

# Oil palms in the rice field

An ethnography of large-scale land acquisition for oil  
palm plantation development in West Kalimantan



Rosanne Elisabeth de Vos



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## **Thesis committee**

### **Promotor**

Prof. Dr. J.W.M. van Dijk  
Personal chair of Law and Governance in Africa  
Sociology of Development and Change  
Wageningen University & Research

### **Co-promotors**

Dr. Ir. D. Roth  
Associate professor, Sociology of Development and Change Group  
Wageningen University & Research  
Dr. Mr. F.M. Köhne  
Assistant professor, Sociology of Development and Change Group  
Wageningen University & Research

### **Other members**

Prof.dr. V.R. van der Duim, Wageningen University & Research  
Prof.dr. E.H.P. Frankema, Wageningen University & Research  
dr. G. Nooteboom, University of Amsterdam  
dr. N.F. Rachman, Sajogyo Institute for Indonesian Agrarian Studies, Indonesia

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## **Thesis**

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**Prof. Dr A.P.J. Mol**,

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**Rosanne E. de Vos**

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*Picture 1, 3-8 were taken by the author. Picture 2 was taken by Dik Roth*

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**CHAPTER 1**

# **Introduction**

## 1.1 Palm oil people

*“Orang sawit! There are palm oil people in the kampung! They are looking around!” Lina rushes into the kitchen, where we are preparing tonight’s dinner. Pak1 Udah calms her down; the strangers are merely selling trinkets. This is the second time the kampung is alarmed by strange motorcycles. Only recently, two motorcycles were nearly set on fire, because the owners were mistaken for ‘orang sawit’ (Fieldnotes Kebun Hijau, November 2014).*

The oil palm, *sawit*, is a relatively new phenomenon in Sambas, a coastal district in the north-western corner of West Kalimantan. Taking the narrow dirt road from the market towards my home in the *kampung*, I always pass a rice field where oil palms are planted amidst the ripening paddy. The trees are small, and it will take another few years before they have matured enough to produce the greasy red fruits containing palm oil. Villagers have different opinions about *sawit*. For some, like my entrepreneurial neighbour, oil palm is a new cash crop that he wants to try alongside other sources of income that include rubber, copra, and swallow birds’ nests. Others do not believe that oil palm can be a success, for various reasons. Some say that the oil palm is a spoiled crop, drinking lots of water and eating more fertilizer than rubber trees. Others point out that harvesting palm fruits is heavy labour, because the trees grow tall and the fruits are thorny. Also, the lack of infrastructure —the dirt roads can turn into muddy rivers in the rain season— hampers a timely procession of the palm fruits. While dried rubber mats can be transported on the back of a bicycle, palm fruits need a sturdier transporter. According to my host, whether people want to plant oil palms on their own land depends on personal considerations; it does not affect other villagers.

*Orang sawit*, ‘palm oil people’, however, is quite another story: Lina says that palm oil people want to rob the village lands to develop large-scale oil palm plantations,<sup>2</sup> destroying people’s rubber gardens and rice fields. The mistrust of strange motorcycles attests to enduring tension following a violent conflict with an oil palm plantation company that started in 2010. The tension first mounted when villagers started to find red cement poles marking the boundaries of the plantation area in their rice fields and rubber gardens. When they enquired

1 ‘Mister’ in *Bahasa Indonesia*

2 ‘Large-scale’ refers to plantations owned by companies, defined by the Plantation Law (No.39/2014) as *Perusahaan Perkebunan* (Plantation Company): a business entity under Indonesian Law located in Indonesia that manages a plantation enterprise with a defined scale. In the context of oil palm in Indonesia, the size of company plantations usually ranges from 10,000-100,000-ha, 100,000-ha being the maximum defined by Ministerial Regulation 98/Permentan/OT.140/9/2013.

about the purpose of these land marks with their village head, at first the villagers were not informed about the details of the plantation project and the company behind it. When the company eventually organized a socialization meeting, it did not disclose where it would establish the plantation, based on what land transfer arrangements, and within what time frame. The tension resulted in violent demonstrations; the base camp of the company was burned down. The company ceased its activities before any oil palms were planted. However, rumours kept circulating about new companies scouting the area. This is why strangers in the village were deeply mistrusted.

## 1.2 Land acquisition for oil palm plantation development

The current expansion of oil palm plantations in Indonesia is often associated with a global surge of large-scale land acquisitions for production of food, feed and fuel crops (GRAIN, 2008; Cramb and McCarthy, 2016; De Schutter, 2011; Le Billon and Sommerville, 2017; Schoenberger et al., 2017).<sup>3</sup> In the first decade of the new millennium, driven by “converging global crises in food, energy, finance and environment” (Borras et al., 2011: 1), the value of land increased so much that “the object of appropriation shifted from biomass on land, to land itself” (Ishikawa, 2013: 28). Millions of hectares of agricultural land and forest have been allocated to corporate entities (private and state) through concessions. In Indonesia, the amount of land used for large-scale oil palm plantations has almost tripled between 2000 and 2017, from 4,158,077 to 12,307,677-ha,<sup>4</sup> and this is expected to grow further (Afriyanti, Kroeze and Saad, 2016), although McCarthy, Vel and Afiff (2012b), point out that many land deals are virtual and land conversion is not always realized.

The expansion of large-scale oil palm plantations is controversial. On the one hand, oil palm significantly contributes to national economies (Pachego et al., 2017). On the other hand, it is associated with negative environmental and socio-economic impacts, such as deforestation, loss of biodiversity, forest fires and hazes, and loss of land rights and livelihood opportunities for rural communities. Plantation expansion has accelerated competition over land and natural resources, leading to land conflicts. Despite various global and national policy initiatives to prevent and address conflicts, requiring companies to seek consent from

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3 Corporate acquisition (private and state companies) of large areas for export crop production has a long history in Indonesia. According to Schoenberger et al. (2017), the notion of large-scale land acquisition as a global phenomenon dates from the financial, fuel and food price crisis in 2007-2008. Indonesia scholars date the actual start of rapid expansion of oil palm plantations in Indonesia around 2000. Oil palm expansion is not a new phenomenon; however, by associating it with large-scale land acquisition as a global phenomenon, it can be compared to other forms of land acquisition (Schoenberger et al., 2017).

4 Directorate General of Estate Crops (2017)

affected communities prior to any land acquisition activities, conflicts between companies and communities are common (Persch-Orth and Mwangi, 2016; Acciaioli and Dewi, 2016).<sup>5</sup> The key issue is that concessions for plantations often overlap with land that is also claimed, inhabited and used by local communities. In Indonesia, land rights of customary and local communities are weakly protected by law, in particular when land rights are not registered by the National Land Agency (*Badan Pertanahan Nasional*, BPN) (Bakker and Moniaga, 2010; Bedner, 2016; Lucas and Warren, 2013; Bakker and Reerink, 2015).<sup>6</sup> Therefore, government institutions can allocate concessions on such land by claiming that it is 'state land,' unencumbered by rights. Moreover, Moeliono (2011: 308) explains that in the absence of spatial plans (or with incomplete and ambiguous spatial plans), government institutions may refer to national development plans to regulate access to land and its use, disregarding local ways of using and understanding land. Since local authorities have significant economic and political incentives to support land investment projects (Brad et al., 2015; Li, 2017a), local communities are in a disadvantaged position to protect their land rights when their land is targeted for plantation development. Researchers and NGOs have reported numerous cases in which rural communities have lost access to land and related resources without due compensation (see Colchester and Chao, 2013; Elmhirst et al., 2017; Haug, 2014; Julia and White, 2012; Lund, 2018; Potter, 2009; Marti, 2008; Sirait, 2009). Although some communities have been able to negotiate favourable 'terms of incorporation' (McCarthy, 2010), negotiations about land acquisition between companies and communities—if they happen at all—are often characterized by unequal power relations and a severe lack of information about the project plans and future prospects, leading to new conflicts.

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- 5 The exact number of conflicts is unclear, and many cases of conflict are not reported. Moreover, the definition of conflict is unclear, and numbers may include mass resistance actions, legal claims and complaints, or incidents between individuals in and around plantations. A systematic analysis of conflict cases is required to give a better indication of the number of conflicts. The Indonesian Consortium for Agrarian Change (KPA) recorded 127 conflicts related to the plantation sector in 2015; 163 in 2016; and 208 new cases in 2017. <http://www.mongabay.co.id/2017/01/12/konflik-lahan-2016-sektor-perkebunan-tertinggi-didominasi-sawit/http://kpa.or.id/dummy/media/baca/Kegiatan/43>; <https://nasional.kompas.com/read/2017/12/27/14592061/659-konflik-agraria-tercatat-sepanjang-2017-mencakup-lebih-dari-500000> (Accessed: 02-04-2018). Since 2009, 55 complaints against RSPO members have been reported from Indonesia to the RSPO dispute resolution facility. <https://www.rspo.org/members/status-of-complaints/page/9?> (Accessed: 20-06-2018).
- 6 In 2013, the BPN reported that they had so far issued and recorded 27,5 million land titles, while the number of urban and rural land plots waiting to be registered was approximately 85 million (Van der Eng, 2016: 240). Unregistered land (for which village level land clarification letters may have been issued) includes territories of indigenous communities, as well as land held collectively or individually by members of non-indigenous communities. Forest land is controlled by the state and cannot be registered as private property. In 2013, the constitutional court ruled that forest land no longer automatically belonged to the state but could be designated as customary land. (Constitutional Court decision 35/PUU-X/2012).

### 1.3 Fieldwork confusion: how to understand ‘oil palm conflicts’?

This study is situated in West Kalimantan Province on the Indonesian side of Borneo Island. Kalimantan is well known for its dense rainforests where iconic species such as the orang-utan dwell. However, these forests also harbour rich natural resources, attracting mining, logging, rubber and oil palm companies (Peluso, 2016; Tsing, 2005). Peluso (2017) mentions that 91 per cent of the province has now been formally allocated to present or future industrial uses. Since the 1980s, the characteristic grid pattern of large-scale oil palm plantations increasingly dominates the landscape. Oil palm plantations in West Kalimantan have grown from 683,276-ha in 2011, to 1,445,695-ha in 2017 (Directorate General of Estate Crops, 2017).<sup>7</sup> CIFOR has identified 2191 oil palm concessions in Kalimantan.<sup>8</sup> Although the peoples of Kalimantan have since long been engaged in trade of forest products and commercial tree cash cropping (Dove, 2011; Ishikawa, 1998; Tsing, 2005), stories endure about abundant, ‘empty’ frontier lands, waiting to be exploited and transformed into ‘productive’ places, rendering pre-existing livelihoods invisible and irrelevant (McCarthy and Cramb, 2009; Tsing, 2005, see also Ruyschaert et al., 2011; Exner et al., 2015).

In November 2014, I settled down in a Malay village in Sambas District. Oil palm plantations have been expanding in this region since 2004. The villagers had been involved in a conflict with a company since 2008, after the district government had granted the company a location permit for 10,000 hectares, overlapping with land in 14 villages. At the time of my visit, the company was inactive, and its permit had expired, but it was unclear whether the company would come back or not. Moreover, rumours circulated that new companies were seen in the area. One of my key informants, who strongly opposed oil palm plantation development in his village, showed me concession documents for two new oil palm companies issued in 2012. The documents included concession maps roughly indicating the location of the projected plantations, and location permits which allowed companies to initiate negotiations about land transfer with local land holders. I was unable to trace further information about these companies, and the villagers did not know more about their plans.<sup>9</sup> No company had so far organized an information meeting, but a village head reported that representatives of one of the companies visited his office asking for his cooperation.<sup>10</sup>

The elusiveness of the plantation project left me puzzled. I could hardly imagine how companies would go about converting intensively cultivated and inhabited land into a plantation without risking open conflict. If a company wanted to prepare the land for

7 This number refers to mature plantations and excludes sites that are in early stages of conversion as well as future conversion sites.

8 <https://www.cifor.org/map/atlas/>

9 The address on concession documents matched a hotel in East Kalimantan.

10 At the time of writing, summer 2018, no further activities have been reported.

plantation development, this would require heavy machinery to cut down dense rubber gardens and forest, and probably drainage of the peat soils, because a large area within the concession area was prone to flooding. This would be a costly, time consuming project, directly affecting inhabitants who cultivate the land. At the same time, I also struggled to grasp what 'conflict' actually meant in this context, as daily life in the villages appeared to be following its normal routine, at least, I could not observe obvious signs of conflict. The talk of the village was more about the collapsing rubber prices, pests in the rice, and the unpredictable weather, than about palm oil or conflict. Nevertheless, occasionally I could observe the mistrust and tension between alleged supporters and opponents of plantation. During a walk around in a village, women pointed out the houses of 'palm oil people': their neighbours who had supported the plantation project. In interviews it became clear that palm oil was a sensitive matter to talk about and people were sometimes afraid to share their story. Moreover, people had ambiguous expectations of palm oil and companies, and responses were diverse. Some said they rejected plantation projects in any form at any time, and daringly stated "they were willing to die to defend their lands." Others were much more hesitant and said that it depended on the project's location, the terms and conditions for land transfer, profit arrangements, and on the perceptions of their relatives and neighbours. People who had participated in the demonstrations at the same time admitted they had conducted chores for the company, such as making land measurements. Village heads who allowed such land measurements feared the unrest this would create in the village.

People also mentioned different reasons for being against or in favour of plantations: some referred to the origin and history of the land, stressing that it was ancestral land brought under cultivation by ancestors and destined for future generations. Other reasons related more to considerations about the flexibility and sustainability of livelihoods, environmental concerns, or ideas about lifestyles and identities as farmers. Arguments in favour of establishing plantations included promises and expectations about how plantations could transform villages into 'modern' and 'wealthy' places, with houses decorated with ceramic tiles, proper roads and street lights, 'like in the city'. Yet, no one seemed to have a complete overview of what plantation development would actually mean to this place and the people living here. It was clear, however, that the conflict did not only concern access to and control over specific plots of land, but contestations were also based on conflicting ideas about and ambitions for this place, and the lives of the people living here.

## 1.4 Research questions

My confusion about the elusive process of land acquisition and the apparently ambivalent meaning of conflict in this context, made me wonder about the actual practices of land acquisition and resistance. Following from this, the central question in this thesis is:

*How do processes of land acquisition for the development of large-scale oil palm plantations work in practice, in terms of people's experiences and responses to these processes, and what does it mean for rural places?*

This question involves three sets of sub-questions:

A first set of questions concerns the process of land acquisition and plantation development. If concession areas include intensively cultivated and inhabited land, then how do companies go about obtaining control over this land without risking violent confrontations with the local population? How do companies persuade people to cooperate and facilitate plantation development, or else, how do companies limit or suppress resistance? These questions necessitate a detailed examination of practices and activities within different phases of land acquisition and plantation development.

A second set of questions relates to people's varied experiences of, and responses to, land acquisition. What kind of underlying factors motivate people's responses? How are responses related to pre-existing ways of using land? Given that communities are heterogeneous in composition, how do experiences and responses differ along lines of class, gender or generation? The literature on land acquisition and land conflicts shows that women are particularly vulnerable to loss of access to land in large-scale land deals (e.g. Behrman, Meinzen-Dick and Quisumbing, 2012). Yet, literature on gendered impacts of and response to oil palm land deals is limited (notable exceptions are: Julia and White, 2012; Li, 2015a; Elmhirst, Siscawati and Basnett, 2015a; Elmhirst et al., 2017; Haug, 2017). Therefore, I examine experiences and responses of women: how are women differently included and excluded from processes of decision-making about land acquisition and plantation development? What kind of experiences do they have and how do these inform their responses? What role do they play in protest and resistance?

A third set of questions goes into processes of claiming and counter-claiming. How do companies legitimate their claims to control land for plantation development? And, in response, what kind of claiming practices are used by affected communities to counter these claims and protect pre-existing claims? How do these claiming practices shape processes of property-making in context of increasing competition over land and natural resources?

This study builds on a growing body of empirical research on the differentiated impacts of plantation development and related conflicts (e.g. Bissonnette, 2013; Cramb and McCarthy, 2016; Elmhirst et al., 2017; Julia and White, 2012; Li, 2015a; Semedi and Bakker, 2014). Previous research has questioned who benefits and who loses during processes of land acquisition and plantation development, and how this changes people's relations to their environment and each other, stressing that the way people are impacted by these processes strongly depends on the terms under which people and their lands are incorporated into the plantation sector (McCarthy, 2010). Moreover, the literature shows how impacts are different along lines of class,

gender and generation (Elmhirst et al., 2017). Nevertheless, researchers have also pointed out that people are not completely powerless against companies and engage in different forms of resistance or cooperation on their own terms (Potter, 2009). Most research concentrates on situations where oil palm plantations have already been established and hence focus on the differentiated *impacts* of this.

An important research gap remains regarding the incremental, fragmented and elusive process of land acquisition prior to plantation development, how this process is *constituted* and *resisted* in practice, and the meaning of this for the places where plantations are projected. It is important to address this gap, because so far policy initiatives that have emerged in response to concerns about negative consequences of palm oil production, including private and public arrangements, are not adequate to prevent or address conflicts. These initiatives include principles and criteria for sustainable palm oil production, certification systems, and codes of conduct, complaint panels and dispute resolution facilities. Policy interventions are primarily focused on improving the relations between companies and communities by requiring companies to adhere to the principle of Free, Prior and Informed Consent for new plantations. This principle is based on an assumption that decisions regarding plantation development and community consent are made during stakeholder dialogue meetings in ‘roundtable-like’ settings. However, this study illustrates how policy intentions differ from actual practices of plantation development. Plantations are developed in different phases, and in this incremental process there are no clear ‘moments of decision making’ wherein a community can give or withhold consent. Starting long before the first oil palms are actually planted, land acquisition practices gradually transform landscapes and people’s relations to land and each other. This entails changes to both materials (e.g. soil, crops, infrastructure, buildings) and meanings (people’s perceptions regarding functions and values of land and livelihoods) of places where plantations are projected. Therefore, interventions that are focused on dialogue, negotiation, mediation or litigation alone are not adequate for addressing conflicts, because in processes of land acquisition there may never be a moment where companies and affected communities can meet to discuss their respective interests. Companies and communities often only meet when conflicts have already escalated into violent encounters, and interventions are primarily focused on mediating ‘consent’ for land transfer. However, conflicts evolve around a complex of issues including land transfer arrangements; compensation for land and crops; allocation of smallholder plots; labour opportunities; future livelihood opportunities; concerns about the environment and pollution; boundaries of concession areas; and overlapping land claims based on different notions of property rights (Haug, 2014; Julia and White, 2012; Marti, 2008; Morgan, 2017; Potter, 2009; Sirait 2009). Therefore, conflicts cannot only be solved by sorting out competing claims to land. Hence, it is crucial to move beyond a narrow policy intervention approach that focuses on stakeholder dialogue, negotiation or mediation to address conflict, towards an approach that considers the many actors and activities involved in incremental



processes of plantation development. A better understanding of how people engage with land acquisition processes locally is important to design policy interventions that are more considerate to the practical challenges and opportunities that emerge in this process.

## 1.5 Palm oil controversies and policies

Originating from West and Central Africa, the oil palm (*Elaeis guineensis*) is now planted in rural areas throughout the tropics; oil palm accounts for almost 10 per cent of the world's permanent crop land (Sheil et al., 2009). The majority of oil palms are grown in Indonesia and Malaysia; together these countries produce 84.5 per cent of the palm oil.<sup>11</sup> For Indonesia, the oil palm sector is the largest agricultural export sector, representing an export value of 22.97 billion dollars in 2017.<sup>12</sup> The pulp and kernel of palm fruits contain highly versatile oil, useable for a wide range of food and non-food products, including biofuel, bioethanol and biogas. In Indonesia, 60 per cent of the palm oil is produced on large-scale industrial plantations, owned and managed by state or private companies (Li, 2017; Sheil et al., 2009). On such plantations, oil palms are typically planted in blocks to facilitate efficient handling of the harvest. Good infrastructure and proximity of mills are required for a timely procession (within 48 hours), because fresh palm fruits degrade rapidly after harvest (Sheil et al., 2009). After harvest, palm fruits are mechanically pressed in mills to extract oil. Palm oil is a high yielding crop, and the industry claims that its production requires less land compared to other oil crops such as sunflower and rapeseed.<sup>13</sup> Oil palms reach maturity after 25-30 years after which they have to be replanted (Kurz et al., 2016). Researchers are exploring techniques to improve yields to reduce the amount of land needed for production (Yan, 2017), assuming that this 'land sparing' approach will reduce negative impacts on the environment (Law et al., 2015). Research demonstrates that higher yields are possible if plantations improve planting material, fertilization and irrigation management, handling of the harvest and the process of oil extraction (Khatun et al., 2017). In particular smallholder oil palm growers often have a significant yield gap (Woittiez et al., 2017). However, the incessant demand for palm oil for vegetable oil and biofuel<sup>14</sup> (Mosnier, 2017) drives expansion of plantations. According to Khatun et al. (2017: 608), global palm oil production reached 55,70 million tons from 17,32 million hectares of plantations in 2015. They estimate that with the current production rate, plantations need to increase by 50 per cent to meet the expected demand in 2020.

11 Indonesia and Malaysia together produced 59 million tons per year of palm oil in 2017 (Indexmundi, 2017).

12 <https://gapki.id/news/4140/refleksi-industri-kelapa-sawit-2017-dan-prospek-2018> (Accessed: 30-04-2018)

13 <https://www.rspo.org/about/sustainable-palm-oil> (Accessed: 30-04-2018).

14 In April 2017, MEP's voted to out-phase vegetable oils as biofuels for the transports sector in Europe. <https://www.theguardian.com/sustainable-business/2017/apr/04/palm-oil-biofuels-meps-eu-transport-deforestation-zsl-greenpeace-golden-agri-resources-oxfam> (Accessed: 5-6-2017).

However, in 2016 the Indonesian government announced a moratorium on new licenses for oil palm plantations. This moratorium comes on top of a moratorium imposed in 2011 (still in effect) on issuing permits to use land designated as primary forest and (deep) peatland.<sup>15</sup> NGOs are critical of the new moratorium, which is currently in the process of being legalized as a Presidential Instruction, because it is only for three years, and it exempts companies which are already in the process of getting their forest conversion permit from the Ministry of Environment and Forestry. Moreover, NGOs fear a weak enforcement of the moratorium. Yet, the presidential chief of staff stresses that the moratorium serves to increase productivity without converting new land, indicating that the government is at least concerned about the negative implications of expansion of oil palm plantations<sup>16</sup>

These moratoria follow a controversy about the environmental consequences of producing palm oil on large-scale plantations: palm oil is associated with deforestation, biodiversity loss, high carbon loss from peat soil conversion, forest fires and hazes, and the pollution of water ecosystems (e.g. Vijay et al., 2016; Varkkey, 2016; Mosnier et al., 2017; Tarigan et al., 2016). During a visit to a plantation in Sambas, these concerns became apparent to me. Overlooking the plantation from a hill, I was struck by the desolateness of the landscape. There is nothing to see but young oil palms and grass growing on white, sandy soil. Satellite maps show that this plantation is located in an area with highly dense 'woody biomass',<sup>17</sup> indicating that land conversion at this site caused deforestation. Moreover, villagers complain that the river, which they use for transportation and sanitation, is polluted with fertilizer from the plantation giving them skin rashes and killing the fish (fieldnotes Sambas, October 2015).<sup>18</sup>

In addition to environmental concerns, there is controversy regarding the socio-economic impacts of large-scale land acquisition for oil palm plantation development. Some actors, including the World Bank, trust that 'land investment projects' by agribusinesses are able to deliver win-win outcomes by creating employment and providing social services through Corporate Social Responsibility (CSR) initiatives in marginalized rural areas, as long as companies act responsibly and comply to mandatory and voluntary sustainability standards (World Bank, 2010; 2018). For example, according to the World Bank Group, in 2011 the palm oil sector employed an estimated six million people worldwide and approximately two

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15 <https://www.reuters.com/article/us-indonesia-environment-forests/indonesia-president-approves-two-year-extension-of-forest-moratorium-idUSKBN18K0CV> (Accessed: 29-03-2018).

16 <https://news.mongabay.com/2018/03/debates-heat-up-as-indonesian-palm-oil-moratorium-is-about-to-be-signed/> (Accessed: 29-03-2018).

17 GeoRSPO (2018) <https://rspo.org/geo-rspo> (Accessed: 23-08-2018).

18 See also: <https://thetanjungpuratimes.com/2016/10/17/sungai-sajingan-tercemar-limbah-warga-mulai-menderita-penyakit-kulit/> (Accessed: 12-09-2018).

to three million in Indonesia (World Bank, 2011).<sup>19</sup> Plantation projects are also promoted with promises of economic and social development of marginalized areas through ‘modern’ agriculture, wage labour, and the construction of infrastructure, and public services. However, research demonstrates that the outcomes of such plantation projects are highly differentiated, largely depending on the terms under which people and their lands are incorporated in or excluded from such projects (Gillespie, 2011; McCarthy, 2010; McCarthy, Gillespie and Zen, 2012a; Semedi and Bakker, 2014).

## Smallholders versus large-scale plantations

While most palm oil is still produced on large-scale plantations,<sup>20</sup> in Indonesia the number of smallholders producing palm oil is growing, in particular in Sumatra in the regions of Riau and North Sumatra.<sup>21</sup> Smallholders<sup>22</sup> may grow oil palms independently on their own lands or through nucleus-plasma schemes with oil palm companies. Researchers stress the potential benefits of oil palm for smallholders, but also point out that at the moment there are many constraints for smallholders (Bissonnette and De Koninck, 2015). Oil palm cultivation is capital intensive because it requires high quality seedlings, fertilizer and herbicides to reach maximum production. Herbicides need to be applied in the correct amount and manner and pruning and harvesting needs to be done timely. Smallholders have limited access to high quality planting material and inputs and are dependent on intermediaries (Jelsma et al., 2017b; Woittiez et al. 2018). Moreover, since processing of the fresh fruits is time-sensitive, good infrastructure and proximity to mills is required, which is a constraint for smallholders in more remote areas. As a consequence, smallholder yields are much lower than large-scale plantations (Jelsma et al., 2017a; Woittiez et al., 2017). However, Azhar et al. (2015) point out that smallholders, both certified and non-certified, often have higher levels of biodiversity in their oil palm gardens. Bissonnette and De Koninck (2015), Jelsma et al. (2017a) and Zen et al., (2016) stress that it is important to support smallholder palm oil production, however Jelsma et al. (2017b) also point out that among those categorized as ‘smallholders’, in fact, many are absentee land owners who hire labourers to manage their plots. Likewise, McCarthy (2010: 826) describes oil palm as a “rich farmers’ crop that requires expensive inputs if it is to be

19 <http://www.worldbank.org/en/news/feature/2011/04/03/world-bank-group-reengages-palm-oil-sector> (Accessed: 04-04-2018).

20 Jelsma et al. (2017b)

21 Directorate General of Estate crops (2017).

22 The RSPO defines smallholders as “farmers who grow oil palm, alongside with subsistence crops, where the family provides the majority of labour and the farm provides the principal source of income, and the planted oil palm area is less than 50 ha.” The Indonesian Ministry of Agriculture’s Guidelines for Plantation Licensing (No.98/Permentan/OT.140/9/2013) stipulates that those that cultivate less than 25-ha of oil palm are required to apply for a Plantation Registration Certificate (STD-B), while those producers cultivating more than 25-ha require a Plantation Business License (IUP-B) (Jelsma et al., 2017b).

farmed successfully.’ This means that there is a grey zone between smallholders and large-scale plantations. In this thesis, I refer to large-scale plantations that are run by plantation companies (*perusahaan perkebunan*) which are a legal entity that manage a plantation with a defined scale (>25-ha) and need a plantation permit (*Izin Usaha Perkebunan untuk Budidaya, IUP-B*) to operate.<sup>23</sup> Jelsma et al. (2017b) posit that individuals or companies may circumvent this legal requirement by registering small plots under different names, leading to smallholders being wrongly classified as such.

### ‘Partnership’ plantations: contested profit arrangements

The plantation that I visited in Sambas was established around 2005, according to the ‘Nucleus Estate and Smallholders’ (NES) scheme (known in Indonesia as *Perkebunan Inti Rakyat, PIR*). This mandatory<sup>24</sup> plantation scheme entailed cooperation between a private or state company managing the core plantation (*inti*), and smallholder farmers’ (*petani plasma*), organized in a cooperative, managing their plasma plots. In the original NES scheme, plantations had a ratio of 20 per cent core plantation and 80 per cent plasma plots. Smallholders, locals or transmigrants,<sup>25</sup> were typically granted a plasma plot of two hectares, and half a hectare for a house and a vegetable garden (McCarthy, 2010). The company was responsible for buying and processing their palm fruits and providing extension services.<sup>26</sup> NES plantations were supported by the state which provided subsidies and facilitated access to land and labour. Since the 1990s, the palm oil sector liberalized and power was gradually transferred to companies (Casson, 2000; McCarthy, 2010).

After the economic and political crises of 1998-1999, which led to the fall of president Suharto’s authoritarian New Order regime (Schulte Nordholt and van Klinken, 2007), the state withdrew its support for these smallholder schemes and the palm oil sector was liberalized to attract foreign direct investment. In the spirit of decentralization, the responsibility for plantation licensing and monitoring was transferred to district governments (McCarthy, 2010; Pichler, 2015). New plantation laws introduced new nucleus-plasma arrangements based on the principle of ‘partnership’ (*kemitraan*) between companies and smallholders (McCarthy et al., 2012a). In this system, companies were expected to negotiate directly with landholders about the terms of land transfer and the allocation of benefits (see Cramb and McCarthy, 2016). In practice, previous nucleus-plasma ratios were reversed; nucleus plantations now make up 70-80, or even 90 per cent of the total plantation area (Gillespie 2011: 12). Moreover, since 2013, companies are allowed to seek land for the plasma plantation outside their concession

23 Ministerial regulation (No. 98/2013).

24 Plantation Law (No.39/2014) art. 22.

25 Transmigrants outnumbered locals on plantations, because they were willing to work at low wages under harsh circumstances and they were regarded as a disciplined workforce (Li, 2011).

26 Presidential Instruction (No.1/1986), chapter 2.6, art. 7a.

area, as long as the total plasma area is equal to 20 per cent of the nucleus plantation. This means that communities have to find even more land to transfer to plantation companies.<sup>27</sup> The exact allocation of benefits is determined in district regulations and can therefore vary.

McCarthy et al. (2012a) found that in many cases, particularly for new plantations in Kalimantan, district regulations promote a ‘one-roof’ plantation model. This means that plasma plots are not actually returned to smallholders, but rather they are offered “the share of the production from the 20 per cent plasma area which the company retains under its own management” (McCarthy et al. 2012a: 560). In an interview with a plantation company, a representative explained to me that actually the one-roof system was what made their company better for smallholders than other companies, because this way they could ensure the same care for the nucleus and the plasma plantation (interview Jakarta, April 2013). Elmhirst et al. (2017) describe this situation for East Kalimantan, stating that plasma holders receive profits from two hectares of plasma land after deduction of various costs such as land clearing, planting, crop maintenance and other operational costs (Elmhirst et al., 2017: 9). Cramb and McCarthy (2016: 459) conclude that the dismantling of plantation schemes that relegate landholders to minor shareholders with uncertainty regarding land rights, and inadequate livelihoods is a priority for the future.

At a plantation that I visited in Sanggau, this shareholder scheme led to tensions, because the villagers felt cheated when their monthly payment from the plasma plantation turned out to be cut by unexpected costs, such as transportation, fertilizer and management fees. They also complained that they were promised jobs on the plantation, but when the plantation was in production they only qualified for the low paid jobs without contract. According to the manager of the plantation, he preferred to hire labourers from other areas, because the locals were insufficiently educated as they often had not graduated from high school (fieldnotes Tayan, June 2014).

## Land rights

Plantation development often requires the incorporation of land previously cultivated and inhabited by local communities. In such cases, usually communities are offered a land transfer deal requiring them to transfer land to companies in return for plasma plots planted with oil palm and credit schemes to cover the costs of land conversion and planting oil palms, or monetary compensation for land, crops and labour (see Semedi and Bakker, 2014). According to international regulatory mechanisms (RSPO) as well as Indonesian law, plantation companies are required to obtain consent from communities for land deals and to provide compensation for lost land and crops, even when communities do not have formal land titles. The Indonesian law condones various ways to obtain land: by means of acquisition,

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27 <http://kalteng.prokal.co/read/news/47337-plasma-nikmatnya-setelah-meninggal.html> (Accessed: 13-06-18).

compensation (*ganti rugi*), or ‘other forms of land transfer in accordance with local customs.’<sup>28</sup> The latest Law on Land Acquisition (2012) acknowledges a variety of property holders in addition to ‘holders of formal land titles’ and ‘customary communities’ (Bedner, 2016). At least for the sake of compensation for land loss and damage to or loss of crops, ‘owners of buildings, crops, or crops connected to the land’ are also acknowledged as property holders entitled to compensation (Bedner, 2016: 73). This means that an absence of formal land titles does not legally exempt companies from negotiating about the conditions of land transfer with local communities. However, Bakker and Reerink (2015) conclude that the 2012 Land Acquisition Law does not protect all land rights holders, as some will not qualify for the legal criteria to be recognized as such because they lack documented proof of land ownership. Such people can be evicted without compensation. At the same time, they demonstrate that even land titles are no guarantee that land rights will be respected, because courts rarely award claims of individual right holders, if these are against the “public interest.” (Bakker and Reerink, 2015). Companies may even prefer land that has been titled to avoid complex negotiations about untitled land. Peluso (2017) points out that the issuance of land titles to rubber smallholders in the MonSingSel region<sup>29</sup> (northwest Kalimantan) has facilitated the sale of this land to oil palm companies. Plantation companies use concession permits granted by the government to legitimate their claims to land, also against people who do have a title (see also Meinzen-Dick and Mwangi, 2009).

The weak legal protection of customary rights in Indonesia has its roots in colonial law. McCarthy and Robinson (2016: 11-12) note that the colonial legal system distinguished between, on the one hand, registered individual property rights subject to Dutch law, and, on the other hand, areas under ‘state domain’, such as forest, as well as areas subject to customary property systems. After independence, “the colonial domain principle was replaced by the state right of control,” granting the national state significant control over land management (Bedner, 2016: 65). Access to land was “regulated mainly by the Basic Agrarian Law (BAL) and the Forestry Law, which govern land and forest areas respectively” (Bakker and Moniaga 2010: 188). Customary land that had been designated as state domain under colonial law was weakly protected by both laws. The Basic Agrarian Law, which only under strict conditions recognized customary communities’ right of avail (*hak ulayat*), allowed the national government to appropriate and allocate such land, by invoking a ‘national interest’ claim (Bedner, 2016; McCarthy and Robinson, 2016). Customary rights could only be formally registered if they were re-interpreted as private land rights (Bakker and Moniaga, 2010). Meanwhile, control over forest areas, comprising about 70 per cent of the country, lies solely with the state, represented by the Ministry of Forestry (Bakker and Moniaga, 2010: 189). The Ministry of Forestry often regards customary land as ‘unencumbered by rights,’ hence freely

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28 Location Permit Company A, decision 1.

29 Montrado, Singkawang and Selakau

available for the state under the principle of ‘free state domain’ (Bedner, 2016; McCarthy and Robinson, 2016). Under pressure from customary rights movements, recently there have been some changes in the protection of customary rights. A landmark decision was made in 2013 by the constitutional court, who ruled that customary forest could no longer be automatically considered as state forest. However, Van der Muur (2018) points out that it is still difficult to effectively claim forest land based on customary rights.

In this context, if people don’t have formal land titles, which is common in Kalimantan where land tenure is mostly based on customary notions of property rights, companies sometimes only offer compensation for damage to or loss of cultivated trees and crops; not for land (Haug, 2017). For example, Clerc (2012) reports that a company paid IDR 250,000 (15 €) per hectare as compensation for the labour of villagers and their ancestors clearing the land in the past, and IDR 700,000 (41,50 €) for owners of a formal land title from the BPN and IDR 500,000 (30 €) for owners of a land clarification letter (*Surat Keterangan Tanah, SKT*). In some cases, companies claim that local land users are ‘illegal users of state land’ and not entitled to any compensation (Elmhirst et al., 2017; Semedi and Bakker, 2014; see also Pichler, 2015). In addition, promised plasma plots are not always delivered, are smaller than expected, or located at unfavourable locations where, for example, transportation is difficult (Elmhirst et al. 2017).

Weak legal protection of land rights and overlapping claims are often mentioned as the cause of land conflicts between companies and communities (e.g. Feintrenie et al., 2010). However, Hall (2011) importantly stresses that land rights may not necessarily be insecure before the arrival of companies; rather, land rights *become* insecure in the process of accelerating competition over land. Hence, better legal protection for customary and other forms of unregistered land rights will not automatically increase tenure security. Whose land rights will be protected ultimately also depends on local power relations.

## Labour conditions

Another controversy relates to labour conditions on plantations. NGOs have recently published reports on precarious labour conditions on oil palm plantations, including child labour and forced labour (e.g. Amnesty, 2016).<sup>30</sup> According to these reports, companies set output targets for tasks that workers need to complete; failure to meet the target leads to salary reduction. As these output targets are based on company needs rather than realistic calculations of how much work one worker can accomplish per day, in order to meet the targets, plantation workers call on help from their spouses and children. These ‘helpers’ are

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30 See Wilmar’s response to Amnesty report: <http://www.wilmar-international.com/wp-content/uploads/2016/11/WIL-Responses-to-Amnesty-International-17-Oct-11-Nov-2016.pdf> (Accessed: 12-06-2018). See also [https://www.ran.org/new\\_report\\_confirms\\_labor\\_abuse\\_and\\_legal\\_violations\\_on\\_major\\_indonesian\\_palm\\_oil\\_company\\_linked\\_to\\_pepsico\\_nestl](https://www.ran.org/new_report_confirms_labor_abuse_and_legal_violations_on_major_indonesian_palm_oil_company_linked_to_pepsico_nestl) (Accessed: 12-06-2018)

not recognized by the company as plantation workers and do not receive salary for their work (this practice is also reported by Bissonette, 2012: 130). Furthermore, many workers do not have contracts that provide social security in case of illness, pregnancy or at the age of retirement. Many workers are day labourers, only hired when needed and in good physical condition. Workers in Sambas reported that they only worked 15 days a month, because there were too many workers available. Female workers reported that they would not be hired above the age of 35 (fieldnotes Sambas, October 2015). Pye, Daud and Harmono (2012) report on labour conditions on Malaysian plantations that Indonesian migrant workers always work under temporary contracts and “workers have no right to choose or change their place of work or employer; leaving the permit-holding employer implies entering a state of illegality that can lead to arrest and corporal punishment” (2012: 332). This makes that workers strongly depend on companies, leaving them vulnerable to forms of forced labour. In Kalimantan there have been cases of migrant labourers who ran away from their employees, because they felt trapped in a cycle of debts: companies hold on to the identity cards of their workers until the migrant workers have repaid the debt for their journey to the plantation.<sup>31</sup> Li (2017b) reports on precarious labour conditions in Kalimantan plantations, where workers have to do unhealthy, strenuous tasks for low wages, under pressure to meet daily quotas. In Sambas, it is common practice that people go to Malaysia to work on oil palm plantations. Interviewees described plantation labour as heavy and they adopted diverse strategies to deal with the labour conditions. A middle-aged woman for example said:

*“We had to walk up the hill for one kilometre carrying heavy bags of fertilizer. This work was not suitable for women. But we had to do it, if the supervisor wasn’t compassionate. If he was compassionate, we only had to apply fertilizer to the outer edges of the plantation and leave the rest.” (Interview Sambas, October 2015).*

### Gendered and generational impacts

There is growing awareness of the gendered and generational impact of land acquisition for palm oil production. Particularly women may lose access to land when land is registered under the name of their husbands (Julia and White, 2012). Bissonette (2012) points out that there is a gendered division of labour on plantations: women are assigned tasks that are detrimental to their health, like spraying chemical fertilizer, and they often work without

31 <http://pontianak.tribunnews.com/2013/05/04/merasa-ditipu-26-pekerja-sawit-pt-sintang-roya-kabur> (Accessed: 23-03-2018).



contracts, sometimes even without payment (see also Julia and White, 2012 and Li, 2015a; 2017b). Moreover, Li (2017b) points out that labour is highly selective and mostly available for the healthy and young. This means that older women and men cannot access jobs when their lands are incorporated into plantations. Elmhirst et al. (2017) discuss a generational impact of plantation development: in a ‘letter of agreement’ between the company and a community it was specifically stated that the land used for the plantation was state land (*tanah negara*), and that “the children or grandchildren of the person who handed over the land, and/or any other third party, do not have any right to reclaim the land in any form in the future; that the person who handed over the land will be responsible if there is any claim over the land in the future; and that in cases where peoples’ cultivated land has been acquired, the company has paid cash compensation for loss of those crops, the amount of which is agreed by both parties” (Elmhirst et al., 2017: 19). Li (2017b: 1160) refers to this as “intergenerational displacement”, built in the design of oil palm plantation development. Usually companies do not take all the land of communities, but they leave some land for them to farm by ‘enclaving’ villages. This may be enough for the present generation to continue farming, but it is not enough to sustain the next generations (Li 2017b).

## **Palm Oil Policies**

In response to concerns about negative socio-economic and environmental impacts of palm oil production, actors within the sector have taken multiple governance initiatives. In 2004, companies from different stages of the supply chain, and financial institutions, together with social and environmental NGOs set up the Roundtable on Sustainable Palm Oil (RSPO). The RSPO claims to transform markets to make sustainable palm oil the norm, through certification for environmentally friendly and sustainable palm oil (RSPO.org, 2017). The Roundtable encompasses principles and criteria for sustainable palm oil production, a code of conduct for its members, procedures for new plantings, certification systems and rules for trade and traceability and market communication and sustainability claims. All RSPO members signed a statement of intent, a legally non-binding expression of support for the roundtable process. The RSPO has a complaints panel where complaints against members can be filed. If a complaint is reported, this panel examines whether the complaint is justified, and if so, it takes steps to mediate between the complainant and the member against whom the complaint is filed. In addition to RSPO, financiers of the palm oil sector, such as the International Finance Corporation (IFC) have also set standards for their beneficiaries: the Compliance Advisor Ombudsman (CAO) functions as an independent recourse mechanism for the IFC and responds to complaints from actors affected by projects from IFC beneficiaries. National governments have developed alternative certification systems: all companies operating in Indonesia are obliged to comply with national sustainability standards for Indonesian Sustainable Palm Oil (ISPO).

All palm oil governance initiatives have developed policies to prevent and address conflicts. For the RSPO and IFC, the principle of ‘Free, Prior and Informed Consent’ (FPIC) is a central criterion for development of new plantings. The Indonesian sustainability standard for palm oil (ISPO) does not recognize FPIC as such but does stipulate ‘community consultation’ (see Hospes, 2014 for comparison of RSPO and ISPO). Regarding land rights, the RSPO principles require that “companies demonstrate their right to use land and confirm that this land is not legitimately contested by local people who can demonstrate that they have legal customary or user rights.” Companies are required to prove in case of disputes that they acquired land according the principle of FPIC (Silva-Castañeda, 2012). The FPIC principle stipulates that consent needs to be given without coercion, based on sufficient information and prior to any plantation development activity.

The underlying assumption of the FPIC principle is that conflicts can be avoided if companies obtain ‘consent’ from affected communities prior to plantation development activities. Consequentially, conflict resolution initiatives focus on facilitating dialogue between companies and communities to achieve agreement regarding the future of the plantation project and compensation for losses (see for example Dhiaulhaq et al., 2018). For example, the RSPO complaints panel mainly focuses on resolving and avoiding disputes through ‘negotiation’ with stakeholders rather than arbitration or litigation. The complaints panel has the authority to order companies to suspend their operation and ultimately expel members from the RSPO. However, this has never happened and the panel states that it is reluctant to take this step, because it prefers to maintain communication through RSPO membership.<sup>32</sup>

NGO reports suggest that compliance to the FPIC principle is problematic (e.g. Colchester and Chao, 2013); in fact, 36.45 per cent of complaints filed to the RSPO relate to non-compliance with the FPIC principle (RSPO.org, 2017). McCarthy et al. (2012a) argue that effectiveness of regulation depends on the capacity to monitor compliance in remote production locations. However, the problem is not only that companies do not comply with the principle, but the FPIC principle itself is controversial. The principle is ambiguous as there are different interpretations of ‘free’ ‘prior’, ‘informed’ and ‘consent’ (Buxton and Wilson, 2013). For example, at what point in the process of plantation development should communities be informed? Furthermore, how can communities have all information about the short- and long-term consequences, with regards to their livelihoods and other aspects of their lives? Li (2017b) indicates that consequences of plantation development often manifest only in the next generation, as their parents could not have imagined the long-term consequences. It is also difficult to guarantee that consent has been obtained without coercion, because negotiations between companies and communities take place within a context of skewed power relations, shaped by pre-existing local power structures, wherein strong informal relations exist between companies and local government officials, who have economic and political incentives to

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<sup>32</sup> “RSPO & Complaints”, Webinar organized by the RSPO on 17 November 2017.

support companies (e.g. Aspinall, 2013; Dhiaulhaq et al., 2014). Silva-Castañeda (2012) critiques the importance that is given to documents as form of proof, arguing that communities often lack documented ‘proof’ of violations as well as documents that support claims to land, whereas companies often do have documents to support their claims. Moreover, documents that demonstrate communities’ consent may be obtained through force, bribes or fraud (Li, 2015b). Hence, it is difficult to implement the principle in practice. Furthermore, Borrás and Franco (2014) critique the idea of a code of conduct for land deals, arguing that it “veers away from questioning the fundamental roots of land grabbing”, rendering land grabbing ‘inevitable’.

## 1.6 Research approach

To analyse processes of land acquisition for plantation development, this study takes a ‘place-based’ research approach. Through an ethnographic account of two oil palm related conflict cases, and a newspaper analysis of a third case, I examine the discourses, everyday practices and experiences that transform landscapes and the way people give meaning to land and related resources. I also explore how people engage in counter-place-making, by making counter-claims on land targeted for plantation development, or by advocating for alternative representations of place which contradict notions of ‘empty’, ‘unproductive’ land. Focusing on practices of place-making, and how these are shaped by power relations, allows for a comprehensive understanding of ‘conflict’ that is sensitive to the diverse ways in which conflicts manifest, including direct confrontations (demonstrations, roadblocks, physical violence, stealing, damaging or burning company equipment; or, intimidation, bulldozing trees, planting oil palms), but also to more covert manifestations of conflict (contestation within families, emotions of fear, anxiety and mistrust, claiming land by planting crops; or, claiming land by placing land marks, bribing local authorities, not attending weddings or funerals, excluding villagers from government aid), and to different experiences of conflict, in particular gendered experiences. Moreover, a place-based research contributes to policy-making regarding land acquisition and sustainable and equitable palm oil production by highlighting challenges and opportunities on the ground.

## 1.7 Research location

### Sambas: a history of tree crops, trade, and plantations



Figure 1: map of Kalimantan

Fieldwork for this research was mainly conducted in Sambas District, where oil palm development is a relatively new phenomenon and processes of land acquisition and resistance are ongoing. Sambas is located in the north-west of West Kalimantan, 5 hours driving from Pontianak (figure 1). The borders of Sambas are demarcated by Malaysian Borneo in the north, the South China Sea in the west, Singkawang city in the south, and Bengkayang district in the east. The district is inhabited by 526,367 people; the population density is highest in the coastal areas. The population of Sambas is made up of different ethnicities; 75 per cent identifies as Malay, while most others identify as Dayak or Chinese (Mee, 2015). While Sambas ranks as one of the poorest regions of Indonesia (daerah tertinggal),<sup>33</sup> and was classified as food insecure in 2015,<sup>34</sup> the region is also renowned for its fertile agricultural lands<sup>35</sup> and long history of global trade. Since 2010, the HDI has risen slightly from 0.6 to 0.65 in 2016, and the poverty rate

33 <http://pontianak.tribunnews.com/2016/03/06/jokowi-tetapkan-delapan-kabupaten-di-kalbar-sebagai-daerah-tertinggal-di-indonesia> (Accessed: 28-05-2018).

34 Dewan Ketahanan Pangan and WFP (2015). Retrieved from: <https://documents.wfp.org/stellent/groups/public/documents/ena/wfp276252.pdf> (Accessed: 23-03-2018).

35 Regional and national politicians have advocated the potential of rice production in Sambas, praising Sambas as the 'granary' of Kalimantan <https://kalbar.antaranews.com/berita/360330/pemerintah-pusat-komitmen-bangun-pertanian-di-sambas> (Accessed: 15-05-2018). <http://pontianak.tribunnews.com/2018/05/03/sutarnidji-bertekad-kembalikan-kejayaan-sambas?page=3> (Accessed: 17-05-2018).

has declined.<sup>36</sup> The people of Sambas depend upon diverse livelihood sources including small-scale tree crop production (rubber, coconut and oil palm), rice, maize, fruit (orange, pineapple and watermelon), pulses, and small-scale logging and mining in the inland areas.

The bright yellow colours of the Sultan's palace in Sambas city represent the remarkable history of the Malay Sultanate of Sambas. Ishikawa (1998: 12) describes pre-colonial western Borneo as “a crossroads for people and commodities, linking the Philippines, the Malay Peninsula, the Great Natunas, Singapore, Sumatra, the Riau Archipelago, and Java.” In this time, Sambas was renowned as an important trade port in a maritime network connecting West Borneo to Singapore, Riau, Brunei and Sarawak. Key trade commodities included opium, gold and forest products such as aromatic woods, resins and rattan and seaweed and pearls from the sea (Andaya, 2001). The strategic location of Borneo for maritime trade motivated the British and the Dutch to expand their control over Borneo in the early 19<sup>th</sup> century. While the British-Dutch Treaty in 1824, dividing Borneo island, severely restricted Malay regional trade, the Sultanate of Sambas remained its independence until the Dutch expanded their control over Dutch Borneo in the 1840s, in response to the British taking control over Kuching in Sarawak (now Malaysia) (Ishikawa, 1998).

In the early 20<sup>th</sup> century, the Dutch colonial government responded to a booming demand for rubber and copra by encouraging farmers in Sambas to establish tree crop smallholdings (Seavoy, 1980). Older informants for this research recall stories about coupons for food and luxury goods which were allocated to farmers who planted rubber trees. Ishikawa (1998) reports that this coupon system, which was introduced both in Dutch Borneo and in British Sarawak, served to control the amount of rubber produced per smallholding, and to keep track of the amount of rubber sheets sold by rubber dealers, in order to counter thriving rubber smuggle from Sambas to Sarawak. Malay farmers in Sambas could make significant profit from selling their rubber on the Sarawak informal market. Seavoy (1980) points out that farmers were also eager to plant tree crops, because making copra and tapping latex required less labour input than producing rice through shifting cultivation. The shift from trade and fishing based livelihoods towards commercial tree cropping changed land tenure in Sambas by introducing forms of private property. This continued after independence: older respondents remember that young families would go into the forest to clear new plots to plant rubber trees, hereby also claiming exclusive rights to this land. Ward and Ward reported in 1974 that Sambas District was the only district in West Kalimantan where a significant proportion of the land was used for permanent agriculture. In contrast with interior regions where communal land tenure was common, in Sambas a high proportion of this land was registered under various types of private land titles (Ward and Ward, 1974).

