scientific logic or common sense for providing forest services for maintaining ecological balance. Last but not least, cases from Pasir and Ciamis as well as from other studies have shown evidence of state control over the forest, which is paid for "a ride by big economic interests", is one of the bases of social conflicts in rural and/or remote areas in Indonesia (see for examples: Peluso, 1992; Lynch and Talbott, 1995; Kusworo, 2000; Haryanto, et.al., 1998; Widyarsono, 2001; Bachriadi and Lucas, 2002; Sardjono and Simorangkir, 2005).

In fact, the idea of maintaining ecological balance, conservation, for "the greater interest of peoples' welfare" as stated in the constitution as the reason behind enacting "state-forests" was just left as rhetoric. Simon has pointed to practices of state forestry, control, and management, during its long history, as the kind of forest management which just becomes a cause of problems, such as: the decline of forest resource potentials; many protected forest areas being converted into production forests; the population of fauna declines, many of them becoming scarce or extinct; the average of community's agricultural land-holdings have been decreasing because of restricted access to forest resources, and then conflicts increased; and many potential reforestation funds were just

thrown away for consumption activities of forest managers, including the high rate of corruption (Simon, 2001).

In this context, the present tendency in forestry policy is to make “social forestry” as the future of forest management in Indonesia²⁴ – a set of forestry reform practices – no more than a kind of policy rhetoric as well. As a program, social forestry is really not new. It was developed in Indonesia since the mid 1980s. However, from its implementation up until now, including current practices such as Perhutani’s PHBM, social forestry in essence is only a strategy to invite local people to become involved in reforestation after the forest has been destroyed due to over-exploitation by large-scale economic interests. In practice, this developed model of social forestry will only give access to local communities to do *tumpangsari*²⁵ activities (see also Bachriadi and Lucas, 2002). Moreover, many cases of social forestry implementation in Java in the early 1990s just created conflict. Many peoples’ agricultural lands, sometime including their own compounds, must be changed into forestry areas due to the government declaring that area as a “forestry area”, and the local people who had already lived and used that land for a long time must be involved in this “reforestation” program (see Lucas and Bachriadi, forthcoming). In a similar pattern, from one evaluation study conducted in Tana Toraja, South Sulawesi, the tendency to use local people as a free work force to rehabilitate destroyed forests under social forestry programs also was combined with the idea of bringing back a concept of indigenous land tenure and local governance systems –known as or called as the Lembang (see Bachriadi and Iswari, 2005a). So, in other word, the hidden agenda of the government’s social forestry program which was developed over two decades ago was to transfer the costs for restoration of forestry area coverage by using cheap labor – if not say, including without compensation. It is no surprise then, that the next time around, local people who will be “invited” again to do reforestation after ecological destructions caused by big mining operations in protected forests as mentioned above, will be quite reluctant to participate.

The other example is a tendency to integrate loose ideas of social forestry with the politics of decentralization, in the form of small-scale forest concessionaires or timber extraction units brought about through heightened deforestation in rich forest provinces such as East Kalimantan, as mentioned in the beginning pages of this paper.

Now, what are we talking about in terms of recent forestry trends in Indonesia? If we are trying to combine ideas of agrarian reform – that it has been acknowledged to be the best way for alleviating poverty in rural areas, increasing peoples’ agricultural productivity as well as an effective instrument to prevent social conflicts caused by unequal land distribution (see Jacoby, 1971; Tuma, 1965; Dorner, 1992; Lehmann; 1974; Christodoulou, 1990; Baraclough, 1982; Wiradi 2000; Bachriadi and Wiradi, 2004; and Petisi Cisarua, 2005) – with forestry reform (Baclough and Ghimire, 1995; Klooster, 2003), there are some aspects that have to be carefully seen, as follows:

²⁴ See www.dephut.go.id as one formal source from the Ministry of Forestry where they released this statement.