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36 BPS Sambas (2016): Sambas statistics report (*Sambas dalam angka*). Retrieved from: <https://sambaskab.bps.go.id/>

After independence, the rubber and copra industries of Kalimantan experienced a crisis; old trees were not replanted and the infrastructure for the trade network was not maintained (Seavoy, 1980). Moreover, people of Chinese descent, who had been successful rubber producers up to then, were forced to abandon their rubber gardens following anti-communist violence which drove them from the countryside to the cities (Ward and Ward, 1974; see also Peluso, 2009; 2016). Although rubber and copra production remained important industries in West Kalimantan, during the New Order (1965-1998), the Indonesian government started to invest in rice production to reduce dependency on rice imports. Villagers report that around the late 1960s, the national government encouraged village governments to cut part of their rubber gardens to make way for fields for rain-fed rice cultivation. Ward and Ward (1974) note that Sambas District was the only district where farmers regularly sold surplus rice to the market.

In the case study villages, copra and rubber remain the most important cash crops, sometimes complemented with black pepper and oil palm. Farmers also produce a wide variety of fruits, pulses and maize in alternation with local and high yielding rice varieties. In some villages logging and wood carving as well as rattan and weaving handicrafts were also important sources of income. Nearly all respondents had family members working in Malaysia or other provinces of Indonesia for periods ranging from several months to years (see Mee, 2015).<sup>37</sup> Ishikawa reports that sawmills, plywood manufacturers and oil palm plantations in Sawarak are heavily dependent on workers from Indonesia, many of them from Sambas (Ishikawa, 2010: 125).

Sambas may be geographically located in the periphery of Republic Indonesia (Ishikawa, 2010), considering the historical movement of products and people across international trade networks, Sambas is only a periphery when seen in relation to Jakarta and Pontianak. Ishikawa (1998; 2010) and Eilenberg and Wadley (2009) demonstrate that the resource-rich border region in Borneo has triggered attempts by national states to affirm control over these regions and the resources, products and people that move between them. This is an important explanation of current resource exploitation in this region. From the new millennium, the growing demand for palm oil sparked a rapid growth of oil palm plantation projects throughout Kalimantan (McCarthy and Cramb, 2009; Pye, 2010). In 2005, the central government announced a plan to develop 'the world's largest oil palm plantation' along the Indonesian-Malaysian border, including the border areas in Sambas (Potter, 2011). Eilenberg states that a specific aim of this plan was to "enhance territorial sovereignty and increase the state's presence along the country's porous borders" (Eilenberg, 2014: 2). The plan was strongly contested by academics, NGOs and the Ministry of Forestry, for it endangered the 'Heart of

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37 Mee (2015: 411) reports that "unofficial estimates from local government sources in Sambas suggest that between 30,000 and 40,000 women and men from Sambas work as migrant labourers in Malaysia and Brunei."

Borneo, a large nature conservation area. The government eventually radically downsized the plan and looked for other areas to develop plantations (Persoon and Osseweijer, 2008; Potter, 2011).

Sambas is not part of the Heart of Borneo, and oil palm plantation development rapidly increased, particularly in the sub-districts of Sejangkung and Sajingan Besar, located in the border region. In this regard, there is an apparent contradiction in the rhetoric of the government about developing rural Sambas: on the one hand, the district government has propagated in local media that Sambas should become a “center of agricultural production and trade,” and “farmers’ children should be proud of their heritage and they should stay in farming.”<sup>38</sup> The district head wants Sambas to become a trade center —as it was before independence—, and he is building trade relations with Malaysia and Brunei Darussalam, reviving gateway towns at the border and improving infrastructure. In the media he has proclaimed that land in Sambas is fertile and suitable to plant a range of staple crops such as rice, maize and soybeans, and more high value crops such as black pepper, Sambas orange, and *petai* beans, and he has promoted traditional handicrafts as potential trade products for the Malaysian market. Remarkably, talking about rural development, he has not mentioned oil palm as a possible commodity that could enhance socio-economic development in villages. Moreover, in a meeting with oil palm companies he acknowledged that oil palm could be beneficial to Sambas, but that there were also many problems. He has warned the companies that he will cancel their permits if they break the law.<sup>39</sup>

Nevertheless, according to a district government report, 202,331 hectares of land in Sambas District have been granted to 35 oil palm companies since 2004 (figure 2).<sup>40</sup> In 2013, most of these operations were still in the early stages of licensing, planting and production (DPRD Kabupaten Sambas, 2013). The report states that many companies are violating licensing procedures by planting without a Plantation Permit (IUP-B) and/or a commercial lease right (*Hak Guna Usaha*, HGU). This has given rise to diverse responses by local communities, ranging from open (and sometimes violent) resistance to acquiescence, to acceptance. One case of conflict from 2006 has been widely reported in the media and academic literature, because a consortium of NGOs, including Lembaga Gemawan, filed a complaint on behalf of local communities against the Wilmar Group, a prominent RSPO member. In that case, a plantation company owned by the Wilmar group bought an existing plantation from another company, inheriting a conflict with communities who felt they were not consulted prior to the development of the plantation. When Wilmar’s plantation company made preparations to expand, the communities asked the help of Lembaga Gemawan, which

38 <http://pontianak.tribunnews.com/2018/03/20/pemkab-sambas-berorientasi-ekspor-produk-unggulan-daerah-sektor-pertanian?page=2> (Accesses: 24-04-2018).

39 <http://equator.co.id/pemkab-sambas-ketemu-38-pengusaha-sawit-komitmen-bangun-investasi-yang-sehat/> (Accessed: 22-05-2018).

40 This report came out before the current district head came to office.

was engaged development projects in the region, to intervene on their behalf. The NGO, together with other national and international NGOs, filed a formal complaint with the RSPO and the Ombudsman of the World Bank (CAO). The latter eventually mediated between the company and the communities and succeeded to work out an agreement. When I visited one of the involved communities in 2013 and 2015, people told me that they regarded the mediation process as their only option because the forest had already been cleared and would not grow back. However, they were not satisfied with the implementation of the agreements and lamented that it took too long before their plasma plots were delivered (see Milieudefensie, Lembaga Gemawan and Kontak Rakyat Borneo, 2007; Dhiaulhaq et al., 2018 on this case). Although mediation did not resolve all issues, the involvement of the World Bank Ombudsman at least facilitated negotiations between the parties involved, breaking the deadlock that led to violent confrontations. Colchester et al. (2013) report on a second case in Sambas involving another RSPO member. In this case, a land dispute between the company and four communities was complicated by claims to land by heirs of the Sultanate of Sambas. Claiming that they were still the rightful owners of land, which was designated to them by the Sultan before independence, the heirs claimed that the company should negotiate with them about the terms of land transfer, rather than with people who actually cultivated the land. Although the company asserted that it followed the new planting procedures as stipulated by the RSPO, land disputes remained unresolved because plantation development proceeded before competing claims were sorted out.

Colchester et al. (2013) report that according to a local government official in Sambas, companies that are RSPO members are more serious in obtaining all the required permits. Moreover, RSPO membership, as well as being a subsidiary of the World Bank, enabled NGOs and communities to file a complaint and seek intervention in the form of mediation. However, only five out of 35 concessions in Sambas are owned by RSPO members, of which only one plantation is RSPO certified. Hence, in most cases, it is not possible to seek help from such governance initiatives.

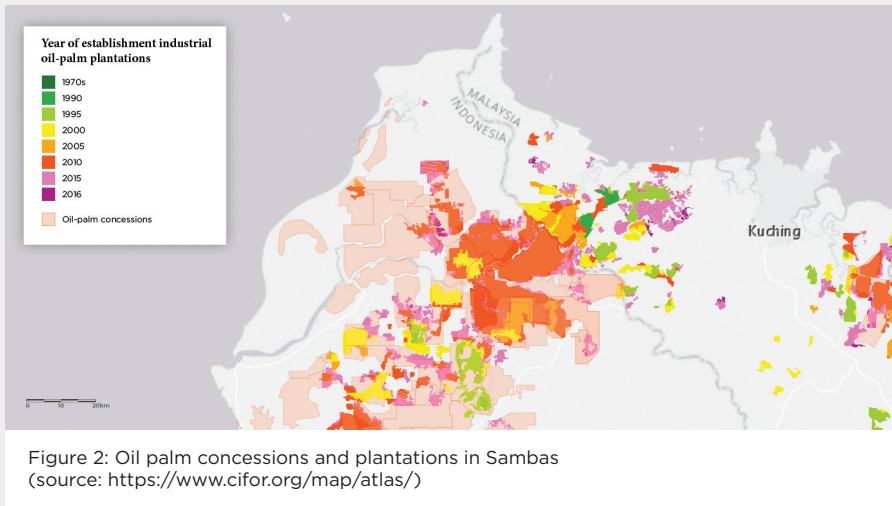
In February 2018, *Tribun Pontianak* reported that the head of Commission B of the DPRD said there were 12 conflicts between communities and companies in Sambas at that moment.<sup>41</sup> Since December 2017, some concessions in Sambas, including the concession of company B in this study, should fall under the moratorium on conversion of peatland areas, and currently there are no land acquisition activities reported.<sup>42</sup>

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41 <http://pontianak.tribunnews.com/2018/02/01/dprd-sambas-identifikasi-12-perusahaan-perkebunan-sawit-bersengketa-dengan-masyarakat> (Accessed: 30-04-2018).

42 [http://appgis.menlhk.go.id/appgis/moratorium\\_rev13/KALI-1317.jpg](http://appgis.menlhk.go.id/appgis/moratorium_rev13/KALI-1317.jpg) (Accessed: 02-03-2018).





## 1.8 Overview of the chapters

This study is organized in seven chapters. Chapter 2 presents the theoretical framework and methodology that inform this research. Highlighting the gradual and messy process of land acquisition, this chapter discusses the atomizing practices of obtaining control over land and strategies to legitimate this control. Land acquisition is mediated through local people and people respond in various ways, ranging from acquiesce to resistance. Rather than direct confrontations between companies and communities, conflicts often occur within communities. Responses by local people manifest in overt and covert ways and include everyday forms of resistance taking place in non-public places. Transformations induced by plantation development go beyond mere agronomic or economic changes: plantations radically transform the meanings and materials of landscapes, changing people's relations to land and each other. By territorializing a certain geographical area for plantation development, companies and government attempt to assert legitimate control (possibly by means of violence) over lives, livelihoods and resources found within this area. Yet, people engage in counter-territorialization to reclaim control over land and related resources. Practices of territorialization and counter-territorialization involve perceptions, and discursive and material practices which shape and transform landscapes and people's lives and livelihoods therein. I take a place-based research approach to explore how people's everyday ways of 'dwelling' within their environment construct, transform and resist land acquisition for plantation development. Reflecting on the research process, I discuss the methodological implications of a place-based research approach which require an ethnographic exploration of everyday practices.

Chapter 3 provides an empirical enquiry of land tenure arrangements and livelihoods in a pre-plantation situation. Presenting the first case (Kebun Hijau village), this chapter explores how people's responses to an oil palm plantation project are rooted in the multifunctional meanings that they attribute to land and related resources. This chapter is based on a paper that I published in the *Austrian Journal of South-East Asian Studies*. It was written after my first and longest period of fieldwork in Sambas. In this chapter, I introduce my hostess Sri who was a key informant for this research. Following her in her daily routines, I illustrate land uses and livelihoods that are common in this region. Using a functional analysis of property relations, the article shows that people value multiple functions of land, including food security, income security over generations, flexibility to respond to crises and opportunity, and the ability to retain autonomy and identity as farmers. One of the factors that contributed to the conflict was the expectation that a conversion of diversified agricultural land and forest into a monoculture plantation, run by a company, would change the functionality of land and associated resources in a way that would negatively impact livelihood opportunities, lifestyles, and identity.

Chapter 4 builds on the case presented in chapter 3, introducing a second case of oil palm conflict (Sungai Putih village). This chapter is based on a paper that I wrote with my supervisors Dik Roth and Michiel Köhne after they visited me in Sambas, where we conducted interviews and attended village meetings. We published the paper in the *Journal of Agrarian Change* as a contribution to academic discussions on land acquisition. We discuss strategies and practices of land control regarding large-scale land acquisitions for oil palm plantation development. Some company practices stand out: first, during a preparatory phase of plantation development, companies remain in the background and leave actual acquisition practices to local authorities or villagers, thus obscuring their agenda for plantation development. Second, rather than public meetings, companies use a combination of promises, bribes and threats to gain support or enforce acceptance. Decisions are made behind closed doors in a series of meetings with different actors. Third, companies gain support and acceptance by 'wedging' themselves into communities, exacerbating divisions within communities. This chapter shows how processes of plantation development are fragmented, involving many actors and activities dispersed over place and time. We argue that this limits the potential of FPIC policies to prevent and address conflicts, because decisions are not taken during company-community negotiations in 'roundtable-like' settings. This is not merely a problem of companies disobeying FPIC policies: the actual process of land acquisition is not focused on negotiating consent at all.

Chapter 5 unearths gendered experiences of, and responses to, land acquisition for plantation development. This chapter is based on a paper that I wrote with Izabela Delabre, published in *Geoforum*. Reflecting on our experiences as female researchers in Sambas, we noticed how stories about oil palm conflicts were highly gendered, and often excluding women's activities and experiences. When people recounted what happened, the main roles were reserved for men: leaders of the resistance, elite members, village officials, and company

staff. Moreover, the spaces where people gathered to discuss ‘oil palm issues’, such as village meetings, were male-dominated ‘front room’ spaces which were closed for women. In the paper, we use a theoretical framework on ‘spaces for participation’ to critically examine how women are included and excluded from negotiations and contestations regarding oil palm. A critical examination of how spaces for participation are gendered made us sensitive to alternative spaces where women exert agency, often deploying more covert forms of resistance. Our experiences of joining women in their daily activities helped to understand how processes of land acquisition and resistance impact everyday life and social relations within villages, leading to insecurity and anxiety even when oil palm plantations are eventually not established. We highlight the importance of everyday practices in non-public spaces for processes of land acquisition and resistance, and at the same time we show how women sometimes defy social norms to claim spaces to exert agency.

Chapter 6 examines how villagers in Sambas attempt to protect their land rights against appropriation by oil palm companies by engaging in mapping and spatial planning, in context of the implementation of Indonesia’s 2014 Village Law. This chapter is based on a paper published in *Critical Asian Studies*. With this paper, I aim to contribute to ongoing debates about protecting land rights for rural communities in the context of accelerating large-scale resource extraction. I describe how, in response to uncertainty regarding future oil palm expansion, villagers in Sungai Putih mapped their village lands and made village-level spatial planning. I compare this case to a conflict case in an adjacent area, where communities failed to counter-claim land that was used by a company. While recognizing mapping’s potential to raise new conflicts and exclude certain groups of people, I argue that the cases described in this paper show that mapping and spatial planning activities are ways to organize people, initiate discussions about land use, and advocate for alternative pathways for rural development instead of large-scale oil palm plantations.

The final chapter discusses the central findings of this study and considers implications for the debate on sustainable and equitable palm oil production, concluding by highlighting new ways of thinking about oil palm places.





**CHAPTER 2**

# Theory and methodology

A place-based research approach

*“To tell the story of this landscape requires an appreciation not only of changing landscape elements but also of the partial, tentative, and shifting ability of the storyteller to identify elements at all.” (Tsing, 2000: 327).*

This quote from Tsing (2000) reflects my struggle trying to making sense of all the elements that I experienced, observed and encountered in the landscape where I was doing fieldwork and to give these elements a place in this story about oil palm conflicts. The “partial, tentative, and shifting ability” of storytellers to identify elements of change at all, calls for an approach that is attentive to subtle, gradual changes in landscapes and people’s relations to land during processes of land acquisition for plantation development. This chapter provides a theoretical framework that discusses oil palm related conflicts as contestations about place-making, highlighting the complex, fragmented and messy ways in which plantations are developed and resisted, and considers the methodological implications of a place-based research approach.

## 2.1 Atomizing land acquisition

*“If you want to plant oil palm, invite an artist. Everyone will come to watch the concert. Then throw a bomb. All dead... Land and houses will be up for grabs” (interview with ibu Marla, Kebun Hijau, October 2015).<sup>43</sup>*

This somewhat extreme suggestion to bomb away the people to take their lands and houses, points out a dilemma for companies: how to go about acquiring control over land to establish a plantation, when this land is intensively cultivated and inhabited by people, without risking conflict? This section discusses the process of land acquisition and explains how such processes work through atomization: gradually developing in different phases, involving many actors and activities, dispersed over time and place.

Trajectories of land acquisition are uncertain: projects often do not develop as planned because they are developed within a context of local conditions and renegotiated by local actors (Long and van der Ploeg, 1989; Tsing, 2005). Moreover, such interventions do not so much

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43 I interviewed ibu Marla, a lady in her sixties, in her house. During the interview, she told me that she made this remark to a policeman when she was waiting outside the police station to support an activist who had been arrested after a violent confrontation between oil palm supporters and opponents. When I told her that she made good jokes, she spoke earnestly that it was not a joke at all. (*Ibu* is Mrs. in Bahasa Indonesia).



suddenly disrupt 'pre-existing, autonomous' communities, but build on historical processes of change and contestation (Gupta and Ferguson, 1992). Thus far, a large amount of research has examined the global drivers and differentiated consequences for rural communities of large-scale land acquisition, often critically referred to as 'land grabbing' (e.g. De Schutter, 2011 on land grabbing in general; Borras et al., 2012 for Latin America; Ito, Rachman and Savitri, 2014 for Papua; Gill, 2016 for Ethiopia; Deng, 2011 for South Sudan; Kenney-Lazar, 2012 for Myanmar). Land grabbing is defined by White et al. (2012) as "the large-scale acquisition of land or land related rights and resources by corporate (business, non-profit or public) entities." 'Land grabbing' has become an important research theme that is co-constituted by academics, activists, journalists and policy practitioners (Schoenberger et al., 2017). The phrase 'land grabbing' denounces more optimistic notions such as 'farmland investment' or 'large-scale land investment'; the positive connotation of 'investment' obscures negative consequences of land acquisition projects, such as loss of land rights and livelihoods of rural communities (Borras and Franco, 2012). Although the phrase effectively invokes a sense of urgency (Schoenberger et al., 2017), it is critiqued by different researchers who argue that "there is no one grand land grab" (Peluso and Lund, 2011), and the term "does not consider the often contingent, messy and contradictory aims of actors involved in land deals" (Keene et al., 2015: 132, see Schoenberger et al., 2017 for a review of land grabbing in Asia). Cramb and Sujang (2011), moreover, demonstrate that land loss may result from a gradual process of changing livelihood opportunities and negotiations with state and government actors over customary land. Their case study of land related conflict among the Iban in Sarawak shows that the cause of conflicts is often "more complex than one of naked dispossession" (Cramb and Sujang, 2011: 146), but involves gradually changing livelihood strategies and community interests, as well as changing policies and institutional arrangements (see also Li, 2014b). Building on this critique, my main concern is that 'land grabbing' does not adequately describe the processes of change as they happen on the ground. Hence, this notion is not satisfactory to find solutions for problems experienced by oil palm affected communities. Therefore, the term 'large-scale land acquisition' will be used rather than 'land grabbing' to emphasize the incremental and transformative character of such projects. I approach land acquisition as a process of appropriation of land and related resources by (public or private) corporate entities, working through different powers of access, control, exclusion (Hall, Hirsch and Li, 2011) and incorporation (McCarthy, 2010). In addition, land acquisition can be understood as a project of place-making leading to gradual but often irreversible transformations of meanings and materiality of landscapes and the lives of people within these landscapes, beyond environmental and socio-economic impacts.

To understand how land acquisition works, it is important to consider that land stays where it is, and people often remain where they are; rather than pure dispossession, land acquisition is essentially a process of *transformation*, albeit with often detrimental consequences for rural populations (Hall et al., 2011; Li, 2014a; 2017b; Peluso and Lund, 2011). In this regard, Li (2014a: 1) points out that "land is not like a mat. You cannot roll it up and take it away." Land

cannot be grabbed swiftly and secretly, like a purse or a chicken. This is important, because if land cannot be grabbed, neither can it be given back in its original state. In the words of a villager who was involved in negotiations with a company after conflict occurred: “in the end we accepted oil palm, because the land had already been cleared. We would never receive our forest back” (fieldnotes Sambas, April 2013). Chapter 4 shows that obtaining control over land to establish a plantation happens through ‘atomization’: smaller and larger steps directly and indirectly focused on transforming landscapes and people’s relations to land in preparation for plantation building. In this process, which develops over different phases, the actual labour of plantation development is left to local governments and villagers, while companies remain in the background. Government actors and companies distribute information focused on the separate small steps in the plantation process that happen here and now, while not disclosing the bigger picture of the plantation project and its long-term consequences. In this way, people always have only partial knowledge about ongoing transformations.

Nevertheless, people are not merely powerless ‘victims’ of dispossession. Rather than “bombing the people away,” as my interviewee suggested above, people often remain in place and their responses vary from acquiescence to resistance (Hall et al., 2015). For example, one villager said: “*where does the company want us to live if our houses have to make way for the plantation, at sea maybe?*” Yet, another villager said: “*we’ll build our house on the river if we have to, as long as the plantation is established*” (fieldnotes Sambas, January 2014; October 2015). The cases in this study demonstrate that similar plantation projects can have different outcomes: in one location the plantation was partly established whereas in another location the company had to cancel the project due to resistance from communities (chapter 4 and 6). This means that processes of land acquisition, like any intervention, are shaped by encounters with local actors and local power relations. Therefore, more attention to these dynamics is also crucial for understanding processes of land acquisition.

Considering the complex, contested and uncertain process of land acquisition, it is even more complicated to identify causes and consequences of conflict and find ways to address these. Hence, an analysis of such processes necessitates in-depth ethnographic exploration of the many smaller and larger steps that together transform landscapes and people’s relations to land and each other. For this I follow Tsing’s argument for ethnographic exploration of practical encounters and ‘disrupting details’ to understand the uncertain, messy processes of land acquisition beyond a “dichotomy between triumphant stories of rural development or destruction and dispossession” (Tsing, 2005).



## 2.2 Practices of conflict

*If you want to plant oil palm, please kill us first... (Interview Sungai Biru, November 2015).*

Daring words again, spoken by another elderly lady to the head of her sub-district. She did not say this in a meeting or during a demonstration; she just met him at a wedding and decided to confront him after she heard him complain about the demonstration against the company. She continued her outburst with: “*we all like you, pak; it is good of you to come to people’s weddings. Just come to our village and see, there is no room for oil palm.*” Small confrontations like these are usually not recounted as part of the conflict history, in which demonstrations and physical fights are prioritized. Yet, it is important to recognize such encounters as manifestations of conflict, because these encounters show how oil palm conflicts also manifest in and merge with everyday interactions within villages, not only in direct confrontations between villagers and companies. This section discusses how, similar to land acquisition, conflict is a complex process involving a series of smaller and larger, hidden and open events, which occur in different times and places.

An emerging body of research focuses on the ‘political reactions from below’, examining how people, differently affected by land acquisition, engage in various forms of resistance, acquiescence, or anything in between (Hall et al., 2015). Case studies demonstrate that contestations take on different forms and change over time: people at some point might engage in open expressions of discontent such as demonstrations or road blocks (e.g. Morgan, 2017), or pursue legal strategies by claiming rights in (customary) courts or multinational complaint mechanisms such as the RSPO (Afrizal and Anderson, 2016; Haug, 2017). However, in other cases, at other times, discontent may be more difficult to recognize as it is expressed more subtly in forms of everyday resistance (Scott, 1985, e.g. Potter, 2008; Pye, 2017), or resistance may be absent all together, as people attempt to adapt and co-exist within land acquisition projects (Semedi and Bakker, 2014; Cramb and Sujang, 2011). Moreover, communities do not respond in a single voice, but there are many disparities within communities (Köhne, 2014).

The variety of responses to land acquisition makes it difficult to study ‘conflict’. Different approaches can be found in literature on resource conflict. Gerber (2011) reviews cases of resistance to tree crop plantations and distinguishes four phases of conflict: first, companies and governments inform the public about projected land acquisition and attempt to persuade communities that this will not harm them and even is to their benefit. In this phase, the project plans and expected benefits and disadvantages divide communities, often along lines of class, ethnicity or gender. Second, when the project is in operation, people start

to feel the positive and negative consequences. Initially, people engage in everyday forms of resistance. Then, in the third phase, often with help from NGOs, communities organize some form of protest, such as demonstrations. Gerber's last phase refers to the outcomes of resistance: sometimes communities successfully make the company cancel the project, but oftentimes resistance is met with violence and is suppressed (Gerber, 2011). A similar approach is taken by Yasmi, Schanz and Salim (2006) who trace the trajectories of conflict from the first realization of injustice towards claiming redress with varying success. Research on the phases of conflict demonstrates that conflicts usually develop gradually and start long before (violent) escalations occur. This contributes to finding conflict resolution strategies that prevent such escalations. The focus on different phases of conflict does not mean that all conflicts develop through clearly defined phases; this is usually not the case. After resistance is suppressed, it may revive, or contrarily, after resistance was successful, new disparities may emerge. However, what is missing due to this focus on public and overt manifestations of conflict is knowledge on more hidden and covert manifestations and experiences of conflict. Land acquisition does not always lead to organized, public forms of expressing discontent. Contestation may be suppressed or manifest amongst community members rather than between companies and communities. For example, I encountered a situation in one village where opponents of palm oil built a new mosque, because they felt they could no longer pray with the supporters of oil palm investments (fieldnotes Sambas, March 2013). In another village, a young member of a resistance group stopped playing volleyball, because he felt uncomfortable playing with the supporters of oil palm investments (fieldnotes Kubu Raya, December 2015).

A different, more actor-oriented approach is taken by Cramb and Sujang (2011: 137; see also Long and Van der Ploeg, 1989), exploring "everyday life situations and the dynamic interactions between specific social actors, thereby highlighting differential responses." This approach highlights everyday practices, including forms of everyday resistance (Scott, 1985; Kerkvliet, 2009, see Gutmann, 1993 for critique). In this regard, Potter (2011) describes how Dayak workers are often *absen* (absent from work) in protest to how they are treated at the plantation. She, however, does not believe that such forms of everyday resistance can be generalized for the whole industry. Pye (2017), on the contrary, argues that plantation workers may scale up everyday resistance strategies producing new links of solidarity. The advantage of this 'everyday practices' approach is that it helps to uncover the fragmented elements of conflict beyond public expressions of discontent. Hereby it also looks beyond demands that are expressed in public, hereby unearthing deeper layers of contestation and differentiated outcomes. Manifestations of conflict are not confined to obvious spaces such as meetings between companies and communities, village meetings, or demonstrations and roadblocks. In addition, this approach is sensitive to experiences of different actors who are not directly involved in organized resistance. In this regard, chapter 5 focuses on gendered experiences of, and responses to, oil palm development and resistance uncovering subtle, but crucial forms of resistance, which emerge in more informal spaces such as the rice field, the kitchen or at a wedding. Moreover, by exploring women's experiences, more hidden layers of oil palm

conflicts came to the fore. For example, women emphasized the negative consequences of conflict for social relations within communities and the emotional impact of insecurity and anxiety on them.

In conclusion, oil palm conflicts manifest in different ways, including overt, direct confrontations between companies and communities, as well as more covert contestation within communities, and everyday forms of resistance. Attention to the more covert manifestations of conflict enables a better understanding of its meaning for socio-economic and political relations within villages, and between villages and local authorities.

### 2.3 Territorialization: claiming and counter-claiming

*“We brought harvest knives and seeds to show that we are farmers. We planted oil palm seedlings in front of the district office and we pulled them out as a symbol of our rejection of oil palm.”* (Interview Sungai Damai, February, 2015).

The farmers who brought knives and oil palm seedlings to the protest wanted to demonstrate to the district government that they considered plantations to be incompatible with their lives as farmers. The farmers did not protest oil palm as a crop —several people planted oil palms on their own land, — rather they protested the plan to develop an oil palm plantation on the land they farmed. Plantation development entails a profound, irreversible transformation of pre-existing biodiverse and agrodiverse landscapes into monocultures. Inherently, this brings along fundamental changes in pre-existing property relations, land uses, livelihoods and lifestyles, labour relations and people’s relations to their environment and each other. Hence, more than as purely economic or agronomic projects, plantation development is described by researchers as a strategy to obtain control over land and the people who live there (Dove, 2011; Ishikawa; 2010; Pichler 2015; Li, 2017a). This section discusses strategies to gain control over land as processes of territorialization and counter-territorialization.

The notion of territorialization is used to describe an attempt to assert control over a geographical area and the people and resources therein and to legitimate this control (Sack, 1986: 19, as cited in Peluso, 2005; see also Vandergeest and Peluso, 1995). Territorialization works by some person or institution of authority determining how people may or may not use resources found within spatial boundaries” (Peluso, 2005: 3). Territorialization specifically involves a claim; hence, people need to be persuaded somehow (possibly by force) of the legitimacy of that claim (Peluso and Lund, 2011). Multiple actors or institutions may concurrently attempt to consolidate power over an area and different ideas about territorialities

may clash (Peluso, 2005: 2). As these actors may refer to plural legal arrangements to legitimate their claims, such contestations involve struggle between different politico-legal institutions, such as customary authorities and state institutions (Sikor and Lund, 2011).

Hall et al. (2011) distinguish four powers of exclusion that work to assert control over land: regulation, force, the market, and legitimation. Regulation creates access to land by creating boundaries, endorsing certain types of land use, describing relevant kinds of property rights, and determining which actors can make claims to land. Regulation is backed up by force, including violence and threats of violence. This violence may be physically directed towards people, such as in case of forced evictions, or involve a form of infrastructural violence, imposing material changes to landscapes and making certain land uses impossible (Li, 2015b; 2017a). The market sets the prices for land and commodities, making them available to some while excluding others (Hall et al., 2011: 18). Li (2014a) argues that it is difficult to accomplish a definite exclusion of people, as people may attempt to reclaim land at some point in time. Therefore, she argues, “powers of exclusion always include a persuasive element, an attempt to defend exclusion in terms of its legitimacy” (Li, 2014a: 590; Hall et al., 2011). Therefore, Borras et al. (2011) urge researchers to examine how land deals are discursively justified and legitimated, and in turn opposed and challenged. In response to this question, Ito et al. (2014) examined how the Indonesian national government legitimated land acquisition in Merauke for the Merauke Integrated Food and Energy Estate (MIFEE), which dispossessed local communities of their lands. They showed that discourses of food security and agricultural development were used by the state to overshadow the outcome of land dispossession. Their account shows that territorialization is very much a communicative process, convincing others of the legitimacy of claims and stressing the impossibility, or the impudence of countering these claims. Peluso (1995) points out that legitimation of claims is not only a discursive process: she shows that in Kalimantan planting certain trees is a way for Dayak peoples to communicate claims to land with others. In a similar way, plantation companies place land marks: not only to demarcate the borders of their concession area, but rather to communicate to local inhabitants that they have a right to operate on this land. Such claiming practices may seem insignificant compared to direct interventions to take control over land, however these practices contribute to establishing a status-quo of normalcy which can be difficult to challenge. In this regard, chapter 6 demonstrates that directly planting oil palms, rather than waiting for all the required permits, is an effective way for companies to claim land: government officials are reluctant to intervene when plantations are in operation. This strategy is described by Potter (2015: 12) as *garap selonong*: take first, talk later. Villagers in Sambas described it as *kucing kucingan*: secretly, like a cat.

## Territorialization for plantation development

Plantation development involves the different territorialization strategies described above. Plantations are developed in different phases: long before oil palms are planted, plantation landscapes are sketched in concessions first. Concessions work to reframe geographical areas as “available for resource exploitation,” thereby concealing, marginalizing or delegitimizing pre-existing land uses (Rasmussen and Lund, 2018). This form of claiming is embedded within a legal framework: concession documents are used by companies to claim legitimate rights over land and deny the legitimacy of other claims. The issuing of concessions is a first step to change the meaning of land and endorse notions of land as ‘empty and unproductive, but rich in resources available to exploit’ (see Tsing, 2005). Concession documents (permits, maps, letters from government institutions), and documented agreements between companies and local land holders form a strong paper trail backing up claims to land (Silva-Castañeda, 2012).

Thereafter, during a preparatory phase, steps are taken to prepare the landscape for plantation development. This includes activities such as measuring land, placing landmarks and constructing roads and canals to lay out the basic infrastructure of a plantation. As such activities are not always directly and visibly related to plantation development, they do not seem to claim enduring control over land. This way, direct confrontations with local inhabitants are avoided for the time being. Gradually, as companies proceed with land clearing and planting oil palm, landscapes transform up to a point of no return. Li (2017a: 1) describes this process as infrastructural violence: “built in” violence in the material, social and political foundations of plantations. Describing the irreversibility of plantation landscapes, Li states: “bulldozers (and sometimes fire) remove all tree cover, carve terraces into hillsides, and obliterate signs of former land use. [...] The new built forms are overwhelmingly linear: plantation roads are laid out in straight lines, carving plantations into regular blocks. The roads have no signposts, and no names, merely numbers written in code. [...] Blocks of worker housing are isolated from each other, tucked away in the middle of the sea of palms. They too are numbered, not named, and they are difficult for a visitor to find. (Li, 2017: 3).

The design of plantations works to lay an enduring claim to land control; such industrialized landscapes can only be managed by companies, individual farmers and workers have little control. As government institutions are often heavily involved in plantation dynamics, Li observes that farmers and workers who live and work at plantations have few options to express grievances and seek redress. She states that “lives of people in enclaves are caught firmly in the plantation’s embrace” (Li, 2017: 6). Dove points out that protest is difficult because plantations are rendered the norm: “Indonesia’s contemporary plantation sector does not only work through the power of elites; it also works through the discourse by means of which the planters perceive and represent the plantation world. The planters’ representations do not merely support plantation extraction but, more powerfully, these representations deny legitimacy to local community efforts to resist or temper that extraction” (Dove, 2011: 219).

## Counter-territorialization and resistance

Nevertheless, as this study will show, people are not completely powerless in face of plantation expansion. People may engage in counter-territorialization: strategies to legitimate alternative claims to land. Counter-claiming may include acts of everyday resistance, putting sand in the wheel of plantation development: people have pulled out land marks, thrown stones to machinery, and have seized and even burned company equipment to reject company claims. With such actions, people do not only obstruct company operations, but moreover communicate their rejection of company claims, and their willingness and ability to resist. Such everyday forms of resistance also involve discourses to legitimate counter claims. For example, people may resist the legitimacy of the state to allocate concessions to companies, by referring to local or indigenous property rights, claiming that land belongs to farmers whose ancestors first started to cultivate the land. In this process, people may “appropriate state techniques and manners of representation to bolster the legitimacy of (customary) claims to resources,” for example by using documents or maps (Peluso, 1995: 384). In such cases, the purpose of mapping is not simply to clarify ownership or how land is used within communities. Rather, it is specifically focused on representing and claiming land rights in relation to other parties in a form and language they understand. Chapter 6 illustrates how people engage in counter-mapping and village-level spatial planning to counter government spatial planning policies and maps which disregard local ways of using land. This form of claiming inevitably has consequences for the way people use and give meaning to land, and there is a risk that mapping or other forms of spatial planning may freeze property relations or exclude certain people (Fox et al., 2006; Peluso, 2005; Roth 2007). Such activities can even make resources more legible to investors (Dewi, 2016). However, chapter 6 also demonstrates how such claiming strategies are important as social practices, because they can raise awareness about competing land rights, make conflicting aspirations about land use visible, and they are a way to organize people.

Concluding, territorialization of plantation landscapes work through different forms of claiming and counter-claiming. This claiming may be discursive by referring to legitimizing narratives such as national land laws, economic productivity of land, or customary land laws and ancestral history. Claims are also made by making physical changes to landscapes: through land marks, bulldozing trees, constructing roads or planting alternative crops. However, as claiming is not always straightforward, territorialization also happens incrementally, through shifts in everyday practices.

## 2.4 A place-based research approach

*“With meaning making understood as a practice, how are spatial meanings established? Who has the power to make places of spaces? Who contests this? What is at stake?” (Gupta and Ferguson, 1992: 11).*

These questions posed by Gupta and Ferguson are very relevant to understand the practices that shape the transformation of places targeted for oil palm development, including companies’ land acquisition practices and practices of resistance. Plantation development involves radical re-imaginings of place, but such ideas are often contested by local inhabitants. At the same time, local ways of giving meaning to land and ideas about place change during such processes. Taking a place-based research approach, I examine how conflicts are rooted in different representations of place, and how the transformation of landscapes involves discursive and physical forms of place-making.

The call for place-based research is made by scholars from various academic disciplines including sociology, geography and anthropology (e.g. Escobar, 2001; Harvey, 1996; Massey 1999) to draw attention to the interaction between location, material form, and meaning as features of place. Gieryn (2000: 465) argues that “without naming, identification, or representation by ordinary people, a place is not a place.” This means that places are both composed of soil, vegetation, water, buildings and settlements, as well as of lived experiences of people who engage with these materials and give meaning to them. A place-based research approach offers a perspective on oil palm conflicts that incorporates all three features: conflicts are about location (where to establish the nucleus plantation and the plasma plots, where to resettle inhabitants), about material (what to do with soil, subsoil, minerals, water, trees, crops, animals etc.) *and* about meaning (lived experiences of land use, livelihoods, lifestyles, and arguments about legitimacy of claims).

In anthropology, places have always been important to “situate cultural phenomena” (Ward, 2003). However, in the past place was often regarded as the setting, the context, or the ‘natural’ landscape where cultural or economic phenomena occurred (Ward, 2003). In contrast, Ingold (2002) stresses the connectivity between humans and their environment: “people do not import their ideas, plans or mental representations into the world, since that very world is the homeland of their thoughts,” or, in other words: “the world becomes a meaningful environment by being inhabited.” (Ingold, 2002: 186). He offers a ‘dwelling perspective’ to understand how places come into being: people construct places, physically or imaginatively, through their practical engagement with their surroundings. In this way, landscapes are testimonies of past and present generations who have dwelled and still dwell

within them (Ingold, 2002: 189). In a similar way, Tsing (2005: 29) challenges ethnographers to appreciate the landscape as a “lively actor,” arguing that “landscapes are simultaneously natural and social, and they shift and turn in the interplay of human and non-human practices.” In chapter 3, I elaborate on this interplay between human practices and the landscapes wherein they dwell, and where past generations have dwelled before them, describing how people’s responses to land acquisition for plantation development are rooted in the multifunctional meanings that people attribute to land and other resources.

A critique on the concept of place is that it celebrates the particularities of certain localities, thus “obscuring the role of outside connections or activities as forces shaping conditions within a locale” (Pierce, Martin and Murphy, 2011: 56). On the contrary, Tsing (2000) argues “places are made through their connections with each other, not their isolation.” Places are not static but constantly produced and reproduced, and they may acquire new meanings over time (Massey, 1994). Moreover, taking a dwelling perspective highlights the ‘mobility’ of places. As places are constantly constructed through the dwelling of humans (and non-humans) as they journey through landscapes from place to place, places always exist in connection to other places. Ingold (2005) emphasizes that “the places we inhabit have horizons, not external boundaries. You can stand in a place looking out, but you cannot stand outside a place looking in.” Moreover, place-making is political and embedded in power structures. In response to the (self) critique that his dwelling perspective does not specifically address the role of power and politics, Ingold (2005) attempts to “reconcile a dwelling perspective with a recognition that human lives are lived collectively within fields of power.” If places come into being from people’s dwelling practices; their ways of dwelling may also work to block, exclude, suppress or harm other people or non-human entities. Moreover, places are simultaneously constructed through multiple processes, including geological and biophysical processes; historical practices of communities; processes of capital accumulation and state formation; social movements; and techno-scientific developments. This relates to the various powers of exclusion that facilitate and promote companies’ dwellings and obstruct the dwellings of local communities (Escobar, 2001).

In this way, place-making can be an exclusionary process, sometimes involving force and violence, or the threat of violence. Tsing (2005: 28-29) describes how investors have envisioned places in Kalimantan as ‘frontiers’, as places where no claims have yet been made on the resources. However, she argues that places aren’t just “discovered,” but created through imaginations of “wildness.” Before frontiers became wild places in the eyes of governments and investors, Meratus Dayak knew their way around the forest. They had given names to natural markers such as trees and hills and could tell the history of land users from the re-growth swiddens. To them, forests were legible landscapes, and appeared “neither frightening nor wild.” Yet, when forests were reframed by colonial (and current) scientists, (and also governments and companies) as “empty and wild” this legitimated a different representation of these forest places: local inhabitants were characterized as nature destroyers who should be



moved out of the forest; loggers then saw “empty, natural forest available to log” and plantation operators saw forests “degraded by society and in need to be restored to nature - in a monocrop, profitable form” (Tsing, 2005: 200-201).

In a similar way, Blomley’s (2003) discussion of the geography of law’s violence indicates that there is an inherent violence in place-making, which manifests in property relations. He argues that although property, (as manifesting in different forms), works in productive ways, sustaining community networks and resisting dispossession, property also works to exclude people. Property arrangements prescribe who can use what land, in what way, and what land uses are not allowed. In addition to displacement and dispossession, Blomley (2003) also describes how property law can produce spaces where “violence has no witness”: after murders of female aboriginal sex-workers, the violence against them was legitimated by the notion that the place where they were murdered were ‘violent’ places, yet public space regulations forced these women into concealed spaces where they were vulnerable to such violence. Place-making can also be exclusionary by imposing certain cultural norms regarding moral behaviour onto certain spaces. For example, chapter 5 describes how village meetings about oil palm development are often held in front room spaces, where women face restrictions to be present and participate in discussions. This way, women’s voices are excluded from decision-making regarding the future of the places where they live and work. Nevertheless, by looking at how places are constructed through everyday practices, chapter 5 also demonstrates how women create alternative spaces to express their voices, such as women’s group meetings organized in the homes of members. Hence, projects of place-making can be exclusionary and violent but can also support resistance against dispossession and exclusion.

Following the notion of places as essentially political, relational and flexible, and constructed through everyday practices in interaction between location, materials and meanings, this study illustrates how oil palm conflicts are rooted in incompatible representations of place. To understand how oil palm expansion transforms rural places, I examine the local context in which land acquisition for plantation development unfolds, how this process works in practice, how people experience and respond to this, and how people engage in resistance through counter-claiming, using alternative representations of place.

### **Multifunctional meanings of land**

To fully grasp why oil palm conflicts occur, it is important to consider how pre-existing representations of place contradict with plantation-based representations of place. To this end, I examine how people give meaning to land, livelihoods and lifestyles in a pre-plantation situation in relation to their expectations of life in plantation landscapes. In the pre-plantation situation, land has many more meanings than as a location to produce crops. To unearth the multiple functions of land, I empirically explore property holders, objects of property, and bundles of rights and responsibilities, in different times and places. Land targeted for

plantation development is important in many ways, including: food security, income security over generations, flexibility to respond to crises and opportunity, and the ability to retain autonomy and identity as farmers through life (including old age). In contrast, plantations prioritize formal land owners, and the more economic functions of land. Concerns about the loss of multifunctional lands fundamentally underlie conflicts about plantation projects.

### **Atomizing practices of land control**

Land acquisition projects involve attempts to alter meanings and materials of landscapes to pave the way for plantations. Smaller and bigger material adjustments to the landscape, such as constructing roads and canals, or establishing seed nurseries, are made to lay a claim on the land. Meanwhile, steps are taken to advance new meanings of land, by promising that plantations create ‘modern’ rural landscapes with good roads and solid houses, or emphasizing that rubber trees are old and ‘unproductive’. Oftentimes local inhabitants - knowingly or unknowingly- partake in land acquisition themselves by conducting chores for companies such as measuring land. Local officials receive gifts and cash in exchange for their support and facilitating role to organize these chores. In this way, rather than taking over land directly by using force, more often companies gradually ‘wedge’ their way in by building social relations with village authorities and villagers. To understand this fragmented process of plantation development, I explore the discursive and material practices involved in plantation development.

### **Gendered experiences of and responses to land acquisition**

To know about different experiences of and responses to land acquisition it is important to consider how place shapes the production of knowledge. Places where activities for land acquisition take place, or where people organize resistance, are not equally accessible to all. For example, women experience restrictions to be active in more formal, ‘front room’ spaces, such as meetings between companies and communities or internal village meetings, and in violent spaces such as demonstrations, which are generally male-dominated spaces. Hence, limiting research on experiences of and responses to land acquisition to these spaces generates a partial, gender biased, representation of land acquisition, resistance and conflict. However, as women are particularly vulnerable to loss of access to land and risk becoming labourers under precarious circumstances, it is crucial to understand how they experience and respond to land acquisition. To this end, using a place-based research approach, I look for alternative, more informal places where women engage with processes of land acquisition and resistance, including domestic and agricultural spaces. This uncovers more everyday forms of resistance, which often manifest within households and communities rather than in direct confrontations with companies or government actors. Although everyday practices of individual women are not necessarily always intentional acts of resistance against plantations, everyday practices do

play an important role in processes of place-making, reproducing alternative options for land use than plantations. Moreover, a focus on women's experiences also unearths non-material changes that occur in processes of land acquisition, such as contestation within communities and the long-term emotional impacts of this.

### **Counter-claiming land against appropriation by companies**

The expansion of oil palm plantations accelerates competition over land, leading to new forms of property-making. When land rights become contested, claims are made about who has rights to access and control land. However, these claims do not only concern specific plots of land, but moreover the kinds of land use, livelihoods and lifestyles that are (im-)possible in these places. In response to company claims to access and control land, villagers in Sambas have engaged in protest actions to advocate that land should be for farmers, not companies. Moreover, they have asked different government institutions to intervene and resolve conflicts and have proactively mapped their village lands to counter claims that land is available for oil palm development. While these claiming strategies are not always successful, and conflicts sometimes linger for years, claiming practices are part of broader processes of place-making.

## **2.5 Ethnography of land acquisition and resistance**

Coming back to Tsing's statement that telling the story of a changing landscape depends on the partial, tentative and shifting ability of the storyteller to identify elements of change at all, in this section, I reflect on the research process, my position as researcher and the ethical dilemmas that I encountered during and after fieldwork. I discuss the methodological implications of a place-based research approach and the strengths and limitations of this approach.

This research was conducted during five periods of fieldwork (eleven months in total) between 2013 and 2016.<sup>44</sup> During the research, I was supported by Lembaga Gemawan, an NGO based in Pontianak and Sambas, which provided logistical and practical support, as well as feedback on my research findings. Most fieldwork took place in Sambas District. I focused on Sambas, because oil palm plantations are a relatively new phenomenon here, and processes of land acquisition and resistance are ongoing. Two oil palm concession areas define the case studies in this study. The concessions belong to two plantation companies (Company A and Company B in this study), which are part of the same agribusiness group. This Indonesian agribusiness group is not a member of the RSPO. Within the concession areas I stayed in two villages, Kebun Hijau and Sungai Putih. I selected these villages as main field sites, because these were the centres of resistance against the plantation projects. The resistance against oil palm plantation

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44 In 2013, I conducted research for my master thesis. My PhD research project started in January 2014.

projects in Kebun Hijau and Sungai Putih is organized through a network of farmers' groups, which fall under the umbrella of a regional farmers' movement. Through the network of the farmers' movement, I visited most other villages in the concession areas to conduct interviews and participate in meetings. After fieldwork, another conflict that had lingered for a decade became urgent when a farmers' group, assisted by the farmers' movement, started to regularly protest against a company that had incorporated land, that was also claimed by the farmers' group, without consent or compensation. I included this case in chapter 6 as an example of organized protest against plantation companies, and to illustrate how difficult it can be to solve conflicts once plantations have been established. I gathered information on this case mostly through online media, and through direct contact with two informants.

To understand people's experiences of, and responses to, land acquisition and plantation development, and to make sense of complex and multi-layered conflicts necessitates fieldwork: deep immersion into daily life in the villages (Keesing and Strathern, 1998) and building 'meaningful relations' with villagers (Sluka, 2007: 121). My research approach can best be described as place-based ethnography: experiencing, learning about, participating in, and documenting everyday practices within landscapes targeted for oil palm expansion. Inspired by ethnographic work of Kalimantan scholars like Tsing (2005), Peluso (1995; 2005; 2016) and Dove (2011), I wanted to understand processes of agrarian change in areas of large-scale resource extraction from the perspective of people living in these places, because their experiences and responses are rooted in pre-existing relations with land and resources, livelihoods and lifestyles, histories and culture, and local political and socio-economic dynamics. Such a place-based approach contributes to a nuanced and detailed understanding of local dynamics of agrarian change, which helps to critically examine more general patterns of change and assumptions about its causes and consequences

Fieldwork involved different research activities including participatory observation, semi-structured interviews and group discussions. This combination of activities helped me to develop relevant questions and enabled me to situate information in context. In retrospect, I assent to Ingold (2002: 21) who states that "information, in itself, is not knowledge, nor do we become any more knowledgeable through its accumulation. Our knowledgeability consists rather in the capacity to situate such information, and understand its meaning, within the context of a direct perceptual engagement with our environments. And we develop this capacity, by having things *shown* to us." Although I gathered a lot of information by talking to people, some of my most insightful moments occurred when I was working with farmers. Planting rice seeds with my feet in the mud the whole morning gave me sore muscles, but drinking sweet iced lemonade with the women afterwards, and discussing whether the rain would come or not, helped me to better understand people's dependency on land and I joined

the women anxiously watching the sky for signs for rain.<sup>45</sup> By living in the village and engaging in daily activities, I could situate information about oil palm conflict within the context of daily lives of people, and hereby I could better understand what it meant to people in different ways.

Acknowledging that as an ‘outsider’ my ability to fully understand ‘other’ people’s experiences and knowledge was limited, moments of uncertainty and confusion were often important learning moments because they forced me to reflect on my presumptions and ask more questions (Pauwelussen, 2017). In this regard, it is important to acknowledge the “interactional process of acquiring, sharing and transmitting knowledge” (Robben, 2012: 443). I could not have done this research without the people who acted as research participants, or “interlocutors” (Said, 1989), because together we defined research questions, developed research activities, and reflected on findings and discussed practical and ethical dilemmas. Hence, this research is essentially a coproduction between me and all people who participated in the research in various ways (Rabinow, 1977). This also means that doing fieldwork involved a joint search for meaning: the research participant and the ethnographer together make sense of what is happening and hereby they also create and disseminate new knowledge and understandings (Robben, 2012). This knowledge becomes “polyphonic” (Tsing, 2015: 24) as many people participate in the research, all adding their own explanations of what is happening, based on their own experiences of what happened before. This was even more so, because I arrived in the villages after the ‘peak’ of the conflict (the demonstrations against the companies was in 2010). Therefore, many discussions focused on events that happened in the past, and there were different versions of that past. However, this research did not set out to find out the chronological ‘true’ story of what happened. Rather, I focused on how people differently experienced the conflict and what shaped their responses. Personal stories of what happened and what it meant to people informed me about the complexities and different layers within conflict, bringing to light unexpected and more hidden aspects of conflict. Acknowledging that experiences of, and responses to, land acquisition for plantation development are essentially polyphonic, coming together in harmony and dissonance, sheds light on the fragmented character of such processes of agrarian change (Haraway, 2003; Tsing, 2015).

In the remainder of this chapter I will discuss different research activities and ethical and practical dilemmas to reflect on the strengths and limitations of place-based ethnography.

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45 Planting too early before the rain season will lead to low or even failed harvest. Farmers say that this is a challenge due to increasing unpredictability of the weather.