²⁵ *Tumpangsari* is a kind of temporary right to use Perhutani’s forestry land, which gives to local people who live around those areas the right to subsistence agricultural activity. They can only cultivate land between Perhutani’s production trees, usually for 3-5 years. Usually those cultivators plant seasonal food crops. Not all local people who live in this area enjoy this right for *tumpangsari*. Only those who register as *pesanggem* can do *tumpangsari*, and they will be strongly supervised by Perhutani’s local forest supervisors (*mandors*). Some part of the harvested products must be shared with Perhutani through its *mandors*; the share portion being approximately 20-40% from all harvested products.

First, the idea of agrarian reform that refers to forestry land is frequently opposed, with the spirit to keep them as a “forest” with its ecological complexity and multi-services for public needs. The idea of agrarian and/or land reform which is based on demands to create a strong peoples’ agriculture is often put in contradiction with the idea of the “necessity” to protect coverage areas as “forestry areas”. Therefore the idea has been seen naively as a threat for sustaining the forest. Although there have been many studies that underline the importance of land reform in order to resolve the unequal distribution of land and to avoid increasing forest land encroachments, these studies have been addressed more to land reform implementation in non-forested lands or outside the forests (see for example: Hurst, 1990; Park, 1992; Baraclough and Ghimire, 1995).

The paradigm of large-scale and centralized forest utilization tends indeed to negate facts that agricultural activities in forested areas practiced by individual local communities in the form of various small-scale agroforestry systems become an alternative for forest conservation. Many studies in Indonesia have shown that traditional/local agroforestry practices displayed better productivity and have more capability to maintain ecological sustainability compared to other land uses, especially monoculture (see Sardjono, 1990; Zakaria, 1994; Foresta, et.al., 2000; Suhardjito, 2000; Awang, et.al., 2001; Sigit and Muhsin, 2001). Again, this helps point to the fact that actual economic interests of big-scale exploitations and probably also rent-seeking activities over these exploitations, (see Ramli and Ahmad, 1993) most likely have obstructed ideas of forestry land reform in Indonesia. Such political economics, however, should not be considered as a peculiarity, since it has been stated clearly by Baraclough and Ghimire:

“Most national forest protection initiatives, however, are of more often recent origins. They have often commenced during the last few decades when concerns about tropical deforestation together with the loss of biodiversity and climatic changes believed to accompany it have become politically significant – although still marginal – issues in many of the rich industrial countries. Forest protection measures have frequently been promoted by bilateral and international aid agencies and conservation-oriented NGOs. These have found allies among a few environmentally conscious intellectuals and conservation minded groups in the developing countries. Most of conservation movements in developing countries have been based on upper- and-middle class support... Ironically, in few cases so too have the concerns of national and transnational timber interests to protect their resources of raw materials and profits from agriculturalist and others coveting the forests” (Baclough and Ghimire, 1995: 134).

Secondly, it relates with facts in legal political aspects of forestry, there are economic interests fighting over occupations of lands forest resources²⁶. The legal position of the Forestry Law is very strong, and therefore, there practically remains no space for forest lands redistribution (Bachriadi, Safitri and Bachrioktora, forthcoming). It was becoming clearer from forestry laws and policies in Indonesia, that the national interest had been used to occupy around 70% of the country’s territory; because these lands had been declared as state-owned forest areas. When it was enacted in 1967, the Basic Forestry Law (BFL) No. 5/1967 was positioned on an equal footing with the Basic Agrarian Law (BAL) No. 5/1960. The BAL contained very strong ideas of land reform, in which all the land controlled by the state must be given to local people, especially to the landless or the nearly landless peasants, and the state must recognize kinds of customary practices over land use. By using an

²⁶ It is like implementing a sociological concept “struggle of the fittest”.

argument of the legal principle “lex specialis derogate generalis”,²⁷ many scholars and forestry bureaucrats say that the forestry law perspective had to be given priority over the Basic Agrarian Law. In fact, the BFL itself did not refer to nor respect the existence of the BAL when it was released 7 years later. As a result of this competing law implementation, the specific forestry policies became superior compared to the more general law of agrarian matters as stated by BAL, which covered “all of land, water, and space above it, and all natural wealth covered inside”, regulate by this law (BAL article 1).