## Researching oil palm conflict in the rice field

*“This morning Sri invited me to accompany her to the rice field. The family rice stock was nearly depleted, and she did not want to buy rice from the market; as most farmers were out of stock, prices would be high until after the harvest month. I borrowed Sri’s clothes, boots and capul, the rattan hat that would protect me from the burning sun. After we packed baskets and knives, cooked rain water and some cakes, we walked to the field. The rice was still ripening, and we carefully cut only the ripe yellow grains. We worked until the late morning and harvested one sack of paddy, about 20kg beras.”<sup>46</sup> (fieldnotes Kebun Hijau, January 2014).*

I spent many days of fieldwork like this: participating in daily activities, planting and harvesting rice, preparing dinner, shopping at the market, joining celebrations, or, when heavy rain poured for hours, chitchatting on verandas. Engaging in ‘participatory observation’, and documenting my observations and experiences in fieldnotes, I learned from people about their lives and livelihoods and the ways in which they engaged with their environment. Although these experiences were interesting, at times, I also felt confused when writing in my field diary. What had I learned about the oil palm conflict by harvesting rice the whole day? How productive were these days for my research, in comparison to ‘interview days’? Yet, while working in the field, I gathered information that did not come up during interviews, which also helped me to formulate new questions. Engaging in daily activities made me aware of the challenges and opportunities that people faced to sustain their livelihoods. For example, when the road and fields were flooded, and we had to harvest rice with water rising to our waists, I experienced the importance of good infrastructure, and, in this respect the strength of promises by plantation companies to improve infrastructure. By joining different people to plant and harvest rice, I learned about the ins and outs of rainfed rice cultivation, such as traditions around planting and harvesting, the history of rice cultivation in the area, traditional and modern agricultural techniques, and marketing processes. Such contextual knowledge helped me to better understand the information regarding oil palm that I gathered during interviews.

In addition, by participating in daily activities I encountered more covert manifestations of conflict as they emerged in domestic spaces rather than public spaces. For example, one morning I harvested rice with Aliya, a young mother from a neighbouring village who settled in Kebun Hijau after her marriage. While working, we talked about her

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<sup>46</sup> *Beras* is uncooked rice

life as a farmer and her struggle to get the harvest in on time. After two and a half hours we rested in her house and drank lemonade. Sitting on the floor, she started to talk about how she recently confronted her uncle, a village official, when he proclaimed his support for the plantation project. She asked him to take another look at the concession documents to see if the proposed project would benefit the villagers. Aliya's story is an example of how 'conflict' also manifests in domestic spaces as minor confrontations between family members. It is also an example of a woman expressing her opinion in a space where she has more freedom to speak out than in public spaces such as formal meetings. Yet at the same time, her story reveals sensitivity regarding gender and generational power relations: in her own words: "I told him, even though I am younger, and I never say such things to him." Aliya shared her story after we worked together and sat down to rest, I was not interviewing her. Due to the sensitivity of the topic, she may not have shared this story with me in a more formal 'interview' setting (Riley, 2010; see also Powdermaker, 1967).

### Small talk

Doing fieldwork involved a lot of conversations, varying from 'small talk' to semi-structured interviews. My home during this research was in a *kampung*, a settlement located somewhat outside the centre of the village. Visits within the *kampung* were usually regarded upon as *main saja*: informal, friendly visits. Especially during rainy days and on holidays —when people stayed at home—, I dropped by people's houses to have a chat. In the evening, neighbours often came to visit the house where I lived, to have coffee and watch television. These moments were opportunities to ask follow-up questions or clarifications. An important place for conversation was the kitchen, where women often gathered to chat while cooking dinner. During such informal chats, we mostly talked about daily life in the village and life in the Netherlands. I asked questions about things like the history of the village, people's families, local traditions, experiences of working in Malaysia, the fluctuating rubber price, local flora and fauna, and food preferences. Sometimes small talk gave an opportunity to ask questions about oil palm contestations. One time, while cleaning fish in the kitchen with my host Adi, we talked about why there were so many mosquitos tonight. Adi said they fled to the village because the forest had disappeared. From mosquitos, our conversation switched to the topic of oil palm. For the first time, Adi told me about his role in the demonstration against the company: looking at his fish, he tells me how he went to Sungai Damai and partook in burning company assets. This was an exceptional conversation, because Adi usually does not speak up during meetings, he is known as a quiet, shy man. Yet, in the kitchen, with only his wife and me present, he shared his story. This is an example of the value of living in the village, being around and talking about all sorts of things in addition to doing more formal interviews.

## Interviews: emotional accounts of contestation

Living with a Malay family continuously exposed me to the sound of Sambas Malay, a dialect not too distinct from Bahasa Indonesia; therefore, I was able to understand most people when they spoke in their local dialect. Yet, the assistance and support of three guides, pak Udah<sup>47</sup> and Sri<sup>48</sup> in Kebun Hijau and pak Haji<sup>49</sup> in Sungai Putih, was invaluable for introducing me to respondents and providing clarifications and context during interviews. For formal visits outside my *kampung*, I was always accompanied by pak Udah or pak Haji who both had a large network within the villages in their sub-district. I interviewed (former) village government officials, farmers' group leaders, people who had influential positions in the village such as Haji's, a midwife, extension workers, and customary officials (*kepala parit*), as well as villagers (male and female) without influential positions. Most interviewees were selected because they had been involved in the resistance against the companies; others were selected because they had knowledge about village politics and government programs, or, because they had experience working in oil palm plantations in Malaysia. Some interviewees invited me to interview them because they wanted to share their story. On five occasions, groups from further away villages visited me to tell me about ongoing oil palm contestations within their village.

As a consequence of being accompanied by leaders of the resistance, I often interviewed people who were opposed to plantation development and had negative experiences with plantation companies. Moreover, it is likely that the presence of my guides influenced interviewees, putting emphasis on the negative aspects of plantation development. I tried to deal with this by focusing on personal experiences to explore people's (often ambiguous) perceptions, expectations, hopes and fears regarding plantation development. I enquired under what conditions people would be willing to engage in oil palm and what reasons people had for not wanting to engage. Also, I discussed personal experiences and consequences of conflict and resistance. As my guides learned more about my research objectives, during interviews they assumed a more neutral attitude towards oil palm and they encouraged people to speak "from their hearts" and mention positive and negative experiences. They often went outside during interviews, in particular when I interviewed women, to give me a chance to talk more freely. Nonetheless, and I will reflect upon this limitation later, my connection to the network of palm oil opponents restricted my opportunities to speak with 'outspoken' oil palm supporters. Yet, this does not mean that I only spoke to outspoken opponents to oil palm. My guides did not always know the position of the people we were going to visit, or the positions of people who unexpectedly joined the interview. In such cases, they told me to be careful

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47 Leader of Sambas farmers' movement

48 Sri was my hostess in Kebun Hijau.

49 First leader of Sambas farmers' movement, former village head of Sungai Putih, staff of Lembaga Gemawan.



and not directly ask questions about palm oil or conflict, but rather talk about challenges for farmers in general. Sometimes, conversations about oil palm were quickly diverted into other topics when village officials joined the interview.

I paid about 45 more 'formal' visits to interview people in ten different villages. Formal interviews were different from informal conversations in that they had a clear start and end: at the start, I explained my research objectives and asked for permission to record and/or take notes during the interview, at the end I thanked people for their time and willingness to share stories and checked if I understood what they told me. I prepared a list of topics that I wanted to discuss, but rather than going through a list of questions in a structured way, I tried to keep the conversation informal and open to stories that the interviewee wanted to share. In fact, many 'interviews' took a form of storytelling rather than following a question-answer style (Hollway and Jefferson, 2000). Instead of asking many questions, I felt it was more important for me to listen carefully and go with the flow of the storyteller, because in particular in the beginning, I still had to learn what the 'relevant' questions were, how to ask them, and how to understand people's answers. The disadvantage of the 'storytelling' format was that it was sometimes difficult to ask follow-up questions about certain aspects of the story. However, the advantage was that through storytelling people could gradually construct their story: there was room for hesitation, contradictions and improvements and people were less worried about 'giving the right answer'. I recognize that people cannot tell "a neutral account of a pre-existing reality," but storytelling allows people to reflect upon actual life events, rich in detail about time and place (Hollway and Jefferson, 2000). Often starting with "the first time I heard about oil palm companies..." stories about oil palm addressed not only company practices but moreover how people personally felt about these practices, and how these impacted their daily lives and relations to other villagers and village authorities. People gave emotional testimonies about hope, uncertainty, anxiety, anger, disappointment and violence invoked by land acquisition and resistance. People's stories revealed unexpected aspects of land acquisition, such as the ongoing tension within villages.

While for me doing interviews was a way of gathering information, at the same time, for the interviewees it was an opportunity to tell their story, not only to me, but moreover to their family members and fellow villagers. In one village, where the company had its base camp until it was burned down by villagers, people gathered in one house to 'give an interview', or rather, (re)tell their story. Taking turns, different people told me and the other villagers about what they described as 'their struggle'. This means that my research was also part of creating and retelling stories, putting emphasis on specific aspects and making other aspects less significant. For pak Udah at least, this was a way to remind the villagers that the struggle was never over, also legitimizing his own position as leader of the resistance.

## Group discussions: “give a motivation to the people”

I attended regular farmers’ group meetings and women’s group meetings where people gathered to discuss, for example, the planning of the rice season, health and education issues, and village politics such as the implementation of the new Village Law. Some meetings, however, were organized for the occasion of my visit. For example, Pak Haji asked me to “give a motivation,” based on my experiences in other oil palm regions to the people in his village, and in a neighbouring village. The purpose of these meetings was, according to pak Haji, to keep the people aware of the ongoing threat of oil palm expansion:

*After evening prayer, we went to the village office where about 15 men had gathered, including some of the members of the farmers’ movement. After the village head formally opened the meeting, pak Haji addressed the men. He tells them that he visited a nearby village located at the border of a plantation. He spoke with a village official who told him that he now regretted his support for the plantation in the past, because the villagers only gained low salaries from working on the plantation, and the plasma cooperative was indebted to the company despite that the village contributed land to the plantation. Pak Haji warns the men: “I mean to inform you. The rubber price is very low. This is economic politics; it may be used as a weapon by the company to seduce us. ‘O, the rubber rice is low, come let us just cut the rubber trees and plant oil palm [...] Let us be watchful.’” Then, pak Haji asks me to tell about the plantation that I visited in Sanggau. (fieldnotes Sungai Putih, November 2014).*

I participated in such meetings in multiple villages. These group discussions were an opportunity for me to ask questions, but at the same time, they were an opportunity for the farmers’ movement. My presence in the village is an opportunity to gather people to remind them of the ongoing struggle against resource extraction companies in times when the conflict appears to be latent. During one of these meetings a village official remarked: “*companies will hear about this meeting. Let it be a warning for them that we are still active.*” The group meetings were particularly insightful to see how people organized resistance and what discourses they used to discuss oil palm conflicts.

## Timeline of events

Since getting an overview of what happened in the conflict was such a challenge, it was also important to gather documentation of key events. To this end, I collected available concession documents and maps, letters from village authorities, minutes of socialization meetings, printed and online newspaper articles, videos posted on YouTube and Facebook, and some

court documents. I used this information to make a timeline of events for the conflicts in concession A and concession B, which are presented in section 2.7. For this information I am grateful to two local informants who collected these documents, stored them safely and were willing to make copies for me.

## 2.6 Reflecting on the researcher as a storyteller

Researching messy, incremental processes of land acquisition, involving many actors and activities dispersed over place and time is challenging. I could not directly observe obvious manifestations of conflict, such as demonstrations, as they had happened before my arrival. Even after living in a village for several weeks, it was difficult to gain a full understanding of how the conflict had developed and what it meant. Therefore, research was a learning process: it took time to learn to ask relevant questions and understand the meaning of people's answers.

Reflecting on my position as a researcher, my identity as a young, Dutch, married woman with no children (until I returned for the last stretch of fieldwork while pregnant with my daughter), influenced the way I did (and could do) research. Living in a Malay village meant that I was to some extent subjected to local norms and values, including restrictions and liberties for women. This made me particularly sensitive to gender relations, but I realize that I was probably unaware of other important aspects of the conflict, or not in the position to research these aspects. Therefore, critical reflection is needed on my role as a storyteller, and my "tentative, partial and shifting abilities to identify elements of the story at all." (Tsing, 2000).

### Moving between gendered spaces

Being a European female researcher allowed me, to some extent, to move between gendered spaces: I could participate in male-dominated 'front room' spaces, such as nightly village meetings<sup>50</sup>, but I could also join women at the back of the house, in the field, or in women's group meetings (see Powdermaker, 1967). During village meetings, I often was the only woman, which at times made me feel self-conscious. This feeling made me sensitive to how spaces are gendered, and therefore the stories told in such spaces are also gendered. Being a woman helped to make gender differences a topic for discussion. For example, at village meetings I made comments about being the only woman in the room, and I discussed this issue later with women who had not been present.

Although I could join women in their daily activities in the kampung, for interviews outside the kampung I was dependent on my male guides: it was regarded inappropriate for my hostess to accompany me to other villages. At the same time, for me, it was regarded

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50 Although I could attend such meetings, I could probably not do this in the same a male researcher could have. I was still expected to go home at a reasonable time, while the meeting often continued after I left.

inappropriate to go outside without a local companion, because people felt responsible for me as a young woman. Hence, following my male guides, initially I mostly conducted interviews with men. Sometimes, women had been present during these interviews, but men did most of the talking. When I remarked this to my guide, at first, he responded that it was not a problem, because “women supported the men.” This notion was sometimes also expressed by women, who told me to wait with my questions until their husbands came home, because they would “know better.” At one time, I tried to interview the mother, wife and sisters of Ardin, a farmers’ group leader, but my questions were answered with polite smiles. The women did not talk to me at all, until Ardin intervened and answered my questions for them. This ‘failed’ interview was a learning moment for me and my guide. After this experience, my guide made a real effort to facilitate interviews with women, and he would sometimes go outside during the interview. We scheduled interviews with women in the morning when husbands were usually not around. When husbands were present, my guide made it clear that it was important for me to hear about women’s experiences.

Also, during group discussions and village meetings, women had sometimes been present but did not often express their opinions. If no women were present, husbands said that since it was late at night, women stayed home to attend the children. At one time, pak Udah tried to include women sitting in the back during a meeting, lecturing them that they should not be too shy to speak up. The women smiled politely. I told the men that I would join the women in the kitchen to chat, while they could continue to discuss the upcoming village head elections. The host asked me why I did not want to hear more about their struggle. Apparently, stories of struggle were only told in the front room, not the kitchen. I told him that, being a woman, I would enjoy talking more to the women and hear about their experiences, and I went to the kitchen at the back of the house. Many women had come to the house during the meeting. They had entered through the kitchen door and had their own discussions. The women told me that they experience various social restrictions to participate in meetings, such as the difficulty of combining meetings (which can last for several hours) with other household and agricultural tasks, and shame to enter a male-dominated space, let alone to speak up in such a space. One woman said her husband did not want her to go to such meetings, because “all she would do is gossip in the kitchen.” Concluding, even for me as a woman it was not self-evident that I could easily interview women, but I was able to discuss this problem and eventually interview many women.

Moving between gendered spaces helped me to realize how people engage with processes of land acquisition and resistance against this in different ways, in different spaces. While men attend meetings, demonstrations and more violent protest actions, women are often excluded from such spaces. Yet, they are not powerless bystanders. Looking for spaces where women do engage with land acquisition and plantation development, I came across more covert forms of resistance, such as discussions during family gatherings, or providing water and food for protesters. Uncovering these more hidden forms and spaces of resistance is important, because it shows how conflict entails more than direct confrontations and how

it manifests in everyday life in villages. Exploring women's experiences, moreover, generated significant new perspectives on the consequences of land acquisition, plantation development and resistance, including the emotional impact of enduring contestations within communities.

### **Doing research in villages with a history of conflict:**

Bourgois (1991: 297, as cited in Robben and Sluka, 2012) states that we (ethnographers) "have a formidable capacity unwillingly by our mere presence to complicate matters seriously." Indeed, doing research in villages with a recent history of conflict was a challenge. Tensions were still high and there was considerable mistrust towards people who allegedly supported the company, even when it had already left the area. There was a real risk that my presence, asking questions about the conflict, would complicate things because it could drive up tension between supporters and opponents. This tension had several implications for the research process.

The first challenge was to gain trust within the *kampung* where I lived. I entered the village through a connection to the (anti-plantation) farmers' movement. To avoid being too strongly associated with opponents or supporters, I stayed in a more 'neutral' household with a family without a formal political position (yet affiliated with the movement). In the beginning, my hostess wanted to accompany me whenever I went out for a walk because she was afraid that people would think that I was working for a company. After a while, I gained the trust of many villagers by engaging in daily activities and paying informal visits. My investment in engaging in daily activities paid off, because the evening before my departure, some villagers gathered in my home and one of the villagers gave a farewell speech. He said that the villagers had been happy with my presence, because "I did what they did, and I ate what they ate." This trust relationship eventually enabled me to wander around the village alone and visit whoever called me inside. However, I still could not always talk about the conflict freely, because I was afraid of unintentionally creating new tensions.

The second challenge was to gain trust of people outside the *kampung*, where people did not know me. Outside the *kampung*, I mainly paid more formal visits to people and I had to gain trust during the first moment of introduction. For this I was largely dependent on my guides: people trusted me because they assured them that "I was on their side."<sup>51</sup> Even so, several people asked me not to record their stories out of fear this would have negative consequences. The sensitivity of the topic complicated doing interviews. It was not always possible to discuss oil palm contestations during interviews. When pak Udah was unsure of the position of an interviewee he said: "this person's position is unclear, let me introduce the

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51 For example, at one time I was walking around the village with a lower village official (RT) when we met a man from another village. The RT asked the man if he would be willing to be interviewed about his experiences with oil palm companies. He was hesitant, but the RT pointed at me and whispered "*dia orang kita, she is one of us.*" (fieldnotes Kubu Raya, November 2015).

subject first and we'll see what the person says. If it is safe, you can ask your questions." It is understandable that he is careful, because he was once beaten up badly by what he claims are "thugs hired by the company," and he was questioned by the police about his role in the resistance. It was telling that the leader of the resistance movement, four years after the demonstration, regarded talking about oil palm as "risky". This meant that in the aftermath of the conflict, the atmosphere was still tense.

A third challenge, as discussed earlier, is that my connection to the farmers' movement made other people reluctant to meet me. The *kepala dusun* from my *kampung*, who allegedly supported the plantation, did not invite me to his home and he did not want to speak to me when I met him during a community activity. His reluctance may have had different reasons, but it was well known he did not get along with my guide. Another village official hesitated at first, telling my hostess that "it was not necessary for him to meet me" but finally his wife invited me. Yet, before going there my hostess said to me: "we will just pay a visit, you should not interview him." Other villagers said he was against the plantation in public, but he cooperated with the company by allowing them to take land measurements. I could understand that in this tense situation, the village official was reluctant to speak to me. In fact, sometimes interviews brought me in a difficult position between villagers and village officials. Once, I was invited by a newly elected village head and before the visit pak Udah warned me that the position of this new village head regarding oil palm investments was "still unclear." Yet, even before I got the chance to introduce myself, the village head started telling me about the fire that destroyed coconut gardens. When pak Udah suggested that companies might have started the fire, the village head told me that he had recently been visited by representatives of an oil palm company. At this point, pak Udah withdrew from the conversation and let me speak with the village head alone. Without any question from my part, the village head told me that he received representatives of a company at his house and how he was afraid this might cause tension. This interview was very informative, but it also brought me in a difficult position. Back in the *kampung* after the interview, my neighbours, who mistrusted the village head, wanted to know what he said regarding oil palm, putting me in the middle of their quarrel with the village head.

In this context, it was impossible to explicitly look for pro-palm oil respondents, because it would have created further tension in the village. However, I also learned that in conflict cases like these there are no clear boundaries between 'supporters' and 'opponents', as people often have ambiguous perceptions regarding the plantation project and the company and may change their position through time. People often were not totally against the plantation. Rather, they wanted it under certain conditions or on a different location (not on their own land). It is important to note here that support for the plantation is something different from support for the company. People sometimes liked the idea of a plantation project but mistrusted the company or, in reverse, people supported the company without wanting to contribute land to the plantation.

An additional complication was that I could not interview company staff. Company B was no longer present in the area, and the area of company A was considered too risky to visit for in-depth research due to ongoing conflict. I could not trace the new companies: the address on their concession documents matched a hotel in East Kalimantan, so here my search reached a dead end. For information from district government officials I was dependent on statements they made in local media. As a result, this study is based on research with villagers and village-level authorities. This is an important limitation of the research, because I could not examine why companies pursue certain strategies, and I have only limited empirical data about motivations of villagers and village officials to support plantation projects.

### How can you help us? Ethical considerations

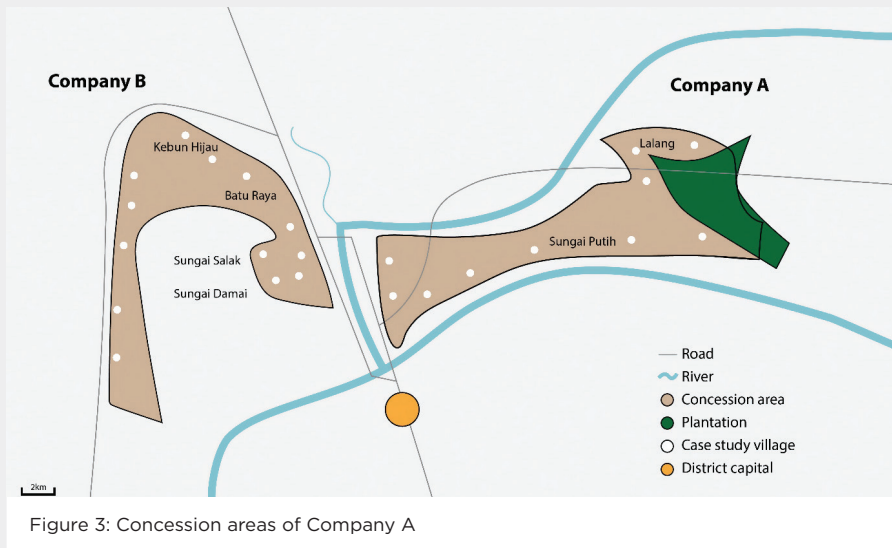
During the research, frequently villagers asked me: “how can you help us, what can your research do for us?” This very legitimate question was difficult to answer. I was aware that I was asking a lot from the villagers: living in their houses, joining in their activities, and asking many questions about personal and sensitive topics. Yet, I could not make promises on how the results of this research would be directly beneficial to them in any way. This ethical dilemma about social relevance and reciprocity is important in all research, but particularly for ethnographic research with marginalized people, because the researcher is strongly dependent on the hospitality, assistance and engagement of researcher participants (Huisman, 2008). Therefore, avoiding ‘exploitative research’ is crucial (Sluka and Robben, 2007). I discussed this dilemma with pak Haji, who told me: all you can do is bring our stories from the kampung to the world, and he repeated this every time he introduced me to an interviewee or for group discussions. His solution to my dilemma is in line with an argument made by Nancy Scheper-Hughes (1995) about anthropological fieldwork. She is critical about a preoccupation in anthropology with reflection on the ethnographer, and states that “while the anthropologist is always a necessarily flawed and biased instrument of cultural translation, like every other craftsperson we can do the best we can with the limited resources we have at hand: our ability to listen and to observe carefully and with empathy and compassion (1995:417-418 as cited in Robben and Sluka, 2012). She further argues that “fieldwork can be an opportunity for self-expression. Seeing, listening, touching, recording can be, if done with care and sensitivity, acts of solidarity. Above all they are work of recognition. Not to look, not to touch, not to record can be the hostile act, and act of indifference and of turning away” (1995: 418). Therefore, with an ‘ethnographic eye’ (Tsing, 2015) I have tried to look and listen carefully, attentive to difference, ambiguity, including personal experience and emotions. This way, I aim to give recognition to people’s experiences of land acquisition for plantation development in the current debates about this topic.

However, this brings me to a second ethical dilemma: how can I represent the people with whom I have spoken in academic writing and presentations and do justice to them. I wanted to avoid merely writing *about* people and write *with* people instead. This was a



considerable dilemma, because I did most of my writing upon returning from fieldwork. Even though I returned to the field multiple times and reflected with key informants on my research findings and my plans to write about them, I could not involve all informants in my writing process. Moreover, eventually I made choices on how to organize the story, and what elements to include or leave out. Concerned with prolonging power difference through ethnographic writings, Fabian argues that ultimately, anthropology's task is to give presence to those who, if at all, are spoken of only in absentia (Fabian, 2006, 145). He admits that this is easier said than done, as writing ethnographic texts, even when it is done in co-production with research participants, is still representation rather than presence. I could not fully solve this dilemma, but I tried to achieve some form of presence by highlighting people's experiences and by using extensive quotations to tell the story in people's 'own' (although translated) words. This way, I tried to avoid focusing on general impacts of oil palm expansion and rather explore what it meant to people in different ways, leaving room for ambiguity and confusion.

## 2.7 Description of cases



In 2007, the district government of Sambas granted concessions to two plantation companies belonging to the same agribusiness group. This Indonesian agribusiness group holds several plantations in Kalimantan, Sumatra and Papua. The group is mentioned for violating deforestation policies in reports by environmental NGOs. The group is not a member of the RSPO; however, it supplies crude palm oil to another company that is an RSPO member.<sup>52</sup>

52 According to the interactive map from CIFOR, the concession of company A is now held by a company that is an RSPO member. <https://www.cifor.org/map/atlas/>

Here, I call the two plantation companies ‘company A’ and ‘company B’ (figure 3). In the course of 2007-2008, both companies started preparatory activities: they made land measurements, placed land marks, and had meetings with village authorities. After finding the companies’ land marks in the village, the village government of Sungai Putih asked Lembaga Gemawan to intervene. Prior to this, Lembaga Gemawan had intervened in another conflict with an oil palm company (see section 1.7, this thesis). After a series of meetings in villages, Lembaga Gemawan facilitated the establishment of a regional farmers’ movement that connected farmers in villages throughout the concession area. The representatives of the farmers’ movement organized several hearings with the DPRD to discuss the situation. At one night, after a meeting, the leader of the farmers’ movement, also the village head of Sungai Putih, was walking home when he was attacked by what he claims to have been ‘company thugs’. Following this incident, the movement organized a mass demonstration in front of the district government’s office. This demonstration marked the start of widespread resistance against company A. The movement spread to other areas and farmers’ groups in the concession area of company B joined the movement.

### Case 1: Sungai Putih village

Sungai Putih village is located at approximately 15 kilometres from Sambas city. The village has a population of 2,000 inhabitants, predominantly Malay.<sup>53</sup> The main sources of income in this village are rubber, black pepper, rice, and diverse fruits, vegetables and pulses. In addition, remittances from labour migration to Malaysia are an important source of income.

At the mass demonstration on 24 June 2008, the district head revoked the permit for company A. However, the permit was later revived in court. Nevertheless, the company ceased its activities in the southwestern part of their concession, where resistance was well organized. However, in the northern part of the concession the company proceeded with constructing infrastructure and land clearing. In the villages in this part, the village governments were in favour of the plantation projects. At present 1,447 hectares, about 50 per cent of the plantation, are in production. During my fieldwork tension was so high in the villages around the plantation that I could not visit these villages, and instead villagers came to visit me to share their story. In 2015, the company received an HGU for the plantation area (not for the whole original concession area). Since 2015, there have not been any reported company activities in Sungai Putih.

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53 With “predominantly Malay,” I mean that there are no other ethnic groups in the village, except for individuals from other areas in Indonesia who moved to the village for reasons of marriage. This situation is a consequence of a violent history (see Davidson and Kammen, 2002; Peluso, 2016 regarding violence against Madurese and Chinese inhabitants).

Date	Event
2005	Villager of Lalang states that in 2005 he was asked by the village head to measure land for an oil palm seed nursery
July 2007	Lembaga Gemawan, Milieudensiasi and Kontak Rakyat Borneo launch the report “Pride and Policy, Practice, Pride and Prejudice” about problems in Wilmar plantations in Sambas
2008	Lembaga Gemawan initiates intra-village meetings between villages three sub-districts regarding plantation development activities.
2008	Hearings with DPRD, start local media campaign
2008	Regional farmer’s movement established
May 2008	Sungai Putih village head attacked and beaten unconscious by alleged “company thugs”
24 Jun 2008	Farmers’ movement organizes mass demonstration in front of district office in Sambas; Plantation permit (IUP-B) Company B revoked by district head over the phone, followed by an official letter
Aug 2008	Court revives IUP-B Company B
2009	Villagers from Lalang report that the company starts with land clearing. First socialization meeting is organized.
2009-2011	Conflict occurs in a dusun of Lalang regarding 147-ha of land. This land is claimed by a farmer’s group on the basis that the land was part of an inheritance, set aside for the next generations of the dusun. Conflict manifests in road blocks and confrontations between supporters and opponents within the village.
10 Aug 2011	Village head of Lalang issues a letter to suspend activities of the company until ambiguity regarding borders between two sub-districts is resolved

<b>16 Aug 2011</b>	Heads of LPM and BPD <sup>54</sup> Lalang issue a letter on behalf of villagers, rejecting the claims of the oil palm opponents, demanding that the company is allowed to continue their operations.
<b>22 Apr 2013</b>	Lalang village head issues a letter stating that land claimants from the dusun should prove their claims in court, and that villagers must refrain from acting against Company B.
<b>20 May 2013</b>	Nine villagers from Lalang report company B to the National Human Rights commissioner in Pontianak for causing tension and violence within the village.
<b>2015</b>	BPN grants HGU for the area where the plantation is established. 8,500-ha is cleared, 1,470-ha is in production.
<b>2015-2016</b>	Sungai Putih works on mapping village lands and making village spatial planning in anticipation of future expansion plans.

Table 1: Chronology of conflict in Sungai Putih

54 Village institute for community empowerment (*Lembaga Pemberdayaan Masyarakat, LPM*) and village council (*Badan Permusyawaratan Desa, BPD*).

## Case 2: Kebun Hijau Village



Figure 4: land use in Kebun Hijau village

Kebun Hijau village is located at approximately 30 km from Sambas city. The village has a population of 3,500 inhabitants, predominantly Malay. Rubber and copra production are the key sources of income in the village, and farmers also produce rice, fruits (pineapple and watermelon), black pepper, sugar, maize, oil palm, and pulse crops (figure 4). When rubber prices are low, remittances from labour migration to plantations in Malaysia or logging companies in Kalimantan, Sumatra, and Papua become important sources of income. The conflict in Kebun Hijau started in 2008, after a plantation company received a 10,000-ha land concession from the district government. The concession area included a large part of the village lands of Kebun Hijau and the lands of 13 other villages. The plantation project was met with resistance from local communities because people feared that they would lose their land to the company. After four years of conflict, the district government ordered the company to cease its activities; the plantation project was cancelled before any oil palms were planted. The conflict had led to violent confrontations between the company and its supporters and opponents in the villages. A mass demonstration against the company ended with protestors throwing stones at the office of the district head. During a second protest, they set fire to the base camp of the company. The conflict created an atmosphere of fear and mistrust between opponents and supporters of the plantation within the villages. Although the company has now left the area, the situation remains tense and new companies have been seen to scout the area. However, since December 2017, the whole concession area falls under the moratorium on oil palm development on peatland and Lembaga Gemawan is involved in a program to restore peatland that has been damaged by forest fires. To my knowledge, there have not been any plantation development activities besides company representatives inspecting the area.

<b>Date</b>	<b>Event</b>
<b>2 Aug 2007</b>	Socialization meeting Company A with local authorities regarding jatropa or oil palm plantation
<b>30 Nov 2007</b>	Permission to survey location
<b>16 Jan 2008</b>	Location permit for Company A
<b>14 Feb 2008</b>	AMDAL study published in local media
<b>Feb-Apr 2008</b>	Socialization meetings in various villages
<b>3 Feb 2010</b>	DPRD representative states in local media: location permit Company A not valid
<b>22 Feb 2010</b>	Villages hand in letter of rejection against Company A. Demand to revoke location permitw
<b>1 Mar 2010</b>	Hearing between community representatives and a special committee of the DPRD
<b>20 May 2010</b>	Mass demonstration against Company A
<b>22 May 2010</b>	District head responds: Company A should suspend its activities to consult with the communities, but the permit cannot be revoked.
<b>3 Aug 2010</b>	Local media reports: Company A is using heavy machinery and has not suspended its activities.
<b>2 Sep 2010</b>	District head statement: all land needs to be formally certified. Community leader response: people have cultivated land for a long time, the statement from the district head creates anger with farmers.
<b>23 Sep 2010</b>	Mass demonstration and burning base camp Company A; two community members arrested
<b>5 Nov 2010</b>	Resistance leader attacked and severely beaten by people allegedly related to company A (medical care in hospital needed); NGO representative arrested for stealing a phone.

<b>9 Nov 2010</b>	Community members visit the police office to demand the police to address the conflict
<b>28 Dec 2010</b>	Community members and NGO report damage to land and rubber gardens by Company A to the police.
<b>Jan 2011</b>	Two men are sentenced to 6-7 months in prison for partaking in the demonstration on 23 September 2010. Approximately 100 community members attend the court hearing.
<b>6 Feb 2011</b>	Local media reports: permit Company A expires
<b>3 Sep 2012</b>	Location permit Company D
<b>2012</b>	Location permit Company E
<b>2014</b>	Company F visits the village head Kebun Hijau to ask permission to conduct a location survey
<b>4 Dec 2017</b>	Concession area included in moratorium on oil palm development on peatland. To my knowledge, there have been no further company activities since.

Table 2: Chronology of conflict in Kebun Hijau



### Case 3

In the winter of 2017, a latent conflict between four villages and a plantation company flared up again. The conflict had been going on for nine years since the establishment of the plantation on (forest) land (2500-ha) that was also claimed by villagers. Moreover, according to the communities, promised plasma gardens were not delivered. Located close to Sungai Putih, the farmers' movement also had members in the villages involved in this conflict, and the leaders of the farmers' movement accompanied the villagers to the district government's office to formally present their complaint, asking the new district head to intervene. The villagers demanded that the licence of the company would be revoked and that the company would return the land to the former landowners and compensate the farmers for their loss of income. Back in 2013, this conflict already led to violence when villagers seized and burned company assets. In 2016, a villager was sentenced to prison for damaging oil palms planted by this company. At the hearing, all parties agreed to stop harvesting palm fruits until the district government provided clarity on the matter. After one month, the government decided to install a task force (*satgas*) to mediate between the conflicting parties. Upon this decision, the company recommenced harvesting palm fruits. Thereupon, 30 villagers seized two trucks with fresh harvest and surrendered them to the police as evidence that the company breached the agreement that all parties would refrain from harvesting until the district government provided a solution. Together with the farmers' movement and Lembaga Gemawan, the communities reported their grievance to the national Ombudsman and the national Human Rights Commission in Pontianak. The Ombudsman arranged a meeting with all involved parties in Sambas and demanded proof of paid compensation from the company. The villagers tried to continue harvesting palm fruits, but the company involved military forces to stop this. At the time of writing the case is discussed at the provincial National Land Agency, where the company asked for legal certainty. The district head has advised the villagers and the company to work out their differences "as family" (*secara keluarga*) or go to court to settle the question of land rights. Meanwhile, the leader of the farmers' movement and other villagers have received a summon letter from the police to investigate charges of stealing palm fruits from the company.



## CHAPTER 3

# Multi- functional lands facing oil palm monocultures

A case study of a conflict in  
West Kalimantan, Indonesia

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### 3.1 Introduction

When the green paddy fields turn yellow, it is time to harvest the rice. Farmers in Kebun Hijau<sup>55</sup> village put rubber tapping on hold and work in a race against time to harvest their staple crop. The first harvest is celebrated with a ceremony for the new rice; a nightly event where villagers gather to make a sweet dish of roasted unripe rice with coconut sugar. After the harvest month, the farmers return to their rubber gardens to generate cash income. People in Kebun Hijau have produced crops for the world market since colonial times, including rubber, copra, pineapple, and a variety of pulse crops. Recently, several farmers have started to plant pepper plants and oil palms to try out new cash crops. However, after a company planned to establish a large-scale oil palm plantation, the oil palm became part of a violent land conflict.

This article presents an ethnographic case study of a conflict about an oil palm plantation project in Kebun Hijau, a Malay village in a littoral (*pesisir*) district in West Kalimantan, Indonesia. Since the beginning of this millennium, oil palm plantations have been expanding rapidly throughout Kalimantan. The expansion of oil palm plantations leads to the conversion of vast areas of agricultural land and forest into monocultures. This has triggered violent land conflicts between plantation companies and rural communities, as well as conflicts within communities.<sup>56</sup> In 2014, palm oil watchdog Sawit Watch reported 717 ongoing conflict cases in Indonesia. The conflict presented in this article started in the preparatory phase of a plantation project. I analyse the case from a property rights and access to resources perspective, looking at how people's responses to the plantation project are related to the way they give meaning to land and associated resources that are targeted for conversion to oil palm.

In brief, the conflict started in 2008, after a plantation company received a 10,000-ha land concession from the district government. The concession area included a large part of the village lands of Kebun Hijau and the lands of 13 other villages. The plantation project was met with resistance from local communities because people feared that they would lose their land to the company. After four years of conflict, the district government ordered the company to cease its activities; the plantation project was abolished before any oil palms were planted. The conflict had led to violent confrontations between the company and its supporters and opponents in the villages. A mass demonstration against the company ended with protestors throwing stones at the office of the district head. During a second protest, they set fire to the base camp of the company. The conflict created an atmosphere of fear and mistrust between

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55 Due to the sensitivity of the subject and ongoing conflicts, all names and village names are pseudonyms.

56 In using the term 'community', I am aware that communities are not unified groups of people, and that there can be major power differences within communities. Moreover, I recognize that members of communities can have conflicting interests and opinions.

opponents and supporters of the plantation within the villages. Although the company has now left the area, the situation remains tense. New companies are scouting the area and conflict is likely to reoccur.

With this case study, the article contributes to an ongoing debate about palm oil production and land conflicts. The global debate on palm oil production started after several international NGOs began mobilizing around palm oil issues in response to the major forest fires of 1997 in Indonesia (Pye, 2010: 858). Most academic literature on palm oil concentrates on environmental issues, such as deforestation, peatland destruction, (water and air) pollution, and biodiversity loss (Fitzherbert et al., 2008; Wilcove and Koh, 2010). Gradually, more attention has been paid to socio-economic issues such as labour conditions, challenges and opportunities for smallholders, gender differences, and (indigenous) land rights (McCarthy, 2010; Lee et al., 2014; Julia and White, 2012; Li, 2015a). Companies, development institutions, and governments have asserted that the development of plantations is an opportunity for rural development, job creation, and the development of infrastructure in isolated areas (World Bank and IFC, 2011). Scholars have recorded cases in which farmers have indeed been able to benefit from cultivating oil palm, either independently or through contracts with a company (Jelsma, Giller and Fairhurst, 2009; Castellanos-Navarette and Jansen, 2015). However, particularly for large-scale plantations, scholars and activists have reported land acquisitions without free, prior, and informed consent and cases in which local communities have been expelled from their lands without receiving compensation or the promised smallholder plots (Milieudefensie, Lembaga Gemawan, and Kontak Rakyat Borneo, 2007; Sirait, 2009; Vermeulen and Cotula, 2010).

White and Dasgupta (2010: 605) warn not to fall into the trap of blaming the crop; the problem is not the oil palm. Rather, they argue that the outcome of land conversion for plantations depend on “the manner in which crops are grown, under which property arrangements and labour regimes, and in what kind of commodity chains.” McCarthy (2010: 823) calls this the “terms upon which people are incorporated and integrated into globalized oil palm markets.” In addition, the outcomes of land conversion depend on pre-existing “crops, property arrangements and labour regimes, and commodity chains” (White and Dasgupta, 2010: 605), that is, on socio-economic relations *before* oil palm plantations are established. While this is recognized in most research, some researchers and policy makers subsequently argue that palm oil related land conflicts originate from a lack of ‘clear’ land rights in rural areas (Rist, Feintrenie and Levang, 2010; World Bank and IFC, 2011: 20). Hall (2011: 9) effectively refutes this presumption by stating that land rights insecurity “does not necessarily imply that land relations were insecure before a (crop) boom; who controlled what may have been well understood. It does mean that once the boom begins and the value of land rises, these relations are thrown into question.”

When land conflicts are attributed to a situation of unclear land rights, the solution focuses on 'clarifying' what belongs to whom. During fieldwork, I encountered a company that invited villagers to go to court if they did not agree with the plantation, in order to determine what land belonged to whom. In this way, the company rendered the conflict a matter of disagreement about ownership and land borders, which could be 'fixed' by looking at law documents, thus disregarding concerns about the consequences of a plantation on livelihoods. The villagers refused to go to court because, lacking formal documents, they feared they would lose the land to the company. Such a narrow focus on clarifying what 'belongs' to whom fails to see why and how land and associated resources are meaningful to people and will not help to address conflicts. On the contrary, its focus on the formal legal status of land might even exacerbate the problem. Earlier research on land conflicts in Indonesia has shown that responses to agrarian change are to a great extent conditioned by how people perceive land tenure in relation to livelihood needs, opportunities, and threats. Furthermore, these conflicts have environmental, socio-economic, cultural, and political dimensions (Banks, 2002; Cramb et al., 2009; Dove, 1983; McCarthy, 2006). Building on this literature, I argue that, in order to understand oil palm related land conflicts, it is important to analyse the different ways in which people give meaning to land and associated resources that are targeted for land conversion.

The article proceeds as follows: In a theoretical discussion on the meaning of land and associated resources, I build on the functional analysis of property relations of Benda-Beckmann and Benda-Beckmann (1999) as well as a theorization of access of Ribot and Peluso (2003). This approach allows an empirical inquiry into how people distinguish between different land types, what kind of benefits they derive from them, and why these are significant to different people, beyond a focus on economic benefits only. The article proceeds with a brief discussion of oil palm expansion in West Kalimantan. The main section of the article presents a case study of a conflict about an oil palm plantation project in littoral West-Kalimantan. I analyse the meaning people give to agricultural land, rubber gardens, and forest against their expectations on the consequences of the establishment of a large-scale oil palm plantation. This article shows that land and associated resources targeted for oil palm conversion are meaningful to people in various ways, including for food security, income security over generations, flexibility to respond to crises and opportunities, identity, and the ability to retain autonomy as farmers. The opponents of the plantation expect that an oil palm plantation may change and limit this multi-functionality of land and thereby negatively impact their livelihood opportunities, lifestyles, and identities.

## 3.2 Methodology

This article is based on ethnographic fieldwork in coastal villages in West Kalimantan during several research visits between 2013 and 2015. During my first visit to the region, I spent three months as a guest at a local NGO in Pontianak. For the following visits, I returned to conduct fieldwork in one of the villages that I had earlier visited with this NGO. I lived with a farmer family for three months and followed the villagers in their daily routines, such as planting and harvesting rice, preparing for festivities, or chatting on verandas. I conducted about 58 semi-structured interviews (some more formal than others) with village authorities and villagers without formal political positions.<sup>57</sup> My host family and their network of family and neighbours were an important source of information on the daily life in the village and the organization of land tenure and natural resources. For interviews with people who had been involved in the conflict, either as leaders or as participants in meetings and demonstrations, I was assisted by the chair of a farmers' group, who had also been a leader of the resistance movement.

Doing research in a village with a history of violent conflict, where tensions are still high, proved to be a challenge. It took time before people were convinced that I was not working for a company. During my stay, two motorcycles of visitors were nearly set on fire because they were (falsely) suspected of being 'company people'. In this context, it was difficult to talk about the possible advantages of the plantation project, though people shared why they were initially in favour of the plantation and why they later changed their mind. I was not able to speak to leaders of the supporters of the plantation. Moreover, these supporters were less organized than the opponents, and since 'being in favour' (*berpihak*) is now strongly criticized, it was difficult to identify these people. Another limitation of my research was that I could not interview company staff as they were no longer present in the area. Hence, this article explains the resistance and the different perceptions people had about the plantation plans. I do not dismiss the possibility that some people still support the plantation project. The purpose of this article, however, is not to show that people are either in favour or against oil palm. Rather, I intend to demonstrate how people's responses to oil palm plantation projects are crucially rooted in the way they give meaning to the land that is targeted for conversion.

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57 I counted all conversations in which I discussed topics related to the research questions. With several people I had multiple conversations; I counted these as one. Interviews were often conducted with more than one person; I counted these as one interview.



### 3.3 The meaning of land in oil palm land conflicts

A literature review of land use in Kalimantan shows a variety of land use and tenure practices that goes beyond the notion of land as a mere location for agricultural production or infrastructure. Land, and the benefits people can derive from land, can concurrently be valuable for socio-economic, cultural, spiritual, ecological, and political reasons. For example, Dove (1983) demonstrates that farmers' choices for certain crops can be a strategy to seek acknowledgement for land claims from authorities. Haug (2014) points out that land tenure in Kalimantan is subject to spiritual and ritual procedures. Peluso (2009) explains that land tenure is an important factor in the construction of ethnic identities and kinship relations. A legal-anthropological perspective, which allows an empirical inquiry of land tenure, helps to grasp this complexity of the meaning of land to people's livelihoods.

People who are dependent on land need tenure security to be protected against involuntary removal (Reerink, 2011: 1) or exclusion from the ability to benefit from land (Ribot and Peluso, 2003). This requires negotiations with other people; therefore, relations between people and land (or other valuables) are above all "relations between people about land" (Benda-Beckmann and Benda-Beckmann, 1999: 21). Such relations become manifest in property, that is, "the ways in which the relations between society's members with respect to valuables are given form and significance" (Benda-Beckmann, Benda-Beckmann, and Wiber, 2006: 14). Benda-Beckmann and Benda-Beckmann (1999) propose a functional analysis of property. This approach acknowledges that people attribute meaning to property in multiple ways – many more than sheer economic meanings. Functions of property are important to people in different ways and can become more or less important over time. A functional analysis of property requires an empirical inquiry of property holders, objects of property (people's conceptualizations of their environment), and bundles of rights and responsibilities in different times and places (Benda-Beckmann and Benda-Beckmann, 1999; Benda-Beckmann et al., 2006).

The functionality of property can be contested, especially in Indonesia, where land relations are embedded in a context of legal plurality and competing authorities. Sikor and Lund (2009) stress that different authorities strive to obtain legitimacy by recognizing or denying property claims. The composition of bundles of rights and responsibilities, and also the question of who can be a property holder and what legitimate property objects are, is therefore subject to power struggle. This means that the endorsement or limitation of property functionalities depends on the authority that legitimates property claims. The functionality of land is also conditioned by access to land. Ribot and Peluso (2003) highlight that having property rights to land does not yet guarantee the ability to derive benefits from this land. They argue that the actual ability of people to derive benefits from land or associated resources depends on various mechanisms of access, including technology (tools,

but also infrastructure), capital, market, labour, knowledge, authority, *and* property. However, property is an extraordinary mechanism of access because it can legitimize or delegitimize other mechanisms of access.

In this article, I talk about functions, meanings, and values. While these concepts are closely related, there are also differences between them. The functionality of land is composed of property holders, objects, and different bundles of rights and responsibilities in different times and places as well as the different ways in which people give meaning and form to it. Examples of functions are environmental, economic, cultural, political, and religious functions. When I discuss the meaning of land or associated resources, I refer to people's interpretations (expressed in narratives and practices) of land and associated resources; either positive or negative. Finally, value or valuation refers to people's perceptions about the appreciation of land and associated resources in relation to their livelihoods, lifestyles, and identities.

### 3.4 Oil palm expansion in West Kalimantan

With an annual production of 33 million tons, Indonesia has become world leader in palm oil production (Sheil et al., 2009). In Sumatra, the cradle of the Indonesian palm oil industry, the number of oil palm smallholdings (both contract farmers and independent smallholders) is catching up with private and state plantations (Ditjenbun, 2014). However, in West Kalimantan, oil palms are mostly grown in large-scale plantations run by private or state companies (BPS, 2015; Li, 2015a). The first oil palm plantations in West Kalimantan were established in the interior district of Sanggau in the 1980s. At that time, Indonesia maintained a plantation system known as *nucleus-plasma* (NES). In a NES plantation, 20 per cent of the plantation area (*nucleus*) is managed directly by state or private companies. The land is owned by the government and leased to a company through a commercial lease right (HGU) for 35 years. The remaining 80 per cent of the concession (*plasma*) is managed and cultivated by smallholder farmers (transmigrants or locals), for which they can receive formal land certificates (Semedi and Bakker, 2014: 380). In the 1980s, *plasma* plots often included 0.5-ha for homes and subsistence gardens. Local landowning communities could be included in the smallholder schemes by contributing land to the plantation. The plantation sector was strongly supported by the state, which provided credit, infrastructure, migrant labour, and land.

The Asian crisis of 1998, which led to the fall of the Suharto's authoritarian New Order regime and far-reaching political, administrative, and economic reforms, announced a new episode for palm oil production. McCarthy (2010) defines this episode as the *laissez faire* phase. The central state withdrew direct support for the plantation sector and smallholder inclusion and left control to the market (McCarthy et al., 2012a). The economic and political reforms contributed to a favourable investment climate, and district governments in so called 'frontier areas' like Kalimantan and Papua regarded oil palm as an opportunity to attract

investments (Pye, 2010). The issuance of plantation permits became a source of income for district governments, and companies and district governments engaged in reciprocal relations (McCarthy et al., 2012a). Pichler (2015: 526) observes that “as a result, local governments privilege the expansion of oil palm plantations rather than focusing, for example, on replanting existing plantations or supporting smallholders.”

Various scholars have pointed out that the conditions under which people and their lands are incorporated into the oil palm sector have deteriorated since the beginning of the reform period in 1999 (Gillespie, 2011; Li, 2015a; McCarthy, 2010; McCarthy et al., 2012). The Plantation Law No. 18/2004 allowed companies to use a reversed *nucleus-plasma* ratio with a minimum of only twenty per cent for smallholder plots (Gillespie, 2011). Companies were also no longer required to designate land for subsistence farming (Pichler, 2015: 522). Companies are now responsible for directly negotiating with local communities about the transfer of land and *plasma* arrangements. The specific terms of land acquisition are no longer regulated by the central state, but by district regulations. The most recent plantation scheme called ‘partnerships’ (*kemitraan*) allows companies to control and manage both the *nucleus* and *plasma* plantations under a so called ‘one-roof’ (*satu atap*) or ‘one management’ (*satu manajemen*) system (Potter, 2015; Peluso, 2016). McCarthy et al. (2012) highlight that in West Kalimantan companies that use such a plantation scheme do not actually return *plasma* plots to smallholders, but rather offer them “the share of the production from the 20 per cent *plasma* area, which the company retains under its own management” (McCarthy et al., 2012: 560). The profit for *plasma* holders is reduced by various costs for transportation, management, fertilizer, and credit. Many *plasma* holders complain that these costs are too high, and the monthly income is too low.<sup>58</sup> At the two plantations that I visited, it was not clear what would happen to the *plasma* plots after the concession expired. People also did not know how much they owed the company and when their debts would be repaid (also observed by McCarthy et al., 2012a). In theory, *plasma* holders receive land certificates for their plots after they have repaid their debts for the investment in oil palms. Remaining land contributed to the plantation then becomes state land, which is leased out to the company (Julia and White, 2012). According to McCarthy et al. (2012a: 560) this is not always clear to people who surrender land. They observe that “villagers believed they were lending land that would later be returned to them rather than selling it for perpetual alienation under a state plantation concession (HGU).” In the one-roof scheme, local communities often work at the plantation as day labourers. Indeed, an argument in favour of plantations is that these could create jobs for rural communities who do not have many other job opportunities. However, Li (2011: 284) shows that oil palm plantations are less labour intensive than frequently promoted. According to her, “an established plantation uses only one worker per four to ten hectares of land.”

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58 I visited two plantations which used a one-roof scheme and I interviewed *plasma* holders during village meetings.

### 3.5 Oil Palm land conflict in Kebun Hijau village

The exact terms under which people are incorporated into the palm oil sector vary from place to place. As companies are now directly negotiating with local communities, outcomes largely depend on power relations and the ability of communities to organize. The case study that follows illustrates people's responses to an oil palm plantation project in a rural community in West Kalimantan. Opponents of the project refused incorporation into the oil palm sector, partly based on their valuation of current land tenure arrangements, which they regard as more favourable to their livelihoods and lifestyles.

#### Kebun Hijau

Kebun Hijau village is located a two-hour drive on a run-down road from the district capital to the coast. The village has a population of approximately 3500 inhabitants. The majority of the population identifies as ethnic Malay and is Muslim. The Malay have lived in this area for at least a century.<sup>59</sup> In the early 20th century, the colonial government encouraged farmers in this region to plant rubber trees and coconut palm to respond to the rubber and copra boom. Elderly villagers remember that the colonial government encouraged their parents to plant rubber trees in exchange for food and luxury goods. Roads as well as rivers and sea routes connected the provincial capital Pontianak with Malaysia to facilitate the trade in these commodities (Seavoy, 1980). Rubber and copra production have remained key sources of income in the littoral regions. In Kebun Hijau, farmers also produce rice, fruits, and vegetables for subsistence and cash crops and products like pulse crops, maize, pepper, sugar, edible bird's nests, and oil palm. In times of a low rubber price, remittances from labour migration to plantations in Malaysia or logging companies in Kalimantan, Sumatra, and Papua become important sources of income.

The village is divided into four parts, reflecting the village history. The oldest part of the village is the residential area, which stretches along the main road. Until the 1960s, the rest of the village area was covered with peat forest and tree gardens. In 1965, the village head decided that the colonial rubber trees had to be cut down to make rice fields and that new rubber gardens could be opened in the forest. Behind the residential area, the rubber trees made way for an open *ladang* area: rain-fed agricultural fields suitable to use as rice fields (*ume*) and vegetable gardens (*kebun kacang*). In the 1980s, the population started to grow and young families were encouraged to move into the forest to make a new settlement. Nowadays, this *kampung* consists of about 80 households. It functions as a gateway between the *ladang* area and the hinterland (*darat*), where tree gardens (rubber and coconut), fruit gardens, and

59 See Peluso (2009) and Davidson and Kammen (2002) on the many ethnic conflicts that have occurred in this area.

forest (*hutan*) are located. Due to several forest fires, large parcels of forest and tree gardens have been burned. Now this is open grassland where gradually people are replanting tree crops and vegetable gardens.

The *ladang* fields and the tree gardens are divided into plots separated by ditches. By clearing forest and making gardens and fields (*merimbah*), families could claim ownership over the plots. Over time, these plots were passed on through inheritance (*warisan*) or sold to neighbours and family (*jual-beli*). Plots can also be used under leasehold (*sewa-menyewa*) or share-cropping arrangements (*bagi-hasil*). Ownership is monitored by the ‘head of plot boundaries’ (*kepala parit*),<sup>60</sup> who keeps record of who owns or uses what. He assists the village head in case of internal disputes about land. There are four *kepala parit* in the village. If plots are left uncultivated for some time, other people can make a claim. The *kepala parit* is in charge of supervising and allocating the uncultivated plots. Uncultivated plots are mostly found in the hinterland. The *ladang* area is seldom uncultivated because *ladang* plots can be leased out in case the owner does not cultivate the land. Several plots in the *ladang* area have been registered through land certificates issued by the National Land Agency. I have not encountered people who hold such certificates for their tree gardens or other plots in the hinterland. The *ladang* fields, the tree gardens and parts of the hinterland are classified as non-forest area subject to the Basic Agrarian Law. These gardens can be classified as ‘non-registered occupied land’ or as ‘administratively registered occupied land’ in case people hold a letter of land clarification (*Surat Keterangan Tanah, SKT*). This type of land is available for agricultural use, including oil palm cultivation. The rest of the hinterland is state forest land (production forest) subject to the Basic Forestry Law. This type of land cannot be used for oil palm plantations (Bedner, 2016).

The local land tenure arrangements that have developed over time allow for a diversity of livelihood strategies. The next paragraphs describe the introduction of an oil palm plantation, which requires specific land tenure arrangements. The plantation project led to conflict, not only about whether or not to accept oil palm, but all the more about the functionality of land and the distribution of benefits under different land tenure arrangements.

### Evolution of the Conflict

In 2007, an agribusiness company met with village authorities from several villages, including Kebun Hijau, to discuss a plan to establish a large-scale oil palm plantation of approximately 10,000 ha, using a *nucleus-plasma* partnership scheme. The company obtained permission to organize ‘socialization’ meetings in the villages to explain more about the project. In 2008, the

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60 *Kepala parit* literally means ‘head of ditches’, which refers to the narrow ditches which indicate the boundaries of plots. Other villages in the area may use other names for this position, such as *kepala hutan* (head of the forest).

district government granted a location permit, which allowed the company to start with land transfer negotiations with the communities. A leader of a farmers' group<sup>61</sup> in the *kampung* in Kebun Hijau was present at the first meeting with the village authorities. Afterwards, he gathered the members of his group to discuss the project. After discussing advantages and disadvantages, this group decided that they were against the plantation. My hosts, who are members of this group, recall a heated discussion between opponents and supporters of the plantation plans at the first socialization meeting in an elementary school. Several people that I interviewed about this meeting explained that they had prior information about the reputation of palm oil companies in Kalimantan, from family members in other districts and RUAI TV, a local television station run by the NGO AMAN.<sup>62</sup> Moreover, several villagers were in contact with a regional farmers' movement, which was established after a conflict with an oil palm company in a nearby area. The farmers' movement helped to organize the opponents of the oil palm project. The sub-district government issued an official letter stating that the sub-district rejected the plantation project plan. The company meanwhile started to place land marks and made preparations to build a seed nursery in one of the villages and roads up to Kebun Hijau. According to villagers, rubber gardens and rice fields were damaged during these activities. In 2010, the farmers' movement organized a demonstration in front of the office of the district government. The demonstration ended violently with people throwing stones at the building. A few weeks later, people organized another demonstration at the base camp of the company. Company assets were damaged, two police motorcycles were burned, and the house of an (allegedly pro-palm oil) village head was damaged. Two villagers were convicted for the violence and sent to jail for six months. Eventually, the company withdrew from the area and moved to another district. The conflict left a deep impact on the communities, as opponents and supporters of the oil palm plan had verbally and physically attacked each other. This is not the end of the story, however; after these events the new district head issued a new location permit for a new company. Again, Kebun Hijau was included in the permit. Company staff has been spotted to inspect the location and visit village authorities. At the time of writing, no further actions have taken place.

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61 By registering as a group with the sub-district government, farmers can apply for government aid for resources like fertilizer, seeds, or hand-tractors. In Sambas, farmers' groups cultivate a rice field, vegetable garden, or rubber garden to try out farming techniques, sometimes assisted by government extension officials.

62 *Aliansi Masyarakat Adat Nusantara* (Alliance of the Indigenous Peoples of the Archipelago) is an NGO that focuses on indigenous rights issues. AMAN was founded in Pontianak in 1999.

## Land Tenure and Livelihoods

In the next sections, I follow the livelihood strategies of my hosts in the *kampung*, Sri and Adi, and their family and neighbours. This analysis shows how they give meaning to the different lands in their village, including agricultural fields, rubber gardens, and forest, and how their land use is constrained by mechanisms of access. I argue that these meanings and the land tenure arrangements related to them are of utmost importance to understand the palm oil related conflict.

### *Agricultural Fields: Food Security and Flexibility*

The term *ladang* refers to rain-fed agricultural fields. Most households cultivate plots of 0.5–2.0 ha. Some households obtained locally recognized ownership over their plot through inheritance, land purchase, or clearing forest. However, like Sri and Adi, many households do not have a plot of their own and they lease from neighbours and family members or use sharecropping arrangements. Sri and Adi lease 0.5 ha from a cousin who lives in another village. A *ladang* can have multiple functions, depending on who uses it, in what ways, and in which season. First and foremost, a *ladang* provides food security. From September to February, *ladang* plots are used as an *ume*:<sup>63</sup> a field for dry rice cultivation. An *ume* plot of one hectare can produce between 1.5 to 5 tons of *padi* per harvest.<sup>64</sup> Sri and Adi usually obtain enough rice from their 0.5 ha plot for themselves and their two sons for one year. However, sometimes they need to sell rice to obtain cash. When people have surpluses, these are sold to the local market or given to family members living in urban areas.

The ability to derive benefits from an *ume* depends on several factors. First, cultivating rice is labour intensive because land preparation, planting, and harvesting are done manually. Therefore, the amount of hectares that one is able to cultivate depends on access to labour. There are two ways to harvest rice: with a small hand knife or with a scythe. Using a scythe is much faster because one cuts the *padi* from the root instead of cutting the rice grains from the stalks. However, this takes more energy. Adi's sister, Siti, is unable to use a scythe. As her husband works in Malaysia, she has to take care of the harvest by herself, using a hand knife.<sup>65</sup> To solve this labour problem, people hire farm workers (*upah*). However, during the harvest time there is a high demand for farm workers. During my visit, Sri and Adi tried to find workers to help with the rice harvest but they failed to find anyone still available.

63 *Ume* is the local term, Bahasa Indonesia uses *huma*.

64 According to a government extension official, yields are low compared to other regions.

65 Taking care of the rice fields is mostly a women's job because many men migrate to Malaysia for work. A man who just returned home confirmed to me that he was stressed because he had to take over the harvest from his pregnant wife and, not being used to this work, he was too slow and the *padi* became overripe.



Second, technology is an important mechanism of access to an *ume*. Tools to speed up the harvest allow people to cultivate more land (e.g., a thrasher or a hand-tractor), and technology might improve the quality of the soil. Contrary to government banners in the village that state: “Let’s plant rice twice a year!”, Sri does not plant rice twice a year because, according to her, her land is sour from the latex residue in the groundwater. The lack of a functioning irrigation system precludes the proper drainage of water, which damages the quality of the soil. Furthermore, the paths to the rice fields are unpaved and can turn into knee-high rivers in the rainy season. This is the condition under which the farmers have to transport bales of *padi* on bicycles, motorcycles, and on foot to the threshing factory in the village. This indicates that although people have different kinds of rights to benefit from an *ume*, actual benefits are limited due to lack of technology. After the rice season, the *ume* fields are converted into *kebun kacang*: gardens where pulse crops, maize, cucumber, and watermelon are grown. Hence, the *ladang* fields become a source of cash income. The limited access to markets is a challenge to generate an income from these crops. The poor condition of the infrastructure makes it difficult to transport crops quickly to the nearby towns.

Another function of the *ladang* area is that land use and crop choices can be adapted to needs, and the availability of capital, time, and labour. This implies two things: First, with seasonal crops, people can adapt their crop choice to market demands, labour availability, and ecological circumstances. Second, land rights are flexible; people can buy one plot this year and sell, lease out, or lease even more the next year. For example, ibu Ngah told me she did not rent a *ladang* plot this year because she was pregnant, and her husband worked in Malaysia. She may rent again next year. Even selling land is perceived as flexible; people often sell land when in need of direct cash, for example, to pay for the education of children, medical expenses, or make the Islamic pilgrimage (*haji*). They do this with the expectation that it will be possible to buy new land or open up new land in the future. However, this flexibility is challenged because due to population growth, land is becoming scarcer and it is not easy to regain land once it has been sold.

The low yields that are derived from *ladang* fields in this region may reduce the status of such land to ‘unproductive’ in the eyes of the district government, which emphasizes the economic function of the land when promoting plantation development. However, despite the low yields and the farmers’ focus on production for subsistence, *ladang* fields are meaningful to farmers for providing food security and additional cash income, in accordance with conditions set by mechanisms of access. Further, the analysis of rice fields has demonstrated that current land tenure arrangements provide a variety of options to obtain land rights other than through ownership. This allows people who do not hold ownership rights over land to cultivate rice and other crops. A plantation system would threaten this variety of land tenure and eventually affect people’s access to land.

### *Tree Gardens: Security for Future Livelihoods*

After the rice harvest season, and if it is not raining, Sri can be found working in her rubber garden. The garden was planted some 45 years ago by her father-in-law. He is too ill to work in his gardens now and allocated them equally among his children. Adi and Sri received 0.5 ha. Sri admits that life as a rubber farmer has become more difficult. During a price boom around 2008, rubber prices were up to IDR 20,000 per kg but dropped to IDR 4,000 to 8,000 IDR at the moment. The global rubber price crisis is 'the talk of the village'. I often discussed with the villagers why they wanted to maintain their rubber gardens despite the low prices. The diverse answers to this question reveal multiple functions of rubber gardens. First, people indicate that they consider it important that rubber gardens have a long history in the village. People said they maintained the gardens because these were made by their ancestors and passed over from generation to generation (*turun-temurun*). By clearing forest and planting rubber trees, these ancestors claimed land and created a source of income for the next generations. During a conversation about the history of the family, Sri said: "My rubber garden is an inheritance from my parents-in-law. We cannot sell it; we have to maintain the garden for the grandchildren. If my son asks 'whose land is this?' I will say: It was granted by your grandfather". Her statement shows that she wants her son to know the history of the garden, which he and his brother will inherit one day. Moreover, her statement about maintaining the garden for the grandchildren reveals that land is an important asset to ensure an income for the next generation. Sri and Adi have no money to provide for a higher education for the children and chances are that they will follow in their parent's footsteps and become farmers. The framing of rubber gardens as *turun-temurun* helps to make people reluctant of land transfers to outsiders like oil palm companies. This discourse was strongly promoted by opponents of the oil palm project plans.

Second, tapping rubber allows a diversified livelihood. Sri works in the gardens from dawn to around 10 am. This enables her to spend the afternoon in the rice field or the vegetable garden. Third, rubber needs little input, the trees grow without fertilizer and pesticides, and tapping rubber only requires a small knife and coconut shell to collect the latex. Rubber does not require good infrastructure; people can transport latex on bicycles over the muddy roads. Latex can be preserved a long time, so there is no need to transport it quickly for processing. Farmers can postpone selling until prices are higher. Furthermore, the harvest cannot fail the way other crops can. Fourth, tapping rubber is light and easy work, which can be performed by anyone, including children, elderly, and people with weaker health conditions.<sup>66</sup> This means that rubber provides an income to various parts of the population. Fifth, rubber is valued as

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66 The depiction of rubber tapping as light and easy work in comparison to the description of harvesting oil palm fruits as labour intensive contrasts the findings of Semedi and Prasetya (2014). The difference may be explained by a different perception on what is heavy labour: The people in my case study measure this in physical exercise needed, whereas Semedi and Prasetya seem to measure in hours required for the labour.

a source of daily cash. Even though the price is low, rubber can be tapped and sold every day, except when it is raining. Rubber trees' only enemies are fire and rain. Sri argues that even with low prices and a lot of rain, rubber still provides income security.

*If it rains, then we have no money, but we can anticipate that. We can save money in the dry season. We can take a lot of food from the forest. When it is like that, we are fine. The vegetables are still fresh and natural. If we tap rubber one day, we can still get 50,000 rupiah, even with this low price. If we are labourers, we have to work every day and our salaries are fixed and small. We like to live like this without coercion; it is no burden to work.*

In an interview with ibu Miza, an elderly lady, I asked why she maintained the rubber trees despite the low price. I consider her response exemplary for the functions of rubber gardens described above:

*Rubber gives us our daily food. The profit is enough for our daily costs and needs. We can send our children to school using the income from rubber. Our padi [rice field] is for food, our rubber is for cash. Our ancestors already planted rubber and we continue to do so. Rubber trees can be productive for 12 to 13 years. When oil palms are that old, I cannot harvest them anymore. I can still tap rubber, thank God. [I asked: Why can't you harvest oil palms?] It hurts. When we are old, we can still tap rubber. With oil palm, if it is far from the road, we have to carry the thorny fruits. And the older and taller the trees, the harder it gets. [I said: But the rubber price is so low.] Yes, too low. But we maintain our rubber. If we sell our land, we will have to eat stones. With rubber we can eat. Rubber does not need fertilizer; we don't need money to produce rubber. If there is oil palm, there is no firewood. And we cannot grow vegetables. Even padi cannot grow close to oil palm. I can't be someone's coolie. It is best we have rice and rubber.*

Her answer demonstrates the variety of factors that motivate the choice for crops, beyond price and yields. While oil palm may provide higher income, in the perception of people like ibu Miza, rubber provides a more *secure* income, now and in the future. Though many people are keen to plant oil palm, they do not want to cut their rubber trees in exchange for it.

So far, the analysis of rice fields and rubber gardens demonstrates that these lands are valued because they provide food security and income security for a variety of property holders over several generations. In addition, people value the current flexibility in bundles of rights and responsibilities. This flexibility allows them to uphold a large variety of crop choices and respond to crises and opportunities caused by fluctuating prices and new markets. While these functions of land are related to economic benefits (food and cash), at the same time, these benefits are related to social continuity from past to future generations and identities. Land is important because it enables a connection to the ancestors and is an investment for future generations. A change to monoculture production would fix property objects, property holders, and bundles of rights and responsibilities according to *nucleus-plasma* arrangements and reduce the meaning of land to a mere economic function.

### *Forest: Safety Net and Threat*

At the western end of the village, behind the tree gardens, the forest – or what remains of a peat forest – begins. The first time I went there, I was surprised to find that what people call ‘forest’ includes a large open space damaged by forest fire. Many villagers lost part of their tree gardens in the fire. Hence, forest refers to land that is uncultivated or not yet in full production, including land that is left (temporarily) uncultivated. Many people told me that they own a plot in this area, which they do not cultivate because they lack time, labour, or capital. Behind the burned forest lays a peat forest, where once a logging company harvested timber. Adi said that the trees are getting scarcer and it will not take long before the forest has disappeared. Adi is concerned about this development because the forest keeps the mosquitos and insects away from the houses and rice fields. Depletion of the forest will also affect his family because he is one of the two villagers of Kebun Hijau that harvest timber in this forest.

The forest is also a source of food. Sri and Adi do not produce vegetables for consumption; instead they collect vegetables in the forest areas. Last year, Adi had an accident which disabled him to work in construction for three months. This meant they had little cash income. Sri told me she had to be clever (*pandai pandai*) and find food in the forest: ferns, mushrooms, taro roots, honey, and many kinds of (medicinal) leaves. Besides vegetables, people also collect firewood and catch fish in the forest area. Adi said that since the forest fire, there is surprisingly a lot more fish in the streams. Every day he sets out fish pots to catch snakehead murrel, carp, and catfish, which he sells to his neighbours. During my stay, Sri often prepared meals using solely ‘forest food’ and rice from their own stock. In particular, when commodity prices are low, or people are unable to work due to illness or old age, the forest is a safety net for food security.

However, not only positive functions are attributed to the forest. People often referred to the forest as ‘still forest’ (*masih hutan*), that is, not cultivated yet. In stories about the past, the forest is associated with ghosts and djinns. Nowadays, the forest is considered as a risk of fire, which threatens the tree gardens because forest means uncultivated and therefore

uncontrolled land. Moreover, land further away from the main road is regarded as less valuable because the road towards the *darat* area is in a bad condition. One villager who inherited land in this area said: “I don’t care about my land in the *darat* behind the *kampung* because it is far away and not productive enough for me, it is all right if this land becomes a plantation”. When discussing the oil palm conflict, people often explained to me that they were initially in favour of the plantation because they thought it would be established in ‘the forest’. People in Kebun Hijau expected that the oil palms would be planted in the area behind their tree gardens. A discussion with a village official in the neighbouring village Batu Raya who had been involved in the negotiations with the company sheds light on why people welcomed a plantation in the forest.

*People are afraid of empty land. So, initially we agreed with the company, because they will manage the empty land. They will surely take care that there is no forest fire. If the plantation would be on sleeping land, we would agree because we have to think of our roads.*

*People hoped that, if a plantation was to be established in the forest, this would protect their gardens from fire. Moreover, they hoped that the company would build a road which they could use to transport their crops. However, after the company started placing land marks from the main road to the border of the production forest, it became evident that the plantation would not be located in the forest. On the contrary, the plantation would include the tree gardens and rice fields and exclude the forest area and the uncultivated plots located there. The village official comments on this were: “The company never disclosed the exact location of the plantation. If they had said it was not in the forest but on our land, we would have rejected the plan before they uttered one word”. The company could not, however, develop the plantation in the forest area because forest land cannot be converted into agricultural land without permission from the Ministry of Forestry. The tree gardens and ladang area already had the status of non-forest area and were therefore available for agricultural production, including oil palm.*

In analysing the functions of forest land, it appears that the meaning of land can be ambiguous. Forest land is appreciated as a source of food and ecological balance but, at the same time, forest land is also regarded as a threat to other farming activities. It cannot be stated in a general sense that ‘opponents’ of the plantation give a certain meaning to land that contrasts

the meaning 'supporters' give to land. Both opponents and supporters have ambiguous conceptions of the meaning of land. What is important is, however, how the functions of land are used in narratives regarding the plantation project. For example, the company emphasized the meaning of the forest as a threat (even though the plantation would in fact *not* be located in the forest), whereas its opponents emphasized that the loss of the forest would jeopardize food security.

### *Land Provides Autonomy to Farmers*

The preceding shows that different types of land have diverse functions which relate to food security, daily and long-term cash income and resilience in times of crisis, as well as historical-cultural functions. Besides the different benefits people obtain from land by producing crops, land is also valued because it provides a sense of identity and autonomy as a farmer. People fear that if the oil palm plantation is established, there will be no land left for farming. In this case, they believe that they will have to become plantation labourers. A plantation labourer is referred to with the term 'coolie' (*kuli*), which is a negative, colonial term for labourer. I often heard the phrase: "If the plantation is established, we will become coolies on our own land". A talk between my hostess and her friends illustrates why being a *kuli* is regarded as inferior to being a farmer:

*[Siti:] If the plantation is established then the land will not be ours. It will be the company's. We don't want to be a kuli. We don't want a salary from the company.  
[Yesa:] That would feel as if we are forced, tied. If we have our own land, we are independent, if we want to work or not. If we work hard, we harvest, if we are lazy then we don't. If you work for a company you have to go to work, whether you want to or not.*

Being a labourer means that you cannot determine when you work, how hard you work, and what you plant. You lose the opportunity to improve your livelihood by creativity and diligence. Yet, many people in Kebun Hijau are keen to work on oil palm plantations in Malaysia, where they spend six months to several years. A conversation I had with Jeffrey, a young father who had just returned after six months in Malaysia, explains this apparent contradiction. I asked him if he would not rather have a plantation in his village, so he would not have to leave home to work. He replied:

*I disagree, because then we would be forced to work. Our working hours would be fixed. If I feel tired and want to stay home and the foreman came by . . . that would not be possible. Our land will no longer be ours.*

While he was happy to work on a plantation in Malaysia, he did not want to have the plantation in his own village. Working in Malaysia is temporary; when people return home, they wish to return to farming, which is regarded as less heavy work than plantation labour. An identity of the 'independent farmer' against the 'tied labourer' is promoted by opponents of the plantation plans. This identity is upheld by the regional farmers' movement. Their aim is to raise awareness about the negative impact of oil palm on farmers' livelihoods and to assist farmers with farming techniques that obtain higher yields. The chair of the movement, who is also leader of a farmers' group in Kebun Hijau, believes that the better farmers are organized and the more productive they are, the stronger they can oppose the plantation plans. This makes sense because with higher yields, farmers may be less inclined to transfer their lands to companies.

People's conceptions about plantation labour versus farming demonstrates that the meaning of land is not limited to economic functions but includes less tangible meanings related to self-esteem, pride, and upholding a certain way of life and a sense of belonging. Current land tenure arrangements provide a degree of autonomy, which cannot be replicated in a plantation system and therefore people's negative perceptions of plantation labour cannot be simply addressed by improving labour conditions.

### 3.6 The oil palm project

In this final section, I relate the meaning of land to people's expectations of the plantation project. The location permit for the plantation included all agricultural fields and rubber gardens as well as parts of the forest land. Only the 'production forest', far back in the hinterlands, was not included. People in Kebun Hijau expected that a conversion to oil palm would mean a complete transition from diversified agriculture to monocrop production. There is not enough land in the area to accommodate *both* a plantation of 10,000 ha *and* mixed cropping agriculture. When oil palms have matured they cannot be intercropped because the canopy blocks sunlight (Koczberski, Curry and Bue, 2012).<sup>67</sup> Theoretically, land owners have the right to refuse conversion to oil palm and 'enclave' their land. However, in practice it is impossible to productively maintain enclaved plots of 2 to 3 ha in the midst of a plantation because isolated paddy fields suffer from pests. Furthermore, the company does not favour such a fragmented plantation because it diminishes production efficiency. Subsequently, the location of the plantation is usually not negotiated plot by plot; either all land is included in

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67 Note after publishing in ASEAS: Maja Slingerland's research demonstrates that intercropping is agronomically possible if oil palms are planted and managed in the right way and combined with the right crop. Research about this is ongoing. Intercropping is not favoured by companies, but smallholder oil palm farmers are practicing this already.



the plantation or none at all. The switch to monocrop production therefore means that people lose the opportunity to adapt their crop choice to changing circumstances. They also have no alternative sources of income during the maturing period of the oil palms and in times of price drops or harvest failures. This context distinguishes the case from other plantation projects where people submitted *parts* of their land to the plantation while maintaining enough land to continue alternative livelihood strategies (Jelsma et al., 2009; Semedi and Bakker, 2014).

In addition to the loss of diversified livelihood strategies, opponents of the plantation project also expect to lose access to land. There is concern that not all households would obtain a *plasma* plot. Under *nucleus-plasma* arrangements, farmers are expected to transfer approximately 10-ha of their land to the company, for which they receive back 2-ha planted with oil palms as *plasma* plots (Rist et al., 2010). However, in Kebun Hijau many households have no more than 2-ha in total. If people transfer 2 ha to the plantation and receive back 0.4-ha (20 per cent), they are left with a *plasma* plot that is too small to be economically viable. On the other hand, if the company would uphold 2 ha as the minimum size for *plasma* plots, there would only be enough land for 267 plots for a village of 3500 inhabitants. Furthermore, not every household in Kebun Hijau 'owns' agricultural fields or rubber gardens. The previous section demonstrated that current land tenure arrangements allow a variety of options for obtaining land rights other than ownership, including share-cropping, leasehold, and clearing new forest land. The establishment of a plantation would require a change in land tenure arrangements in order to meet the criteria of *nucleus-plasma* schemes. People who have no land to contribute to the plantation have limited opportunities to become *plasma* holders. Meanwhile, they are not compensated for losing access to the land which they currently share-crop or lease. This would also impact livelihood opportunities for future generations (see White, 2012).

Farmers who have incorporated their land into oil palm plantations often become day-labourers on the plantation. Such a change from farming to plantation labour would have profound impacts on daily lives, severely restraining people's autonomy. Particularly in a 'one-roof' plantation scheme, people lose control over decision-making regarding production, marketing strategies, and labour time. In Kebun Hijau, many people have experience with working on oil palm plantations in Malaysia. Plantation labour is regarded as heavy labour, not suitable for women, elderly people, and people with weaker health conditions. Though in other plantations in the region, women do work as labourers, women are not hired above the age of 35 and have to retire at 55 (as observations from a visit to a nearby plantation showed). Meanwhile, those fit to work on plantations may choose to continue to work in Malaysia because of higher wages. It is therefore likely that the company would attract labour migrants from outer regions. The local population may then become what Li (2010; 2011) describes as "surplus people" whose land is needed but whose labour is not.

The explanations from the company about the plantation project did not address these concerns. Rather, the company made promises such as that the villagers would be able to make the pilgrimage to Makkah and that they would have money to improve their houses.

The company also promised to improve the roads. Such promises are not related to any serious estimation of the benefits of oil palm as a crop vis-a-vis rubber, rice, and other crops. In socialization meetings, what was also not elaborated on was who will receive these benefits, how and when, or how people's lifestyles would change.

### 3.7 Conclusion

In this article I have presented a case study of a conflict in a Malay community in West Kalimantan that occurred in the preparatory phase of an oil palm plantation project. Violent confrontations arose between a plantation company and its opponents and supporters in the community, and the project was abolished before any oil palms were planted. To understand this conflict, I analysed land tenure arrangements in the pre-plantation situation in relation to people's responses to the plantation project. The findings demonstrate that resistance – or the absence of resistance – to oil palm plantation projects is not only conditioned by characteristics of the project itself. Rather, responses are rooted in the way people give meaning to the land and associated resources targeted for conversion to oil palm. To address land conflicts, it is therefore not sufficient to improve laws and policies on plantations or set up standards for the conduct of companies. The people in the case study village expected that a plantation system as such would negatively impact their livelihoods, lifestyles, and identities in three ways.

*First*, people were concerned about becoming dependent on monoculture cash crop production. Current land tenure arrangements allow for a wide range of crop choices. For the villagers, this means that land provides food security, income stability (for present and the future generations), and the flexibility to respond to crises and opportunities, such as new market opportunities. In times of limited cash income, the rice fields, vegetable gardens, and foods from the forest are crucial for food security. Rubber, even with the current low prices, provides predictable daily cash income for household expenses. Rubber gardens are also an investment for future generations. Meanwhile, rubber trees require little labour and attention, so villagers can plant additional crops. In contrast, an oil palm plantation would be incompatible with these diversified livelihood strategies because oil palm does not allow intercropping and there is not enough land available for farmers to continue producing other crops alongside oil palm. A conversion to oil palm would endanger food security and make farmers dependent on one market without having a safety net in times of crisis.

*Second*, the functional analysis of property relations exposed how a variety of property holders, beyond 'land owners', can derive benefits from land through leasehold, sharecropping, and clearing new forest land. Past and future generations are recognized because they influence bundles of rights and opportunities of current property holders. This is in line with Benda-Beckmann and Benda-Beckmann (2014: 21), who argue that property relations are meaningful only if they can be preserved over time, beyond the lifespan of property holders. *Plasma* arrangements only acknowledge current property holders while there is no

guarantee for future generations to obtain *plasma* plots. Furthermore, people who have no land to offer to the plantation would lose access to land because they are not able to register as *plasma* holders and other options to obtain land rights will disappear. Therefore, a plantation would limit access to land for a considerable part of the local population.

Third, this loss of access to land is not compensated by opportunities for labour. Although labour migration to plantations in Malaysia is an important part of people's livelihood strategies, plantation labour is regarded as heavy work that is not suitable for women, the elderly, and people with weaker health conditions. Those who are not able to go to Malaysia for work (where wages are higher than on Indonesian plantations), would not be able or willing to work on a plantation in the village. An important reason why people do not regard plantation labour as an option is that they regard a labourer lifestyle as inferior to the more autonomous lifestyle of farmers. People refer to plantation labourers as 'coolies' or 'tied labourers.' Moreover, being a farmer is associated with heritage from the ancestors. The establishment of a plantation would mean the loss of people's identities as autonomous farmers.

This shows that people's responses to oil palm plantations are deeply rooted in their perceptions of land tenure arrangements in the pre-plantation situation. For farmers, incorporation into the oil palm sector does not mean a mere switch to a new tree crop. Rather, by analysing property rights and mechanisms of access, this article has shown that the incorporation of farmers and their land into the oil palm sector would lead to the loss of the multiple functions of land, particularly food security, income security over generations, flexibility to respond to crises, and opportunity and autonomy for farmers. This outcome is in stark contrast to claims that oil palm plantations bring 'development' to the marginalized littoral regions of West Kalimantan and turn 'unproductive' into productive land.





## CHAPTER 4

# “We’ll turn your water into Coca-Cola”

The atomizing practices of oil palm  
plantation development in Indonesia

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## 4.1 Introduction

In this article, we discuss strategies and practices of land control regarding land acquisition for oil palm plantations. Large-scale land acquisition, also framed as ‘land grabbing’, often leads to conflicts between companies and local communities, and contention within communities. Various organizations, including the Roundtable on Sustainable Palm Oil (RSPO), the World Bank and the IFC, and national governments, have developed policies on Free and Prior Informed Consent (FPIC) that require consent by communities for land acquisition projects. However, conflicts remain ubiquitous. In our case study of two oil palm concession areas in West Kalimantan, Indonesia, conflicts are rife long before the full establishment of the plantation. To understand practices of land acquisition, we analyse how local communities have experienced and responded to plantation development. We highlight that land acquisition processes are characterized by ‘atomization’: fragmentation of activities in time and place, which may defect FPIC policies focused on acquiring consensus through stakeholder negotiation.

Debates about large-scale land acquisitions for food, feed and fuel production in the global South have stimulated a new academic interest in questions of agrarian change, such as land rights and processes of accumulation, dispossession and exclusion (e.g. Borras and Franco, 2012; Peluso and Lund, 2011; White et al., 2012). Initially these debates had a hype character (Kaag and Zoomers, 2014), pitting alarmist reactions against those who stressed opportunities and win-win outcomes, provided better regulatory arrangements are put in place (e.g. Braun and Meinzen-Dick, 2009; GRAIN, 2008; World Bank, 2010; 2018). Gradually, however, a more nuanced scientific understanding of ‘land grabs’ has emerged. Recent work recognizes the diverse ways in which land and related resources (water, subsoil resources, forest, etc.) are used and controlled by various actors in this era of intensifying global market integration and commoditization under global capitalism (e.g. Caouette and Turner, 2009; Peluso and Lund, 2011). This has crucially shifted the focus from assumptions about the top-down and fully imposed character of ‘land-grabbing’ (creating an image of corporate culprits versus community victims) towards a better understanding of ‘politics from below’ (Hall et al., 2015), acknowledging that land acquisition is a process crucially shaped by both macro- and micro-politics. Consequently, more academic attention is now being paid to the role of agency in processes of large-scale land acquisition, taking into account the diverse ways in which such initiatives are embraced, negotiated, contested or resisted.

In Indonesia, debates on ‘land grabs’ primarily concern the rapid expansion of oil palm plantations. This sector has grown exponentially in the last decades, especially under the neoliberal conditions of a withdrawing central state and growing freedom for the private sector and regional governmental administrative units after the demise of the Soeharto regime (McCarthy, 2010; Pichler, 2015). It is currently the largest agricultural export sector of the



country, representing an export value of 22.97 billion dollars in 2017.<sup>68</sup> Oil palm plantations are the target of much criticism, primarily for the negative impacts on the environment and biodiversity, local cultures and indigenous groups, and existing rural livelihoods (Potter, 2009; Wilcove and Koh, 2010).

In response to such criticism, various regulations have been established, ranging from state regulation in production countries and supermarket initiatives in consuming countries to transnational multi-stakeholder platforms like the Roundtable on Sustainable Palm Oil (RSPO), state certification in Indonesia (ISPO) and Malaysia (MSPO), and World Bank sustainability standards (McCarthy, 2012). Many standards have made FPIC into a key principle for dealing with land acquisitions (Anderson, 2013; Colchester et al., 2013). Despite these policies, land conflicts are still widespread (Persch-Orth and Mwangi, 2016). Convincing evidence of the positive impact of RSPO governance on land acquisition is lacking (e.g. Köhne, 2014; Silva-Castañeda, 2012). The key principles of FPIC are regularly violated. Even when FPIC is sought, negotiation processes are often consent-driven and characterized by unequal power relations and information asymmetries, leaving little scope for local voice (e.g. Anderson, 2013; Clerc, 2012). In our view, a nuanced understanding of 'land grabs' means to move beyond a critical scrutiny of the formal mechanisms for governing land conflicts, by doing in-depth research on the processes of land contestation that take place in the shadow of such mechanisms. Therefore, our research specifically focuses on the context-dependent micro-politics of processes of plantation development (Rasch and Köhne, 2016; White et al., 2012).

Using evidence from West Kalimantan, Indonesia, we analyse company strategies to gain control over land, and the responses by local communities. The article is composed of six sections. After this introduction, section 2 proceeds with a theoretical discussion on various modalities of land acquisition and FPIC policies. The third section briefly provides an overview of recent developments in the palm oil industry in Indonesia and the role of FPIC in the formal plantation permit process. In the fourth section, we present a case study in which we analyse how two plantation companies have attempted to obtain access and control over land and people by gradually transforming the landscape and social relations through promises and threats, (infrastructural) violence and fraud. The mechanisms that come to the fore in this case study are not specific for this case only but recurrently being reported in case studies on oil palm development. Focusing on a pre-plantation situation, this case study aims to provide a detailed account of the different phases of land acquisition and plantation development, and the reaction of local communities to this process. In section 5 we analyse company practices in the light of the insights from the theoretical framework. Contributing a new dimension to these insights, we highlight how processes of land acquisition are atomized: companies engage

68 <https://gapki.id/news/4140/refleksi-industri-kelapa-sawit-2017-dan-prospek-2018> (Accessed: 30-04-2018).

in activities that are dispersed over time and place, wedging their way into communities, so that (sometimes without knowing it) communities cooperate in plantation development. Our analysis also shows the need to seriously question the assumptions of FPIC policies. While these policies focus on (fair) stakeholder negotiations, our findings demonstrate that plantation development processes are not focused on obtaining consent for the *plantation project*, but rather on gaining support for *companies* using coercive practices.

## 4.2 Land acquisition and FPIC

Land acquisition does not only work through ‘pure’ forms of dispossession but includes forms of inclusion and incorporation under exclusionary terms (Hall et al., 2015; White et al., 2012; for oil palm, see McCarthy, 2010). This means we need to shift away from an exclusive attention to land as property with a narrow focus on ‘who owns what’, towards approaches that distinguish various processes and mechanisms to gain access and control over land and people. (Hall et al., 2011; Peluso and Lund, 2011; Ribot and Peluso, 2003). Conflicts over corporate activities may well concern the ‘terms’ under which people and their land are incorporated into these activities, rather than issues of enclosure or full dispossession. Such ‘control grabs’ (White et al., 2012) require a more processual analysis of the gradual changes in access and property relationships.

Although history is full of examples of enclosure as a way to gain control over land and exclude others, according to Peluso and Lund (2011: 672) ‘newer and more sophisticated forms’ of enclosure have emerged. In the field of nature conservation processes of territorialization play an important role: land control by claiming the right to govern space and the resources, species and people within (Peluso and Lund, 2011: 674). In this process, also ‘discursive strategies for constructing new sorts of common sense’ (2011: 674; see also Vandergeest and Peluso, 1995) are important. Here, certain types of governance that legally restrict access for pre-existing land users are discursively enabled. Such discursive strategies also play a crucial role in the creation of sites for agro-industrial production as agribusinesses and state actors use discourses, institutions, laws and policies to claim property over land and exclude other claims by creating boundaries, restrictions and prescriptions. This strategy is based on a private property-biased approach that emphasizes legal constructs such as registration and contracts, stressing the benefits of private property in creating efficient resource markets (e.g. De Soto, 2002; for criticism see Springer, 2013), stimulated by a general trend towards market economy and neo-liberal development recipes. In these processes, there is a new role for corporate and state actors, and also for globally operating NGOs, who engage in both direct and long-distance land control. Although the power of corporate interests is growing, both Woford et al. (2013) and Pichler (2015) emphasize the role of state actors in

land deals, exerting different kinds of power to enable certain forms of land use at the expense of others, and with state actors of different levels and divisions often pursuing contradictory agenda’s (Hall et al., 2011).

Closely related to this literature on enclosure is the approach by Hall et al., (2011), focusing on forms of exclusion that *prevent* people from benefitting from land: regulation, force, market and legitimation. Regulation shapes access to land by creating boundaries, defining condoned types of land use, describing the relevant kinds of ownership, and by determining which actors can make claims to land. This is backed up by force, including violence and threats of violence. The third power of exclusion is the market, which creates the incentive structure for exclusionary practices and sets the prices for land and commodities, making them available to some while excluding others. Lastly, regulation, force and the market are all normatively underpinned by legitimations: ‘justifications of what is or of what should be’ (2011: 18). These powers, alone or in combination, are not all-determining, but become the object of negotiations, demands and contestations (Hall et al., 2011).

Based on her analysis of these four powers of exclusion in corporate investments in farmland in the global South, Li (2015b) argues that exclusion by direct force is a politically risky and expensive solution. However, she argues, ‘forceful exclusion may also be achieved by building infrastructure that transforms the physical environment in durable ways, creating new “facts on the ground” that sever connections and render old ways of life impossible’ (2015b: 562). She thus argues that exclusion often takes place as a gradual process in which building roads, rerouting rivers or planting perennial crops implies an infrastructural violence gradually changing access and property relationships. An example for palm oil is given by Potter (2015), who describes how a company ‘had adopted the practice known as “*garap selonong*”, which means “take first, talk later”, giving the people no option but to surrender their land as it had already been cleared without their permission’ (Potter, 2015: 12).

Companies cannot depend on force alone, whether direct or infrastructural, as this might backfire, putting company assets and staff at risk (Li, 2015b). Companies need a ‘social license’ for their operations, in which legitimation plays a key role. However, she also accentuates that securing the consent implied in the idea of social license is itself a ‘fraught political process’. A social license can be bought by making concessions to local communities affected by the company activities. Li: ‘investors may attempt to buy peace with small *ad hoc* concessions or gifts to make a headache go away. Oil palm companies in Indonesia call this practice *dipanadol* (“to hand out Panadol”, a headache medication), and maintain a budget line for the purpose, under the label “social grant”’ (2015b: 562).

Notwithstanding the problems implied in the process of securing consent, academics, activists, companies, governments and international institutions recognize such a process for its potential to redress and prevent conflicts and social and environmental injustices. It can improve company – community relations by enhancing transparency and equality in negotiations about land acquisition. However, land acquisition does not occur in a single

'grab'; rather the powers of exclusion work through an incremental process, involving many different activities and actors, dispersed over time and place. We conceptualize this process as 'atomization'. The notion of atomization is important to understand the opportunities and limitations of Free, Prior and Informed Consent policies in practice.

The principle of 'free, prior and informed consent' is therefore enshrined in law and policies set by various authorities, of which the most important for palm oil are the RSPO, the World Bank and the IFC, ILO, FAO, and national governments. The Indonesian sustainability standard for palm oil (ISPO) does not recognize FPIC as such, but does stipulate community consultation.

The importance of the FPIC principle lies in its potential to prevent and resolve land conflicts. According to RSPO, 'respect for the right to FPIC is designed to ensure that RSPO certified sustainable palm oil comes from areas without land conflicts or "land grabs"' (RSPO, 2015). FPIC policies generally stipulate that a community has the right to give or withhold its consent to proposed projects that may affect their land. The principle stipulates that, first, people are not coerced, pressured or intimidated in their choices of development; second, their consent is sought and freely given prior to authorization of development activities; third, they 'have full information about the scope and impacts of the proposed development activities on their lands, resources and wellbeing'; fourth, 'their choice to give or withhold consent over developments affecting them is respected and upheld (Buxton and Wilson, 2013: 5).

The principle is based on the assumption that 'community participation is part of the trust-building process necessary for developers to earn a social license' (Goodland, 2004: 66) and that the two negotiating parties have the same information and are not overly unbalanced in power (Buxton and Wilson, 2013). The RSPO guide on FPIC explicitly states that one-sided community consultation does not count as FPIC, stipulating an extensive list of information that companies have to share with communities before any decision can be regarded as 'informed'. RSPO expects its members to conduct extensive, multiple meetings with local communities and their 'self-chosen representatives', including side meetings with minority groups, prior to any land development activity (RSPO, 2015). The assumption is that, to prevent conflict, in this way companies and communities can come to an agreement not based on bribes, gifts or false promises of jobs.

Levang, Riva and Orth (2016) argue that NGOs should focus their efforts on facilitating this dialogue. Borras and Franco (2014), however, critique this idea of a 'code of conduct' for land deals, because it pretends to lead to 'win-win' development outcomes. They argue that, since the aim of land transfer is not 'categorically to protect and advance the land access and property interests of working people', standards will not easily lead to pro-poor outcomes in practice (2014: 510), especially as transparency does not necessarily entail accountability and because of the high risk of local elites influencing the process. For this reason, they question whether a focus on company – community relations is sufficient to ensure fair practices.

In this theoretical framework, we discussed the various modalities of land acquisition, including forms of dispossession, inclusion, exclusion and incorporation under various terms. Land acquisitions emerge through the powers of regulation and legalization, force, and the market, and depend greatly on legitimation practices. Our research takes these insights as point of departure to study actual negotiations over large-scale land deals for oil palm plantations and the role of consent in these negotiations. We argue that attention to these atomizing practices lay bare the limitations of FPIC policies in dealing with land issues.

## Research Methods and Limitations of the Research

This article draws on ethnographic research, mainly by the first author, during several extended fieldwork periods in villages in West Kalimantan (9 months between 2013 and 2016). We used two villages as a base for visiting other villages in the concession areas of two plantation companies. These villages were selected because they were centres of resistance against the plantation projects. We built our network of informants through the connections of a regional farmers' movement and a local NGO, gradually expanding it during the research. Our research methods included participatory observation, informal conversations, approximately 50 in-depth semi-structured interviews<sup>69</sup> with villagers and village officials, and 13 group discussions in ten villages. In addition, we interviewed the staff of six NGOs in Pontianak and two in Jakarta, and gathered legal documents and media reports about the cases.

Doing research in villages with a recent history of conflict with a plantation company was a challenge. Tensions were still high and there was considerable mistrust towards people who allegedly supported the company, even when it had already left the area. In this context, it was difficult to explicitly look for 'pro-palm oil' informants. More importantly, in conflict cases like these there are no clear boundaries between 'supporters' and 'opponents', as people often have ambiguous perceptions regarding the plantation project and the company, and may change their position through time. For example, a leader of the resistance movement admits that he was initially in favour of the plantation, because he thought it would develop the village. However, he changed his mind when he learned that the company would become the owner of the village lands. People often were not totally against the plantation. Rather, they wanted it under certain conditions or on a different location (not on their own land). It is important to note here that support for the plantation is something different from support for the company. People sometimes liked the idea of a plantation project but mistrusted the company or, in reverse, people supported the company without wanting to contribute land to the plantation. An additional complication was that we could not interview company staff. Company B was no longer present in the area, and the area of company A was considered too risky to visit for in-depth research due to ongoing conflict.

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69 Usually several people were interviewed simultaneously. We counted these interviews as one.

### 4.3 Regulating land acquisition for palm oil plantations

#### New 'Partnership' Plantations

The palm oil production and processing industry became vital for the Indonesian economy in the 1970s. Indonesia had developed the nucleus-plasma plantation model (Nucleus Estate and Smallholders; NES), basically an outgrower model (Hall et al., 2011; White et al., 2012) with a core plantation (20 per cent) managed by a state or private company and satellite plots around the core managed by smallholders (80 per cent). The central state supported these plantations through subsidies and by providing land and labour. After the economic and political crises of 1998-1999, which led to the fall of president Suharto's authoritarian New Order regime (Schulte Nordholt and van Klinken, 2007), the palm oil sector was extensively liberalized and responsibility for plantation licensing and monitoring was transferred to district governments (McCarthy, 2010; Pichler, 2015).

New plantation laws introduced nucleus-plasma arrangements based on the principle of 'partnership' (*kemitraan*) between companies and smallholders. Companies were expected to negotiate directly with landholders about the terms of land transfer and the allocation of benefits (see Cramb and McCarthy, 2016). In practice this meant that previous nucleus-plasma ratios were reversed; nucleus plantations now make up 70-80 per cent of the total plantation area (Gillespie, 2011: 12). Cramb and McCarthy (2016) found that in many cases, in particular in Kalimantan, district regulations promote a 'one-roof' plantation model.<sup>70</sup> This means that plasma plots are not actually returned to smallholders, but rather they are offered 'the share of the production from the 20 per cent plasma area, which the company retains under its own management' (McCarthy et al., 2012: 560). Plantation development is promoted and monitored by special 'task forces' (TP3K),<sup>71</sup> teams that include district, sub-district and village officials, police and military, to promote oil palm development in the villages and mediate between villagers and the company in case of conflict (Colchester et al., 2013; Sirait, 2009). The exact allocation of benefits is determined in district regulations and can therefore vary. Various scholars have pointed out that the conditions under which people and their lands are incorporated into the oil palm sector have deteriorated under these new plantation arrangements (Gillespie, 2011; Li 2015,a; McCarthy et al., 2012a).<sup>72</sup>

70 Also described as *Sistem Saham* by Sirait (2009).

71 *Tim Pembinaan dan Pengembangan Perkebunan Kabupaten (TP3K)*, District team for monitoring and developing plantations, recently renamed *Tim Koordinasi Pembinaan Perkebunan (TKP2)*.

72 Although in some areas, in particular in Sumatra, the numbers of oil palm smallholders are growing fast (Bissonette and De Koninck, 2015), in the case study region, where oil palm is a new crop, palm oil is mostly produced in large-scale estates (BPS, 2015).

## FPIC in the Plantation Permit Process

Although the FPIC principle as such is not recognized by Indonesian law and ISPO regulations, in the formal permit process for plantation development companies are required to engage in ‘community consultation’ (*konsultasi*) at various stages. We briefly review the formal permit process and examine the forms of company-community interaction that are specified.

To start the permit process, a company first needs to file a request for land information and a principle permit (*Informasi Lahan and Izin Prinsip*) to the district government. Plantation land needs to be classified as ‘non-forest’ (*Areal Penggunaan Lain, APL*);<sup>73</sup> if the land is still designated ‘forest area’ (*kawasan hutan*), the company must obtain a ‘decree of release’ from the Ministry of Environment and Forestry to make land available for oil palm cultivation.<sup>74</sup> If plantation development is in accordance with local regulations and land use planning (*Rencana Tata Ruang Wilayah, RTRW*), the district government may grant a Location Permit (*Izin Lokasi*). This permit allows a company to initiate negotiations about land acquisition with communities in the concession area. The ISPO instructs companies at this point to organize consultation meetings (often referred to as ‘socialization’) to inform affected communities about the details of the project plan, expected environmental impacts, and land acquisition and compensation procedures, prior to any plantation development activities.<sup>75</sup>

The law condones various ways to obtain land: by means of acquisition, compensation (*ganti rugi*), or ‘other forms of land transfer in accordance with local customs.’<sup>76</sup> The latest Law on Land Acquisition (2012) acknowledges a variety of property holders in addition to ‘holders of formal land titles’ and ‘customary communities’ (Bedner, 2016). At least for the sake of compensation for land loss and damage to or loss of crops, ‘owners of buildings, crops, or crops connected to the land’ are also acknowledged as property holders entitled to compensation (Bedner, 2016: 73). This means that an absence of formal land titles doesn’t legally exempt companies from negotiating about the conditions of land transfer with local communities.

The next step is to apply for a Plantation Permit (*Izin Usaha Perkebunan, IUP-B*), which grants the holder the right to establish a plantation within a defined area (Wildlife Conservation Society, 2010: 10). To obtain an IUP-B, companies need to prove that they have performed community consultations. This includes an agreement with local communities about the development of plasma and an Environmental Impact Assessment report (AMDAL).