Since that time, the existence of “state-forests” became very strong and reduced greatly the access of local people to its resources. Under this very strong position, there were totally no ideas to redistribute control, moreover nor any ownership of the “state-forest” lands, which essentially contradicted the principles of state control over land as mandated by BAL. These rights under BAL should have been prioritized to the social and economic activities of the society before giving certain right to use for big-scale economic activities. This situation has brought the implications and impressions that all individual or groups/communal rights (especially local traditional communities) within forest areas are abolished or at least not recognized in the name of “national interests”. These interests have been reflected by hundreds of timber and mining concessions all over the condition [NOTE: what “condition” is this? Are you talking about some kind of waiver from BAL? or what?]. Even when the new forestry law (Forestry Law No. 41/1999) revised the old one and included the BAL as one of its considered laws, the practices of strong “state forest” were difficult to change, and again there was no idea [and/or practices?] of forestry land redistribution.

Someone perhaps can say that there are some initiatives from the government to release and redistribute “forestry lands” to local people by giving them, for example, a formal land certificate to approximately 200 families, as happened in one area of Sagara in the southern District of Garut, West Java in 1999 (see Lukmanuddin, 2002). It must be strongly noticed that the land distributed to these families was released first as “non forest land”. This meant that the “forest” land must be transferred first as “non forest” land before being redistributed, which has a different meaning to “forestry land reform” on the one hand, and on the other hand, usually the government needs to designate another area – somewhere and usually publicly never known – to replace the original piece of land -- in order that this “transfer and replacement process” would not possibly create a land conflict as similarly happened in the case of Cikaso mentioned above.

An interesting recent trend, when the regional autonomy and decentralization era began in 2001, is that the Forestry Department was classified as the most detested central institution, due to its dominant occupation of the country’s land territory, the interests of the regions (especially district levels), and in resource utilization for economic development having been hampered. In many conflict cases concerning land/resource claims, this situation has often been used by a number of districts to argue against local communities that the local claims should be directed to the central Forestry Department rather than to the District Services.

The reverse of this is that there has been no government willingness to redistribute “forest” lands to local people who actually need land for their existence or to improve their livelihood, while big-scale investors were invited and even facilitated to get land allocation for their business, especially in the outer islands of Java (e.g. Sumatra and Kalimantan incl.

²⁷ This principle says: “when two or more laws contradict, the more specific law has precedence over the general law. See more detailed in <http://www.everything2.com>.

in Pasir District). Although, there are plantation schemes developed which enable involvement of local communities – often the term “peoples’ involvement” in rural economy development is used as rhetoric – they position people together with their lands into products-oriented contract-farming relationship. In Indonesia such schemes have entered the 5th generation of the so-called “nucleus-plasma” model, which is called KKPA (Small Credit for Agribusiness Development).

Thirdly, whether the actions were agreed or disagreed with, the recent tendencies which were explained here in the Pasir and Ciamis cases should be considered as phenomena of ‘grass-root’ pressures, where local communities tried to convert forestry landscapes into agricultural lands. Both cases were surely formed by different characters which are widely known as “from below” pressure. In Ciamis, the “from below” pressure was reflected by mass occupation of Perhutani’s lands during a political transition (between the end of the 1990s and 2000), when the state power was still instable.

While in the Pasir case, the “from below” pressures were in a softer form, that is local aspirations to participate in oil-palm programs through conversion of forested communal lands into individual plantations. This last tendency was utilized by big-scale plantation establishments and even used power of the state as the only forestry authority. It can be argued that participation of local communities in the oil plantation program or forest land conversion actually stood in the shade of their strategies to be involved in the whole exploitation processes of lands, which have been claimed by them or were traditionally occupied. People began to realize that legally their customary rights on lands and forests have not been recognized or had been neglected by the Government, and that even the resources had been handed over to large-scale timber concession holders without any compensation or benefits. Therefore, when forested lands (or those partly-covered lands which had been declared as non-forested), and/or logged-over areas were enormously converted into oil palm plantations, the local communities tried to take back their rights. Most of those lands will not be returned to forests anymore, but will be aggressively converted to oil palm plantations. Such a phenomena should also be considered as a strategy of local activities to be involved in all forms of access to land as well as resource exploitation, which allows them to increase their economic welfare, or perhaps carries a twinge of “better later or something rather than never”.

However, there has to be noted from the Pasir case that involving people in the frame of big-scale oil-palm plantation establishment – assumes that local people have successfully claimed their traditional lands to be included in the plantation program. This can only solve in a relative sense the tenure problems. Basically those lands, which are from the Government’s point of view seen as part of state forest areas, will in the next step be included in the large plantation under the nucleus-plasma or ‘contract farming’ scheme within a broader meaning. It is because only in this way will the Government have any political reason to release the occupied lands to local communities. Once again, it should be necessary to underline that every step taken is merely based on an economical logic and background. According to the results of many studies, nucleus-plasma schemes have never resolved economic-political problems nor security of tenure for the involved peoples (see e.g. Bachriadi, 1995; Gunawan, 1995). Some interesting findings of the studies were: First, involvement of people as plasma-farmers did not accomplish more than positioning them as cheap-laborers for the expansion of big-scale oil-palm plantations²⁸. Secondly, tenure

²⁸ A similar situation was found in the initiation of the Taungya system (the origin of *Tumpangsari*) due to the establishment of big-scale teak plantation during the British colonial period (the end of the 19th century) in Burma (see also Sardjono, 1995).

security for local communities as it had been arranged was actually just an appearance. Many cases confirmed that the tenure security was not given over to the local communities but to the plantation companies.

In another words, in Indonesia economic-politics stay more ahead when people try to discuss the possibilities of forestry land reform. Ecological sustainability reasons are used as a bumper or wrapping to refuse the ideas. Big-scale land occupation schemes for an area known as an (ex) “forest” is still in favor, but on the contrary, a small-scale farm or land-reform will never be used as an option by any means. Therefore, through such schemes, the local small peasants have at least economical access to forest lands that they have been claiming as their customary lands.

The ways which were taken by farmers who participated in SPP (Ciamis case) were totally different than other places. They directly confronted state power (in this case Perhutani) by entering and occupying the forest lands. It was indeed very risky, and the process most often was followed by violence and even tortures. Nevertheless, without such a scheme, people could not get any guarantee for tenure security, although they have an economic access to the land. Only with their capability to manage economic potentials and to consolidate the movement, will they get security of tenure and bring back their control over the forest lands which had been declared as state-owned areas. These are absolutely important; otherwise the occupations will be blasted off by re-consolidated state-power. There was a similar case in Garut (also in West Java) reported by Fauzi (see Fauzi, 2003), in which the state and Perhutani have always given their efforts to bring back their authority over the occupied forest lands.

What can we learn from these lessons?

If we consider forestry land reform as a kind of land reform needed to be implemented in Indonesia, particularly with reference to “forestry” lands – (and it should be -- at least Indonesia legislations on land reform was mandating it), then the context of discussion in this paper has still been in and around the question of how the political constellation in the national arena must change to form a new pro reform regime (see also: Bachriadi, 2000; Wiradi, 2000; Bachriadi, 2001; Petisi Cisarua, 2005; Bachriadi, Safitri, and Bachrioktora, forthcoming).

The two cases shown here reflected some efforts by local communities to have access to lands and forest resources which reflected actions to “push” them to gain the resources in various ways. One first way was what SPP peasants did in Ciamis: occupying land held in the hands of one of the forestry state-owned companies and change it into small-scale farm lands. The reformation movement in 1998 that symbolized the victory of people-power, various social networks, neighborhood, and commitment of support from radical urban middle-class groups – such as NGOs and student movement groups – was assured and firmly radicalized these groups of the poor who mostly are landless.²⁹

In this case, for the time being, they succeeded by force to redistribute land – although for only a very few beneficiaries was it possible to cultivate a small plot of land, i.e. 0.44 ha in average. However, on the one hand, this achievement has not totally or not

²⁹ Based on a Census of SPP Membership conducted by Dianto Bachriadi (ARC) in 2002-2003, almost all of SPP’s members are landless. Only less than 5% of the total number SPP’s members are persons who owned land before they joined with this union. Mostly they are share-cultivators, *pesanggem*, agricultural workers, or plantation workers. Even to those who own land, they have a very small plot.