73 Non-forest area is regulated by the Basic Agrarian Law (BAL), under the jurisdiction of the National Land Agency. The BAL gives the right to the state to acquire land for the sake of ‘national’ or ‘public’ interest (Bakker and Moniaga, 2010: 189).

74 Forest areas are controlled by the state, represented by the Forestry Department (Bakker and Moniaga, 2010).

75 19/Permentan/OT.140/3/2011, art. 1.9.

76 Location Permit decision 1.



Moreover, if the land targeted for plantation development is communal land owned by a customary community, companies first need to perform *musyawarah* (negotiation) with the community.<sup>77</sup> This requirement is reinforced by the recent decision of the constitutional court regarding the acknowledgement of customary forest land (*hutan adat*)<sup>78</sup> (Siscawati, 2014). After completion of these steps, companies can apply for a commercial lease right (*Hak Guna Usaha*, HGU) with the Provincial division of the National Land Agency. This last permit grants companies the right to lease land from the state for 35 years, which can be extended for another 25 years.

Although Indonesian law prescribes ‘community consultation’, there is no detailed description of what this should entail, nor what counts as an agreement. A complicating factor is that companies need to invest considerable time and money in the permit process. Once they have obtained the permits, within 3 years, companies should prove that they have completed 51 per cent of the required land transfer; if not, the area can be assigned to other companies.<sup>79</sup> This puts pressure on the success of the land transfer process. Nevertheless, companies are legally required to consider prevailing land rights and at least consult communities prior to initiating plantation development activities.

## 4.4 Case study: resistance against two plantation projects

### Development of the Conflicts

We discuss two interlinked land conflicts in coastal West Kalimantan, involving two plantation companies which belong to the same Indonesian agribusiness group. This group holds several plantations in Kalimantan, Sumatra and Papua. The group is mentioned for violating deforestation policies in reports by environmental NGOs. The agribusiness group is not a member of the RSPO; however, it supplies CPO to another company that is an RSPO member.

In the region we studied, rubber forms the basis of people’s livelihood. Farmers typically combine rubber tapping with other cash crops such as black pepper, coconut, fruits, pulses, and rice for subsistence. Oil palm is a relatively new crop in the region; the first concessions for corporate plantations were granted around 2005. The region is relatively poor; it scored a HDI of 0.633<sup>80</sup> in 2014 (BPS, 2015), and farmers suffer from low rubber prices. The villages (2000-4000 inhabitants) typically have different land use zones, including rubber and coconut gardens, mixed crop gardens and fields for rainfed rice cultivation. Some villages also

77 Ministerial Regulation 98/2013 regarding Plantation Permits.

78 Constitutional Court decision 35/PUU-X/2012.

79 Ministerial regulation 5, 2015 on Location Permit; chapter 3, art.5.

80 The HDI of Indonesia was 0.708 in 2017.

have uncultivated land, described as 'forest', which can refer to areas covered by trees as well as (peat) forest now degraded by forest fires. Although the communities in our case study identify as ethnic Malay and indigenous to the region, they do not identify as customary communities (*masyarakat adat*).<sup>81</sup> Nevertheless, land tenure arrangements are also primarily based on locally developed notions of land rights, in which various property claims and arrangements, including individual ownership, sharecropping, leasehold and communal village land are recognized. People in the case study villages typically cultivate multiple plots of one to three hectares, both for subsistence and the market. Although most people do not hold formal land certificates from the National Land Agency, many have land clarification letters (*Surat Keterangan Tanah, SKT*) issued by village governments. Although exact and reliable statistical data on land tenure are hard to get, the communities are differentiated in terms of land tenure, consisting of poorer people who own little or no land (they may lease land or work on other people's land) and receive government aid in the form of 'rice for the poor' (*beras miskin*), as well as more well-to-do people who have businesses or are government officials. The latter often have more land, because they can hire labour to clear, develop and cultivate the land (local notions of property emphasize cultivation as condition for legitimate property claims).

In 2006 and 2008, the companies obtained location permits of respectively 20,000 and 10,000 hectares, spread over four sub-districts. Villagers opposed the plantation project, which they saw as a threat to their livelihoods and lifestyles, losing diversified and flexible agricultural production, which will make them vulnerable to volatile markets and dependent on companies, and their autonomous lifestyles as farmers to become plantation labourers on their own land (see De Vos, 2016). Others welcomed the idea of oil palm, because they hoped it would bring development (such as roads) and would provide a new source of cash income. People's reasons to support or oppose the plantation projects cannot be explained by difference in socio-economic position or access to land. Rather, people's positions are influenced by access to reliable information (from NGOs, media or relatives with experience in other palm oil areas in Kalimantan) or lack of this, personal experiences of plantations labourers in Malaysia, and relations with local authorities.

Problems arose in 2006, after Company A had marked the borders of the concession area, which included land in thirteen villages, without any prior attempt to discuss these plans with, or even inform, the affected communities. Resistance was centred in Sungai Putih village, its government taking a leading role. Together with a local NGO, the village head set up a 'farmers' movement' to organize resistance against the company, holding information meetings to warn people about the possible consequences of the plantation. One night, after such a meeting the village head was attacked and beaten up by someone who had allegedly been hired by the company. In response, the farmers' movement organized a 7,000-people demonstration in front of the district government office and successfully demanded the plantation permit

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81 Customary community. See Davidson and Henley (2007) for a discussion on the revival of *adat* politics.

to be withdrawn. However, the company contested this at the Pontianak court and had the permit reactivated. Thereupon, the company proceeded to clear land and plant oil palm in an area where resistance had been less organized and village governments were in favour of the plantation. At present 1,400 hectares, about 50 per cent of the plantation, are in production while the plantation is still expanding.

Meanwhile, in 2008, Company B obtained a location permit for 10,000 hectares in a neighbouring sub-district, including fourteen villages. People joined the farmers' movement to organize resistance against Company B. After the first signs of discontent, the company organized socialization meetings to inform the people about its plans. People describe the atmosphere during these meetings as 'heated' and 'tense', and supporters and opponents of the company got into physical fights. In 2010, the farmers' movement organized another demonstration. People from villages in both concession areas were transported to the district capital with trucks and motorcycles. However, this time the demonstration was not effective. Angry that the *bupati* did not meet the protesters, the mass started throwing stones at his office. Soon after, a second demonstration was organized at the company's base camp in one of the villages. This demonstration ended violently: the camp was burned down and two police motorcycles and the house of the (allegedly pro oil palm) village head were damaged. In reaction, the police arrested two men for vandalism, who were later sentenced to eight months in prison. Due to the tensions, the company could not continue its operations and cancelled the project, letting the location permit expire in 2014 to leave the area. Recently, however, new oil palm companies have been seen scouting the area, and new concessions have been issued to different companies.

### **Company Practices to gain Control: between Promises and Violence**

Many of the companies' land acquisition practices work like wedges that create and exacerbate frictions within communities, as well as between communities and their local government. At the same time, companies strategically build bridges to generate support for plantation projects, cooperating with local authorities that are supportive of the investments. These practices constitute small, sometimes nearly imperceptible moves and steps that together change the landscape and social relations to pave the way for establishment of the plantation, leading to loss of property and livelihoods for rural communities.

#### *Preparatory groundwork*

'The landmarks were made of cement ... the poles made noises; they made sounds when the machines put them in ... tik tik tik.' Pak Ardin, a local inhabitant who feels harmed by the company, recalls the day he found red cement poles in his rice field. Unaware of the plantation project, he did not understand who had placed these poles, and why. When he asked his village head, the latter replied that the landmarks indicated the location where a public road for the transportation of palm oil was to be constructed. Later, it turned out that the poles had been

placed by Company B to mark the borders of the concession area. Placing landmarks is part of a series of preparatory activities companies must undertake during the permit process. In this case, the preparatory groundwork took place prior to socialization, leaving communities largely unaware of the project. The companies only informed local authorities through a so-called ‘pre-socialization meeting’ and personal visits to village officials.

A village head told us that he was visited by company representatives who intended to conduct a land survey in his village. Despite recent experience of violent conflict with company B, he felt compelled to acquiesce, because the company representatives showed him their permit from the district government. He also coordinated a team of villagers to help the company survey the area. The village head: ‘True, I allowed the company to survey the location. I am responsible, but they already had a permit, right? If they only want to conduct a survey, go ahead. Only if they want to establish [the plantation], we consult the community.’

This illustrates how companies use village officials as their ‘hands and feet.’<sup>82</sup> Village governments have facilitated and coordinated labour for preparatory activities and related communications. This cooperation between companies and local authorities (including district and sub-district officials, village authorities, police and military) is structured through the TP3K. This team assists the company during official meetings such as socialization meetings. Also local authorities communicate the interests of the company informally with the villagers. According to a former village head, village heads are used as a bridge between the district government, the companies and villagers in order to smoothen land transfer. This strategy is effective in preventing unrest: by representing the company, village governments made it look like the preparatory activities were related to a government project. Pak Anwar, one of the ‘palm oil opponents’ leaders, comments: ‘They said that the landmarks were from the National Land Agency: “you don’t have to worry; we will protect you and avoid problems.” So, people felt safe.’ People thought that the landmarks were part of a government project and therefore harmless: ‘People here do not understand the difference between a company and the government. They do not ask questions when landmarks are placed; they believe it is no problem and that [the presence of] a company means that the government is assisting us, like when they distributed rubber seedlings. Therefore, they had to accept it.’ Thus, companies could operate in the village without the community being informed. Rather than seeking consent for their activities, they strategically operated under the radar.

Later the companies continued acquiring land through ‘atomized’ infrastructural violence, involving more visible activities with heavy machinery like setting up a base camp and a seed nursery, and widening canals and roads. Only then, word began to spread that there was a company in the area. When we asked ibu Lia how she knew that the cement poles in her rubber garden belonged to a company, she explained: ‘I knew there were people with a business ... there were rumours, people spread the word’. This time, village heads organized

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82 See also Sirait (2009: 86).

meetings to inform people about the construction work. Pak Ardin illustrates how people were informed about these small steps in plantation development, but still not about the project as a whole:

*The village head gathered the people. [...] When we were all there, he said: “Assalamualaikum, tonight the company will bring heavy machinery to Kebun Hijau. Please do not throw stones”. I wondered why there was no assalamualaikum from the company to the landowners before they started the road construction. [...] In the morning, when I departed to my rubber garden, the machine already started to work. The company wanted to widen the road by two meters. They took soil from my rubber garden, my rubber trees were felled. I asked the worker if there was no one to supervise the work. “Is this your land, sir?” he asked .... He took 100 meters of soil from my garden. Fortunately, the machine broke down. Many rubber trees were felled; it will take eight to ten years before new rubber trees will be productive, so I felt aggrieved.*

The complaint of Pak Ardin that the ‘*assalamualaikum*’ — the Islamic greeting used to open official meetings — came from the village head and not from the company, demonstrates that the preparatory phase was mainly executed by village officials, while the company stayed out of sight. The lack of timely information meant that pak Ardin could not prevent the company from building its road partly on his land, destroying rubber trees. While these activities did not yet cause open conflict, the plea ‘not to throw stones’ indicates rising tensions.

So, companies engage in preparatory groundwork in such a way that the separate activities are not clearly linked to their plantation project. These activities take place *prior* to socialization meetings. If communities are informed at all, this is limited to the details of the separate activities and does not explain the project as a whole. Furthermore, companies leave the coordination and organization of labour for preparatory activities to village officials. As village governments came to represent the company through the TP3K, a wedge was driven between them and their villagers. When the company finally organized a socialization meeting, tensions were already high. These preparations before socialization violate the stages of plantation development stipulated in the FPIC guide for RSPO members and ISPO regulations, which require companies to consult communities before proceeding with mapping and surveying.

### *Chores for cash*

Village governments ordered villagers to perform chores like measuring land, placing landmarks, working on roads, cleaning canals and guiding company officials around the concession area. They were usually rewarded with small sums of money. The villagers who

did this work were not always aware that it was part of plantation development. Pak Long, for example, admits having worked for the company to earn some extra money. He thought that the company would establish a seed nursery in his village and that the plantation would be located in another village: ‘I was ordered by the *kepala dusun* (hamlet head) to measure land for the seed nursery. I received IDR 1,500 per meter, and worked on this task for several days.’ Then he became hesitant:

*The company started threatening people who did not accept the compensation offer. The RT, kepala dusun and the police threatened us.<sup>83</sup> The company manager came to my house four times. He said: “If you want to work with us, everything will be alright”. I didn’t know then, I thought it was for the seed nursery, not for the plantation. They said they would locate the plantation in another village. But they planted oil palm in my village. They said they would move when the nursery was done. We only thought we could make some extra money, but did not know the consequences.*

Although pak Long knew about the plans for the seed nursery, he vows that he did not understand the consequences of measuring land. Yet, letting villagers do chores for cash created mistrust within communities. In some places skirmishes broke out between landowners and people placing landmarks. Pak Salim witnessed fellow villagers place landmarks in his rubber garden:

*All land was being marked, including my land and my brother’s land. I saw people from our own village place cement markings. They did not know why they had to do this; the village head had sent them. I asked: “did you obtain permission from the landowner?” “No”, they said, “the manager of company A sent us”. I said: “I do not accept this. This is ancestral land”. Eventually they stopped, because I said “I dare to fight you”.*

It is striking that neither pak Salim nor the men placing landmarks knew precisely what these were for. Yet the argument developed between fellow villagers, not between pak Salim and the company. Occasional contestations between villagers are inevitable in every community,

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83 RT (*Rukun Tetangga*) is the lowest administrative level in the Indonesian administration. *Kepala Dusun* is the hamlet head.

however oil palm development brought a new divide. Employing villagers to do company work created a growing rift between supposed ‘opponents’ and ‘supporters’ of the company. People may be willing to do chores for the company, because it is an opportunity to earn extra income, which can be particularly welcome when rubber prices are down. Also, it may be difficult to refuse an assignment from village authorities, because villagers depend on them for access to government aid and arrangement of administrative matters. While this does not necessarily mean they support the company, doing chores for the company is regarded by other villagers as seeking personal gain at the expense of the community. There is also a crucial difference between consciously *cooperating* with the company, and *understanding* the full implications of this. Thus the company could ‘wedge’ its way into communities, further intensifying tensions between ‘pro’ and ‘contra’ groups.

### *Gifts and money*

In addition to paying for work, the company also created personal incentives for influential persons in communities to cooperate. To this end, the companies employed so-called ‘community relations teams’ consisting of company staff and local villagers. The former village head of Sungai Putih was also offered gifts by the company to secure his support:

*Many company representatives came to my house. Once, towards the end of the Ramadan, they left sugar and rice on a jetty in the river ... a lot of it ... what was I supposed to do? It was a gift ... so I distributed it among the people, better than throwing it away. They came again with money. I did not count it, but we have many family members that have gardens, so I don't want it. How could I accept it? [...] The allurements by the company are many. If you are not strong, you could be rich in an instant.*

The companies also attempted to persuade leaders of the opposition by offering them such gifts. The following quotation from an opponent illustrates how companies attempt to gain support for their project through bribery, again with the help of the village head:

*I was once invited to the house of the village head by the manager of Company A. They thought that I was a poor man. It is true that I need money, who doesn't need money? But I did not want it, that would be a betrayal, right? [The company representative said:] “What do you want, pak, how much do you need?” Well, when he said “how much do you need” we understood he meant money, right? I said: “I refuse and will always refuse whatever money you give me.”*



The personal approach of the companies to persuade people contributed to an atmosphere of mistrust. Even when someone refuses the offer, the personal visit often suffices to spread rumours that this person has given in. Like the 'chores for cash' tactic, distributing gifts and money also works as a divisive element, forging deeper rifts within already divided communities, especially between villagers and village officials. In this way, over time the bribery that companies use to gain control over communities also strengthens their control over land.

### *Blowing the winds of heaven*

In villages whose governments were 'pro palm oil' the companies organized socialization meetings. Although these provided some information about the projects and their benefits, they did not allow for discussion or negotiation. The village head of Sungai Putih during the conflict: 'Socialization here is only to inform, but there should be interaction. Socialization is too trivial. There is supposed to be public consultation, which means there is negotiation.'<sup>84</sup> Considering the existing power differences, the lack of room for discussion is not surprising. What did surprise us is that people who attended these meetings asserted that they did not learn anything about oil palm, labour conditions, details of plasma arrangements, profit sharing or market opportunities. Most people only learned that the community would receive 'plasma'. According to pak Rizal, who attended a socialization meeting, the meetings were not really geared to providing useful information, but much more 'to blow the winds of heaven'.

According to informants, the company made various promises. Some were difficult to refuse, whereas others sounded quite absurd. One villager recalled the company saying 'we can take care of your unproductive land; you only have to sit on your verandas and wiggle your feet in the air to become rich.'<sup>85</sup> Ibu Susi remembers promises of material benefits: 'they promised that ... we could buy new motorcycles and make the *Hajj* [Islamic pilgrimage]; roads would be improved like in the city and there would be streetlights. Those who surrender land would be provided with alternative land and we would get oil palm seedlings and jobs, and the nucleus plantation would be located elsewhere.' Pak Su: 'A village official said: 'we now smoke *Cakra*, but when the company arrives we can smoke *Garam* [a more expensive brand].'

Again, it was not always the company that made such promises. Pak Su: 'Actually, [the promises] never came directly from the company, but only from the village authorities'. Village officials often spoke about the merits of oil palm during village meetings and at informal gatherings like weddings and funerals. Pak Su: 'They said that, when the company

84 Gillespie (2011) observes that during negotiations companies reduce the options for local communities to 'join or not join', without negotiating the specific terms of incorporation.

85 This may sound attractive, but it indicates that the company intended to deploy a 'one-roof' partnership scheme in which farmers become shareholder rather than smallholders. They receive monthly dividends from the plasma area, but are not involved in production, managing or marketing activities and therefore lose agency and autonomy.

arrives, our roads would be good and there even would be airplanes. Indeed, if the company would come, the roads would be good. But the airplanes would not be for us, but for them.' In another village, the company boasted that it would turn water into Coca-Cola. Such promises are described as 'sweet words' (*omongan manis*), 'seduction' (*iming-iming*) and (empty) 'promises' (*janji-janji*). Though promises of airplanes and Coca-Cola are not taken seriously, others can be quite persuasive. For example, the promise of infrastructure is mentioned in several case studies of palm oil plantations (e.g. Colchester et al., 2007; Haug, 2014; Marti, 2008). The roads in the area are very bad, especially the smaller ones that lead to villages; parts of the main roads are also full of holes, and muddy in the rainy season. Farmers identify the infrastructure as primary challenge to their ability to market products. As explained by a rubber farmer, a company's offer to improve the roads is difficult to refuse: 'The road is very bad, so people are easily convinced when they are offered one. A road is very important to the economic situation of our village.'

So, socialization meetings did not inform communities about the details of the plantation project. Instead, they focused on 'sweet talk' about how life would improve once the plantation was up and running. Crucial issues like conditions for land transfer, plasma arrangements, prospects of oil palm against rubber, and labour opportunities were not discussed. Notably, many promises were not directly made by the company, but by the village government. In fact, the companies did not communicate with communities at all. The lack of interaction and discussion at socialization meetings, and of useful information about oil palm and plantation arrangements, obstruct the accomplishment of informed consent.

### *Fraudulent consent*

For companies, socialization meetings are important steps in the permit process. Documentation of socialization meetings, such as photographs and attendance lists, can be used to demonstrate community consultation. For example, the Environmental Impact Assessment report of Company B includes photographs of a socialization meeting and multiple annexes with names and signatures. In Indonesia, it is common practice to use an attendance list for every gathering. Several people told us that they signed an attendance list for meetings unrelated to oil palm. Later, these signatures appeared in the documentation of the company.<sup>86</sup> The following field note excerpt demonstrates that it is easy to acquire signatures, which can later be used for different purposes.

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86 Colchester et al. (2007: 93) also report that companies make people sign 'documents of agreement' without prior public explanation of the meaning of these documents.

*In Batu Raya, we show the AMDAL<sup>87</sup> to a kepala dusun. Pak Udah (chair of farmers’ movement and our guide) scrolls through the lists of signatures from Batu Raya. The list was apparently stamped and signed by the kepala dusun in Pontianak. The kepala dusun starts laughing: ‘look, every page has a different signature. This is my real signature, but the rest is false. Moreover, I have never been to Pontianak’. Then pak Udah shows him a picture of men sitting in school benches. He says: ‘look who is on the picture’. The kepala dusun says: ‘Yes, that is me ... there was a socialization meeting, so I attended. But it was not a consultation meeting. We just signed the attendance list’.*

Other people recall they were asked for a signature during meetings unrelated to oil palm. Ibu Lia:

*They said we would receive land in the interior, if only we signed. We wanted that, but said “beware if you lie to us”. They did not mention oil palm, only said every household would receive two hectares if they signed the agreement. We could cultivate anything we wanted there. This land was located outside the concession area, in the forest. They were local villagers, sent by the village head.*

Thus, the company attempted to fake proof of agreement over a plasma arrangement. It shows that obtaining documentation that seems to prove community consultation or even agreement to plasma arrangements is rather easy. The permit process requires community consent, but, as shown above, ‘consent’ is characterized by misrepresentation, manipulation, and fraud.

### *Claiming legality: ‘this land belongs to the state’*

Prior to clearing land, Company A negotiated about land transfer with individual landowners. The company tried to convince people to give up their land arguing that, since the targeted land was state land (*tanah negara*) and the state had granted a plantation permit, the project could not be opposed.<sup>88</sup> So, the company claimed indisputable land rights over the concession

87 Analisis Mengenai Dampak Lingkungan; Environmental Impact Analysis.

88 Potter (2015) illustrates how companies use confusion over the legal status of land to claim it.

area, based on its location permit and plantation permit. Therefore, the company argued that it would only negotiate about compensation for damages (*ganti rugi*) to crops, not about the land transfer.<sup>89</sup>

Villagers often have different perceptions about what is being negotiated. In Lalang village, one of the landholders reported that there was a misunderstanding about whether the agreement entailed temporary leasehold or unlimited purchase and ownership.<sup>90</sup> The company had promised to make his son a security guard in exchange for contributing four hectares to the seed nursery. In addition, he would receive a compensation of IDR 500,000 (\$40) for the 200 rubber trees on this land. The man thought he had leased out his land, but the company regarded the compensation agreement as proof of full land transfer. In that case, the company obtained four hectares of land for the trivial amount of 500,000 IDR. We asked him if he was not angry about this. He replied: ‘yes, I was angry, but the government was angry at me. They said that my land was state land. I don’t have a letter of land clarification (*SKT*). For us [a land claim] is legitimate if you have planted crops’.

Amal explains that the lack of knowledge about land rights makes people lose their land:

*People are easily convinced when they are told the land is state land. The village head said it was state land, but the people do not know what state land is. They don’t know anything about [land rights] documents. They said it was state land so we cannot do anything ... They [the company] said that they are allowed to operate, because they have provided compensation. But there is no proof of that. Indeed, some people acknowledge they received compensation for their crops, but not for their land. The land still belongs to them. Yes, the company has damaged the crops, so they should compensate, but the people do not have official documents. So, they are threatened by the government: ‘where is your title?’ However, it is the government that should have provided for that.*

Amal’s account demonstrates how the company used its permits to present its land claim to the community as legitimate and indisputable. Moreover, the company argued that payment of compensation for loss of crops was sufficient to legitimize operation, because people had no legal land rights documents. When opponents of the plantation organized resistance, the company challenged them to contest the company in court. The village head of Lalang issued

89 Haug (2014: 362) reports that in East Kalimantan, meagre compensation for crops and trees led to conflict, because people saw this as disrespect for their customary land rights.

90 According to Colchester et al (2007: 168) companies use compensation payment as proof that land is ‘sold’.

a letter stating that claimants of land targeted for the plantation had to file a court case against the company within one month. Otherwise the disputed land would become an ‘asset’ of the village government, which then could freely transfer it to the company. Nevertheless, the claimants decided not to file a case, because they were convinced that they would lose in court without any formal documents to support their claim. The company had already won in court before, with the help of village heads. After the mass demonstration of 2008, when the *bupati* (district head) had revoked the plantation permit of company A, the company contested this decision in court. After several village heads had testified on behalf of the company to revive the permit, the court ruled in favour of the company.

We see how companies manage to use legal institutions in their favour. They claim to have legitimate land rights, while legally they have not, because they only have a permit. Although permits stipulate that companies have to negotiate with land rights holders, companies present the plantation project as a *fait accompli*, which cannot be opposed by people without formal land rights. Hereby companies ignore existing land rights and manipulate consent to land transfer by pretending that land holders have no choice but to surrender their land. Subsequently, compensation is used as proof of consent to the land transfer. The land holders who did not want to transfer their land had limited options, as the village government was acting on behalf of the company.

### *Pressure, threats and physical violence*

The concerted attempts by companies and local authorities to ‘let the winds from heaven blow’ did not lead to desired outcomes. Resistance continued, and opponents became increasingly organized through the farmers’ movement. In response, company staff and pro-plantation government officials engaged in more coercive tactics to make people support the plantation projects. Village officials were pressured as well; one village head said: ‘I felt like a living corpse, because people accused me of cooperating with the company’. He explains it was difficult to accommodate the expectations from the district government on the one hand and the villagers on the other. Going against the district government was indeed a risk; after the former village head of Sungai Putih had repeatedly refused to accept gifts from company B, he received a telephone call from the *bupati*:

*The bupati called me directly. He said: ‘you are a village head; you cannot disobey the bupati.’ I said to him that I could, because I was elected by my people in the village and not appointed by him. One night, after a meeting with other village heads, I was heading home. It was dark. Someone hit me with something. I was beaten so badly that I was unconscious in the hospital for 3 days.*

The village head refers to his attackers as ‘company thugs’ (*preman perusahaan*), people hired by the company to intimidate and attack opponents. People say these *preman* are not outsiders but young men from the village who hang around at the market and are often involved in petty crimes and quarrels. The attack on this village head is not an isolated incident; in several villages, there has been similar violence. In Kebun Hijau, an opponent leader was beaten on the head with a helmet when he and two NGO workers visited a site where company B had bulldozed rubber gardens to construct a road. They wanted to photograph the site as evidence of the companies’ misconduct. The victim comments that the men who attacked him were in fact related to him. They were not supporters of the company, but paid by the company or the village head to attack him. The attackers were eventually arrested, and later they asked for forgiveness. Though in Sungai Putih and Kebun Hijau the situation has calmed down, this is not the case in Lalang. Pak Amal attests that he still experiences intimidation because he opposes the plantation: ‘The company offered us [opponents leaders] a commission of IDR 1 million for each hectare that we acquired for the company. We only had to sign a paper in which we stated that we would no longer engage in any form of resistance. We refused this offer. Then they threatened to hire a hit man to kill us. But we are not afraid’. Upon his statement his wife cried out: ‘but I am afraid! If they want to kill him, kill him now, but stop the threats, I am getting high blood pressure and headaches from worrying’.

The intimidation in Lalang has served its purpose in creating an atmosphere of mistrust.<sup>91</sup> The group of opponents has fallen apart, because of rumours that some opponents’ leaders have accepted company money. During an interview with a second opponents’ leader from Lalang it became clear that there are now two conflicting opponents’ groups, one accusing the other of secretly cooperating with the company. Angry with Amal, another leader of the group claimed to know that Amal cooperated with the company, because the latter had told him that Amal had accepted money from them. These ‘quarrels’ are partly rooted in local politics, social relations (jealousy) and issues that have little to do with palm oil or the company. However, the lack of transparency in communication between company, village government and community provides fertile ground for rumours and mistrust, working as a divisive element that gradually creates rifts within communities. The situation grew so tense that members of the farmers’ movement from other villages do not dare to go to Lalang anymore, unless they can justify their visit because of a wedding or a funeral.

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91 Sirait (2009) states that companies play out communities against each other by cooperating with local (*adat*) elites to gain access to land.

Too much physical violence might eventually strengthen the opposition. Therefore, companies and village governments also deploy subtler forms of coercion. For example, some opponents of the plantation project feel that since the conflict they are excluded from public services by their village government. According to pak Mardan, people feel dependent on their village head and are reluctant to go against him:

*If people oppose the plantation, they are not served by the village government, not even when someone dies. All kinds of administrative services are denied. When we want to have a land clarification letter made, this is not done. Even when it has already been drafted, the letter is withheld. Marriages are not attended and even complicated. Even when Mardan’s father died, the village elites were not allowed to assist the deceased. They were forced to call a religious leader from another village.*

In villages where the government is against the plantation project, resistance could be organized more openly. Especially where the village government is in favour, resistance is difficult and risky.

### *Limitations and success of resistance*

Despite the companies’ efforts to obtain land, eventually only Company A managed to develop part of its concession area. Therefore, the people who rejected the plantation projects claim that their protests were successful. The leaders of the resistance movement organized numerous information meetings in the villages to inform people about the possible negative impacts of oil palm, emphasizing that the plantation would be developed on agricultural land and that the company would own and manage the plantation. Negative examples from others areas were used to illustrate what could also happen to this region. The resistance movement was able to mobilize people for three demonstrations, and it showed that people were willing to use violence if necessary. The company could not proceed without risking violent confrontations. In the villages where the plantation was eventually developed, resistance had been weaker and the village authorities were supporting the company.

However, although the larger part of the plantation projects did not materialize, social relations were damaged during the conflict. The company strategies to obtain land, created new kinds of divisions among villagers, creating ‘pro’ and ‘contra’ camps. In one village, mistrust amongst fellow villagers made a group of opponents decide to build a new mosque, because they could no longer pray together with supporters of palm oil. Although the oil palm project was never developed, mistrust among villagers remained. Some people regard the conflict as traumatizing; people had verbally and physically attacked each other, and several people were



arrested and sent to prison over the burning of the base camp of company B. While some people do not hesitate when asked whether they would resist a company again, others are not sure if they would take the risk again. This is important, because new companies are already scouting the area for new plantation projects.

## 4.5 Atomizing practices of land control for plantation development

The above account of plantation development practices shows that land acquisition by companies is a process of gradually changing the landscape and social relations rather than outright and immediate dispossession. In this process, we see various modalities of land control at work (Hall et al. 2011; Peluso and Lund 2011). Territorialization played an important role in making land ‘available’ for plantation development. Companies used spatial planning regulations, formal legal statuses of land, plantation licenses, and discourses on ‘unproductive’ lands, claiming legitimacy to develop the land, even without the legally required communities’ consent. Also, various forms of force were used. In this case, companies, in close cooperation with local authorities, engaged in coercive practices such as (threats of) physical violence, bribes and gifts, and denial of public services to opponents. Furthermore, companies used infrastructural violence (Li 2015a). Preparatory activities gradually changed the landscape, sometimes in nearly imperceptible ways — and even without people being aware of the small steps taken and their own role in them — but steadily imposing changes on the landscape. Lastly, the companies, cooperating with village authorities, attempted to acquire a ‘social license’ to operate. By legitimating their activities with promises of a better future they pursued a ‘consent’ proven by signatures and other documentation of community consultation, be it through manipulation and falsification of signatures. Obtaining ‘consent’ is indeed a ‘fraught political process’ (Li 2015a).

However, a new aspect of land acquisition comes to the fore: the extremely fragmented character of this process. Land acquisition and plantation development is a complex of various practices, a sequence of fragmented incursions on targeted land and the people who feel attachment to it, dispersed over time and place and involving a multitude of different actors. We refer to this complex as ‘atomization’ and argue that companies’ deliberate strategic choice to work through atomization purposely weakens communities’ negotiation position. Atomization is relevant to the various modalities of land acquisition but it is also a strategy in itself, jeopardizing free, prior and informed decision-making by communities. We observe three major interwoven ways in which this is done.

First, we see an atomization of labour. It is not the company that performs the actual labour for plantation development. Rather, local villagers and village heads are used as ‘hands and feet’ to perform the tasks necessary for the development of the plantation and supporting

infrastructure. Separately, these activities are difficult to link to plantation development, especially when they are administered by local authorities. This way the company can ‘wedge’ its way into communities, making use of pre-existing disparities that are inevitably present in every community, co-opting local authorities or other villagers ahead of FPIC deliberations, while staying away from directly performing activities which might evoke resistance.

Second, there is atomization in the communication process. Consent needs to be ‘informed’ and companies are required by Indonesian law to inform communities about the plantation project, prior to commencing land clearing and planting. In practice, however, we see that companies distribute information focused on the separate small steps in the plantation process that happen here and now, while not disclosing the bigger picture of the plantation project and its consequences. In addition, communication and negotiations seldom take place in a roundtable-like setting where companies directly negotiate with (representatives of) communities. On the contrary, communications take place selectively and out of reach of those to be affected, behind closed doors in houses of village heads or during restricted meetings for local authorities.

Third, there is atomization of time. By cutting up the process of acquisition into small bits there is never a clear moment in time where the community can decide whether it is willing to transfer land to the company and under what arrangements and conditions. The process is cut up into countless activities and decision-making moments that separately seem to mean nothing, but together result in the land transfer. By the time real decisions need to be taken, irreversible changes have already been made in landscape and social relations.

## 4.6 Conclusion

The process in which oil palm plantation companies create access and control over land is not simply a linear process in which ‘predatory’ companies steal land from ‘vulnerable’ rural communities. Companies make use of pre-existing contestation within communities to ‘wedge’ their way in. Local actors, in particular government officials, play an important facilitating role in this. This makes the process of land acquisition a complex of atomizing practices, involving many different actors, fragmented over different times and places. Land acquisition practices work like small wedges that disrupt relations between people and their (social) environment, gradually transforming the social and physical landscape. Bit by bit, access and control over land are lost to the plantation companies by the communities, in a process starkly contrasted to what policies based on the principles of FPIC assume.

The land acquisition practices described and analysed here disregard the FPIC principles and other standards for community participation in at least four ways. *First*, companies began developing the basic plantation infrastructure before they had even started consulting the affected communities. Communities are selectively informed through their village governments about such activities and even cooperate in them, without knowing or

fully understanding the plantation project plan. This preparatory phase allows companies to strategically build up relations with community members, co-opting especially village authorities and key persons. Consent, if ever given, is therefore always partial and never 'prior'. *Second*, so-called 'socialization meetings' are neither genuinely informative, nor are they directed at facilitating a negotiated consent. Standards that value negotiation based on FPIC assume a 'roundtable like' setting, in which companies explain their plans to communities, and communities present their wishes, needs and concerns, after which the terms of incorporation are negotiated equitably on a level playing field. In the cases discussed, however, information is primarily communicated by local governments who use promises and threats to fake, manipulate or enforce consent. Moreover, company representatives provide limited information, only sketching the material benefits while leaving out crucial information about the terms of land transfer, the exact plantation locations and realistic labour and livelihood opportunities as well as constraints. Information needed to take an informed decision on consent or rejection is withheld, a transgression of the requirement of informed consent. *Third*, consent is often not freely given, because companies and governments use (threats of) physical violence, intimidation, bribery and deceit to obtain it. *Lastly*, the mechanisms to demonstrate 'consent' are flawed because documentation like photographs and signature lists can easily be manipulated.

In conclusion, the findings of this article contribute to the scientific understanding of processes of land control and land acquisition by pointing out the importance of atomizing practices. Understanding the many small steps that together produce large-scale land acquisition and the many moments of decision-making involved in this is crucial to address the numerous land conflicts that characterize land acquisition for plantation development. Efforts to improve the social and environmental sustainability of palm oil production mainly focus on negotiations between companies and communities (stakeholder negotiation), often based on FPIC. However, such ideas assume a context that does not match the realities that we found in our case study. It is not simply a matter of companies insufficiently implementing the principle: practices of land acquisition by the companies discussed in this study are not at all intended to follow the procedures and outcomes of the FPIC kind. As long as FPIC policies do not take atomization practices into account, they are unlikely to result in less land grabbing or less land conflict.

“WE’LL TURN YOUR WATER INTO COCA-COLA”





## CHAPTER 5

# Spaces for participation and resistance

gendered experiences of  
oil palm plantation development

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## 5.1 Introduction

This article explores the gendered *experiences of*, and *responses to* processes of land acquisition for the development of large-scale oil palm plantations. Oil palm and other large-scale agribusiness developments can result in significant gendered impacts on local communities, with women being particularly vulnerable to losing access to land, excluded from decision-making processes, and subjected to poor and sometimes dangerous labour conditions. Drawing upon ethnographic fieldwork in West Kalimantan, Indonesia, we explore how women engage with land acquisition processes. Our study makes visible the practices and spaces for women's participation beyond formal settings of company-community negotiations, from which women are often excluded. We argue that palm oil land deals not only *impact* women's livelihood opportunities and access to resources, but women's responses shape and transform their socio-economic and political positions. Hence, to better understand gendered impacts, we need to examine women's diverse responses.

This research contributes to an emerging debate about the gendered impacts of oil palm development. After renewed academic interest in the differentiated socio-economic and environmental impacts of agrofuel production on rural populations in the global South (for palm oil, see Castellanos-Navarrete and Jansen, 2015 for Mexico; Feintrenie, 2014 for Central-Africa; McCarthy, 2010 for Indonesia), gradually more attention is being paid to gender dynamics. Empirical studies on gendered impacts by Julia and White (2012), Li (2015a), Elmhirst et al. (2015; 2017) and Elmhirst and Darmastuti (2015) reveal critical concerns of unequal access to land, poor labour conditions, and the exclusion of women from decision-making regarding land acquisition and plantation development and management. Limited attention to these issues in policy-making can further exacerbate local gender-differentiated impacts related to large-scale land deals (Behrman et al., 2012; Nelson and Lambrou, 2011), risking the further disempowerment of women (Agarwal, 1997), and making them particularly vulnerable to having their "futures precluded" (Li, 2017). In recognition of this concern, there have been efforts to support the participation of women in decision-making by NGOs, companies and other agencies. For example, the Roundtable on Sustainable Palm Oil (RSPO), a multi-stakeholder initiative designed to address environmental and social problems associated with palm oil production through certification, demands that its signatories conduct participatory Social Impact Assessment (SIA),<sup>92</sup> "including women...as appropriate to the situation" (RSPO, 2013: 34). However, the RSPO's requirements and auditing processes have been criticised for their lack of specific attention to gender, or gender is considered a household issue outside the scope of the RSPO (Basnett, Gnych and Anandi, 2016).

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92 Social Impact Assessment (SIA) incorporates the processes of analysing, monitoring and managing social issues associated with planned interventions (Esteves, Franks and Vanclay, 2012). Under the RSPO's requirements, SIA should be conducted for both new developments and existing operations, with the participation of affected peoples.



Missing from the current debate is empirical data on the diversity of women's responses to these issues and existing policies fall short of including women's voices. As gender has become mainstreamed, it is increasingly institutionalised into tools and techniques in development practice, diluting gender's critical and politicised edge, and its transformatory potential as a feminist concept (Elmhirst and Resurreccion, 2008; Leach, 2007). Mainstream policy approaches focus on "how to simply include more women" (Harcourt, 2016: 168). Elmhirst's discussion of feminist political ecology (2011, this journal) calls for an explicit focus on gender. Moreover, Elmhirst (2011: 7) warns that viewing 'women' as "a homogenous and undifferentiated social category" risks depoliticising gender. Stressing the importance of intersectionality, Haug (2017) demonstrates that gendered impacts of development among the Dayak Benuaq in Kalimantan are highly interwoven with differences in age, class, and education opportunities. People inhabit multiple and fragmented identities, constituted in social relations and networks including gender, class, religion, sexuality, race/ethnicity and post-coloniality (Elmhirst, 2011). Following these notions, we look beyond gendered *impacts* on livelihoods, to women's *responses* to and *experiences* of socio-economic and environmental change related to plantation development, recognizing that contradictions may emerge (O'Shaughnessy and Krogman, 2011), and acknowledging that gender practices are shaped by other social categories, e.g. age, religion, socio-political position; previous experiences, and power differentials that are specific to, and reflective of particular historical and geographical contexts (Lykke 2010). We argue that a focus on gendered experiences reveals forms of inclusion and exclusion crucial in understanding the differentiated impacts of palm oil production. We examine women's positions in interactions with companies and NGOs, and their social relations within communities and households. Our choice to focus on women's experiences of change, rather than socio-economic impacts of oil palm development, is inspired by a notion of agrarian change that focuses on the micro-politics and everyday embodied activities, and everyday forms of resistance or acceptance within processes of transformation (e.g. Kerkvliet, 2009; Nightingale, 2011; Potter, 2008; Scott, 1985). While important research has examined the overt forms of resistance and the ways in which women act as agents of agrarian change through protest against land acquisition for plantation development (Lamb et al., 2017; Morgan, 2017), we argue that a focus on experiences of participation and resistance, including the role of emotions in resource struggles (Sultana, 2011), provides a deeper understanding of opportunities and challenges for women when they are incorporated into the palm oil industry or resist incorporation. We use an analytical framework of 'spaces for participation' to see where and how women engage with processes of oil palm development; or how they might create alternative spaces for participation, enacting forms of resistance or acceptance that often go unnoticed by policy makers, companies and NGOs who aim to empower women. We find that women respond in diverse ways and may exert different forms of agency in alternative spaces.

The paper is outlined as follows. First we provide an overview of literature on the gendered impacts of oil palm. Next, we provide an analytical framework addressing spaces for participation and resistance. We then discuss methodological considerations associated with

research on gender, reflecting on positionality and representation issues. In the fourth section, we present empirical accounts of women's experiences and responses to oil palm plantation development and contestations and negotiations relating to this. Our conclusion reflects on spaces for participation in relation to current debates on the inclusion of women in palm oil sustainability standards and policy tools and mechanisms.

## 5.2 Gendered impacts of oil palm development

The literature reviewed on oil palm and gender reveals three key concerns. *First*, Julia and White (2012) observe that the arrival of palm oil companies in rural areas leads to major changes in tenurial regimes. Their study on Hibun Dayak in West Kalimantan, found that the Nucleus-Plasma (NES) plantation system used by oil palm companies in Indonesia leads to an individualization of communal land tenure systems, because smallholder plasma plots are registered under the head of the household; usually the husband. Julia and White (2012) record cases of women who lost their lands in this way (a problem also observed by Li, 2015). Another consequence of individualization of land tenure, reported by Elmhirst et al. (2015: 8), is that "women's relationship with the forest is altered as opportunities such as the production of handicrafts using rattan, bamboo and other forest products have gone". In addition, women lose access to forest products such as edible plants, fruits, firewood, fish, game, and water, potentially jeopardizing food security.

*Second*, Bissonnette (2012: 127) demonstrates that the division of labour in the palm oil industry is strictly gendered. Women are mostly involved in maintenance such as "spraying pesticides, weeding, clearing bushes and applying fertilizers", whereas men are involved in production such as harvesting (ibid.). While these tasks are regarded as 'lighter' or 'easier' work, women are in contact with harmful pesticides and fertilizers, and safety measures provided by companies are frequently inadequate or lacking. Bissonnette (2012) reports how companies gave women tinned milk to drink to apparently mitigate the harm caused by toxic agrochemicals with which they worked (also observed during fieldwork by one of the authors). Women have less access to contract and casual work, and are denied rights to healthcare, pensions, or other benefits (Li, 2015a; 2017). Women depend on good relationships with their supervisors, and if they show resistance, they could be assigned heavier and more hazardous tasks. Moreover, women perform the lowest-paid tasks or are seen as their husbands' 'helpers' and are not paid at all. Li (2015a) reports that six female plantation workers in West Kalimantan went on strike for six days to protest wage cuts, but the company threatened them with intimidation. The women's status as casual workers made their efforts to claim their rights ineffective (ibid.). Yet, Li (2017a) also demonstrates how women fight back by diverting some of the plantation's wealth by colluding with their supervisors, paying them to look the other way in return for a share. Julia and White (2012) observe a feminization of agriculture as women continue to work in subsistence farming while also working on plantations, but

creating a double burden of labour. Women also try to find additional income by collecting *berondol*, loose palm fruits on the ground, which companies regard as ‘stealing’ and women face intimidation from security guards and criminalization (ibid.).

*Third*, Elmhirst et al. (2015), Julia and White (2012) and Li (2015a) note that women are excluded from participation in decision-making over land transfer deals, smallholder arrangements and working conditions. Elmhirst et al. (2015) report that although there are no formal restrictions to women attending *sosialisasi*, husbands usually represent households at meetings. Julia and White (2012) state that women are underrepresented in the Oil Palm Farmer’s Union, because membership is based on being registered as a smallholder; usually a man. Also, Li (2015a: 15) emphasizes that the system in which men are registered as smallholders means that women cannot become members of cooperatives (plasma holders are usually organised into cooperatives for engagement with companies). She states that the “exclusion of women from co-op membership was a significant failure of the scheme design, a missed opportunity to address a gender injustice by reversing women’s marginalization in the public sphere”.

### 5.3 Spaces for participation

The literature reviewed provides a comprehensive understanding of the possible negative implications of oil palm plantation development (and operations) for women. Building on this, we look into how women experience and respond to land acquisition preceding plantation development by examining participation of women in organised responses to company practices, such as company-community meetings, internal village meetings and protest actions, as well as indirect ways of engaging with land acquisition processes. This includes everyday practices that are intentionally and unintentionally related to constituting and resisting the transformation of landscapes into plantations.

We dissect the micro-politics and practices that shape “spaces for participation” relating to various stages of plantation development and management, considering their accessibility and how people participate. While processes of “participation” may include meetings, participation can include constructing alternative spaces to exert agency (e.g. as resistance), outside more organised spaces. Scott (1985) and Kerkvliet (2009) have argued that resistance is not always overt and direct: they emphasize the power of everyday forms of resistance as “weapons of the weak” (see Gutmann, 1993 for critique). De Certeau (1984) asserts that “the simple act of walking where one should not” can be a form of resistance by participating in the (re)construction of the landscape, “refuting notions of social and moral order which have been inscribed on the landscape” (as cited in Holloway and Hubbard, 2001: 219). Where De Certeau stresses that: “resistive appropriations of everyday spaces” (ibid.) should be tactical, stressing intentionality of such actions, Ingold (2002) deploys the concept of “dwelling” to understand how places come into being: people construct places,

physically or imaginatively, through their practical engagement with their surroundings. Thus, everyday practices may not directly represent intentional acts of participation or resistance, but importantly, do shape landscapes. This attention to everyday practices as ways of engaging with, participating in or resisting processes of agrarian change, is not meant to dismiss more overt forms of resistance, through which people might risk their lives for change (Gutmann, 1993). Moreover, it should be recognized that everyday practices may reproduce power relations that exclude women from other forms of participation. Building upon this, we understand participation to mean different forms of engagement that influence decision-making processes (Nightingale, 2002.), recognizing that participation is situated in spaces that are constructed through power relations.

Reflecting on our own ways of participating in processes of knowledge construction regarding land acquisition for oil palm development, we noticed how the places where we conducted research —places where decisions were made about how to tell this story, as well as the very nature of the story — where not equally accessible to all. Adding nuance to Lefebvre's claim that "space is a social product... it is not simply 'there', a neutral container waiting to be filled, but is a dynamic, humanly constructed means of control, and hence of domination, of power" (1991: 24), feminist political ecologists have emphasized how attention to everyday spatial practices gives insight into power relations and the production of difference (e.g. Nightingale, 2011). This leads us to examine how the spaces where women engage in land acquisition, resistance and research are constructed through dynamic power relations.

In this regard, Cornwall (2002) and Gaventa (2004) distinguish between closed, invited, and claimed (or created) spaces for participation. "Spaces can be viewed in a material sense" or "as metaphorical spaces," such as networks (Massey 1994, as cited in Tallontire, Opando and Nelson, 2014). Many spaces are 'closed,' as a limited group of actors make decisions behind closed doors, without even superficial endeavours to include others (Gaventa, 2006). It has become the focus of local NGOs to 'open' such spaces to ensure greater public involvement, transparency and accountability (*ibid.*). As efforts are made to widen participation, new 'invited' spaces are created, in which people are invited to participate (Cornwall, 2002). Invited spaces are often controlled by those who provide them, no matter how participatory they seek to be (Cornwall, 2008). According to Gaventa (2006), those who create the space are more likely to have power within it, and those with power in one space do not necessarily have the same power in another. In invited spaces, power may be interpreted as something 'given' by the powerful to the powerless (Leal, 2007). This is problematic, because power becomes conditioned by those who 'give' that power (Tandon, 1995: 33). 'Claimed' or 'created' spaces are formed by less powerful actors as alternatives for spaces where they are excluded (Gaventa, 2006). These are 'organic' spaces that emerge from 'sets of common concerns or identifications' and 'may come into being as a result of spaces in which like-minded people join together in common pursuits' (Cornwall, 2002). Soja (1996) refers to 'third spaces' where actors form their own spaces, rejecting and moving outside of hegemonic space. Such spaces include those created by social movements and community associations, as well as less formal places in

which people gather to debate, discuss and resist. Spaces that people create for themselves may sometimes be conceived as ‘sites of resistance,’ where people come together through collective action (Kohn, 2000). ‘Sites of resistance’ may also be spaces created within ‘invited’ spaces through resistance to hegemonic norms (ibid.).

However, Kesby (2005) argues that while participatory spaces may intend to facilitate empowerment, relations constituted elsewhere may limit empowered performances within the space. Hence, spaces exist in dynamic relationship to one another, and boundaries are renegotiated, so power gained in one space can be used to enter and affect other spaces (Gaventa, 2006; Cornwall, 2002). Indeed power relations shape the boundaries of all participatory spaces, influence what is possible within them, who may enter, and which interests, identities and discourses are considered legitimate in such spaces (Gaventa, 2006; Tallontire et al., 2014). It is critical to examine who shapes the space, to whom are they accountable and whose interests they serve (Tallontire et al., 2014). Nightingale (2011) illustrates that spaces are also crucially shaped by material practices, with the physical characters of certain spaces working to include and exclude people (see also Li, 2017 on infrastructural violence). Following the notion of spaces for participation as shaped by both material and social practices embedded in power relations, we examine how women participate in different spaces of participation relating to land acquisition.

## 5.4 Methodology and methods

### Methodology

The idea for this article emerged when the authors shared their experiences of conducting fieldwork in Sambas, West Kalimantan. This article is based on our separate experiences in the field and our joint reflections. We discussed how we could come to understand what happened during land acquisition processes, and the differences in how people experienced these processes, and realised that knowledge and experiences were constructed and enacted in different kinds of spaces. Our experiences of being ‘the only female’ in meetings about oil palm projects made us aware that the spaces where we conducted research were not equally accessible to all; knowledge produced in these places excluded women’s experiences (see Haraway, 2001). Moving into other spaces — going to the backs of homes, where women lived and assembled— and listening to their stories, inspired us to critically examine spaces for participation in company meetings, and in resistance activities.

Our focus on women’s experiences of plantation development and power relations surrounding participatory spaces necessitates careful attention to the representation of women’s voices, “who speaks and on behalf of whom and how” (Reed-Danahay, 1997: 3 as cited in Ali, 2015). We explore not only how women are (passively) *impacted* by oil palm development but rather how they *experience* and *respond* to this in different ways.

We incorporate our experiences in the field into our description and analysis through a ‘reflexive ethnography’ approach (Butz and Besio, 2009). We did not merely *observe* the gendered experiences and responses of ‘others’; we also *lived and enacted* these experiences and responses. At times, we directly experienced the restrictions for women to participate in certain spaces. Initially, our network of contacts for conducting fieldwork mainly consisted of men. The somewhat uncomfortable situation of being the only female present was an opportunity to point out gender issues. Our research approaches sometimes contrasted with social norms: our male guides laughed bemusedly when we first requested to speak to women. During a village meeting, a male village leader became somewhat agitated when one of the authors asked permission to talk to women who had gathered in the kitchen. He asked: “Don’t you want to hear about our struggle anymore?” Sometimes alternative spaces were created in the research process, for example when we organised focus group discussions or targeted women for interviews.