exactly yet, given them a security of tenure, because they have no recognition from formal authorities. This security of tenure is an essential aspect in reform processes after redistribution of capital, which is the land, which gives possibilities to beneficiaries to optimize their productivity. Because it is difficult to expect these farmers can do particular efforts to implement various kinds of sustainable agriculture, such as ecologically-friendly, or expecting them to be involved in conservation processes voluntarily (e.g. through developing agroforestry). This insecurity, in fact, brought them to cultivate the land with seasonal crops, less demand for investment, and so on to avoid more losses when the state's eviction occurred previously. Whereas, as noted by Baraclough and Ghimire, "security, equity and participation are the essential attributes of any land tenure system conducive to sustainable development" (Baclough and Ghimire, 1995: 200).

On the other hand, as a first step to challenge the state power and initiative to alleviate poverty, this SPP expedient is part of popular struggles to deal with the agrarian question in contemporary Indonesia. Besides this, as a model of collective action, SPP's land occupation movement can be set as a model for another movement to consolidate stronger popular power in order to push a systematic and massive land reform implementation in Indonesia.

One critical question for now is: to where is this popular power transition directed? Perhutani existed as a continuation of the capitalism power from the old time that changed almost all land-holdings in Java, which were declared as "forests", into consolidated property and capital for accumulation processes. Today, SPP's peasants are asking to have this property redistributed. Do they have a specific vision to change a capitalist developmentism in rural Java which marginalized them for such a long time? This question cannot be answered yet or right at this present time. The reason being that up till now, SPP has not had exactly a strong and clear vision of social change, of what they will do systematically after land occupation. In fact, what they are urging now is limited to transfer property-holdings from one into more hands. This is truly an interesting research question, as well as a big challenge to activists who work in and with SPP today.

Various political efforts urged by SPP today are relatively limited to "secure" their land occupation actions through certain attempts to build wider alliances with urban-based social movement groups such as NGOs and student movements as well as some approaches to local government. Many attempts to "invade" local political arenas, for example, have been carried out, either at the village level or at the district level, through projecting their cadres as local formal leaders, such as village leaders and members of the village parliament, or encouraging their members to take part in the election for local parliament in District level as well as their involvement in various political parties (see Bachriadi, 2005b and 200c).