Although our backgrounds differ from those of informants in multiple ways, at some points we also shared identities with them, such as being young females (see Muhammad et al. 2015). In some cases, the researchers’ positions meant greater access to research subjects. For example, being ‘foreign’ and ‘female’ in field sites allowed the researchers to move between different spaces and engage with different research participants. The researchers could navigate between: ‘male’ spaces, as we were seen as ‘foreign’ (rather than local) women, and ‘female’ spaces such as the kitchen, or the rice field. Reflexive ethnography helped to identify the different ways in which women responded to the changes induced by oil palm development, outside of ‘formal’ spaces of negotiation, uncovering alternative spaces where women have (more) agency.

An important consideration was how we could represent informants’ voices. We acknowledge that in ethnography especially, researchers should make attempts to avoid merely writing *about* informants’ experiences and write *with* informants instead (see Sultana, 2007). Although we wrote the article after having returned from the field, during the research we continually reflected on our observations with informants. One of the authors also revisited the field during the process of writing this article to discuss the findings.

## Methods

This study draws upon fieldwork conducted during multiple visits to nine predominantly Malay villages in the district of Sambas, West Kalimantan from 2013 to 2016 for seven months in total. Eight villages were situated in two oil palm concessions held by the same agribusiness group, and conflicts had emerged in both concession areas during the process of land acquisition. Due to protest from local inhabitants, who were connected through a regional farmers’ movement, one plantation project was eventually cancelled, and another project went ahead only partially. In this article we focus on women’s experiences of engaging with the process of land acquisition and preparatory activities for plantation development

that happened within the two concession areas. In addition, we discuss experiences from a visit to a village in a third concession area in the same district where a plantation was already established to illustrate gendered experiences in the last phase of plantation development, where women had become plantation labourers. The fieldwork combined ethnographic methods including participant observation, informal and semi-structured interviews, and focus group discussions. Informants included over 90 male and 45 female ethnic Malay villagers, of different classes, and ages<sup>93</sup>; triangulated with five female NGO workers; plantation company staff (total of eleven, including five female); auditors (a total of six including one female); and environmental and social impact assessors (a total of six including two female).

In the villages we researched, people had diverse livelihoods, combining cash crops with subsistence farming. Coconut and rubber were important cash crops, sometimes complemented with black pepper and oil palm. Farmers also produce a wide variety of fruits, pulses and corn in rotation with local and high yielding rice varieties. In some villages, logging and wood carving, rattan and weaving handicrafts were also important sources of income. The volatility of the rubber price and population growth had incited considerable labour migration to Malaysia and logging areas in Indonesia. The majority of respondents had family members working in logging companies, on rubber and oil palm plantations, in construction or hospitality and housekeeping (see Mee, 2015). Agricultural activities are mainly performed by women, as young men usually migrate to find jobs.

Growing use of palm oil in food products and biofuel sparked the rapid growth of oil palm plantation projects throughout Kalimantan (McCarthy and Cramb, 2009). According to a district government report, 202,331 hectares of land in Sambas District have been granted to 35 oil palm companies since 2004, and most of these operations are in early stages of licensing, planting and production. The report indicates that many companies are violating licensing procedures by planting without a Plantation Permit, giving rise to diverse responses by local communities, from open (and sometimes violent) resistance to acquiescence, to acceptance. Since 2008, there have been demonstrations against at least seven different plantation companies in Sambas (DPRD Sambas District, 2013).<sup>94</sup> Resistance has focused on land clearing without community consultation and consent, failure to deliver promised smallholder plots, and disagreements about compensation for land acquisition. Some people fear that the conversion of agricultural land and forest into monocultures will diminish access to land and resources and livelihood opportunities for rural communities in Sambas. Moreover, some fear

93 Different classes refers to: people who mainly depend on farming and/ or farm labour for their income with 0.5-3 hectares of land, versus people who have a job with the government, in the private sector or in civil society (often in addition to farming) who have more than 3 hectares of land. In addition, we talked to some relatively wealthy families who often had successful trading businesses. People aged above 30 are over-represented amongst our interviewees, because adults between 18-30 often worked in Malaysia.

94 A search in newspaper archives (Tribun Pontianak) demonstrates that people have demonstrated multiple times against the same companies. Seven companies are mentioned in the DPRD report.



the loss of their autonomy as farmers and their dependence on companies for employment. Others see oil palm plantations as a welcome development to provide jobs and socio-economic development.

## 5.5 Gendered spaces for participation

We discuss women's experiences of participation in different spaces: formal 'front room' meetings and demonstrations, and women's participation through everyday practices. We consider the forms of participatory spaces these different settings constitute, and women's agency in these spaces, recognising that gendered agency is heterogeneous and relates to interrelating social categories within particular settings.

### Participation in 'front rooms'

Various authorities, including the Indonesian government and the RSPO, have developed standards for 'community participation' in processes of oil palm plantation development and management, with the aim of preventing conflict and social injustices. However, literature emphasizes that company-community interactions are often characterized by a lack of transparency, information asymmetry, unequal power relations and a lack of participation of especially minority groups within communities (e.g. Gillespie, 2011). Where company-community interactions do exist, they constitute "invited" spaces for participation, controlled by companies, often more focussed on *informing* communities rather than *negotiating* with communities. Such interactions include *sosialisasi* and negotiation meetings prior to plantation development, and negotiation and/or interactions after plantation development.

There is growing recognition in development theory and practice that participatory processes should include women's views and interests. Interviews with companies and social impact assessment (SIA) consultants<sup>95</sup> reveal limitations to participatory processes. According to an SIA consultant interviewed, when arranging meetings with communities, "you have to follow tradition and norms. In South East Asia, you can't just go to the community and organise a meeting, you have to go to the village head, and then the village head needs to help organise this." The SIA consultant stated that while they can demand a 'good mix' of people, village heads have the freedom to invite specific members of communities, which creates risks of elite capture, further disempowering already marginalised people. Consultants and companies interviewed indicated the specific challenge of the adequate participation of women. When asked broadly about any specific challenges in community participation in SIA, a female SIA consultant stated:

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95 In response to the need for technical expertise and the promised neutrality of third parties, companies sometimes outsource community engagement activities to social impact assessment consultants.

*“I’ve had situations where there have only been one or two women in there, even though I’ve requested and really asked for them to come. Sometimes they’ve been timid and quiet and don’t say anything. But sometimes actually they have the biggest voice, it depends.”*

Although consultants have a prominent role in the community-company interactions, a male representative of a plantation company, responsible for the implementation of sustainability certification requirements, was concerned about the lack of female consultants in Indonesia:

*“It’s a bit of a silly issue but I cannot remember seeing too many girls in the Social Impact Assessment teams...I think it’s a lot of men doing the assessments, sometimes they talk to women because we request it and we are interested...”*

While this plantation company manager considered the lack of female consultants to be a “silly issue,” in practice, it may significantly influence the extent to which women participate in SIA, because in certain contexts, it may be considered taboo for women to speak with male consultants.

Despite standards stipulating women’s participation and efforts by company staff to invite women, ‘invited’ spaces for participation are often experienced by women as ‘closed’ spaces. In some cases, women say they had not been invited at all, and in other cases, women say they had attended, but prevailing social norms prevented them from participating. For example, a female villager stated: “I would have wanted to join the meeting with the company but it would have been taboo, not polite for us to go. The company invites men. It seems impossible for us to go. We have never thought about negotiation. We have never thought we would be part of negotiation. We take care of the children, if we disagree, our husbands don’t trust us”. Another female villager stated that she will attend a meeting if she is invited, but that she attends just to make up the crowd. She added, “I have no confidence to voice my opinion”. When a male villager was asked whether women attend meetings, he stated “mostly, men are the decision makers, and women follow. Normally women don’t want to go, and if they do go, they keep quiet, or say ‘I don’t know what I am going to say.’” Another male villager clearly reflected a perception of women’s roles as passive in meetings with companies, saying that “women sometimes attend, and sometimes not. The women’s role is only to hear a discussion, but not to talk.” As Collins (2014) observes, the participation of women cannot be understood by only looking at women’s attendance in meetings. Even when women are invited they may be passive participants. In some situations, it may be the case that women are invited to attend meetings, but they do not wish to attend, as shared by one of the female villagers interviewed,

who stated “some women didn’t want to go, because they do not want to and are busy with their children”. Other women had not even considered that they might have a role to play in negotiations with companies, with one of the female villagers stating “We thought we shouldn’t have to go as our husbands were going.”

These comments demonstrate local cultural perceptions on gender that restrict women’s opportunities for participation in processes of oil palm plantation development and management. Although Sambas had the first female district head in West Kalimantan between 2011 and 2016, when interviewed, two female staff of Gemawan lamented that in many villages in Sambas women are not involved in village politics and governance, because “men and women do not regard women as leaders, and women often lack confidence to participate.” Moreover, they experience time constraints as they have to manage their fields and gardens, and take care of their families, so they cannot attend nightly village meetings. According to the (female) director of Gemawan this is related to cultural norms and practices prevailing throughout West Kalimantan, both in Islamic Malay villages as well as Christian Dayak villages, despite differing cultural and religious contexts, as well as differing political, geographical and historical settings, which shape women’s lived experiences. Such norms are evident in formal internal village meetings, often held alongside company–community meetings. Such meetings also take place in ‘invited’ spaces, such as in the village office or the house of a community leader. In our experience, during such meetings men usually occupy the front (room), whereas the women gather at the back or even in the kitchen. Whenever we asked during such meetings why there were no other women, men would usually reply that since it was late at night the women were tired and they attended to children.

The day after such a meeting, one of the authors visited ibu Nisa who lived with her two adult children in the village; her husband was working in Malaysia. Ibu Nisa was an active member of a women’s group and she participated in the village school program organised by Lembaga Gemawan to educate women regarding village governance. I shared my experience of being the only woman in last night’s meetings and told her the men said that women do not want to come because the meeting is late at night. However, ibu Nisa refuted this, arguing that women would like to attend but cannot unless they are explicitly invited:

*“The problem is that meetings are usually held in the village office. We have to enter through the front door... [She demonstrated how she would enter a room full of men: bending down with her arm forward as a sign of polite modesty for passing a row of sitting men she says: ‘Assalamualaikum’<sup>96</sup>...] we feel shy, right? When we are not invited...” Once I was invited to a formal village meeting. However, the chairmen introduced me as the representative of my husband who was in Malaysia. Even though the invitation explicitly had my name on it.”*

According to ibu Nisa the problem is the way in which women are invited. If invitations are distributed per household, automatically the men will attend: “I need an invitation that is specifically addressed to me, to have courage to attend”. Her comments touch upon a crucial aspect of the problem. Although ‘women’ sometimes are invited, they are not, unlike men, invited as individuals. Men are often invited because they hold a certain position within the community. This means that although it may be understood that ‘women’ *should* be involved in meetings, there is a notion that the representation of ‘any women will do,’ risking this being a tokenistic effort, ‘added on’ to development processes.

Interventions intended to support women can be experienced in a variety of ways and our research suggests that these have the potential to both empower and marginalise women. In several villages we studied, Lembaga Gemawan, a local NGO, organises female empowerment groups to educate women, with the intention of enabling them to participate in village governance. During monthly gatherings, women discuss issues such as agriculture, healthcare, and village politics. The female NGO staff who organise these gatherings recognised that attending formal village meetings is restricted to women due to cultural norms and because meetings are often difficult to combine with other household and agricultural tasks. Therefore, the women’s group meetings take place at the members’ houses at lunchtime.

*“If we organise the meetings in a member’s house, everyone can join in. You don’t have to dress formally. You can join on your way back from the garden. If meetings would be in the office, the women would have to dress formally. Now they can come in their house clothes. That is no problem. This way we create enthusiasm” (female staff Lembaga Gemawan).*

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96 Islamic greeting when entering a house

In one village, a female empowerment group had been active for some years and its members identified numerous benefits from the group, including connectivity with other women and income diversification through making handicrafts to sell. While some women were vocal within the female empowerment group, they were still excluded from expressing their opinions in public spaces. While some women had powerful positions in certain female-only settings, men's voices continued to dominate public spaces. In another village, a member of a women's group said that the men accept the women's groups, but regard it as a space for 'women issues', not for village politics. The women's group constituted a space operating within an existing hierarchical structure, and while it attempts to drive change, in its current form it is not able to engage with or challenge broader power relations operating in society. Women's 'space' therefore reflects the pre-existing power structure despite the new space, and their political power remains separate from 'public space.' Likewise, the RSPO's guidelines for company-community interactions stipulate that companies should organise side meetings for 'minority groups' within communities, such as women, to ensure their participation. However, having side meetings operating in different spaces further strengthens boundaries between different groups within communities, and does not challenge wider societal conditions and norms *per se*. Nevertheless, separate meetings could be valuable for women to gain confidence in public speaking, which would be necessary when they join with men's groups, to help strengthen women's political voices.

Participatory activities are being promoted as a way in which companies can avoid conflict and gain a social license to operate. However, the account above shows that women experience the 'invited' formal meeting spaces (between communities and companies and meetings within communities) as closed. In many cases women were not (explicitly) invited to meetings. It is men who control the dynamics of these formal participatory spaces and their boundaries. This makes women reluctant to attend, to speak up, and sometimes women do not consider that they have a role in formal meetings about plantation development. Even when women attend meetings this does not ensure actual participation. Therefore, standards and policies that require women's attendance to meetings alone do not address the broader, structural issues of inequalities associated with oil palm plantation development. Women interviewed suggest that one way to address this is to target women as a heterogeneous group (of individuals with different backgrounds and positions within the community), to capture more diverse responses, and ensure better representation. It must also be noted that women's access to public spaces is not always so restricted, especially in some parts of Indonesia, for example, in parts of Southern Sulawesi (Colfer et al., 2015), again reflecting context-specific relationships with forms of governance. Even if companies were to improve their strategies for communication with communities, structural power differences remain; dominant social norms define who should attend meetings, who should speak up, and how men and women should behave in public (Agarwal 2001; see also Borrás and Franco 2014 for a critique on 'codes of conduct' for land deals).

## Participation in demonstrations: throwing stones and the fear of violence

In response to a lack of opportunities to participate in formal settings, villagers in Sambas have organised alternative spaces in which they can voice their interests, such as informal village meetings and demonstrations. Such 'claimed' spaces may provide opportunities for participation and resistance outside of spaces controlled by companies or government actors. In this section, we reflect on the experiences of women in two cases of resistance against plantation projects.

Meetings about resistance are often characterised by the same social norms on gender that prevent women from participating. Nevertheless, some women defied these norms and claimed space for participation. Talking about the demonstration, ibu Ani, who describes herself as a woman with a "strong soul", says she always attends important meetings. Ibu Ani, now in her fifties, worked on oil palm plantations in Malaysia when she was younger to pay for the education of her children until she got injured by a scythe. She said that it is much better to cultivate rice and tap rubber, because working on oil palm plantations is too heavy, especially for women who have to carry heavy baskets of palm fruits. When she heard about the land marks placed by an oil palm company, she wanted to attend the meeting:

*"Before the demonstration, we gathered at my house. Many women attended. It is about our rights. The rights of our grandchildren. Our land is taken away, our grandchildren's land. The women did not speak; they sat in the back, they were shy. This is a matter for men."*

However, going against her father's wishes, she encouraged her friends to attend the demonstration:

*"Six women from our neighbourhood participated in the demonstration. And there were many women from other villages. My father did not think I should go. I invited my friends to come: 'come on, let's demonstrate, it is okay'. We wanted to fight, this was the first time. The women would be impacted first. The women were not afraid, if we beat someone, we will not be punished."*

Some women said they joined the demonstration, but remained at the back because they were frightened when the demonstration turned violent. Others stood in front and threw stones at the district government's office, shattering all the windows out of anger that the district head did not come to meet the protesters. During a focus group discussion about this demonstration, a woman whispered to one of the authors:

*“Nobody answered the question who threw stones to the district office. Well, I tell you, I did it. The women started. It was hot, it took a long time and we were frustrated.”*

Although there are restrictions for women to engage in claimed spaces such as village meetings and demonstrations, some women exercise their agency to enter these spaces. This shows that structural gender norms can be flexible and challenged by women. A second, more violent, demonstration took place at the base camp of the company, and no women participated. The protesters set fire to the base camp and burned it to the ground. When the police arrived, they clashed with the protesters and two police motorcycles were burned. When interviewed about this story, it was remembered as a heroic success, because afterwards the company cancelled the plantation project and left the area. However, we also learned that it was an emotional and frightening time that had a long-lasting negative impact on social relations in the communities. Although women often said that they had supported their husbands' participation in the demonstration, some women also stressed that they hope that demonstrations would not occur again, and that if they did, they hoped their husbands would not participate. Remembering the demonstration, the face of a woman paled as she whispered her story:

*“We heard there would be a demonstration at the base camp. We were afraid, I stayed at home. People said they wanted to demonstrate. I felt weak and scared. It cannot be. I did not know who participated. People came to my house, they asked for water. Please help yourself. I was afraid. There was smoke... It went on for a long time. My child asked ‘where is my father?’ Your father followed the crowd of people. He could die. Mom, said my child, is father not burned? It is alright, your father is brave. Oh dear, it was like the ethnic conflict. There were opponents and supporters. When my husband came home, I was relieved.”*



The demonstration reminded her of the ethnic conflict that raged in this area more than a decade ago. The account of this woman sheds a different light on the heroic stories about the demonstration. Although the goal of the protesters was accomplished — the company left the area — the violence had an emotional impact on people. Besides fear for the safety of relatives, women also feared a disruption of social relations within the community. One woman explained that she did not want to participate in the demonstration and certainly not in the ‘riot’ at the base camp, because she knew many people in that village. She would feel ashamed if people were to say at the market that she had started the fires.

The aftermath of the demonstration had a particularly negative impact on women whose husbands were arrested. After the demonstration, the police circled villages throughout the concession area to find the demonstration leaders. Two men were eventually arrested and charged with vandalism. When interviewed, one of them looked back on the six months he spent in prison as a “happy time”. He felt proud to have defended his land and he received a hero’s welcome in the village when he was released. An interview with his wife, however, showed the downside of these ‘heroic actions’. In the interview, she mainly emphasises pride in her husband, because he fought for the rights of the people and the next generation. She says that she always attended the court hearings and she was neither afraid nor sad when her husband went to prison. She felt support from the other palm oil opponents in the village and some local students who collected money and food for her. However, she also says she was constantly pressured by palm oil supporters who gossiped about her husband being in prison. Ibu Nur, a woman from a neighbouring village, shares a similar story. Her husband was questioned by police after the demonstration, because he was accused of carrying a weapon. Ibu Nur was very afraid during this time. If something should ever happen again, she would not want her husband to be involved in the resistance anymore, because “she has a trauma”. She felt that nobody supported her while her husband was at the police station. Her friend explains: “we were afraid, so we kept quiet. We were afraid we would be targeted ourselves. It was difficult to gather to discuss about palm oil.”

Ibu Yani, married to an oil palm opponent, was deeply emotionally affected and stressed by intra family conflict caused by the company’s operations. She recalled how her twelve year old son had been arrested and retained in jail for one year, and she believed that her relatives – who were pro-plantation development, “on the company’s side”,<sup>97</sup> – had falsely accused her son of crimes, leading to his arrest. She stated that the purpose of false accusations had been to threaten fathers involved in protests. Following this traumatic experience, the woman stated that she disagreed with their husband about the need to resist plantation

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97 There are likely to be intersecting forms of marginality. In this particular account, those “on the company’s side” were villagers who did not own land and had been promised benefits from the company in return for their support for plantation development. How these different individuals – members of the same family – relate to processes of plantation development can therefore reflect context-specific power structures based on social categorizations (Matsuda 1990; Kaijser and Kronsell 2013).

companies: “I previously thought we should sell our land and move. But my husband wanted to resist so I went along with it because I am married. If I were alone, I would sell my land. I had already asked [the company] about the price but then changed my mind. I feel tired, I know my husband is.” Following the arrest of her son, she added “I have to remind my husband to be careful when he goes out at night...I tell my husband not to go out alone – go with at least one other person”. She then stated angrily, “the company is totally evil. It has not brought any advantage to me; it ruined relationships in my family. If possible, the company should get out of the village”.

When strategies of resistance are controlled by men, women may experience negative consequences such as insecurity regarding livelihoods and fear for their safety when confronted with violence. It is evident that experiences of anxiety, stress and emotional upheaval are significant impacts of oil palm plantation development, and also constitute impacts of social movements. Women have participated actively in claimed spaces by joining demonstrations, sometimes defying cultural restrictions. While these actions may not directly change the power positions of all women, for some women the resistance against oil palm has brought opportunities to voice their opinions.

### **Participation through everyday practices**

Although women are absent from formal meetings, they may play important roles in intra community and household discussions about plantation projects. In the villages we studied, information about the plantation projects spread by word of mouth via informal meetings such as farmer’s group meetings, and social events like weddings and family gatherings. It is therefore crucial to look beyond the participation of women in formal meetings and organised actions such as demonstrations to understand how women experience and respond to agrarian transformations in different ways. Here we provide three examples of alternative spaces of participation: where decisions are made in more subtle and incremental, but important ways.

First, although there are social restrictions for women to engage in political discussions, it seems that the topic stimulated some women to defy cultural norms. For example, one young woman, the sister in law of a resistance leader, asserted that the gravity of the situation gave her the courage to contradict her uncle when he praised the plantation project during a family gathering. Earlier, the company placed land marks in the rubber garden of her parents without consulting them. Hence, when she overheard her uncle praising the plantation project, she argued with him:

*“It was so important, that I had the courage to speak up to my uncle, even when I am not supposed to.” “Uncle, did you read the appendices of the project proposal? Look, 80 per cent [of the land] is for the company and 20 per cent is for the people, in accordance with applicable laws. Do you know what that means? He did not know. It means we have to surrender our land to the company. I asked my mother if she wanted to be a kuli (coolie, local term for labourer). She did not want to be a kuli. My mother is a midwife and therefore has a lot of influence, so she could spread the warning against the company. Later, at a family gathering, I overheard men discussing the matter: they said, ‘we do not want to become labourers on our own lands’. I said nothing, but in my heart I rejoiced.”*

The woman continued, “Land in this region is very arable, and there is enough land available. If you have time and labour force, you can plant many crops. My husband and I cultivate pineapple in addition to rubber.” This leads to a second important role of women: managing agricultural activities is an indirect, yet, crucial way of making decisions on plantation development that is not always recognised or valued as such. ‘Making decisions’ in this context does not always involve a tactical decision by an individual woman. Rather, women’s labour of cultivating land can indirectly contribute to countering the notion of empty land available for plantation development.

One of the leaders of a group of palm oil opponents stressed that in order to prevent the company from taking over the village lands, the people need to cultivate as much land as possible. His farmers’ group is therefore preparing uncultivated land in the degraded forest behind the village to convert it into a rubber garden. He confides that he sometimes feels that he cannot talk to his wife about politics, because she appears to not be interested. His wife on the other hand, admits that she is sometimes disappointed that her husband uses time and energy on the resistance against companies, leaving little time to assist her with planting and harvesting.

*She said: “he is always on the road, going to faraway places. Our family struggles. It is heavy for me. I told him he should not go to these distant villages; he should not take care of them as well. It is dangerous; there are many people who use mystical tricks there. You might end up poisoned. Let them take care of themselves. Sometimes I feel that he should only take care of the family instead”.*

The husband feels that only he is interested in politics and resisting the plantation. However, as he himself stressed, a strategy to prevent companies from taking over village land is to cultivate as much as possible. If not for his wife, the rice fields and rubber gardens would not be maintained during the conflict.

Because men between the ages of 18-40 were often working in Malaysia, women are left to work in households, fields and gardens, and their actions in physically cultivating land, and reclassifying its status, can be significant. Seeing agricultural practices as a form of resistance against land acquisition must be understood in relation to the discourse often used by governments and companies to legitimate plantation development. Representing places targeted for plantation development as ‘unproductive’, ‘empty’ land, companies and government officials render pre-existing land uses invisible and land users insignificant (Cramb and McCarthy, 2016; Tsing, 2005). While some women explicitly talked about cultivating land to prevent companies from taking it, cultivating land was mostly part of everyday livelihood strategies and not necessarily intended as resistance. Yet, women’s collective effort to grow crops could be recognized and further organised to advocate for alternative pathways of rural development rather than oil palm plantations.

A third response to plantation development through women’s everyday practices could be seen in how women cope with the changes after plantations have been established. In one case studied, oil palm plantation development proceeded, and the vast proportion of workers was female. When asked about their working hours, female workers stated that they worked from 7 o’clock in the morning until three o’clock in the afternoon. When observing women at the plantation, their tasks were extremely laborious, but they generally settled for lunch at noon for one hour, and then returned home. Their early returns home were justified by the strenuous nature of their work, the low daily wages they earn, and their household responsibilities.<sup>98</sup> Women described benefits of working on the plantation that had encroached upon village land, demonstrating that they could be at once dispossessed and benefited by the changes accompanying rural transformations. In a discussion with two female villagers, who now work doing weeding on an oil palm plantation, one (outgoing) woman stated “I’m happy with the work now. It’s easier; it’s easy to buy food, and other things. We both work. I don’t have to ask my husband for money. I feel more independent”. During a separate discussion with a single woman in the same village, she stated, “At first I didn’t like it, it was too hot. Now I enjoy it, I have lots of friends to talk to”.

Bissonnette (2013) highlighted how (largely male) managers tend to portray female labour as “light” and as an opportunity for “socialisation”. While such discourses may devalue female labour; these discourses can also be re-appropriated by women themselves. Rural

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98 This is also described by Li, 2017a.

transformations, and communities, are more complex than such discourse would suggest, and by examining women's experiences and responses, we can better understand how they are not just "impacted" by change but may experience and respond in unexpected ways.

## 5.6 Reflections and conclusion

By participating in women's everyday activities, we explored various spaces where women engage with processes of land acquisition for plantation development. Looking at the micro-politics of participation, our experiences revealed how spaces for participation can be simultaneously inclusive and exclusive. Heightened awareness of how spaces are gendered helped us to examine the variety of practices used by women, going beyond 'front room' spaces where their voices may be silenced or restricted. The emotional and subjective experiences we encountered are often under-appreciated in accounts of rural transformations. Protests and local (male) 'heroic actions' may be occasionally romanticised in political ecological literature, with a lack of attention to how resistance movements can be exclusionary. While women's voices are seemingly limited, this does not mean that women are powerless regarding oil palm development, or similar processes of agrarian change. By exploring women's agency in different spaces we dissected a more comprehensive understanding of experiences of land acquisition for plantation development and resistance, acknowledging the role of emotions such as anxiety, fear, courage, and ambivalence. Our findings illustrate that women's experiences of processes of oil palm plantation development are diverse: oil palm opponents can fear the opposition; successful opposition can disrupt social relations; dispossession and new opportunities can co-exist; women can defy socio-cultural norms. We argue that more attention to diverse and gendered responses to, and experiences of, agrarian change can contribute to a more comprehensive understanding of such processes.

In contribution to scholarship on how governance initiatives include women's voices, we have illustrated how 'front room' spaces are often (physically and symbolically) closed to women. Although women were sometimes invited, they experienced these spaces as closed. Even if women are physically present, their voices may be silenced or weakened. The lack of confidence reported by women to engage in these spaces reflects gender norms which cannot easily be overcome in limited periods of time. If women are excluded from entering these spaces, their interests are not represented and their positions during times of rural transformation are further undermined. In spaces where communities resist plantation development, women's political agency was equally constrained by patriarchal contexts; the spaces were also experienced as closed to women. However, we observed that in some cases women defied social norms to claim access to 'front room' spaces, creating novel opportunities for political participation by women. For governance initiatives to include women, it is important to consider where spaces are male-dominated, and to acknowledge the potential

lack of representation of alternative or subordinate voices. A practical consideration for enhancing women's participation is to include women by considering, and inviting them as individuals, not as a homogenous group.

Furthermore, if studies and governance processes are restricted to examining women's participation and voice in 'front room' spaces, they neglect women's agency in alternative spaces, such as demonstrations, in household spaces, or in fields and gardens. We showed how women used both direct and indirect ways of expressing their voices to claim rights, sometimes challenging dominant social norms of how they should behave. Further ethnographic studies examining such alternative spaces could reveal ways in which women's agency could be strengthened (for example through women's farmers' groups; organizing women plantation workers). By recognising women's attempt to engage with, respond to and resist detrimental forms of agrarian change, "alternative pathways can be imagined, and bad change can become better change" (Rigg, 2017). Although this may not directly prevent or address the violent consequences of plantation development (Li, 2017), it may start to generate some preliminary ideas on how to avoid women becoming trapped in plantation life.

Contributing to previous research on gendered impacts of oil palm plantation development, we find that impacts stretch beyond livelihood opportunities, access to land and resources, and labour conditions. Plantation development also affects and changes social relations, leading to insecurity and anxiety, and new spaces for participation. Responses and experiences are ambivalent; there is not always a strict division of women being negatively impacted or benefiting from plantation development. While the structural constraints to women's participation in processes of plantation development can be disempowering, women use alternative strategies to demonstrate their agency, and thus cannot be broadly described as "disempowered". Women frequently demonstrate resilience and adaptability to changing circumstances, and while impacts of development are gendered, it is not a simple case of winning or losing. We call for more nuanced, empirical research on different ways women experience, adapt to or resist land acquisition for (oil palm) plantation development to critically assess policy interventions for gender equality.







## CHAPTER 6

# Counter -mapping against oil palm plantations

Reclaiming village territory in Indonesia  
with the 2014 village law

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## 6.1 Introduction

The news about the new Village Law (No. 6/2014) generated excitement in Sungai Putih, a Malay village in Sambas District, West Kalimantan, Indonesia. In addition to high hopes that the direct transfer of money into the village treasury would bring socio-economic development, villagers also regarded the Village Law as a new opportunity to protect their land rights against appropriation by oil palm companies. Over the past decade, oil palm plantations have expanded rapidly in Sambas; according to a district government report 202,331 hectares of land, about 32 per cent of the total area of the district, have been allocated to 35 oil palm companies since 2014. In September 2016, the district government reported that 31 oil palm companies were active in the region.<sup>99</sup> As of 2018, 26 of these companies have planted oil palms.<sup>100</sup> Oil palm expansion has led to conflicts between local communities and companies, as well as disparities within communities. In February 2018, local media reported on twelve ongoing conflicts in Sambas.<sup>101</sup> These conflicts are about future livelihood and labour opportunities, food security, people's autonomy as independent farmers and their flexibility to respond to change, and their historical attachment to ancestral land (De Vos, 2016).

The key issue is that concessions for oil palm plantations often overlap with land that is also claimed, inhabited, and cultivated by local villagers. A local farmer whose rubber garden was included in a concession for oil palm articulated this by saying, "There is nothing wrong with oil palm, but the location for the plantation is wrong." As Tristram Moeliono (2011: 308) has explained, a structural issue underlying land disputes in Indonesia is the way government institutions and officials design, understand, and implement spatial planning. In the absence of spatial plans (or incomplete and ambiguous spatial plans), all sorts of governmental development targets, as formulated in development plans, "can and have been used instead as a reference to regulate access to land and its use." Hence, if spatial plans do not regulate in detail which areas are available for plantation development and which areas are not, the government can allow plantation development anywhere in the name of development, without considering pre-existing local land uses. For example, Sambas' spatial plan of 2015-2035 does not specifically address plantation development, leaving unclear which areas are available for this use.<sup>102</sup>

99 [pontianak.tribunnews.com/2016/10/19/hingga-sepetember-2016-bpmpt-sambas-telah-keluarkan-31-izin-perusahaan-sawit](http://pontianak.tribunnews.com/2016/10/19/hingga-sepetember-2016-bpmpt-sambas-telah-keluarkan-31-izin-perusahaan-sawit) (Accessed: 27-03-2018).

100 Atlas of deforestation and industrial plantations: [cifor.org/map/atlas/](http://cifor.org/map/atlas/) (Accessed: 26-2-2018).

101 [pontianak.tribunnews.com/2018/02/01/dprd-sambas-identifikasi-12-perusahaan-perkebunan-sawit-bersengketa-dengan-masyarakat](http://pontianak.tribunnews.com/2018/02/01/dprd-sambas-identifikasi-12-perusahaan-perkebunan-sawit-bersengketa-dengan-masyarakat) (Accessed: 30-01-2018).

102 District Regulation Sambas District (No. 17/2015) regarding spatial planning 2015-2035.

Indonesian government institutions and companies have legitimated land claims in places such as West Kalimantan by citing the formal status of land as state land and the lack of formal property titles by villagers.<sup>103</sup> Scholars of Indonesian law have demonstrated that informal land rights are weakly protected by the law.<sup>104</sup> In light of these problems, non-governmental organizations (NGOs) in Kalimantan have stressed the importance of more democratic spatial planning in which local ways of using and understanding land are acknowledged. One of these organizations is Lembaga Gemawan, an NGO from Sambas and Pontianak that works in villages to strengthen livelihoods of farmers and sees potential in using the new Village Law to advocate for better protection of local land rights.

Radjawali et al. (2017) indicate that a key feature of the new Village Law is greater autonomy for villages to demarcate their territory, clarify village borders, and make their own maps. This autonomy had been profoundly restricted during the New Order regime (1965-1998), when national government institutions and district governments had strong control over how funds for village-level projects could be spent (Vel et al., 2017). Vel and Bedner (2015) point out that the 2014 Village Law contains two major innovations: a significant increase in village budgets and the option for villages to obtain the status of *desa adat* (customary village), which grants them rights to manage the customary commons. The increased budget could have a particularly large impact on villages in marginalized areas where there are few other opportunities to earn a cash income.<sup>105</sup> This is also a challenge, because it brings a risk of mismanagement and corruption.<sup>106</sup> Regarding *desa adat*, villages may only consider changing their status if they expect to gain significant benefits, for example if they have large areas of high-value common land (Vel and Bedner, 2015). Yet, on paper, the Village Law also provides opportunities for villages that do not opt for the status of *desa adat* to renegotiate control over village land.

After the implementation of the Village Law, Lembaga Gemawan organized several workshops in Pontianak and other places in West Kalimantan for academics, civil society actors, government officials, and villagers to discuss how the Village Law could be used to strengthen local autonomy. Two features of the Village Law were stressed: first, to receive

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103 Most of the land in the concession was designated as non-forested land (*APL, Area Penggunaan Lain*), which is available for agricultural use. The concession also included forest land which in Indonesia belongs to the state. Although the Constitutional Court ruled in 2013 that customary forest land was no longer automatically state land, Van der Muur (2018) points out that it is still difficult to effectively claim forest land based on customary rights. Non-forested land can be registered as private land only through a certificate of the National Land Agency; unregistered land belongs to the state.

104 Bakker and Moniaga (2010); Bakker and Reerink (2015); Fitzpatrick (1997); but see Fay and Denduangrudee (2016).

105 Vel (2015) <http://www.insideindonesia.org/cash-for-the-cashless> (Accessed: 09-04-2018).

106 <https://nasional.kompas.com/read/2017/08/11/23514291/tak-tersebut-kpk-kades-jadi-aktor-korupsi-anggaran-desa-terbanyak> (Accessed: 03-03-2018).



funding, villages must clarify their spatial borders with a map.<sup>107</sup> Second, village governments may issue village regulations (*peraturan desa*) regarding village-level spatial planning; these must be endorsed by the district government. Lembaga Gemawan and other NGOs in Kalimantan use these options to promote village-level spatial planning in response to, and in anticipation of, claims to village land by public and private investors.<sup>108</sup> In Sambas, Lembaga Gemawan assists 55 villages to map their lands and resources. However, it is so far uncertain if such initiatives are sufficient to successfully claim or reclaim land against companies holding formal concessions, especially if plantations are already in operation.

Drawing on theoretical debates about counter-territorialization and counter-mapping, this paper explores how villagers engage in this process of land counter-claiming against oil palm plantation companies, in the context of the new Village Law. By comparing one case, where resistance from local communities partly stopped plantation development, with a second case, where plantation development went ahead, I highlight the tensions between new options to claim land through legal procedures and realities on the ground which hamper such initiatives. While recognizing mapping's potential to raise new conflicts and exclude certain groups of people, I argue that the cases described in this paper show that mapping and spatial planning *activities* are ways to organize people, initiate discussions about land use, and advocate for alternative pathways for rural development instead of large-scale oil palm plantations.

Debates about the Village Law and spatial planning and mapping initiatives in Indonesia resonate within a wider debate about rural development and the protection of land rights for rural and indigenous communities around the globe with respect to current trends in accelerating large-scale resource extraction. There is an urgent need to look beyond solutions that only address conflicts when they have already occurred, for example by facilitating negotiation and mediation between companies and affected communities. Such initiatives are often characterized by skewed power relations and imbalanced compromises that may lead to new conflicts (Dhiaulhaq, 2018). Bottom-up spatial planning initiatives may provide more structural solutions to land acquisition-related conflicts but need to be critically examined in local contexts to understand the challenges and opportunities as well as the short and long-term consequences they carry.

This paper draws on eleven months of ethnographic research in villages in West Kalimantan between 2013 and 2016. During this time, I combined participatory observation of daily village life with informal and semi-structured interviews with approximately 50 villagers, officials, and staff members of six NGOs in Pontianak and Jakarta. I also participated in twelve village meetings in eight villages.

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107 Village Law (No.6/2014), art 8.3f.

108 <http://jariborneo.blogspot.nl/2014/11/perdes-tata-ruang-desa-dan-gerakan-bela.html> (Accessed: 03-03-2018).

The paper is outlined as follows. After discussing my theoretical framework on counter-territorialization and mapping, I introduce the research area and describe how oil palm expansion has led to changing property relations and conflicts. Then, I compare two cases and analyze the challenges and opportunities of using the Village Law to protect land rights. In conclusion, I argue that despite the risks and challenges, considering the rapid expansion of large-scale land acquisition projects for resource extraction, proactive, bottom-up spatial planning is necessary to prevent and address land conflicts.

## 6.2 Creating territories for resource extraction

In Indonesia, the amount of land used for large-scale oil palm plantations almost tripled between 2000 and 2017, from 4,158,077 to 12,307,677-ha, and this is expected to grow further due to a growing demand for vegetable oil and biofuel (Afriyanti et al., 2016).<sup>109</sup> This expansion has been facilitated by increased liberalization of the plantation sector, with more power for companies, and decentralization of regulatory authority to districts (McCarthy, 2010; Pichler, 2015). After the fall of Suharto's New Order regime (1965-1998), district governments gained significant discretionary power to control and manage natural resources, including responsibility for issuing concessions (McCarthy, 2004). Decentralization intensified patronage networks between government officials and companies, and this has enabled private companies to gain control over massive areas of land, often at the expense of smallholders.<sup>110</sup> Although the number of independent and contracted smallholders is quickly increasing in some regions, particularly in Sumatra, in Kalimantan large-scale plantations dominate the landscape.<sup>111</sup>

The Civil Society Coalition for Fair and Sustainable Spatial Planning calculated in 2014 that 69 per cent of West Kalimantan Province had been divided into concessions for oil palm, mining, and logging companies and 26 per cent had been designated as protected forest area, leaving only five per cent for people's infrastructural, housing and farming needs (Li, 2017b: 1164).

A key state assumption is that all land is available for resource extraction. Resource rich areas around the globe have been "discursively, politically, and physically constructed as 'vacant,' 'ungoverned,' 'natural,' or 'uninhabited' spaces", hence available for companies to claim (Rasmussen and Lund, 2018: 388).<sup>112</sup> The erasure of pre-existing ways of understanding, using, and governing land and installing and legitimizing new forms of control has been

109 McCarthy et al. (2012b) point out that many land deals are virtual and land conversion projects are not always realized.

110 Aspinall (2013); Brad et al. (2015); de Jong et al. (2017); Pichler (2015).

111 In Kalimantan, there are 6,29,480 hectares of mature industrial plantations versus 295,149 hectares of mature smallholder plantations, Directorate General of Estate crops (2017: 14).

112 See also Ito et al. (2014); McCarthy and Cramb (2009); Tsing (2005).

conceptualized as territorialization, “drawing boundaries around geographical space, excluding categories of individuals from these spaces, and proscribing or prescribing specific activities within these boundaries” (Vandergeest, 1996: 159).<sup>113</sup> Territorialization for oil palm expansion has been legitimated in Indonesia by characterizing land as “unproductive” (*tanah terlantar*), “degraded” (*lahan kritis/ terdegradasi*), or “empty” (*lahan kosong*) (e.g. McCarthy and Cramb, 2009).<sup>114</sup> Particularly in Indonesia, where land tenure arrangements are subject to legal pluralism, territorializing activities are also a way to claim authority against other authorities (Sikor and Lund, 2009). Designating concession areas to companies is a way for the state to gain control over land at the expense of local (customary) authorities and local inhabitants. This is because once companies obtain a commercial lease right (*Hak Guna Usaha*, HGU) from the state, which gives companies the right to use the land for 35 years with the possibility to extend for another 25 years, previous land users are assumed to have given up their rights in exchange for compensation.<sup>115</sup> At the point of expiry of the HGU, land returns to the state and is not automatically returned to the previous users (Afrizal and Anderson, 2016).

### 6.3 “Map your land before someone else will”

The expansion of oil palm plantations in Indonesia has been challenged. “Map your land before someone else will,” is a slogan of AMAN (*Aliansi Masyarakat Adat Nusantara*), the national indigenous rights movement, encouraging indigenous communities to map their territories before government or private actors make claims. It represents a trend for NGOs to engage in mapping to advocate for land rights of indigenous rural communities. This trend started long before the implementation of the Village Law; the reformation period after the New Order brought more political agency to rural communities to counter claims by state and private actors.<sup>116</sup> Currently, NGOs across Indonesia use advanced GIS tools and even drones to produce maps that counter official state maps. Counter-mapping and spatial planning initiatives are part of a broader movement in Indonesia to strengthen land rights of rural and indigenous communities, as well as the urban poor. Depending on location and context,

113 See also Peluso and Lund (2011); Vandergeest and Peluso (1995).

114 Harahap et al. (2017: 457) point out that “policy and ministerial planning documents use inconsistent terms in local language when referring to degraded land.”

115 HGU (Hak Guna Usaha, Commercial Lease Right) leases under the Basic Agrarian Law (UUPA 5/1960: 28-34) involve rights issued by the government on so-called “state lands” to plantation, fishery, or livestock businesses for periods of 25 to 35 years, and these rights are renewable (Lucas and Warren, 2003: 89).

116 Bakker and Moniaga (2010); Bakker and Reerink (2015); Lucas and Warren (2013); Rachman (2011); Warren (2005).



mapping and spatial planning activities may be based on customary claims or, as in Sambas, on regulating particular functions of the land such as forest, sustainable food cultivation, or peatland restoration areas.

The point of mapping is not simply to clarify ownership or how land is used within communities. Rather, it is often specifically focused on representing and claiming land rights in relation to other parties in a form and language they understand, thereby often and perhaps inevitably changing land rights. While unclear, overlapping land rights in a context of legal plurality have often been dubbed a root cause of land conflict, tenure insecurity often only occurs when the value of land rises and new actors start to make claims.<sup>117</sup> In response to increased tenure insecurity, villagers engage in new forms of claiming territory and authority, for example through mapping.

Counter-mapping is “a process of collectively identifying local resources, defining patterns of land ownership and use, tracing historically and culturally significant sites and negotiating individual and community control over local resources. The goal of these efforts is to appropriate the state’s techniques and manner of representation to bolster the legitimacy of customary claims to resources (Peluso, 1995: 384).” By using these state techniques, counter-mappers hope that their claims to land and other resources will be more difficult to ignore in the process of developing spatial planning and issuing permits and licenses to companies. As a staff member of Lembaga Gemawan explained, local villagers rely on oral tradition, but companies and government officials only listen to documents:

*The people can manage their lands without maps. However, when they are dealing with a company, the company will ask: where is your map? Where are your village borders? Where is your proof? So, our map provides the power of a document... With this document we can prove that land is not empty.*

Another staff member stated that in a case of conflict with a company, community maps can help articulate local claims because these show the boundaries between villages, different land use zones (for example, borders between crop land, conservation land, and forest), and areas designated for smallholder plasma plots and for the companies’ nucleus plantations. This is important, because plantation development often erases traditional natural border markers. Moreover, as companies and governments do not usually have maps that show detailed land use at a local level, communities who have these maps are in a more advantageous position to claim specific areas and exclude other areas from plantation development.

117 Feintrenie et al. (2010) but see Hall (2011).

While mapping may be a way to facilitate more bottom-up spatial planning, there is no guarantee that this will indeed prevent the loss of land. Counter-maps may freeze property relations and exclude certain groups of people, for example women, lower classes or certain ethnicities (Peluso, 2005).<sup>118</sup> In addition, mapping can make resources more legible and subsequently also more vulnerable to appropriation by government or private actors (Dewi, 2016). Notably, participatory mapping is also done by oil palm companies, which may benefit from information about resources and fixed village borders. Maps also may create disparities within communities, as previously fluid borders between villages and between land belonging to different families or individuals become fixed.<sup>119</sup> In this regard, Lembaga Gemawan comments that mapping is different from titling, as mapping does not register individual ownership, it merely indicates land use areas within the village territory. Another problem is that although the Village Law allows village mapping and village spatial planning, there is no strong legal basis to integrate these bottom-up initiatives with formal (national and district) spatial planning.<sup>120</sup> The NGO network for participatory mapping (*Jaringan Kerja Pemetaan Partisipatif*, JKPP), which was established in 1996 after the government opened up the possibility of public participation in spatial planning, laments that the authority responsible for geospatial data often questions the legitimacy of mappers and their methodologies and techniques for mapping, in particular when it comes to territories of customary communities.<sup>121</sup> Eventually village spatial planning is subject to district spatial planning and national and district development targets.<sup>122</sup>

The problem of legal recognition aside, counter-mapping entails more than producing cartographic maps that represent alternative utilization of space, it is also a process of giving meaning to land. Mapping is foremost a social practice, part of processes of claiming and counter-claiming, involving also demonstrations, violent action, planting perennial crops, or forms of infrastructural violence such as constructing roads or placing land marks.<sup>123</sup> In this way, counter-mapping is more than an effort to articulate existing claims regarding land and related resources and make these visible and legible to outsiders, for example to influence formal spatial planning. The activity of mapping is also a way to initiate discussions

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118 See also Fox et al. (2006); Roth (2007).

119 Bryan (2011); Fox et al. (2006); Pramono et al. (2006); Radjawali et al. (2017).

120 Village Law (No.6/2014) stipulates that village borders need to be defined by means of a village map (art. 8f), and mapping village borders needs to involve the relevant technical authorities. Note that the law refers to mapping village borders, not to mapping land use within these borders. Art 38(4) stipulates that village regulations regarding spatial planning need to be acknowledged by the district government.

121 See Pramono et al. (2006), <http://jkpp.org/2015/04/12/imam-hanafi-satu-peta-untuk-semua/> (Accessed: 05-04-2018).

122 But see Radjawali et al. (2017) regarding a case where a community map was used in court as proof of detrimental environmental mining impacts.

123 Bryan (2011); Peluso (2005); Roth (2007); Li (2014; 2017a).

and negotiations (and sometimes conflict) about the utilization of space and its meaning to different land users. These discussions may occur within villages, but also in local media and within district governments where policies regarding regional spatial planning are made.

The extent to which mapping can be used to avoid dispossession or to reclaim lost land depends on socio-economic and political relations on the ground. The implied viewers of maps, for example state officials, are not necessarily the actual viewers of maps (Orlove, 1991).<sup>124</sup> Claiming not only happens in direct confrontation with competing claimants, but also through everyday practices. Using land *as if* others acknowledge your claim can reinforce the status quo: this is also true for companies who produce palm oil as if they have the necessary permits. Hence, to understand the potential of mapping and spatial planning, it is crucial to consider these activities as part of broader processes of counter-claiming, including continuing everyday land use practices as if other parties acknowledge the legitimacy of these practices.

## 6.4 Oil palm land conflicts in Sambas

In 2008, a farmers' movement was established in Sungai Putih village, located in the western part of Sambas, where the population concentration is much higher than in the north and east. From the main road, a narrow concrete path through rubber gardens and rice fields leads to this scenic village of 1915 inhabitants, most of whom are Malay Muslims. According to local history, the village was founded sometime in the early twentieth century by a seafarer from Sumatra and his Balinese wife. At that time, some Dayak families lived in the area, but they eventually moved inland. Although nowadays all villagers are Muslim, some traditions such as ceremonial decorations and food still refer to the Balinese origins of their ancestor. Despite stories about overseas ancestors, residents regard themselves as indigenous to the region because they were the first to clear the forest and cultivate the land. This land has been passed on through several generations, making it ancestral land (*tanah turun temurun*). Most land is owned by individual households and people know which land belongs to whom, even when land is not being used. However, if land remains uncultivated for a long time it may be claimed by others who must negotiate with village authorities. In contrast to Dayak and some Malay communities in other regions in Kalimantan, Sambas Malay do not self-identify as a *masyarakat adat* (customary community) and there is no institutional representative of Malay

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124 In a conflict between government ministries and peasant communities over reed beds in Lake Titicaca, both state and community maps were mostly viewed by the map makers themselves. Rather than looking for confrontation, the contesting parties disengaged from each other and continued their daily practices as if the other party acknowledged their claims.

*adat* in the same way as in Dayak communities. Nevertheless, land tenure arrangements are also based on local notions of property rights, which in practice are a combination of Islamic law, state law, and customs that have been developed and maintained through generations.

Initially, most Malay communities in Sambas were strongly oriented towards the sea for fishing and maritime trade. This changed when around 1910 the Dutch colonial government encouraged villagers in Sambas to convert forest into rubber gardens to accommodate a growing global demand for latex. The shift to smallholder tree cropping and later rice cultivation had a profound impact on land tenure arrangements. Sambas District became the only district in West Kalimantan where a significant portion of the land was individually registered and used for permanent agriculture (Ward and Ward, 1974). In Sungai Putih, residents collectively cleared the forest and converted this land into gardens and fields. These gardens and fields were divided among individual households, the amount of land each household received depending on status, contribution to the forest clearing, and capabilities to cultivate the land. The new gardens and fields were passed on from parents to children through inheritance partly based on Islamic law. Nowadays, Sungai Putih options for clearing forest land are limited, but in other villages young families can still obtain land by clearing secondary forest and converting this into gardens or fields. Other options to access land include purchase, leasehold, sharecropping, and farm work. Individual plots are often registered with a land clarification letter (*surat keterangan tanah*) issued by the village head. However, land rights are seldom formalized with land titles registered with the National Land Agency.<sup>125</sup> Land in Sungai Putih, as in most of coastal Sambas, is classified as non-forest land, which makes it officially available for agricultural use, including oil palm cultivation. In the current district spatial plan (2015-2035), a large part of this land is classified as “plantation area” (*kawasan perkebunan*) suitable for crops like oil palm, rubber, black pepper, and coffee. The plan does not distinguish between large-scale industrial plantations and small-scale gardens cultivated by individual households.<sup>126</sup> In reality, land in this area is a patchwork of tree crop gardens, orchards, rice fields, grasslands, and different kinds of forest. These range from intact to degraded and completely burned.

### Land Rights become contested

In 2006, land tenure arrangements came under pressure after the district government granted a location permit (the first step in plantation licensing process) for 20,000 hectares to an oil palm plantation company, including land in Sungai Putih and eleven other villages. The

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125 Although the district government is currently working on a land titling program, mainly for houses. See <https://kalbar.antaranews.com/berita/359362/bpn-sambas-akan-serahkan-12-ribu-sertifikat> (Accessed: 27-03-2018).

126 The Plantation Law (No.18/2004, art. 1.6-7) does recognize this difference defining a plantation company, *perusahaan perkebunan*, as a company with a defined scale and a permit.

plantation company belonged to an Indonesian agribusiness group that was not a member of the Roundtable on Sustainable Palm Oil. The land consisted mainly of rubber gardens, rice fields, mixed cropped gardens, and secondary forest of bamboo and rattan. The location permit granted the company the right to commence with preparatory activities such as marking the borders of the concession area and negotiating with local communities about land transfers. In this preparatory phase of plantation development, the company engaged in activities which gradually transformed the landscape and social relations. In one village, the company established a seed nursery. In other villages, the company placed land marks and constructed roads and canals. The company did not fully disclose the details of the plantation project to local communities. Although there were rumours about plantation development, it was not clear when and where and under which terms the company wanted to establish the project. The company did not organize a general socialization meeting to inform local communities. Rather, negotiations took place in the houses of local government officials and individual landowners. In one village, a landowner reported that the company offered compensation for the loss of crops. The company did not offer to buy the land and claimed that the land was state land and without a formal certificate the land owner could not claim that he had the right to sell the land.

In particular, the red cement land marks that the company used to mark the borders of the concession area triggered the organization of resistance in affected communities. Upon finding these land marks in their gardens and fields, people feared that the company might appropriate the land without their consent or offering compensation. There were various reasons why people rejected the plantation project. First, people did not trust oil palm companies, because of violent conflicts that had occurred in nearby plantations. The company fuelled this mistrust by not informing the communities about the details of the plantation project, such as the exact location, land tenure arrangements regarding the nucleus and plasma of the plantation, terms for land transfer, allocation of profit, or prospects for the palm oil market. People feared that if they transferred their land to the company, they would receive nothing in return. Second, the promise of jobs on the plantation was not regarded as attractive. People that would be fit to work as labourers on the plantation mostly worked on plantations in Malaysia, where they received relatively higher wages payable in Malaysian Ringgit while maintaining land in the village for their future and their descendants. Moreover, many people stressed that they did not want to become “coolies” (*kuli*) on their own land and lose their independence as farmers (De Vos, 2016).

Under the leadership of the village head, Sungai Putih became the centre of resistance against the company. In 2008, the village head was attacked and beaten unconscious by thugs who had been allegedly hired by the company. This violent incident triggered a mass demonstration in front of the district government’s office. The protesters demanded that the company’s plantation license be revoked. Initially, the district head agreed to this demand and revoked the license on the spot. However, after the company took the matter to court,

the license was reactivated. Nevertheless, the company was not able to proceed with its plans in Sungai Putih and other villages where resistance had been well organized. Instead, they focused on land twenty kilometres north, which is now in operation.

Since the demonstration, the farmers' movement has grown and now has members in villages throughout Sambas. This network enables members to monitor and spread information about company activities, and if necessary organize meetings and follow-up actions such as requesting information from government institutions, issuing formal complaints, reporting legal violations to the police, and organizing demonstrations. After several years of relative peace, at the end of 2015, a rumour circulated that the company wanted to file for a commercial lease right (HGU), consolidating control for at least 35 years. The village government of Sungai Putih feared that this permit would include all the land in the original concession area, which would transform their land into state land. The National Land Agency confirmed that the company had requested a commercial use right but asserted that it only concerned the area where the plantation was already established. However, they could not dismiss the possibility that the company might expand its plantation in the future, or that other companies would not obtain a concession. The land agency told the villagers that it was up to them to protect their land rights on the ground.

### **Mapping against future dispossession**

In response to uncertainty about the company's expansion plans, the village government of Sungai Putih invited Lembaga Gemawan to conduct a participatory mapping program. According to Gemawan's director, mapping is the first step in village-level spatial planning to counter governmental spatial planning, which often fails to take the interests and rights of local communities into account. Through engaging in their own mapping process, villagers can translate their aspirations for development into a language and document which can be presented to and understood by other parties, including company and government officials. In West Kalimantan, local land tenure arrangements are often not acknowledged by the government and private actors, because they are not formally registered. Companies have argued that they do not require the consent of communities because the land they target is officially state land (De Vos et al., 2017).<sup>127</sup> When projects target such land, communities have little leverage. Therefore, the Director argued, it is important that villages develop detailed maps and policies for spatial planning before district governments can allocate land to companies under the premise that it is "empty" or "unproductive."

Since the implementation of the 2014 Village Law, Lembaga Gemawan has framed its mapping activities as "an effort to implement the Village Law," as the law stipulates that to receive funding, villages need to complete their administration of village assets and resources

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127 Also reported by Afrizal and Anderson (2016) and Elmhirst et al. (2017).

and clarify village borders. To map village land, Lembaga Gemawan uses homemade drones and GIS (geographic information system) to produce high-resolution photographic maps. In Sungai Putih and two neighbouring villages, mapping experts and a team of village officials and villagers worked for five days to map the land. The result was a photographic picture of the village from above clearly showing houses, arable fields (for rice and vegetable cultivation), rubber gardens, and agroforest areas. Based on this map, the village government has created its own spatial plan that divides the village into different land use zones, including rubber gardens, rice fields, mixed-crop gardens, and residential areas. Rice fields can be classified as sustainable food crop land (*lahan pangan berkelanjutan*), which makes this land unavailable for plantations or mining. The zones should be legally formalized, which is enacted after formal approval by the district government. Importantly, once enacted these zones cannot be converted to other types of land use, such as for oil palm, without formal permission of the village government. The district government can only approve the village spatial plans when all villages in the sub-district have mapped their land and the borders between villages have been clarified. In addition, village-level spatial plans need to be in accordance with district-level spatial plans, which may be problematic if villages include forest land, which cannot be converted to other types of land use without approval from the Ministry of Forestry. However, according to Lembaga Gemawan staff, it is important for Sungai Putih that the district government did not oppose their mapping program, which means that they are not likely to object later. Nevertheless, the village map might have power even without formal acknowledgement, as explained by the former village head of Sungai Putih, who now works for Lembaga Gemawan:

*I stressed to the villagers the importance of land. Many parties seek access to land and if we don't have regulations in place to protect our land, companies can easily take it. To secure our land rights, we need to have a village map. Then we have a better position at the negotiating table with companies and the government. If there are no clear village borders, land will be developed according to parties' self-interest. We need a clear and strong village map, so we can protect our land against exploitation.*

However, there is also doubt about how to proceed. In Sungai Putih, the mapping process did not include registering individual claims or describing local land tenure arrangements. One of the village officials involved in the process was concerned that if all land were registered through individual titles, it would be easier to sell land to outsiders, especially as the price of land has increased due to the many land investment projects in the region. A female villager disagreed:



*I think that mapping will not lead to a change in land use, because all land is already owned by someone. All land definitely needs a certificate, but this requires significant funds and the process can be long. However, nearly all villagers already have a land clarification letter from the village head.*

### Complexities on the ground

In December 2017, only 30 kilometres north of Sungai Putih, 200 villagers from four villages, accompanied by activists from the farmers' movement, attended a hearing with the regional parliament (*Dewan Perwakilan Rakyat Daerah*, DPRD). In an interview with local media, a representative from the farmers' movement stated that the villagers have been in conflict since 2008 with a plantation company that holds a 14,968-hectare concession, because the company had incorporated approximately 2500 hectares of village land without compensation. Moreover, plasma gardens the company had promised had not been delivered. After nine years of conflict, the villagers demanded that the company's concession be revoked, it returned land to the former owners, and it compensate farmers for lost income. If the hearing did not lead to an acceptable solution within one week, the villagers threatened to harvest palm fruits on a plot of land they said belonged to a farmer's group.

This conflict had turned violent in 2013, when villagers seized and burned company assets. At the hearing a DPRD representative declared to local journalists that if indeed the villagers had legal rights to the land in question and could demonstrate this with a land clarification letter from the village head, the company had to return the disputed land. However, he proceeded to say that if the villagers did not have these documents, and the company had formal permission, the villagers should not take matters into their own hands but should "let go." He concluded that the government intended to mediate between the conflicting parties and he hoped for a quick solution.<sup>128</sup> All parties agreed to stop harvesting palm fruits until the district government provided clarity on the matter. After one month, the government appointed a special task force to mediate the dispute, after which the company recommenced harvesting palm fruits. Thereupon, 30 villagers seized two trucks filled with palm fruits and surrendered them to police as evidence that the company had breached the temporary agreement to not harvest. At the time of writing (2018), the case was being discussed at the provincial National Land Agency, where the company asked for legal certainty. Meanwhile, the villagers who continued harvesting have been called to the police station and might face criminal charges for stealing palm fruits.

128 <https://www.youtube.com/watch?v=1SUEsOAJYTo> (Accessed: 03-09-2018).

The implementation of the new Village Law has so far not affected the outcome of this case. Nevertheless, this case is important to understand the challenges of using this law, because it shows the tension between legal approaches to protect land rights and politics on the ground which allow companies to operate without having completed all the steps in the permit process (the company does not have an HGU).<sup>129</sup> In this situation, mapping, spatial planning, or seeking government intervention might not help if government institutions approach the case in a narrow legalistic way. Many villagers do not have formal land titles, nor legally or politically acknowledged customary rights. Furthermore, in the past the company was not stopped by letters and a signpost from the district government demanding it stop working on community land. This means that even if the parties reach an agreement, this will probably be a compromise as it is unlikely that the plantation will be forcibly closed. This case demonstrates how difficult it is to make counter-claims on land once plantations are in operation. In this case, mapping and village spatial planning alone will not be enough to reclaim land already in use by the plantation company. Furthermore, this case shows that addressing oil palm conflicts case by case is problematic, because even if companies and villagers reach an agreement in certain cases, these compromises hide underlying structural problems.

## 6.5 What role for the new Village Law?

To reiterate, the purpose of the new Village Law was to strengthen the autonomy of villages to control their territory and reduce poverty. The two cases outlined above illustrate the complexity of claiming land rights in the context of intense competition over land due to corporate land investments. This complexity has remained after the implementation of the new law because it does not give a strong basis to formally integrate village-level spatial planning with district and national spatial plans, and in practice companies can operate without having obtained all licenses.

Nevertheless, when mapping and village-level spatial planning takes place *prior* to plantation development, the law can help communities avoid companies taking over land without first informing land owners and asking their consent. Despite uncertainty regarding the legal and political recognition of village-derived maps and regulations, when they go against vested interests, these strategies contribute to processes of claiming in several ways. First, village mapping and spatial planning activities are ways to organize villagers and raise awareness about tenure insecurity in the wake of corporate land investments. In the case of Sungai Putih, mapping activities provided an opportunity for the farmers' movement and Lembaga Gemawan to keep people on their guard regarding oil palm companies, as mapping was preceded by meetings in different villages. Second, when companies claim land

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129 According to the new Plantation Law (No.39/2014) it is illegal for new plantations to operate without an HGU, but see Afrizal and Anderson (2016) on how this can be circumvented.

that is located within a mapped village area, villagers have more leverage in negotiations. Companies can no longer claim land without first obtaining at least formal consent from a village government under the pretext that no one holds legitimate (formal) land rights. Third, at a district level, maps that show actual land use in villages help to counter narratives of “unproductive” or “empty land. However, whether this will indeed give communities a more powerful position in negotiations with government officials and companies, to decide for themselves if they want to engage in oil palm production or not and on what terms depend on politics on the ground.

Meanwhile, there are several challenges to villagers using mapping and spatial planning to protect their land rights. First, the regulations that endorse village-level spatial plans need to be approved by the district head. This may be problematic. For example, when part of the land under scrutiny is forest land, the plans cannot be endorsed by the district government. Moreover, in this particular case the Sambas District government for the past decade has promoted oil palm production, so it is uncertain whether the Sungai Putih village spatial plans will be accepted. The former village head of Sungai Putih thinks that it is in an advantaged position because the current village officials supported the newly elected district head against another candidate, which may have created some goodwill towards this village.

A potential weakness of village-level spatial planning is that land can still be sold by villagers who hold formal land titles to outsiders, who in practice may convert land into plantations. Villagers fear that this mode of plantation development is happening in Sambas: there are rumours that plantation companies are buying up land plot by plot. The Village Law does not allow government officials to prohibit this. In addition, if village-level spatial plans are not in accordance with district-level spatial plans or interests, they may be overruled by the district government.

A second challenge is that the success or failure of mapping greatly depends on the position of a village government. Village officials may be inclined to facilitate land investment projects instead of protecting land rights of villagers. Previous research demonstrates how village governments often play an important facilitating role in plantation development. Companies and higher-level government officials pressure and seduce village officials and elites with promises, bribes, and threats (e.g. De Vos et al., 2017; Köhne, 2014). In one village I studied, Lembaga Gemawan also conducted a village mapping program. However, the organization failed to establish close relations with the village government, and the map was not used to develop spatial planning and land-use regulations. In such a case, a map can also become leverage for companies or other parties, because this map also indicates the presence of uncultivated degraded forest land.

A third challenge often pointed out in mapping literature is how to prevent new conflicts from emerging in the process of mapping and spatial planning. In my case study, village borders have been rather flexible, but formalizing these borders can create conflicts between villages. On the other hand, one village head reported to local media that mapping may help to solve existing conflicts about village borders, as even one or two meters of land

are very valuable at the moment due to oil palm investments.<sup>130</sup> An additional dilemma is that villagers often cultivate land outside their village borders, including land that is not part of any village. In these situations, land claims will not be secured by village-level spatial planning or mapping village land; on the contrary, the position of these land users may be jeopardized even further.

Fourth, it remains a challenge to make participatory mapping programs genuinely participatory. One major challenge is how to include women (from different classes, ages, and backgrounds) in the process to secure their land rights (De Vos and Delabre, 2018).<sup>131</sup> To address this problem, Lembaga Gemawan organizes a village school for women (*sekolah desa perempuan*). The purpose is to educate women about the law and train them to participate in village governance. Women in Sungai Putih stressed that they wanted to be involved in decision-making regarding village governance, but that they struggled to get their voices heard in a male--dominated village governance space. Although women were not explicitly excluded from village meetings, often husbands represented the household. Women said they felt shy to go to a meeting when they were not explicitly invited. A participant of the village school remarked:

*When we attend meetings, we should not be expected to be there just to serve food and coffee. We should be able to sit in front and say what we have to say. Hopefully, with the training and the diploma we get from the village school, the village government will acknowledge that there are educated women in the village who need to be invited to meetings.*

She also stressed that women have other priorities than men regarding village development: while men focus on tangible issues such as infrastructure and buildings, women want to organize workshops and trainings on agriculture and small business management. The inclusion of women in participatory mapping and spatial planning is particularly important because in Sambas women often are the ones cultivating the land, as many men work as labour migrants in Malaysia. Moreover, women also depend on forested land within village territory that is not under cultivation and often not individually owned, to gather firewood, medicine, wild fruits, vegetables, and rattan. Hence, it is important to make sure that all the land they depend on, not only cultivated land, is included in the mapping process.

130 [suarapemredkalbar.com/berita/sambas/2017/01/31/pemetaan-tapal-batas-desa-di-kabupaten-sambas-cegah-konflik](http://suarapemredkalbar.com/berita/sambas/2017/01/31/pemetaan-tapal-batas-desa-di-kabupaten-sambas-cegah-konflik) (Accessed: 03-09-2018).

131 This problem is also noted by Radjawali and Pye (2015) regarding their drone project.

Lembaga Gemawan acknowledges that mapping alone cannot protect people's land rights, in particular when the district government promotes plantation development to enhance overall rural development. Hence, this NGO has developed several programs focused on socio-economic development and environmental protection in villages, such as a rubber training program that aims to strengthen rubber farmers' incomes by improving the quality of rubber and connecting farmers to rubber factories to sell their produce without intermediary agents. Other projects include a farmer's credit union, a program to promote organic farming techniques, and women's groups that produce traditional Sambas cloth and handicrafts. Such programs, which aim to strengthen village economies, reinforce alternative rural development pathways, countering the argument that oil palm development is the only path to socio-economic development in the district.

Four years after implementation, the potential of the Village Law to strengthen local autonomy strongly depends on the knowledge, networks, and interest of village officials and community leaders, and on their capacity to deal with interests that go against village plans.

## 6.6 Conclusion

Oil palm expansion in Sambas has accelerated land tenure insecurity, leading to conflicts. Confronted with company land claims, villagers have engaged in a combination of counter-claiming activities, including protesting and seeking government intervention, and more recently village mapping and spatial planning. Their claims have been challenged by oil palm companies and government officials who legitimate plantation development by citing the formal status of land as state land, rejecting local claims. Since the implementation of the Village Law, villagers have a stronger legal basis to engage in spatial planning which can be used to counter notions that their lands are available for companies to claim. Moreover, village-level spatial plans can help to advocate other pathways to development based on local ways of using land.

Yet, it remains uncertain whether such initiatives will protect land rights in the long term, because outcomes of claiming processes strongly depend on local power relations. Paradoxically, when district governments and village governments support plantation development, mapping and spatial planning can even be a tool to facilitate dispossession (Dewi, 2016; Peluso, 2005). Moreover, plantation companies have operated without having fulfilled all legal requirements, and without obtaining prior consent from local land users. This means that companies may well ignore village maps and spatial plans. In the case cited above in which a plantation had already been established, the district government was reluctant to support villager claims, even though the company had not obtained all permits.<sup>132</sup>

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132 Planting oil palm as if all required permits have been obtained is a powerful claiming strategy. See Orlove (1991).

Despite its shortcomings, the 2014 Village Law has fostered discussions among policy-makers, academics, and civil society actors about village autonomy. In this case study, mapping and spatial planning activities brought this discussion to villages, making people aware of tenure insecurity following the rush for land for oil palm development. In Kalimantan, the slogan “map your land before someone else will” does not mean that villages necessarily need maps to be able to govern their territory. Rather, this slogan should be seen from the perspective of the National Land Agency telling villagers that they must protect their land themselves regardless of the legal status. When village lands are targeted for plantation development, maps and spatial plans, in combination with other claiming practices, can be used as leverage in negotiations with government officials and oil palm companies.

These cases from West Kalimantan provide some important insights for the debate about land rights and conflict in the context of large-scale land acquisition. First, addressing land-related conflicts requires proactive, village-level spatial planning that is considerate to local ways of using and understanding land, and to consequences for land use in the short and long term. This means that solutions are needed that go beyond obtaining prior consent from communities, to consider the different functions of land that cannot always be compensated by money or corporate social responsibility initiatives. Village-level spatial planning activities, through mapping or by other means, can be used to find ways to maintain pre-existing ways of using land rather than regulate land conversion. This needs to become part of governance initiatives to regulate land acquisition.

Second, mapping and spatial planning initiatives are important as social practices. This is not because such initiatives directly solve or prevent land conflicts, or clarify land use and ownership, but because they are a way to initiate discussions about different aspirations regarding land use. Moreover, mapping and spatial planning activities make the problem of conflicting claims known to other parties. In this way, claiming is partly a performance: when local media report about drones flying over villages to map land, companies and government officials who are involved in the permit process know that villagers are engaged in protecting their land rights, and countering claims of “empty” and available land.

Lastly, the counter-claiming practices that I have described are not only targeted at getting back particular plots of land or denouncing the misconduct of specific companies. Rather, by framing their claims in relation to how land should be used and by whom, counter-claiming practices helped to raise more fundamental questions about rural development through industrial agricultural production on plantations, by putting alternative pathways to development on the map. The long-term outcomes of mapping and spatial planning are uncertain, but, such claiming practices at least keep the discussion alive and make contestation visible.







**CHAPTER 7**

**Oil palms in  
the rice field**

**Discussion and conclusion**

## 7.1 Introduction

This study analysed the processes and practices of land acquisition for the development of large-scale oil palm plantations in Sambas, West Kalimantan. The expansion of oil palm plantations entails an irreversible transformation of multifunctional agricultural and forest landscapes into monocultures, radically changing the way land and resources are controlled and understood. Land acquisition activities in Sambas have led to violent conflicts between companies and communities and created long lasting contestation within communities. Conflicts evolved around multiple issues, including loss of livelihood opportunities for present and future generations; income, food and social security; environmental concerns; issues related to identity and lifestyle; and the unfavourable terms of the one-roof partnership plantation model, which makes autonomous farmers *de facto* plantation labourers on their own lands. Conflicts have emerged long before oil palms were planted, during preparatory phases of plantation development, and continued even after companies cancelled their projects.

My research has highlighted how, rather than through one grand land grab, land acquisition processes unfold gradually, involving many actors and activities, dispersed over place and time, which makes this process highly fragmented and therefore difficult to regulate through codes of conduct and sustainability standards. Companies have attempted to obtain control over land through a series of fragmented activities, which were not always visibly related to oil palm development, to prepare the landscape for plantation development. This has resulted in contestation and tension within communities and between communities and local government representatives rather than direct confrontations with companies. Considering land acquisition processes as political projects of place-making, I have elaborated how companies and government officials use discursive and physical strategies to render land available for plantation development, disregarding pre-existing livelihoods of local inhabitants. Nonetheless, this study has also highlighted that in this fragmented process, (differentiated) local communities engaged in different forms resistance, including overt and more subtle forms, to counter notions of land as available for plantation development, thus advocating alternative pathways to rural development that make it possible to maintain diversified livelihood opportunities and greater autonomy.

The central question in this study is:

*How do processes of land acquisition for the development of large-scale oil palm plantations work in practice, in terms of people's experiences and responses to these processes, and what does it mean for rural places?*

This question emerged from my own confusion about the intangible and messy process of land acquisition that was going on in the two villages where I conducted this research. Although several researchers have indicated that land acquisition often involves a series of smaller and larger grabs, policy initiatives are still strongly focused on formal company-community negotiations on a level playing field, based on the principle of free, prior and informed consent, as a way to prevent conflict, assuming that obtaining consent can facilitate a 'conflict free' transition to plantations. Yet, in the cases discussed, most villagers have never met any company representatives; there have been no attempts for obtaining either consent or direct negotiations to resolve disputes. This means that current policy initiatives for mitigating land acquisition conflicts do not match realities on the ground.

In this regard, there is a pressing gap in research on land acquisition and oil palm expansion. So far, the literature has not sufficiently addressed the micro-processes that shape processes of land acquisition, and the meaning of this for rural places. A significant body of research has examined the global drivers of the recent surge for land. Although large-scale land acquisitions and enclosure of resources by national governments and companies has a long history, the financial crisis of 2007 drove-up food and fuel prices, leading to a rising value of agricultural land, particularly in the global South (Zoomers, 2010). In response, national governments, companies and financial institutions engaged in large-scale land projects to secure land for the production of food, feed and fuel crops (Le Billon and Sommerville, 2017; McMichael and Scoones, 2010). Other research has examined how these global processes manifest locally, explaining the conditions that facilitate land deals, such as weak protection of (indigenous) land rights, complex land tenure arrangements rooted in legal plurality, poverty and inequality, economic incentives for collusion between government officials and private parties, and perceptions about frontier areas, available for resource exploitation. In addition, there are a number of case studies on trajectories of conflict, analysing the challenges that communities face when seeking redress for injustices at different legal institutions (e.g. Dhiaulhaq, McCarthy and Yasmi, 2018; Haug, 2014; Köhne, 2014).

Although researchers have examined the differentiated impacts of land deals on rural populations, indicating differences along lines of class, gender, generation and ethnicity (e.g. Elmhirst et al., 2017; Julia and White, 2012; Li, 2015), it often remains unclear how people, who have to deal with these impacts, experience this and how they respond to the changes. The same goes for how land acquisition works in practice, and how people engage with this process to facilitate, resist or re-negotiate the terms of incorporation. To address this research gap, I used a place-based approach to unpack the fragmented process of land acquisition to see how contestations manifested in specific places, at specific times, through everyday practices, during everyday encounters. This approach provided a deeper understanding of what oil palm expansion and related conflict mean to lives and livelihoods in rural Sambas, and what implications this has for policy initiatives and development interventions.

In the chapters 3 to 6, I have examined the trajectories of land acquisition and contestation by looking at people's differentiated experiences of and responses to these processes. Two case studies of conflict in two oil palm concessions of the same agribusiness group revealed that oil palm projects in Sambas have been planned in landscapes that were already intensively cultivated and inhabited. The papers highlighted that people's responses to these oil palm projects were deeply rooted in the way they gave meaning to the multiple functions of land, on which they depended for their livelihoods. People were concerned that a conversion to plantations would mean a loss of diversified and flexible livelihood opportunities, transforming them from autonomous farmers into labourers on plantations (chapter 3). The process of land acquisition was highly elusive: companies engaged in preparatory activities in different times and different places, without informing or consulting affected communities. The fragmented process of land acquisition has important policy implications, because contrary to common assumptions that free, prior and informed consent procedures may prevent conflict, the companies and communities hardly ever met directly, and the uncertainty and lack of information led to contestation and mistrust within communities (chapter 4).

Yet, people were not powerless against dispossession and they engaged in different forms of resistance, including overt and more covert forms of resistance. An exploration of gendered experiences of and responses to land acquisition and resistance highlighted the importance of intra-community and household dynamics in more informal spaces, because contestations often manifest in everyday practices during everyday encounters. As women often were excluded from more formal spaces of participation, it is important to recognize how they engaged with processes of land acquisition through more everyday forms of resistance in more informal spaces, such as during agricultural activities in the field or family gatherings in people's homes (chapter 5). In relation to this, as communities are often excluded from making decisions regarding plantation development, communities have engaged in mapping their village lands and making spatial plans in anticipation of claims by companies. Such proactive claiming practices are important, not because they directly solve or prevent land conflicts, but because they are a way to initiate discussion about land rights and spatial planning and put to conflicting claims and alternative pathways to rural development on the map (chapter 6). In this discussion, I present the central findings of this study and discuss the contributions of a place-based research approach to understand rural transformation in areas of large-scale plantation expansion. Thereafter, I will consider implications for the oil palm debate, concluding by proposing new ways of thinking about oil palm places.

## 7.2 Processes of land acquisition and resistance

To answer the central research question, I highlight four main findings. First, people's responses to oil palm projects are deeply rooted in the way they give meaning to pre-existing landscapes. Expectations and anxiety about the loss of multifunctional lands, transforming independent farmers into plantation labourers is a key source of conflict. Second, land acquisition works through atomization of actors, activities, time and place, making the process too intangible to govern through FPIC principles only. Third, land acquisition requires place-making, imagining landscapes available for companies to claim and rendering pre-existing land relations invisible. Fourth, despite unequal power relations, communities are not totally powerless against dispossession and engage in counter place-making to maintain land and livelihoods.

### Rural transformation in Sambas

This research has elaborated what the expansion of large-scale oil palm plantations means for rural Sambas. The expansion of oil palm plantations has been legitimated in terms of socio-economic development of marginalized regions, and notions of empty land. This discourse had also been used by company representatives and government officials in their communications with villagers in Sambas. However, my research evinced that the areas targeted for plantation development included fertile and agriculturally diverse lands and respectively thirteen and fourteen villages with a long history of production for the global market. Although farmers struggled with low market prices for rubber, their main source of income, access to land was valued in multiple ways. First, access to different types of land (rice fields, rubber gardens, orchards, forest) facilitated having diversified livelihood portfolios which gave farmers flexibility to respond to change. For example, with low rubber prices, people could concentrate on other cash crops such as black pepper, or pineapple, while maintaining rubber as a low but secure source of daily cash.<sup>133</sup> Furthermore, having different types of agricultural land gave people options to change their focus according to personal circumstances such as pregnancy, disability, illness, or old age, providing income security over a long period of time. In addition, the agronomic diversity of the landscape supported food security in times of low cash income. Moreover, people valued the flexibility of land tenure and the options to access land through a range of property relations beyond ownership, allowing also people without land to cultivate crops. Hence, concerns about plantation development were deeply rooted in fear to lose access to multifunctional land (chapter 3).

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133 Also described by Dove (2011).

A second finding was that people highly valued their identity as autonomous farmers and did not want to become plantation labourers.<sup>134</sup> As the concessions included all of the village lands —there was not enough land to enclave villages and establish the plantation outside the villages— people were afraid that they would lose all access to land and have no other option than to find work on the plantation, and *de facto* become “labourers on their own land.” That is, if they are young and fit enough to do plantation work: Li (2012) points out that oil palm plantations, especially in a mature phase, do not require a lot of labourers. Informants for this research have stated that they could not find jobs on plantations because they were too old or could only work for 15 days a month. Thus, for most people working as a plantation labourer is not a viable alternative for producing crops independently. Even if villagers could engage in plasma schemes, people worried that there would be no land left to farm for their children and grandchildren. This concern is in line with other research that warns that the children and grandchildren of schemed oil palm smallholders with their two hectares plots will not have enough land to continue farming (Elmhirst et al., 2017; Li, 2015a; White, 2012). This means that in a situation where plantations come to dominate the landscape, this will at best lead to postponed dispossession of the children of people who initially succeed to become oil palm smallholders. However, research in other areas demonstrates that already during the maturing phase of plantations, many smallholders sell their plasma plots when they can no longer pay off their debts (McCarthy, 2010). There is a risk that members of local elites and outside investors buy up these smallholder plots which leads to concentration of land in the hands of the well off at the expense of small farmers, who will have little options but to become landless labourers, often under precarious terms (Bissonette, 2013; Li, 2015a; Pye et al., 2012).

Hence, if Sambas becomes “saturated” with oil palm plantations, like other districts in Kalimantan, for many villagers this will mean that they lose opportunities as autonomous farmers and become plantation labourers. If plantation work becomes the only option to generate an income, there is a risk that a “surplus population” (Li, 2010; 2017b) will emerge of people who cannot work as plantation labourers, but also have little options left for farming.

### **Atomizing practices of land acquisition**

The vastness of concessions, especially when located in densely populated areas, inherently makes land acquisition an arduous task. Despite regulations on “responsible” land acquisition practices, conflicts remain ubiquitous. The gradual and highly fragmented process of land acquisition makes it difficult to prevent and resolve these conflicts. Rather than through a series of meetings between companies and communities in which land deals are negotiated,

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134 Also mentioned by Peluso (2017).

in line with (e.g.) Peluso and Lund (2011), this study illustrates how land acquisition unfolds through a series of smaller and larger steps, involving many activities and actors, dispersed over place and time (chapter 4).

Land acquisition requires cooperation between company staff, government officials from district- to village-level, security officers (police and military), local brokers and common villagers. In the case studies, land acquisition did not start with a company introducing itself and its project proposal to relevant stakeholders. Rather, it was not even clear which company was operating, as the concession documents only revealed the name and address for the plantation company (PT), which belonged to an (unspecified) larger agribusiness group. Concessions for the same area were issued to multiple plantation companies. Communication regarding the plantation project was mostly done by local government officials, who also did not have a full oversight of the project details, such as location and time frame. Especially during the preparatory phase of plantation development, when companies still had to establish relations within communities to acquire control over land, activities were not always clearly related to plantation development. Companies worked in different locations on small infrastructural projects, such as improving roads, while only partially informing communities. The labour for these activities was performed by local government officials and their accomplices, who sometimes knowingly, sometimes unknowingly, cooperated with companies, for various reasons (chapter 4). In this way, companies could establish a base camp and seed nursery, and gradually expand from there without the need to acquire consent from all communities in the concession area at the same time. Consent could be negotiated with or forced on village governments and individual land owners one by one. When companies did organize socialization meetings, villagers experienced these as merely informative rather than an attempt to initiate negotiations.

Unavoidably, land acquisition activities aroused rumours, leading to tension within communities and between communities and their government representatives (chapter 4 and 5). As companies have developed relations with certain groups within communities, these were torn apart in 'opponents' and 'supporters' of companies. When companies finally organized socialization meetings in villages to explain their intentions, meetings turned into violent confrontations between opponents and supporters. This means that the fragmented process of land acquisition, preceding socialization, had atomizing consequences, exacerbating tension within communities. Communities had by no means been harmonious entities before the arrival of companies. However, plantation development created new divides, most importantly between village authorities and their (alleged) accomplices, and villagers who opposed plantation development. In some villages, tensions have continued even after plantation development was cancelled (chapter 4 and 5). This was aggravated by continued uncertainty (and rumours) about the possibility of new concessions (chapter 6). The new divides make future resistance more difficult to organize, as some people are tired of resistance and hesitate whether they would resist again in the future.



Concluding, the fragmented activities of land acquisition which were performed by local authorities and villagers rather than by companies, and the lack of information about plantation project plans and the intentions of companies led to uncertainty, mistrust and tension within communities. This means that conflict is also a fragmented process, with numerous small confrontations, which mostly manifest within villages. These findings offer a new perspective on addressing land acquisition related conflicts: large-scale land acquisition projects are too elusive and fragmented to be regulated by standards that require negotiations based on free, prior and informed consent alone. I argue that this is not a matter of incidental cases of misbehaving companies, but a structural problem of large-scale land acquisition projects. Even with good intentions, acquiring control over an enormous area of land (10,000 and 20,000-ha in this study) on which others (thirteen and fourteen villages in this study) also depend for their livelihoods can hardly be done without causing contestation. Due to the fragmented process of land acquisition, communities cannot freely make a decision regarding providing or withholding consent prior to any company activities take place. Moreover, as the long-term, intergenerational consequences of such projects are hardly discussed, communities cannot make an informed decision. Hence, adherence to the FPIC principle is not enough to prevent negative consequences for local communities' livelihoods.

### **Politics of place-making**

Land acquisition for plantation development in intensively cultivated and inhabited places requires a re-imagination of these places as available to claim. As Rasmussen and Lund (2018) have argued, preceding physical alterations of landscapes, “ideas about who can make use of what kinds of resources and the cultural understandings of these landscapes have systematically been undermined, dismantled and erased by a number of legal, discursive and violent operations.” New ideas about rural places render pre-existing ways of using land insignificant, thereby making way for new forms of control (Tsing, 2005; Rasmussen and Lund, 2018). My research has demonstrated that land acquisition involves political processes of place-making through discursive and physical strategies that lead to a new status quo.

First, I have illustrated how plantation concessions have been used to represent landscapes as empty. The concession maps for the cases in this study revealed nothing but blank space delineated with black lines for the plantation borders, obscuring villages, fields, gardens and all human activities, and therefore available for plantation development (chapter 6). Such representations of empty land were echoed during negotiations with villagers: representatives from the companies, local governments, and security forces told villagers that they “had no right to claim state land,” and that, if they had formal documents to prove their land rights, they should plead their case in court. By prioritizing formal land rights, companies and the government undermined local notions of property rights, pretending that land without formal

titles is unclaimed land (chapter 3 and 4). Although formally users of unregistered land should at least be acknowledged for compensation, it is a powerful argument when used against people with little knowledge of formal law.

Second, companies have made promises to communities about how plantations bring prosperity in the form of ceramic-tiled houses, streetlights, good roads and motorcycles. Such promises reflect dominant ideas about rural places as underdeveloped, legitimating plantation development with a discourse of development. In this way, a quote from a district policy advisor from Sanggau in Gillespie (2011: 14) clearly shows how ideas about marginalization can legitimate plantation development: “We don’t have anything to bargain with [plantation] investors except land. We can’t argue for infrastructure, an educated workforce, a steady supply of electricity, quick access to overseas markets, because we have none of these things. So, the only thing we have to offer investors currently is land, and it is the only thing they are interested in.” At the same time, this quote also indicates how perceptions of being marginalized provides incentives to accept plantation development—in this respect, promises of better roads were difficult to ignore to farmers who suffered from bad roads in marketing their crops.

Third, in addition to discursive strategies, place-making works by physically altering landscapes in preparation of plantation development, for example by constructing roads or cutting trees, or in subtler ways, by placing land marks. Li (2014) has described this as infrastructural violence, stressing that such processes make pre-existing land uses impossible. I find that the concept of dwelling (Ingold, 2002) helps to add nuance to the notion of infrastructural violence by highlighting the smaller, everyday acts that constitute the landscape, showing that in addition to planned interventions, seemingly every practice shapes landscapes in important ways. Separately, acts like placing land marks do not seem to bring irreversible changes of the landscape, immediately making previous ways of using land impossible. Yet, such small physical acts of place-making gradually alter landscapes until a point of no return: when claims materialize they become more difficult to challenge (chapter 4 and 6). Companies’ strategies to “take first and talk later” (Potter, 2015: 12) enforce a new status quo, which can hardly be protested afterwards. If companies and communities engage in negotiations in such a situation, discussions necessarily focus on compensation for what is already lost rather than about prior consent for plantation development activities.

So, representations of rural places as having “nothing to offer but land” are powerful framings that obscure alternative pathways to development, disregarding opportunities that may emerge from pre-existing ways of using land. Considering that conflicts evolve about multiple issues related to pre-existing ways of using land, policies for addressing land acquisition conflicts need to consider possibilities to maintain livelihoods rather than focus on consent and compensation for a total conversion of land.

## Everyday practices of resistance and counter place-making

Despite the relative powerful position of companies, people were not totally powerless against dispossession and land acquisition activities have been re-negotiated, altered and resisted on the ground. In fact, this study provides two (perhaps quite exceptional) cases of how communities halted plantation development, at least temporarily. While many researchers have highlighted the difficulty of getting land back, or obtaining other forms of justice, once plantations have been established (e.g. Dhiaulhaq et al., 2018; Haug, 2014; Potter, 2009; also described in chapter 6), the cases show that in the preparatory phase of land acquisition there is still room for resistance.

In the research area, there were different forms of resistance against land acquisition, including overt and direct forms of resistance as well as more covert, subtle forms of resistance. In the two cases, the regional farmers' movement supported by local NGO Lembaga Gemawan played a crucial role in organizing people in demonstrations and other protest actions. Moreover, after such key events, the movement was able to keep resistance alive by regularly organizing meetings keeping people up to date about company activities. The resistance eventually led to cancelation of one plantation project and prevented the other company from developing the whole concession area into a plantation (chapter 3-4). Despite this success, people also felt that resistance came at a high toll, as people were sent to prison and opponents and supporters of plantation projects had verbally and physically attacked each other, leading to enduring mistrust within communities. Some of the consequences of resistance were particularly gendered: some women actively participated in demonstrations, but others felt excluded from more violent forms of resistance, while they suffered the consequences when their husbands or sons were arrested.

Taking a gender perspective on responses to land acquisition unearthed more subtle, covert forms of resistance, which manifested within communities during more informal occasions rather than during direct encounters between companies and communities. For example, several women recounted how they personally challenged village government officials, sometimes defying prevailing norms on gender roles (chapter 5). However, such informal moments of resistance were often not part of stories about resistance that were told during village gatherings that I attended, which focused more on demonstrations and violent actions. Furthermore, focusing on gendered experiences of and responses to land acquisition and resistance provided another perspective on resistance. Women said that they had not attended demonstrations, because they had to go to the fields to manage the harvest. While such everyday activities may not be intentional forms of resistance directed against companies, in the light of prevailing notions about empty lands, continuing agricultural activities is an important part of countering claims from companies.

Anticipating to company claims by making counter claims and seeking political and legal recognition for these claims became a strategy of the farmers' movement after continued company activity in spite of demonstrations. In Sungai Putih and neighbouring villages, village

officials, members of the farmers' movement and NGO staff mapped the village lands with drones in order to make village-level spatial planning, seeking recognition from the district government for this to prevent new concessions for oil palm companies (chapter 6). While the outcomes of these initiatives remain uncertain, what is important is that such forms of counter place-making do not only challenge claims by individual companies: rather, by engaging in counter place-making, people have challenged the notion that oil palm expansion is the only pathway to development.

In conclusion, although plantations physically alter landscapes and unmake pre-existing ways of using and valuing land, this is also challenged and renegotiated by people inhabiting these landscapes. This has important implications for the ways in which NGOs can support communities in oil palm expansion areas. In addition to supporting communities by helping them to organize protest, file formal complaints, or assist them during negotiations with companies, my findings suggest that NGOs should also focus on maintaining pre-existing ways of using land, for example by seeking legal and political recognition for this.

### 7.3 Putting global land acquisition in place

I wanted to tell this story of land acquisition from 'inside' a place where it happened, to better understand what such projects mean for rural places. As a researcher, it was important for me to be in villages that were affected by plantation projects, because only by staying and moving around in such places for a longer period, following local inhabitants in everyday activities, and talking to people about their experiences, the real consequences of such projects could truly sink in. Walking around in the dense rubber forest on the border of the *kampung*, I could not even start to imagine how all the rubber trees would be cut down. Thinking about the practicalities of such a project—for example, the road would first have to be widened and paved to allow bulldozers and excavators to enter, and then, people would have no source of income until oil palms start producing after three to four years—it seemed impossible to establish the plantation without conflict, at least not under the terms set by the companies. Moreover, as I watched three elderly ladies, who had worked on plantations in Malaysia when they were younger, re-enact how, at their age, they would stagger handling the long saws to harvest palm fruits from tall trees, how collecting the thorny fruits would make their hands bleed, and how they would bend under the weight of heavy baskets, I better understood how much the incorporation of their lands and labour into a plantation would change their lives: it would not merely mean a transfer of control over land to companies, but it would impact all aspects of life in this place, including land and labour relations, gender relations, food security, migration patterns, lifestyles, and power relations.

However, this emplaced story about oil palm does not only exemplify how landscapes and lives change locally: using a place-based perspective also generates insights that inform global debates on large-scale land acquisition, conflict, and livelihoods and land rights for

rural inhabitants. Looking at land-acquisition as projects of place-making that (physically and imaginatively) transform locations, materials and meanings of landscapes, elucidates how this is an incremental process that is political, sometimes violent, but at the same time intangible. I want to discuss three contributions of place-based ethnography to better understand the workings and differentiated consequences of land acquisition.

First, a place-based perspective invalidates notions of land as empty, degraded and available to claim and demonstrates how such framings are political projects of place-making. As Rasmussen and Lund (2018: 388) have stressed that “it is not only the biophysical properties of the landscapes which are radically reconfigured. Preceding this violent transformation of space, ideas about who can make use of what kinds of resources and the cultural understandings of these landscapes have systematically been undermined, dismantled and erased by a number of legal, discursive and violent operations.” The geographical locations where oil palm plantations are established are often described as ‘frontier areas’ (De Jong, Knippenberg and Bakker, 2017; Li, 2017c): sites where hegemonies of the recent past have been challenged by new forms of land control (Peluso and Lund, 2011); “landscapes made empty and wild so that anyone can come to use and claim them” (Tsing 2005: 30). Tsing already made clear that the making of frontiers is a political project to subject humans and objectify resources, rendering pre-existing materials and their meanings invisible. The fact that places where plantations are planned are not empty is not surprising as such places do not exist: in the research area, places targeted for oil palm development included multifunctional lands, inhabited by many people. Hence, Rasmussen and Lund (2018) argue that “when drafting policies in areas of resource commodification it is therefore important to pay attention to the possible erasures of local values implied by the new extraction regimes in order to secure the continued inclusion of local populations’ needs, values, aspirations and development priorities.” The findings of this research add to this policy advise that it is equally important to consider how oil palm affected communities try to *counter* these notions of landscapes as empty, unproductive frontiers available for all to claim, and how they attempt to maintain diverse agricultural activities, for example by seeking formal and political recognition for these activities. In this regard, place-based ethnographic research can contribute to this by highlighting alternative notions of place, countering powerful frames about frontiers where resources are up for grabs.

Second, also in case plantation development goes ahead, a place-based perspective adds nuance to the assumption that this inevitably means a total erasure of pre-existing ways of using and giving meaning to land, highlighting different ways in which people continue to protect, maintain and recreate livelihoods. My research has demonstrated the messy and gradual ways in which land acquisition activities have transformed landscapes, yet also illustrated how this process was subject to negotiation and resistance. Although plantations often do radically and violently transform pre-existing landscapes, potentially “obliterating all other forms of life” (Li, 2017a: 3), the risk of assuming that this will happen anyway is that research and policy initiatives narrowly focus on mitigating the excesses by improving production techniques and the design of plantations, or by setting regulations for land

acquisition, and land and labour arrangements, without considering how people interact with and give meaning to material landscapes in which plantations are developed, prematurely overlooking alternative livelihood strategies that may emerge in and around plantation landscapes. Place-based ethnographic research helps to better understand why conflicts emerge and how they can be addressed. Starting by documenting how people engage with their environment, and analysing changes over time, place-based research can contribute to finding ways to maintain alternative livelihoods within and around plantation landscapes.

Third, a place-based perspective opens the possibility to do research in different settings, including more everyday settings, and thereby being sensitive to voices that are more silent (and silenced) in more formal settings. Reflecting on how places are materially shaped and gain meaning through people's everyday interactions with their environment, it became evident that materials and symbolic meanings of places also work to condition and restrict everyday practices, thereby producing difference and inequality (Nightingale, 2011; Sultana, 2011). This has important methodological consequences. During this research, I noticed that the places where I conducted research were not equally accessible to all: this became particularly tangible at times I was the only woman present in the room during interviews and village meetings. Reflecting on this with other women, I learned how the material features as well as symbolic meanings of places that were understood as more formal "front room" spaces worked to exclude women. Women have expressed that they did not feel comfortable to enter, let alone speak up, in formal spaces, where they had to dress and behave formally, so they remained in the background. Although several women did defy prevailing gender norms, went to meetings (internal village meetings, company meetings, and research meetings with me) and expressed their opinions (loudly), during my research there were multiple occasions in which women were not present. Consequentially, women were not only excluded from making decisions regarding how to respond to land acquisition, but also their experiences were not being represented in the knowledge that was being constructed about this during this research. The same goes to some extent for younger generations: young, unmarried adults who did not yet have land of their own were often not present during meetings. Yet, paying attention to everyday practices of place-making also revealed how decisions regarding land acquisition were not only made in such front room spaces. Rather, in line with Nightingale (2011: 154) and Ingold (2002), attention to everyday spatial practices gave insight in how land acquisition is constituted and resisted at different times, in different places, involving multiple actors and activities, for example, showing the relevance of women continuing their agricultural duties in spite of uncertainty regarding the status of their land. Therefore, attention to how material space produces difference, considering different kind of spaces where people may engage with processes of agrarian change (including more informal spaces) is crucial to understand meanings of resource conflict. Moreover, I agree with Sultana (2011: 163) that "resource struggles are not only economic, social or rational choice issues, but also emotional realities that have direct bearing on how resources are accessed, used and fought over." Attention to the emotional impact of conflict points to more hidden and intangible dimensions of conflict, such

as conflicts within communities which have gendered consequences (chapter 5). Moreover, emotional experiences reveal the differentiated consequences of land acquisition, plantation development and conflict, depending on gender, generation, personal and family background, and social connections. Attention to everyday spatial practices is crucial for research that aims to understand the meaning of resource conflicts and the different ways people respond to these.

In conclusion, a place-based, ethnographic research perspective that is sensitive to conflicting notions of place, different practices and discourses of place-making, and the power relations that shape places of knowledge production is essential to understand how land acquisition processes work, how they are negotiated and contested, how such processes are experienced in different ways, and what this means to rural places.

## 7.4 Implications for the palm oil debate

The findings of this research have a number of important implications for debate about sustainable and equitable palm oil production:

First, the assumption that large-scale monoculture plantations managed by companies bring development to ‘marginalized’ regions with ‘nothing to offer but land’ has been proven invalid. In regions like Sambas, where people are dependent on land for their livelihoods, farmers should maintain control over land, with or without oil palm. Research has demonstrated that oil palm can be a profitable crop for farmers when they have access to land, capital and labour, as well as good infrastructure and proximity to mills, and knowledge regarding best production practices (e.g. Bissonnette and De Koninck, 2015). Moreover, to survive the maturing years and avoid risks of price drops, farmers should not fully depend on oil palm alone but have other sources of cash income or options to cultivate subsistence crops. Whether farmers decide to plant oil palm independently or in cooperation with companies or not, it is crucial that they maintain autonomous control over land, and are able to make decisions regarding production, labour, and diversification in response to market, climate and personal changes. This land needs to be sufficient for this generation and the next generations. This is problematic especially in regions where land is not abundant. Nearly all land included in the concessions discussed here was cultivated with crops and was part of a village, and thus, people cannot opt to exclude (enclave) their village from the plantation and maintain their rubber gardens and rice fields. Yet, if oil palm projects are to be for the benefit of rural inhabitants, as is stipulated in the Plantation Law (No.39/2014), it is illogical to use a plantation model in which these people lose all control over land. As Li (2017b) has demonstrated, in Kalimantan people strongly depend on land for their livelihoods, as there are no jobs in other sectors. Plantations will not provide enough jobs for everyone, and my research finds that local inhabitants often do not want to give up farming and become plantation workers. Hence, in line with Cramb and McCarthy (2016), Li (2015a; 2017a; 2017c), Peluso (2017) and Pye



(2017), I agree that the ‘one-roof’ partnership plantation model, often used in Kalimantan, in which the nucleus and plasma part of the plantation are managed as one by the company, and schemed smallholders merely receive monthly dividends from their plasma gardens, does not benefit rural populations and is a major cause of conflict. When people lose all control over land and become plantation labourers, often without secure contracts, they lose flexibility to respond to changes. This makes them vulnerable to volatile markets, harvest failures and personal problems such as illness. For the cases in this study, experiences with and stories about this plantation model were important reasons to resist plantation projects; other research has reported that this plantation model led to disappointment about profits and anger about a lack of transparency (e.g. Cramb and McCarthy, 2016).

Second, given the highly fragmented and gradual process of land acquisition, policy initiatives to prevent and address conflicts need to go beyond facilitating company – community negotiations, and focus on more structural ways to prevent conflict, such as by facilitating more democratic land use planning that is considerate to the needs of rural populations in the long term. Policy advice in oil palm literature often suggests that conflicts can be avoided if communities are properly consulted and that civil society actors should assist communities during negotiations with companies. Sheil and Meijaard (as quoted by Booth, 2013),<sup>135</sup> for example, recommend that oil palm plantations be cultivated only in the least biodiverse areas, admitting that “such areas are often claimed by local people, and fair and informed consultation and compensation is needed to ensure that recommended strategies do not increase community conflicts.” While being critical on the merits of FPIC based negotiations, which she refers to as “too polite solutions” (Li, 2017b; keynote speech Landac 2018), Li (2017c: 3) also advises that “advocacy groups should strengthen capacities and support communities in negotiations with plantations, to ensure that all social groups (including women, young people, landless people) are fully consulted and presented with options that include ‘no’ to plantations.” This advice in itself can hardly be refuted; NGO involvement was also indispensable in the cases in this study to organize resistance and forward complaints to government institutions and the media. Yet, in the light of my findings that land acquisition processes are highly atomized with conflicts manifesting within communities, or between communities and government officials, rather than in direct confrontations between companies and communities, and that companies and communities may never actually meet to negotiate about options, this advice also feels quite unsatisfactory. The FPIC principle remains important, but it is not enough to protect people from detrimental dispossession. Although the FPIC principle stipulates that communities should be free to withhold consent, negotiations about land acquisition for plantation development should not be reduced to a yes or no question (give or withhold consent), because the consequences of such transformations

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135 <https://forestsnews.cifor.org/19458/oil-palm-can-be-made-more-biodiversity-friendly-experts?fnl=en>. (Accessed: 30-08-2018).

are too complex: consequences are far reaching, yet highly differentiated and unpredictable over longer periods of time. Even if communities give their consent to land transfer, as Li (2017b) also demonstrates, the real consequences of this may turn out to be detrimental only in the long term. Therefore, policy advice should go beyond facilitating FPIC-based negotiations towards dealing with structural issues of inequality and dispossession that are inherent to the currently dominant plantation models in Indonesia.