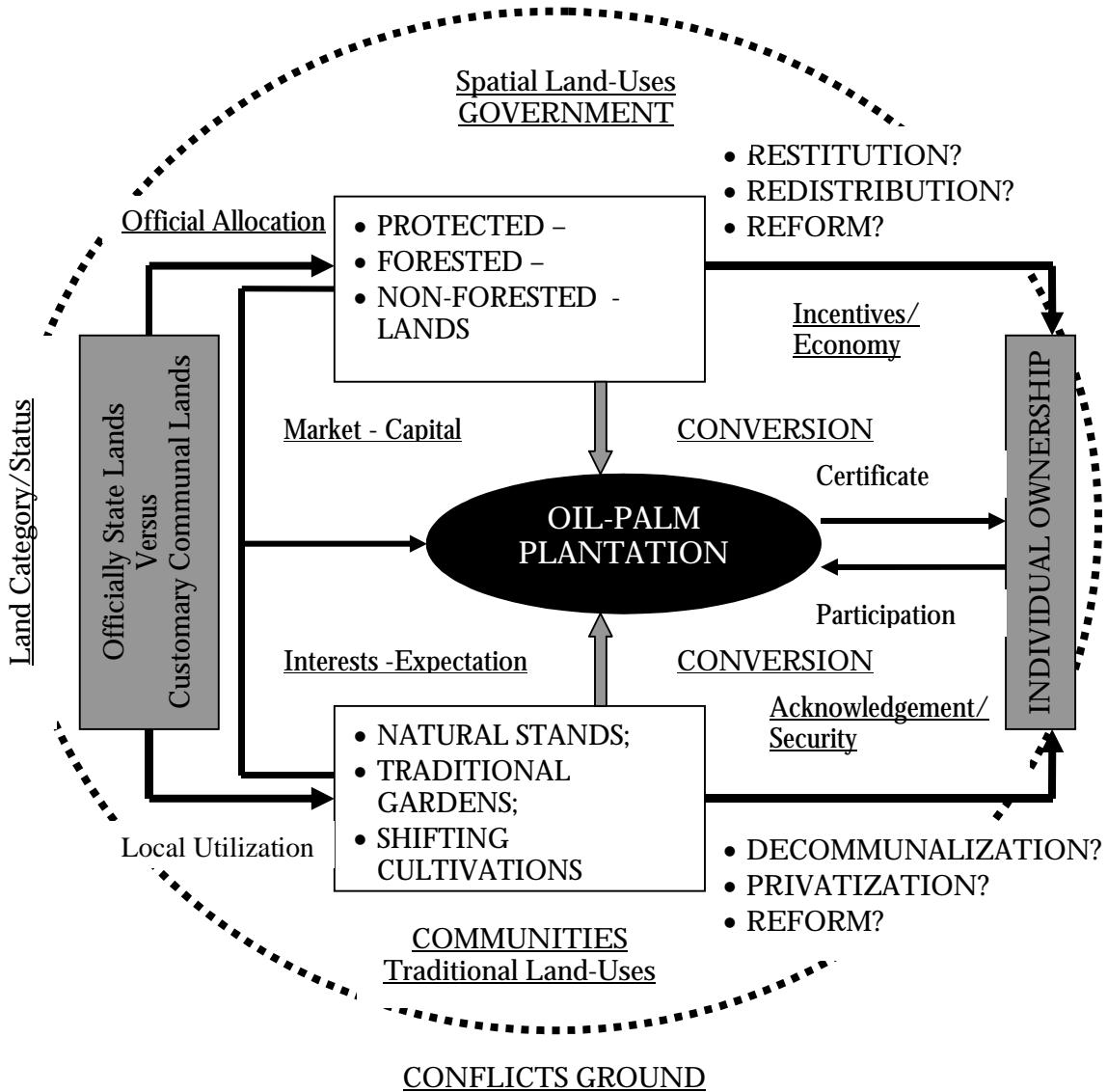
Serious attention should be given to SPP in order to not only secure a proper improvement in the security of tenure to their members, but in terms of more serious questions: how to improve this movement's organizational capacity to develop appropriate social institutions in their living communities in order to develop a framework for creating "new rural communities" as an alternative to capitalist rural society? Here, we would like to raise one general hypothetic: if there are no significant attempts to maintain the momentum of forestry land occupations by SPP to develop more radical collective actions – such as transformation of the current individual land-holding status into a collective one, management of eco-collective-farming, and other development of appropriate new social institutions that meet with the idea of creating various forms of "new rural community" – then its movement may only have created more space for deepening capitalist operation in rural areas where its members live.

SPP's peasants who could not involve themselves before in agricultural capitalism, except only as laborers, now are confronted by a deeply developed in rural Java. They could wrap themselves up in this system with their individual properties that they hold now. This stream will become more strong when the state recognizes and legitimizes their control over their landed property. Once again, what will SPP do in the future which will contribute significantly to the land reform direction, if this rural-based alliance of popular struggles can find or create a bigger momentum of political change in Indonesia?

The case of Pasir outlines a phenomenon of forest conversion into palm-oil plantation which stimulated the local community to be involved in agricultural capitalism. The Ciamis case essentially elucidates, once again, widening and deepening capital operations in rural outer Java. When Franks (1999) through his study in the Dominican Republic, he informed his readers that there was an evolution of land rights from customary use-rights to absolute private property with the introduction of sugar as the dominating industry crop. The transformation of the land itself from customarily negotiated and owned agrarian land to fields of sugar was one of the most direct experiences of the arrival of capitalism. In Pasir, the significant arrival of capitalism happened when 'customary lands' were consolidated and transformed as "state-forests", then its right to use was given to many timber extraction companies, mining companies, or other capitalist economic entities. The current phenomenon of both the government's and communities' increasing interests in the commercial crop plantation (in this case, palm-oil), and a trend of converting communal into individual rights are essentially a deepening capital operation in that area. So, a change of land function to plantation use is only a shift of actor because of decreasing economic potentialities of forestry resources – especially wood and trees. Big plantation are almost impossible to operate without recruits as massive labor forces. In this case, local communities' aspiration to be involved and take part in this capitalist initiative just created a captive cheap labor market for those big agribusiness operations.