This leads to a third implication of this study for the debate on palm oil. As my findings demonstrate that places targeted for oil palm development include diverse multifunctional landscapes and multiple villages, plantation-based oil palm development is not the only pathway to rural development in Sambas; the region has more to offer than land. It is important to note that rejection or acceptance of oil palm projects is not only based on economic considerations regarding the expected merits and pitfalls of palm oil production. Conflicts are crucially also about maintaining pre-existing livelihoods, lifestyles, identities, and social relations, including relations with ancestors. Yet, current policy initiatives to make palm oil production more sustainable and equitable, and to prevent and address conflicts, are narrowly focused on regulating the conduct of companies in land deals, promoting 'best practices' (such as no burning), and prescribing compensation for affected communities. What remains insufficiently addressed is exploring options to make it possible to maintain diversified livelihoods; instead of, or, integrated with oil palm. There is another role for NGOs and researchers to play here. NGOs can assist communities in getting political and legal support and recognition for local ways of using land by countering notions of unproductive, degraded or empty landscapes. For example, to strengthen the livelihoods of villagers in Sambas and other places in West Kalimantan, Lembaga Gemawan coordinates programs to support rubber farmers and it has set up women's groups and farmers' groups that have created alternative sources of income such as organic vegetables and rice, and traditional *songket* cloth. At the same time, Gemawan organizes 'village schools' educating villagers on land rights and village governance and has initiated a program to restore degraded peat land. This combination of activities that, on the one hand, focus on strengthening livelihoods, and on the other hand, on obtaining political and legal recognition for local ways of using land, while at the same time facilitating demonstrations or assisting with negotiations where necessary, is essential to strengthen communities' position when companies target their land. Likewise, researchers can contribute by documenting and analyzing such initiatives to challenge the hegemony of large-scale monoculture plantations. Maintaining or recreating diversified livelihoods, also in plantation landscapes, should be a policy focus while at present this is hardly the case.

Last, there is an important task for the Roundtable on Sustainable Palm Oil to critically review their approach on promoting sustainable ways of producing palm oil. It is not enough to push companies to adhere to existing principles and criteria for producing sustainable palm oil, because the dominant mode of large-scale monoculture production inherently has negative social and environmental consequences. Especially to prevent new conflicts in current expansion areas, the RSPO should take a leading role in developing and

promoting different ways of producing oil palm, for example by supporting the smallholder sector in terms of access to credit, inputs and certification, or at least prioritizing other plantation models where smallholders have more ownership. At present, the RSPO mainly becomes relevant to communities when conflicts have already occurred. While in some cases RSPO intervention has helped to reach an agreement between companies and communities, if land has already been cleared it is too late to consider the option of saying ‘no’ to oil palm. It is not enough to prescribe the ‘correct’ way of acquiring land, by requiring companies to ask for communities’ consent and to compensate previous land owners and users, and to facilitate mediation when procedures have not been followed correctly. To *prevent* conflicts, the RSPO should consider ways to protect pre-existing livelihoods, which cannot be fully compensated with money, and to make sure that plantation models benefit rural inhabitants. To this end, the RSPO could develop practical guidelines on how to assess the impact of oil palm development on local livelihoods in the short and long term, and integrate these in its FPIC training modules and new planting procedures. This would help to improve the information based on which communities have to make decisions regarding giving or withholding consent to companies. However, the problem remains that many plantation companies, including the companies in this study, are not members of the RSPO. Hence, researchers, activists and policy-makers need to identify alternative, local initiatives for protecting land rights and livelihoods, and analyze the challenges and opportunities that occur.

## 7.5 Concluding remarks: ‘oil palms in the rice field’

At the end of this study, I want to consider some final thoughts regarding the palm oil debate. The oil palms that are growing in rice fields in Sambas symbolize a threat and an opportunity at once. The title of this study refers to oil palm plantations being established on people’s rice fields, dispossessing farmers of their traditional livelihoods. However, during the process this study, I have also learned that oil palms in the rice field could symbolize a new way of thinking about palm oil production. It is commonly assumed that oil palms should not be grown in rice fields, —admittedly, this may not be the best agronomic combination— as the timely procession of palm fruits requires a streamlined production system. Hence, oil palm is mostly grown in monoculture plantations. However, the dominant assumption that oil palm can only be produced efficiently in monocultures is challenged by scientist who examine integrated production systems with oil palm and, for example, cattle, black pepper, cocoa, chili or food crops (e.g. Akhmad, 2001; Azhar et al., 2017; Koczberski et al. 2012). Other researchers focus on maintaining patches of forest within plantations (Azhar et al., 2015). While questions of access to land and resources, labour relations, gender and generational inequities, market opportunities, environmental impacts and power relations would have to be critically scrutinized for any new palm oil production model, this ‘land sharing’ (see Law et al., 2015; Kremen and Miles, 2012) research approach at least re-envision oil palm places as more

agro- and biodiverse landscapes, challenging the dominant mode of monoculture production. While yields may decline in more integrated systems, in light of the findings of this study that conflicts emerge because people lose access to multifunctional land and become dependent on a single crop in a volatile market and a company that controls its production, from a socio-economic perspective this may still be a better option than monocultures. It is my opinion that the future of sustainable and equitable palm oil production depends on countering policies that favour company-controlled monocultures and instead promote diversified landscapes in which farmers maintain control over land, labour and other resources. For this, interdisciplinary research is needed on the agronomic possibilities and limitations, practical conditions and challenges, and differentiated consequences of integrated systems. Places like Sambas have always more to offer than land, while the expansion of oil palm plantations in a way that dispossesses farmers of their land does not lead to rural development.



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# Acronyms and glossary

**AMAN** – *Aliansi Masyarakat Adat Nusantara* (Alliance of the Indigenous Peoples of the Archipelago)

**AMDAL** – *Analysis Dampak Lingkungan* (Environmental Impact Assessment Report)

**APL** – *Areal Penggunaan Lain* (non-forested land)

**BAL** – Basic Agrarian Law

**BPD** – *Badan Permusyawaratan Desa* (village council)

**BPN** – *Badan Pertanahan Nasional* (National Land Agency)

**BPS** – *Badan Pusat Statistik* (National Bureau for Statistics Indonesia)

**CAO** – Compliance Advisor/ Ombudsman

**CIFOR** – Centre for international forestry research

**CPO** – Crude palm oil

**CSR** – Corporate Social Responsibility

**DPRD** – *Dewan Perwakilan Rakyat Daerah* (regional parliament, district level)

**DITJENBUN** – Directorate General of Estate crops

**FAO** – Food and Agriculture Organisation

**FPIC** – Free, Prior and Informed Consent

**GAPKI** – *Gabungan Pengusaha Kelapa Sawit* (Indonesian Palm Oil Association)

**GIS** – Geographical Information System

**HDI** – Human Development Index

**HGU** – *Hak Guna Usaha* (commercial lease right)

**IDR** – Indonesian Rupiah

**IFC** – International Finance Corporation

**IMF** – International Monetary Fund

**ILO** – International Labour Organisation

**ISPO** – Indonesian Sustainable Palm Oil

**IUP-B** – *Izin Usaha Perkebunan untuk Budidaya* (plantation permit)

**JKPP** – *Jaringan Kerja Pemetaan Partisipatif* (network for participatory mapping)

**LPD** – *Lembaga Pemberdayaan Masyarakat* (village institute for community empowerment)

**MIFEE** – Merauke Integrated Food and Energy Estate

**MSPO** – Malaysian Sustainable Palm Oil

**NES** – Nucleus Estate and Smallholders

**NGO** – Non-Governmental Organisation

**PIR** – *Perusahaan Inti Rakyat Perkebunan* (nucleus-plasma plantations)

**PT** – *Perseroan Terbatas* (limited liability company)

**RSPO** – Roundtable on Sustainable Palm Oil

**Satgas** – *Satuan Tugas* (task force)

**SIA** – Social Impact Assessment

**SKT** – *Surat Keterangan Tanah* (land clarification letter)

**TP3K** – *Tim Pembina Pembangunan Perkebunan Kabupaten* (District team for monitoring and developing plantations, recently renamed *Tim Koordinasi Pembinaan Perkebunan*, TKP2)

**Bagi hasil** – sharecropping

**Bupati** – district head

**Camat** – sub-district head

**Daerah tertinggal** – marginalized region

**Desa** – village

**Desa adat** – customary village (legal definition)

**Dusun** – neighbourhood

**Ganti rugi** – compensation

**Gotong royong** – community work

**Hutan** – forest

**Kabupaten** – district

**Kampung** – hamlet / village

**Kawasan perkebunan** – plantation area

**Kebun** – garden

**Kemitraan** – partnership

**Kuli** – coolie

**Ladang** – agricultural field-

**Lahan kosong** – empty land

**Lahan terdegradasi** – degraded land

**Masyarakat adat** – customary community

**Merimbah (rimbah)** – to clear forest

**Musyawaharah** – community consultation

**Preman** – thugs

**(Minyak) sawit** – palm oil

**(Pohon) sawit** – oil palm

**Satu-atap** – one-roof (plantation model)

**Sewa-menyewa** – leasehold

**Sosialisasi** – socialization / community consultation

**Tanah negara** – state land (legal classification of land)

**(Tanah) turun temurun** – ancestral land, passed over through generations

**Ume (huma)** – rice field

**Upah** – farm work

**Warisan** – heritage





# Summary

This study examines the processes and practices of land acquisition for the development of large-scale oil palm plantations in Sambas, West Kalimantan, Indonesia. Land acquisition activities in Sambas have led to conflicts between companies and communities, creating long lasting disparities within communities. Conflicts evolve around multiple issues, such as loss of livelihood opportunities for present and future generations; income, food and social security; environmental concerns; and issues related to identity and lifestyle as autonomous farmers. Looking at oil palm expansion as political projects of place-making, I examine how materials and meanings of landscapes are gradually but irreversibly transformed through (everyday) practices of land acquisition and resistance. In contrast to notions of “one grand land grab,” this thesis highlights how land acquisition processes unfold gradually, involving many actors and activities, dispersed over place and time, which makes this process highly elusive and difficult to regulate through sustainability standards and codes of conduct for companies. Nevertheless, this thesis demonstrates that communities are not completely powerless against dispossession and adverse incorporation by companies but engage in different forms of resistance and counter-claiming to protect of pre-existing relations to land, livelihoods and lifestyles.

Chapter 1 introduces the controversies around large-scale land acquisition for palm oil production. The key issue is that land acquisition projects are often planned in areas that are intensively inhabited and cultivated, while the land rights of local land users are weakly protected by the law. Fieldwork in villages that were included in oil palm concessions unearthed how land acquisition proceeds gradually and conflicts often manifest within communities rather than through direct confrontation with companies. My confusion about the elusive process of land acquisition inspired the central research question:

*How do processes of land acquisition for the development of large-scale oil palm plantations work in practice, in terms of people’s experiences and responses to these processes, and what does it mean for rural places?*

Engaging with this central question, four research chapters (3-6) explore the processes and practices of land acquisition, the different ways in which people experience and respond to these processes, and the kind of claiming and counter-claiming practices and strategies that are used to obtain, maintain or regain access to and control over land. Addressing a research gap regarding the micro-politics of land acquisition, this study contributes to

debates about protecting rural land rights and livelihoods in context of accelerating large-scale resource extraction, by providing insight in actual practices of land acquisition and local responses to this.

Chapter 2 presents a theoretical and methodological approach for understanding land acquisition and conflict. The global surge for land for industrial production of food, feed and fuel crops has critically been referred to as “land grabbing.” Although this notion invokes a sense of urgency, denouncing optimistic ideas about win-win scenarios for large-scale land investments, the term does not adequately describe what happens on the ground (Peluso and Lund, 2011; Schoenberger et al., 2017). Rather than pure dispossession, land acquisition is essentially a process of transformation which unfolds gradually, involving many actors and activities dispersed over place and time. This thesis explores how processes of land acquisition work through atomization: a fragmentation of small and larger steps that gradually transform landscapes and people’s relations to land and each other. The process of obtaining control over land involves physical and discursive claiming strategies to create bounded territories over which power can be exercised to control access to land and resources. The notion of territorialization and counter-territorialization helps to unearth how power works through imposing (through regulation, the market, force, and legitimation) certain views of “normalcy” regarding how people should relate to land and each other, and how this can be challenged by advocating and practicing alternative notions of normalcy (Hall et al., 2011; Peluso and Lund, 2011; Tsing, 2005). This way, plantation projects can be understood as more than agronomic projects changing modes of production with certain socio-economic impacts on differentiated local communities, but essentially as projects of place-making transforming landscapes and human and non-human life within. People respond to this in different ways, ranging from acquiescence to resistance, including direct and overt forms of resistance as well as more covert and everyday forms of resistance (Hall et al., 2015). Considering that manifestations of conflict are not confined to public spaces, such as meetings between companies and communities, village meetings, or demonstrations and roadblocks, a focus on everyday practices and (emotional) experiences unearths deeper, more hidden layers of contestation (Sultana, 2011). Looking at resistance as processes of counter-claiming, this thesis explores different claiming practices that are not only directed against individual companies, but challenge the way places are envisioned in plantation projects. Following the notion of places as essentially political, relational and flexible, and constructed through everyday practices in interaction between location, materials and meanings, this thesis illustrates how oil palm conflicts are rooted in incompatible representations of place. To understand people’s experiences of and responses to land acquisition and plantation development, and to make sense of complex and multi-layered conflicts necessitates place-based ethnography: experiencing, learning about, participating in, and documenting everyday practices within landscapes targeted for oil palm expansion. During eleven months of fieldwork the researcher studied two cases of conflict in two concession areas for plantation development that occurred in the phase of land acquisition, before any oil palms were planted.

Chapter 3 introduces the first case, describing land acquisition and conflict in Kebun Hijau village in Sambas. Since the beginning of this millennium, oil palm plantations have been expanding rapidly throughout Kalimantan, triggering violent land conflicts between plantation companies and local communities, as well as conflicts within communities. After Kebun Hijau was included in a 10,000-ha concession for an oil palm company, villagers organized protests and burned down the base camp of the company. To understand why people resisted the oil palm project, this chapter elaborates on the meaning of land targeted for plantation development for people's livelihoods and lifestyles. The concession area included all land in Kebun Hijau, which consisted of rice fields, rubber gardens, mixed-crop gardens and secondary forest. Having access to these different types of land under diverse property arrangements (beyond ownership) is important for people's livelihoods. Following Sri and Adi's everyday practices, illustrated how land is not only important for food and income security, but is valued for providing flexibility to adjust crop choice, production methods and amount of cultivated land to different seasons, and changing personal circumstances and market opportunities. For example, rubber trees provided a secure source of daily cash (however low the prices), now, in people's old age, and for the future generations. In addition, people value their identities as autonomous farmers, rejecting becoming "labourers on their own lands." People fear that if the plantation project went ahead, there would not be enough land to continue farming, and there would also not be enough land to provide oil palm plasma plots for all villagers. Hence, the transition to oil palm does not merely bring a new crop: people's responses to oil palm plantations are deeply rooted in their perceptions of the meaning of land in the pre-plantation situation.

Chapter 4 describes the process of land acquisition for plantation development in two areas that were designated as oil palm concessions. Using the concept of 'atomization' the researchers demonstrate how land acquisition is a process of gradually changing the landscape and social relations rather than outright and immediate dispossession. Many of the companies' land acquisition practices work like wedges that create and exacerbate frictions within communities, as well as between communities and their local government. At the same time, companies strategically build bridges to generate support for plantation projects, cooperating with local authorities that are supportive of the investments. These practices constitute small, sometimes nearly imperceptible moves and steps that together change the landscape and social relations to pave the way for establishment of the plantation. During a preparatory phase of plantation development, companies remain in the background and leave actual acquisition practices to local authorities or villagers. This leads to tensions within communities and between villagers and their government representatives rather than direct confrontations with companies. Moreover, despite FPIC regulations, rather than public meetings, companies use a combination of promises, bribes and threats to gain support or enforce acceptance, rendering decision-making exclusionary, and dispersed over time and place. The importance of these findings is that standards that regulate land acquisition, requiring communities' free, prior

and informed consent for all land conversion activities are not adequate to prevent conflict, because in the fragmented process of land acquisition, there may never be a 'roundtable-like' setting wherein companies and communities can negotiate and discuss consent and the terms under which this is given.

Chapter 5 explores gendered experiences of, and responses to, land acquisition for oil palm plantation development. Large-scale land acquisition projects can result in significant gendered impacts on local communities, with women being particularly vulnerable to losing access to land and being subjected to poor and sometimes dangerous labour conditions. Yet, such land deals do not only *impact* women's livelihood opportunities and access to land and resources, but women's responses shape and transform their socio-economic and political positions. Participatory activities are being promoted as a way in which companies can avoid conflict and gain a social license to operate. However, women are often excluded from formal, 'front room' spaces for participation where land deals are discussed, negotiated or contested. These formal spaces include meetings between companies and communities, and internal village meetings and demonstrations. When interactions with companies, as well as resistance actions, are controlled by men, women may experience negative consequences such as insecurity regarding livelihoods and fear for their safety when confronted with violence. The emotional impact of such experiences is often underappreciated in account of resistance against land acquisition, while such impacts crucially shape responses. However, as land acquisition activities are dispersed over place and time, it is important to examine women's participation beyond formal spaces. Women played important roles in more informal spaces, such as within household, during family gatherings, or everyday activities in the village. Sometimes defying prevailing social norms regarding gender roles, women actively engaged in discussions about plantation projects. Moreover, 'making decisions' in this context does not always involve a tactical decision by an individual woman. Rather, women's labour of cultivating land can indirectly contribute to countering the notion of empty land available for plantation development. Concluding, for governance interventions to include women, it is important to consider where spaces are male-dominated, and to acknowledge the potential lack of representation of alternative or subordinate voices. For initiatives to strengthen women's participation it is important to look beyond front room spaces, recognizing alternative spaces where women exert agency.

Chapter 6 explores how villagers in Sambas attempt to protect their land rights against claims from oil palm companies by engaging in mapping and spatial planning, in context of the implementation of Indonesia's 2014 Village Law. In response to uncertainty regarding future expansion of oil palm plantation and the status of licenses, the village government of Sungai Putih initiated a participatory mapping project to map the village lands and create village-level spatial planning. Such initiatives are legitimated by the 2014 Village Law, which aims to provide more autonomy to villages to control their territories. Although spatial plans and

maps do not guarantee that land rights will be protected in the long term, these can serve as leverage in negotiations with companies and government officials. Moreover, the activities of mapping and spatial planning help to organize people and generate discussions about land rights and different aspirations for land use. However, in another case in an adjacent area, negotiations between communities, the district government and a company lead to a deadlock. While the company had not obtained all the licences required to establish a plantation, with the plantation already in operation the government was reluctant to intervene on behalf of the community. In this case, mapping and village spatial planning alone will not be enough to reclaim land already in use by the plantation company. Counter-mapping and spatial planning may not directly solve or prevent land conflicts, but they are important as social practices to initiate discussions about different aspirations regarding land use and put conflicting claims on the map.

The conclusion reflects on the central research question and the research process and discusses the main findings. Four key findings are highlighted. First, expansion of large-scale oil palm plantations in places such as West Kalimantan has been legitimated in terms of socio-economic development in marginalized areas. This research has evinced that places targeted for plantation development include diverse landscapes, sustaining diversified livelihoods, with long histories of crop production and trade. People were concerned that a conversion to plantations would mean a loss of diversified and flexible livelihood opportunities, transforming them from autonomous farmers into labourers on plantations.

Second, rather than through 'one grand land grab,' land acquisition processes unfold gradually, involving many actors and activities dispersed over places and time. In this fragmented process, communities cannot freely decide on providing or withholding consent, prior to any company activities taking place. Moreover, as the long term, intergenerational consequences of such projects are not examined, communities cannot make a fully informed decision on giving consent and the terms under which this is given. This means that policy interventions based on the principle of Free, Prior and Informed Consent are not enough to prevent and address land conflicts.

Third, governments and companies engage in discursive and physical acts of place-making to make land available for plantation development. Land that is targeted for this is framed as 'empty' and 'unproductive' state land, unencumbered by land rights. Hereby, land that is inhabited and cultivated by people who rely on local, unregistered notions of property, is rendered investable and available for companies to claim. Subsequently, companies start preparatory activities, such as placing land marks, to inscribe their claims on the landscape. Once oil palms are planted, a new status quo is established, which is difficult to challenge by communities.

Fourth, this research showed that communities are not completely powerless in face of land acquisition projects. Communities have engaged in different forms of resistance, and counter-claiming, including direct protest actions, mapping and village-level spatial planning,

and more everyday forms of resistance, which in two cases have resulted in cancellation of plantation projects. Taking a gender perspective on responses to land acquisition unearthed more subtle, covert forms of resistance, which manifested within communities during more informal occasions rather than during direct encounters between companies and communities.

Taking a place-based approach to examine processes of land acquisition and resistance helped to unearth how people counter notions of landscapes as empty, unproductive frontiers available for all to claim, and how they attempt to maintain diverse agricultural activities. In case plantation development goes ahead, a place-based perspective adds nuance to the assumption that this inevitably means a total erasure of pre-existing ways of using and giving meaning to land, highlighting different ways in which people continue to protect, maintain and recreate livelihoods. In addition, a place-based perspective opened the possibility to do research in different settings, including more everyday settings, and thereby being sensitive to voices that are more silent (and silenced) in more formal settings.

My conclusions have several implications for the oil palm debate. First, the assumption that large-scale monoculture plantations managed by companies bring development to ‘marginalized’ regions with ‘nothing to offer but land’ has been proven invalid. In regions where people are dependent on land for their livelihoods, farmers should maintain control over land, with or without oil palm. Hence, the ‘one-roof’ plantation model that is currently used in some regions in Indonesia, in which people lose all control over land, should be abolished.

Second, given the highly fragmented and gradual process of land acquisition, policy initiatives to prevent and address conflicts need to go beyond facilitating company – community negotiations, and focus on more structural ways to prevent conflict, such as by facilitating more democratic land use planning that is considerate to the needs of rural populations in the long term.

Third, rejection or acceptance of oil palm projects is not only based on economic considerations regarding the expected merits and pitfalls of palm oil production. Conflicts are crucially also about maintaining pre-existing livelihoods, lifestyles, identities, and social relations, including relations with ancestors. Therefore, maintaining or recreating diversified livelihoods, also in plantation landscapes, should be a policy focus while at present this is hardly the case.

Last, to prevent new conflicts in current expansion areas, the RSPO should take a leading role in developing and promoting different ways of producing oil palm, for example by supporting the smallholder sector in terms of access to credit, inputs and certification, or by advocating other plantation models in which smallholders have more ownership. Moreover, to *prevent* conflicts, the RSPO should consider measures to protect pre-existing livelihoods.

Concluding, the future of sustainable and equitable palm oil production depends on countering policies that favour company-controlled monocultures and instead promote diversified landscapes in which farmers maintain control over land, labour and other resources, with or without palm oil.









# Samenvatting

Deze studie onderzoekt processen en praktijken die gepaard gaan met het verwerven van grond (*land acquisition*) voor de ontwikkeling van grootschalige oliepalmplantages in Sambas, West-Kalimantan, Indonesië. Landacquisitie heeft in Sambas geleid tot conflicten tussen bedrijven en lokale gemeenschappen. Daarnaast hebben deze activiteiten langslpende conflicten binnen gemeenschappen veroorzaakt. Deze conflicten hebben betrekking op diverse problemen, zoals het verlies van bronnen van levensonderhoud voor huidige en toekomstige generaties; onzekerheid omtrent inkomen, voedsel en sociale zekerheid; zorgen over milieuschade, en zorgen over het verlies van een identiteit en levensstijl als onafhankelijke boeren. Door te kijken naar politieke processen van 'plaatsvorming', onderzoek ik hoe oliepalmeexpansie landschappen, en de fysieke eigenschappen en betekenissen die hierin besloten liggen, onomkeerbaar transformeert. Dit gebeurt geleidelijk, door middel van (ogenschijnlijk) alledaagse landacquisitiepraktijken en verzet daartegen. In tegenstelling tot het idee van 'één grote landroof', benadrukt deze thesis dat landacquisitie een geleidelijk proces is, waarbij vele activiteiten en actoren op verschillende tijden en in verschillende plaatsen betrokken zijn. Dit maakt zo'n proces zeer ongrijpbaar en daardoor moeilijk te reguleren door standaarden voor duurzaamheid of gedragscodes voor bedrijven. Desalniettemin laat dit onderzoek zien dat gemeenschappen niet geheel machteloos staan tegenover landonteigening of nadelige incorporatie door bedrijven: zij komen op verschillende wijzen hiertegen in verzet en maken tegenclaims om bestaande landrelaties, bronnen van levensonderhoud en levenswijzen te beschermen.

Hoofdstuk 1 introduceert de controverses rondom grootschalige landacquisitie en de productie van palmolie. De kern van het probleem is dat dit soort projecten vaak worden gepland in gebieden die intensief bewoond en gecultiveerd worden, terwijl de landrechten van de lokale landgebruikers niet goed beschermd zijn in de wet. Mijn veldwerk in dorpen die gelegen zijn in oliepalmconcessies laat zien dat landacquisitie stapsgewijs wordt uitgevoerd en dat conflicten zich vaak binnen gemeenschappen manifesteren, in plaats van in de vorm van directe confrontaties met bedrijven. Geïntrigeerd door dit schimmige proces ben ik tot de volgende centrale onderzoeksvraag gekomen:

*Hoe werken landacquisitieprocessen voor de ontwikkeling van grootschalige oliepalmplantages in de praktijk, aangaande de ervaringen en reacties van mensen op deze processen, en wat betekent dit voor rurale gebieden?*

Vier empirische hoofdstukken (3-6) gaan in op deze vraag door processen en praktijken van landacquisitie te onderzoeken en te kijken naar verschillende manieren waarop mensen deze processen ervaren, hoe zij hierop reageren en op welke manier zij claims en tegenclaims gebruiken om controle over land te behouden of terug te krijgen. Door in te gaan op een kloof in het huidige onderzoek met betrekking tot de micro-politiek van landacquisitie, draagt deze studie bij aan debatten over bescherming van rurale landrechten en levensonderhoud, in een context van toenemende grootschalige exploitatie van hulpbronnen.

Hoofdstuk 2 presenteert een theoretische en methodologische benadering om landacquisitie en hieraan gerelateerde conflicten te begrijpen. De mondiale vraag naar land voor de industriële productie van voedsel, voer en brandstof is vaak op kritische wijze omschreven als 'landroof'. Hoewel deze opvatting een gevoel van urgentie oproept en optimistischere ideeën over win-win scenario's voor grootschalige investeringen in land afwijst, doet deze term geen recht aan wat er daadwerkelijk gebeurt op lokaal niveau (Peluso en Lund, 2011; Schoenberger et al., 2017). In plaats van directe onteigening is landacquisitie in wezen een stapsgewijs transformatieproces waarbij vele actoren betrokken zijn, bestaande uit vele activiteiten op verschillende plaatsen en tijden. Dit proefschrift onderzoekt hoe landacquisitieprocessen werken door atomisering: fragmentatie van kleine en grotere stappen die geleidelijk aan het landschap en de relatie van mensen tot het land en elkaar veranderen. Door tijdens het grondverwervingsproces 'territoria' te creëren waarover macht kan worden uitgeoefend kan men de toegang tot land en natuurlijke hulpbronnen controleren. Hierbij wordt gebruik gemaakt van zowel fysieke als discursieve claimstrategieën. Het idee van territorialisering en tegen-territorialisering verklaart hoe macht werkt: door het opleggen van bepaalde ideeën over wat normaal is (door middel van regulering, de markt, geweld, of legitimering) met betrekking tot hoe mensen zich tot land en elkaar zouden moeten verhouden. Mensen kunnen zich hiertegen verzetten door alternatieve visies op wat normaal is te bevorderen (Hall et al., 2011; Peluso en Lund, 2011; Tsing, 2005).

Het is duidelijk dat plantageprojecten niet simpelweg agronomische projecten zijn waarbij nieuwe productiemethoden bepaalde socio-economische veranderingen teweeg brengen. Meer dan dat dragen dit soort projecten sterk bij aan het vormen van plaatsen door de veranderingen die ze teweeg brengen aan landschappen en de levens van mensen. Mensen reageren hier verschillend op, variërend van acceptatie tot verzet, door zowel directe en zichtbare vormen van verzet als ook subtielere, meer alledaagse vormen van verzet (Hall et al., 2015). Gezien het feit dat uitingen van conflict niet beperkt zijn tot publieke ruimtes, zoals overleg tussen bedrijven en gemeenschappen, dorpsvergaderingen, demonstraties of wegblokkades, is het belangrijk ook te kijken naar meer alledaagse ruimtes en praktijken en (emotionele) ervaringen om zo diepere, minder zichtbare lagen van strijd bloot te leggen (Sultana, 2011).

Door verzet te beschouwen als een proces van tegenclaims maken worden verschillende manieren van claimen onderzocht. Claims zijn niet alleen direct tegen specifieke bedrijven gericht maar zijn ook een manier om tegenwicht te bieden tegen hoe plaatsen worden gevormd door plantageprojecten. Door uit te gaan van het idee dat 'plaats-vorming' in wezen een politiek, relationeel en flexibel proces is, welke vorm krijgt door alledaagse handelingen in interactie met locatie, materiaal en betekenis, laat dit proefschrift zien hoe oliepalmconflicten geworteld zijn in onverenigbare ideeën over plaats. Om de ervaringen en reacties op landacquisitie en het ontwikkelen van plantages te begrijpen en om zicht te geven op de complexiteit en gelaagdheid van conflicten is het nodig om etnografische methodes te gebruiken die kijken naar plaats. Dit betekent: het ervaren, leren over, participeren in, en documenteren van alledaagse handelingen binnen landschappen waar plantageprojecten zijn gepland. Gedurende elf maanden veldwerk heeft de onderzoeker twee casussen van oliepalmconflicten in twee concessiegebieden bestudeerd. Deze casussen betreffen conflicten die plaatsvonden tijdens de landacquisitiefase, nog voordat er oliepalmen geplant waren.

Hoofdstuk 3 introduceert de eerste casus en beschrijft landacquisitie en conflicten in het dorp Kebun Hijau in Sambas. Vanaf het begin van dit millennium hebben oliepalmplantages zich snel over Kalimantan verspreid. Dit heeft geleid tot gewelddadige landconflicten tussen plantagebedrijven en lokale gemeenschappen en conflicten binnen gemeenschappen. Nadat Kebun Hijau was opgenomen in een oliepalmconcessie van 10.000-ha hebben dorpingen protesten georganiseerd. Eén van deze protesten is geëindigd in het in brand steken van het uitvals kamp van het bedrijf. Om te begrijpen waarom mensen in verzet zijn gekomen tegen dit oliepalmproject wijdt dit hoofdstuk uit over de betekenis van het land waar de plantage was gepland voor het levensonderhoud en de levenswijze van de lokale bevolking. Het concessiegebied omvatte al het land in Kebun Hijau, waaronder rijstvelden, rubbertuinen, tuinen voor gemengde gewassen en secundair bos. Voor het levensonderhoud van mensen is het belangrijk om toegang te hebben tot verschillende typen land, gebruikmakend van verschillende lokale vormen van eigendom. Door Sri en Adi te volgen in hun dagelijkse activiteiten heb ik laten zien dat land niet alleen belangrijk is voor zekerheid met betrekking tot voedsel en inkomen, maar dat land ook wordt gewaardeerd om de flexibiliteit die het geeft, zoals flexibiliteit in gewaskeuze, productiemethoden en de hoeveelheid land die men bewerkt in verschillende seizoenen, als ook flexibiliteit ten opzichte van veranderende persoonlijke en markt-gerelateerde omstandigheden. Bijvoorbeeld, rubberbomen bieden een vaste bron van dagelijkse inkomsten (hoe laag de prijs ook is), nu, wanneer mensen oud zijn, en voor de toekomstige generaties. Bovendien waardeerden de mensen hun identiteit als autonome boeren en wilden ze geen arbeiders worden op hun eigen land. Mensen vreesden dat als het plantageproject door zou gaan er niet voldoende land over zou blijven om te bewerken en dat er ook niet voldoende land zou zijn om iedereen van een eigen stuk oliepalmgrond (*plasma*)

te voorzien. Het blijkt dat de transitie naar oliepalmblijven niet slechts een verandering van gewas inhoudt. De reacties van mensen op oliepalmblijven zijn diep geworteld in de manier waarop ze naar relaties tot land in de pre-blijven situatie kijken.

Hoofdstuk 4 beschrijft processen van landacquisitie in twee oliepalmblijven gebieden. Gebruikmakend van het concept van atomisering, hebben de onderzoekers aangetoond hoe, in plaats van directe en acute onteigening, landacquisitie meer een geleidelijk proces is waarin landschappen en sociale relaties veranderen. De werkwijze van bedrijven fungeren als een soort wig die frictie binnen gemeenschappen en tussen gemeenschappen en de lokale overheid, creëren en versterken. Tegelijkertijd bouwen bedrijven op een strategische manier bruggen om steun te genereren voor blijvenprojecten en werken ze daarbij samen met lokale autoriteiten die dit soort projecten steunen. Dit gebeurt door kleine, soms bijna onzichtbare stappen, die samen het landschap en sociale relaties veranderen om plaats te maken voor blijven. Tijdens een voorbereidende fase van blijvenontwikkeling blijven bedrijven veelal op de achtergrond en laten zij de landacquisitieactiviteiten over aan lokale autoriteiten of lokale bewoners. Dit leidt tot spanningen binnen gemeenschappen en tussen inwoners en overheidsmedewerkers, in plaats van tot directe confrontaties tussen gemeenschappen en bedrijven. Daarbij is het zo dat, ondanks FPIC regels, bedrijven niet publiekelijk overleggen, maar een combinatie gebruiken van beloftes, omkoping en bedreiging om zo steun of gedwongen acceptatie te verkrijgen. Dit maakt dat het proces van beslissingen nemen exclusief is, en ook gefragmenteerd over tijd en plaats. Het belang van deze bevindingen is dat standaarden om landacquisitie te reguleren door middel van procedures omtrent ongedwongen, tijdige en geïnformeerde toestemming (FPIC) van lokale gemeenschappen niet afdoende zijn om conflicten te voorkomen, omdat er in het gefragmenteerde proces van landacquisitie wellicht nooit een 'ronde tafel'-achtig gesprek zal plaatsvinden waarin bedrijven en gemeenschappen deze toestemming, en de termen waaronder deze gegeven wordt, kunnen bespreken en bediscussieren.

Hoofdstuk 5 onderzoekt genderspecifieke ervaringen met en reacties op landacquisitie voor het ontwikkelen van oliepalmblijven. Grootschalige landacquisitieprojecten kunnen een vergaande genderspecifieke impact hebben op lokale gemeenschappen. Hierbij lopen vrouwen in het bijzonder het risico om toegang tot land te verliezen en onderworpen te worden aan slechte en soms gevaarlijke arbeidsomstandigheden. Desalniettemin heeft landacquisitie niet alleen *impact* op het levensonderhoud en toegang tot land en natuurlijke hulpbronnen voor vrouwen, maar zijn ook de *reacties* van deze vrouwen hierop van belang voor hun socio-economische en politieke posities. Participatieve activiteiten worden aanbevolen als een manier waarop bedrijven conflicten kunnen voorkomen en toestemming kunnen verkrijgen om te opereren. Echter, vrouwen zijn vaak uitgesloten van formele, 'front room' ruimtes waar deze deals worden besproken en onderhandeld, of waar verzet plaatsvindt. Deze formelere ruimtes betreffen bijvoorbeeld: vergaderingen met bedrijven en gemeenschappen, of interne dorpsvergaderingen en demonstraties. Als interacties met bedrijven, alsmede verzetsacties, worden gecontroleerd

door mannen dan ervaren vrouwen mogelijk negatieve consequenties zoals onzekerheid over levensonderhoud en vrees voor hun veiligheid als ze worden geconfronteerd met geweld. De emotionele impact van zulke ervaringen wordt vaak onvoldoende erkend in verhalen over verzet tegen landacquisitie, terwijl zulke ervaringen wel reacties beïnvloeden. Echter, omdat landacquisitieactiviteiten zo gefragmenteerd zijn, is het belangrijk om niet alleen de rol van vrouwen in formele ruimtes te onderzoeken. Vrouwen spelen een belangrijke rol in informelere ruimtes, zoals binnenshuis, tijdens familiebijeenkomsten, of bij dagelijkse activiteiten in het dorp. Ondanks geldende sociale normen over genderrolpatronen waren sommige vrouwen actief betrokken bij discussies over plantageprojecten. Bovendien gaat het bij 'beslissingen maken' in deze context niet altijd om een doelbewust besluit door een individuele vrouw, maar kan bijvoorbeeld ook het bewerken van land door vrouwen indirect bijdragen aan het tegengaan van het idee dat land leeg en beschikbaar is voor het ontwikkelen van plantages. Concluderend is het van groot belang voor beleidsinitiatieven die als doel hebben vrouwen beter te betrekken bij het nemen van beslissingen over landacquisitie om te herkennen waar ruimtes worden gedomineerd door mannen en om te erkennen dat sommige marginale stemmen hierdoor onvoldoende worden gerepresenteerd. Voor dit soort initiatieven is het belangrijk om ook te kijken naar alternatieve ruimtes waar vrouwen actiever zijn.

Hoofdstuk 6 onderzoekt hoe dorpingen in Sambas trachten hun landrechten te beschermen tegen claims van oliepalmbedrijven, in het licht van de implementatie van de Indonesische Wet op Dorpen uit 2014. Als reactie op de onzekerheid over toekomstige expansie van oliepalmlantages en de status van vergunningen is de dorpsoverheid van Sungai Putih een project gestart om op participatieve wijze kaarten te maken van het land in het dorp en op basis daarvan beleid te maken voor ruimtelijke ordening. Zulke initiatieven worden gelegitimeerd door de Wet op Dorpen uit 2014, welke als doel heeft meer autonomie te verschaffen aan dorpen om hun territorium te beheren. Ook al geven plannen voor ruimtelijke ordening of kaarten geen lange termijn garantie dat landrechten gerespecteerd zullen worden, deze kunnen wel ingezet worden tijdens onderhandelingen met bedrijven en overheidsfunctionarissen. Bovendien helpen dit soort activiteiten om mensen te organiseren. Verder voeden ze discussies over landrechten en landgebruik. Echter, in een andere casus in een aangrenzend sub-district zijn onderhandelingen tussen gemeenschappen, de districtsoverheid en een bedrijf in een impasse beland. Ondanks dat het bedrijf niet in bezit was van alle benodigde plantagevergunningen was de overheid terughoudend met ingrijpen, omdat de plantage al in bedrijf was. Enkel het hebben van alternatieve kaarten en beleid op ruimtelijke ordening is niet afdoende om conflicten op te lossen of te voorkomen, maar zulke activiteiten zijn wel belangrijk om een discussie over verschillende visies op landgebruik aan te wakkeren en om conflicterende claims zichtbaar te maken.

De conclusie reflecteert op de centrale onderzoeksvraag en het onderzoeksproces, en bespreekt de belangrijkste bevindingen. Vier bevindingen worden uitgelicht. Ten eerste wordt de expansie van grootschalige oliepalmlantages in gebieden zoals West-Kalimantan vaak gelegitimeerd met

beloftes voor sociaaleconomische ontwikkeling in gemarginaliseerde gebieden. Dit onderzoek toont echter aan dat plaatsen waar plantages gepland worden bestaan uit diverse landschappen. Deze bevatten een diversiteit aan manieren van levensonderhoud welke voortkomen uit een lange geschiedenis van productie van gewassen en handel. Lokale gemeenschappen waren bezorgd dat een conversie van deze landschappen in plantages zou leiden tot een verlies van gediversifieerde en flexibele mogelijkheden tot levensonderhoud. In hun ogen zou dit hen van autonome boeren in plantagearbeiders veranderen.

Ten tweede ontvouwen processen van landacquisitie zich in plaats van door 'één grote landroof actie', meer geleidelijk en zijn daar vele actoren en activiteiten bij betrokken die plaatsvinden op verschillende plaatsen en tijden. In dit gefragmenteerde proces kunnen gemeenschappen niet vrijelijk beslissen of ze hiervoor toestemming geven of niet, voordat bedrijven beginnen met activiteiten. Bovendien, omdat de gevolgen op lange termijn, welke zich pas over de generaties heen ontvouwen, niet worden onderzocht, kunnen gemeenschappen geen goed geïnformeerde beslissing maken over het geven van toestemming en de voorwaarden die hieraan verbonden zitten. Dit betekent dat beleidsinterventies die gebaseerd zijn op het principe van FPIC niet voldoende zijn om landconflicten te voorkomen en op te lossen.

Ten derde passen overheden en bedrijven discursieve en fysieke manieren van plaats-vorming toe om land beschikbaar te maken voor de ontwikkeling van plantages. Land dat hiervoor bestemd wordt, wordt voorgesteld als 'leeg' en 'onproductief' land dat eigendom is van de staat, en onbelast is door landrechten. Hierdoor wordt land dat wordt bewoond en bewerkt door mensen die gebruik maken van lokale, ongeregistreerde vormen van eigendom, beschikbaar gemaakt voor investeringen door bedrijven. Vervolgens starten bedrijven met voorbereidende activiteiten, zoals het plaatsen van landmarkeringen om hun claims op het landschap aan te duiden. Als er eenmaal oliepalmen geplant zijn is er een nieuwe status-quo bereikt die moeilijk nog te doorbreken is.

Ten vierde laat dit onderzoek zien dat gemeenschappen niet volledig machteloos staan tegenover landacquisitieprojecten. Gemeenschappen zijn op verschillende manieren in verzet gekomen en hebben daarbij tegenclaims gemaakt, bijvoorbeeld door te protesteren, kaarten en beleid voor ruimtelijke ordening te maken, en ook door meer alledaagse vormen van verzet. In twee gevallen heeft dit verzet geleid tot de stopzetting van plantageprojecten. Daarnaast heb ik, door vanuit een gender-perspectief te kijken naar reacties op landacquisitie, ook subtielere, meer bedekte vormen van verzet laten zien, welke zich manifesteerden binnen gemeenschappen tijdens informelere gelegenheden, in plaats van tijdens directe confrontaties tussen gemeenschappen en bedrijven.

Door te kijken naar de rol van plaats heb ik laten zien hoe mensen trachtten hun diverse activiteiten voor levensonderhoud te behouden en zich te verweren tegen ideeën dat land beschikbaar zou zijn om te claimen, omdat het leeg of onproductief zou zijn. Ook als de ontwikkeling van een plantage doorgang vindt, kan een benadering die kijkt naar de rol van plaats de aanname nuanceren dat plantageontwikkeling altijd leidt tot totale uitwissing van reeds bestaande manieren van landgebruik en betekenis geven aan land. Door te kijken naar de rol

van plaats wordt duidelijk hoe mensen ook in zo'n situatie bronnen van levensonderhoud blijven beschermen en proberen weer op te bouwen. Daarnaast heeft deze benadering het mogelijk gemaakt om onderzoek te doen naar gemarginaliseerde stemmen die vaak minder hoorbaar zijn in formele settingen, maar wel aanwezig zijn in meer alledaagse situaties.

De betekenis van mijn conclusies voor het debat over oliepalm zijn als volgt. Allereerst is de aanname dat grootschalige, door bedrijven geleide, mono-culturele plantages ontwikkeling brengen aan gemarginaliseerde regio's die zogenaamd "niets meer te bieden hebben dan land" onjuist gebleken. In gebieden waar mensen afhankelijk zijn van land voor hun levensonderhoud zouden boeren controle over land moeten behouden, met of zonder oliepalm. Het 'alles-onder-één-dak' plantagesysteem dat momenteel gebruikt wordt in sommige regio's in Indonesië zou daarom moeten worden afgeschaft.

Ten tweede, door het sterk gefragmenteerde en geleidelijke karakter van landacquisitieprocessen moeten beleidsinitiatieven ter voorkoming van landconflicten verder gaan dan het faciliteren van onderhandelingen tussen gemeenschappen en bedrijven. Dit soort initiatieven zouden zich meer moeten richten op structurele manieren van conflictpreventie, zoals het faciliteren van democratische processen omtrent de planning van land gebruik waarbij rekening wordt gehouden met de lange termijn belangen van rurale gemeenschappen.

Ten derde is de keuze om oliepalmprojecten te accepteren of af te wijzen niet alleen gebaseerd op economische overwegingen met betrekking tot de verwachte positieve en negatieve effecten van palmolieproductie. Conflicten gaan in sterke mate ook over het behoud van reeds bestaande bronnen van levensonderhoud, levenswijzen, identiteiten, en sociale relaties. Daarom zou het beschermen of creëren van diverse manieren van levensonderhoud een speerpunt voor beleid moeten zijn, ook in gebieden waar veel plantages zijn. Dit is momenteel niet het geval.

Tot slot zou de RSPO om nieuwe conflicten in huidige expansiegebieden te voorkomen een leidende rol op zich moeten nemen om verschillende manieren van palmolie productie te ontwikkelen en te bevorderen. Dit kan zij doen door bijvoorbeeld de smallholder sector te ondersteunen door middel van het verstrekken van toegang tot krediet, hulpmiddelen en certificering, of door andere plantagemodellen te bevorderen waarin smallholders meer zeggenschap hebben. Om conflicten te voorkomen is het bovendien belangrijk dat de RSPO maatregelen overweegt om bestaande bronnen van levensonderhoud te beschermen.

De toekomst van duurzame en eerlijke palmolie hangt af van een omslag in beleid, weg van een beleid dat uitgaat van door bedrijven gecontroleerde mono-culturele productie, naar een beleid dat diversiteit van landschappen ondersteunt en boeren controle laat hebben over land, arbeid en andere hulpbronnen, met of zonder palmolie.



<b>Name of the learning activity</b>	<b>Department/Institute</b>	<b>Year</b>	<b>ECTS*</b>
<b>A) Project related competences</b>			
Writing research proposal	SDC, WUR	2014	4
CERES Basic Training	CERES	2014	11
Euroseas Masterclass	Euroseas, Vienna	2015	0,5
Research workshops UNTAN	Universitas Tanjung Pura, Pontianak	2014-2016	0,5
<i>'Land disputes in areas of oil palm expansion West Kalimantan, Indonesia'</i>	Research seminar SDC	2014	0,5
<i>'Choosing rubber over oil palm. Land conflicts in West-Kalimantan'</i>	Southeast Asia update	2015	0,5
<i>'We'll change your water into Coca-Cola: Oil Palm Plantation Expansion and Mechanisms of Land Control in West-Kalimantan'</i>	PE3C Wageningen University (SDC/POLLEN)	2016	1
<i>'Gendered Spaces for Participation: Women responding to oil palm spaces for participation: gendered experiences and response to palm oil plantation development in West-Kalimantan'</i>	ICAS, Chiang Mai	2017	1
<i>'Mapping village land in context of oil palm expansion'</i>	LANDAC, Utrecht	2018	1
<i>'Free, Prior and Informed Consent in oil palm development'</i>	PUSPIJAK, Bogor	2016	0,5
<b>B) General research related competences</b>			
WASS Introduction course	WASS	2014	1
Masterclass Biofuels 'the past of the future'	PE&RC/WASS/WIMEK	2014	0,5
ATLAS TI workshop	WASS	2015	1
Course on teaching and supervising thesis students	Educational staff development	2016	1
Masterclass feminist political ecology: linking gender, theory, self and sustainable development	WASS	2017	0,5
Guest lectures on palm oil	several	2014-2018	0,5
Writing Grant proposals	WGS	2018	2
Panel convener: <i>Contestation, Participation and Violence in Indonesia's Oil Palm Industry</i>	PE3C	2016	0,5

Panel convener:	LANDAC	2018	0,5
<i>Rural transformation in oil palm places</i>			

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**C) Career related competences/personal development**

Teaching and coordinating BSc Thesis ring	SADE	2015-2017	1
Teaching course: LAW 10306 Law Policy and Governance	BIN	2016	1
Supervising BSc and MSc Thesis	SDC	2016-2018	1
Teaching course: stakeholder dialogues for quality of life	UVA	2017	1
Develop research proposals ANGIN project (seed money grant NWO-KNAW 2017-2018)	KITLV-WUR	2017-2018	2
ANGIN research workshops	Leiden, Palangkaraya	2018	1
<i>Ethnographic study of responses to oil palm development</i>			
<i>Protecting livelihoods in oil palm landscapes</i>			

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<b>Total</b>			<b>35</b>
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\*One credit according to ECTS is on average equivalent to 28 hours of study load

## About the author

Rosanne de Vos was born in Utrecht, the Netherlands. She obtained a Bachelor's degree in Languages and Cultures of Southeast Asia and Oceania from Leiden University in 2008. During her studies, she did an internship with Peduli Kasih Anak Sumba, working on livelihood and education projects in Sumba. In 2007, she studied a semester at the Gadjah Mada University in Yogyakarta.

In 2011 and 2013, Rosanne obtained a Bachelor's and Master's degree in International Development Studies from Wageningen University (*cum laude*). During her studies she completed an internship at the Van Vollenhoven Institute in Leiden, researching smallholders in Indonesia's oil palm sector. For her MSc thesis, she did fieldwork in West Kalimantan to research dispute resolution strategies of oil palm affected communities, together with Tanjung Pura University and Lembaga Gemawan. Based on this research she submitted a proposal to the Wageningen School of Social Science Open Round and obtained one of the available scholarships for PhD research in 2014. From 2014-2018 she worked on this PhD project at the Sociology of Development and Change group at Wageningen University. In addition to fieldwork and writing, she has greatly enjoyed teaching bachelor and master students, supervising their theses and sharing experiences from the field in lectures and workshops. In 2018, she was part of the ANGIN consortium funded by an NWO seed money grant to work on research proposals on resilience of the dispossessed in oil palm landscapes in Indonesia. Currently Rosanne works as post-doc researcher on oil palm smallholder's livelihoods at the Plant Production System group at Wageningen University.

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## Propositions

1. Land conflicts are more about the meaning of land in relation to livelihoods and lifestyles than about land ownership.  
(this thesis)
2. Land acquisition processes are too fragmented to be regulated by procedures on Free, Prior and Informed Consent alone.  
(this thesis)
3. Producing palm oil sustainably is not only a question of *how* to produce it but also of *where* to produce it (and where not).
4. Diversity in farm systems and food consumption is key to make global food production more sustainable and equitable.
5. Development interventions should attend to solutions that already exist locally.  
(see Gibson-Graham, 2013)
6. Science does not need to be focused on solutions to contribute to problem-solving.
7. If commodities and information can move freely around the world, people should be allowed to do the same.
8. Life experiences of the researcher, such as illness, parenthood or caregiving, should not be reduced to disruptions of the research process.

Propositions belonging to the thesis, entitled

Oil palms in the rice field: An ethnography of large-scale land acquisition for oil palm plantation development in West Kalimantan.

Rosanne E. de Vos

Wageningen, 26 March 2019.