In the Pasir case, as shown in diagram below, indeed to find a tendency of tenure conflict resolution that already happened for a long time between local communities who claimed the land as part of their communal or adat land with the state who declared it as "state-forest" and dedicate its usufruct for commercial timber extractions. On the one side, this tendency for forest conversion into areas of plantations was practicable to open spaces so that long life conflicts could occur under one precondition, i.e. the government was willing to release the area that was claimed as "forest-state," back to local communities as part of plantation development. There is apparently a small possibility for releasement of these forest areas for other reasons. If the forest land-release is not happening, then the conflicts will continue with a change of actors involved.

Figure 2. Schematic Diagram of the Backgrounds, Processes, and Objectives of (Forest-) Lands Conversion into Oil-Palm Plantation (Case of Pasir District).



Kind of Conflicts: 1. Ecosystem Based Natural Forests vs Market based Commercial Monoculture (NGOs + Traditional Communities vs Governments and Enterprises); 2. State-Lands vs Customary-Land (Governments vs Local traditional Communities+ NGOs); 3. Forested- vs Non-Forested/Conversion Areas (Central- vs Local-Governments); 4. Allocated Lands vs Occupied Lands (Migrants/Plantation Participants vs Local Traditional Communities); 5. Communal Rights vs Individual Rights (within local traditional communities); 6. Nucleus- vs Plasm-Areas (Enterprises vs Participated Farmers)

On the other hand, the operation of big plantations through “nucleus-estate and small-holders” schemes will also create new conflicts between local people who claim cultural-historic rights over the land, with migrants who are invited to come to that area to become small-holders.³⁰ The involvement of those migrants as plasma members means that they will get a piece of around 2 hectares of land which of course would develop into new tension in this area, if the local people will not receive similar benefits.

However, more conscientiously future-oriented research must take properly to see this tendency of local people to transfer their lands as part of big palm-oil plantations, which is held as full-individual property. Will this create internal tensions and conflicts in that community itself; particularly between this group of small-holders with other groups of people who are still willing to maintain their adat lands as forest areas where their community and its culture have grown up for a long period? If this occurs, then the process of forestry land conversion into palm-oil plantation will just deepen or increase the complexity of social conflict in this area.³¹

Another careful future observation will be also needed to observe properly the transfer processes of landed property to plasmas (small holders) – both of local people or of the transmigrants. According to previous studies, in this ‘nucleus-estate and small holder scheme’, the transfer processes of land factually will happen after the plasmas pay completely all ‘credit for land’ to the creditor company – in this case, the bank through the plantation company as guarantor – in a relative long period, approximately for 10 to 15 years (see Bachriadi, 1995 and Gunawan, 1995). Frequently because of this long period of transfer and also the high possibility for manipulation by the nucleus-company, all kind of new tensions and conflicts will occur. In many land conflict cases in Sumatera – a more implemented area than others in Indonesia for plantation development under these nucleus-plasma schemes – for instance, showed that conflicts between plasmas and ex-plasma cultivators with plantation companies caused by the slow processing of land transfers or arbitrary company claims over the land which are actually the right of the cultivator are very problematic (ref. ARC documents on land conflicts in Sumatera).

Based on these land conflicts experienced in Sumatera and the peasant struggles to get back their rights, these are interesting subjects for future observations and research i.e. the probable emergence of new alliances between local people and the transmigrants, ex-plasma cultivators in one movement organization, who do not want any more holdings based on cultural or perennial rights over land. In other words, they will have left the idea of indigenous communal rights over land.

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³⁰ Since the early 1990s, the Indonesian government required the all new private plantation development must take into account, the “nucleus-estate and small holders” schemes, and used a local transmigration element in this scheme. For more details, see: Bachriadi, 1995 and 1997.

³¹ We would like to thank to Noer Fauzi for his discussion on this point.

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