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Local Resistance to Land Grabbing in Dharmasraya District, West Sumatra Province, Indonesia

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Abstract

Grabbing community forest land by state and private companies have been long time happened in Melayu Clan communal land in Bonjol Village, Dharmasraya District, West Sumatra. Land grabbing begun when State claimed that the land belongs to the state that must be maintained as forested area. Later on, the government issues concession right to a private company to reap rich forest resources contain there in. Once concession right terminated, the logged over forest then were divided into two parts, and the State issued further permit to a state run company to reforested the land with timber tree species and another half was given to a private company to carry out an industrial plantation. On the other hand, local community claims that the two companies were operating on their very own communal lands, especially the group of Melayu Clan who have resided since hundreds of years ago before the establishment of the state. In the past, during authoritarian government, local people could not resist against government decision on forest land grabbing, they only wait until the opportunity to grab back of their forest land. They got a moment around ten years ago. This paper answers the question of how the process of community resistance on land grabbing, what the result of their resistance, as well as what the factors support to resistance. This paper argues that the process of community resistance can occur due to vacancy management of land by government companies and private companies, and the coalition with influential the figures in the government. The result of such resistance is the community has managed to occupy the land earlier controlled by the companies, the land can be sold freely by the communal authorities. Another result is the case of privatization of communal land by outside investors for plantations. Factors that support community resistance among other are economic factors, factors increasingly strong recognition of the various parties on the form of traditional land ownership based on customary law, and other triggering factors are build community coalition with government officials and law enforcement officials. It is a form of resistance that is unique in this area.

Key words: *Resistance, Customary land, Community, Privatization, Land transaction, Coalition, Dharmasraya*

INTRODUCTION

Land grabbing is the acquisition of control over a relatively large land as well as other natural resources through a variety of contexts and forms (Borras and Franco, 2012). It became an issue of concern that is broader than foreign land acquisitions. Land Grabbing is the potential threats to the land rights and livelihoods of small-holder farmers, pastoralists, indigenous communities and other vulnerable groups (Liversage, 2010). Global estimates of land area in which a foreign interest in acquisition has been expressed in recent years range from 15 to 20 million hectares, although some observers believe the figure is a lot higher. Most of the land grabbing happened in Africa, Latin America, and parts of Asia. It would seem that most land is already owned *de facto* by rural communities under a range of diverse tenuresystems, although in many cases these rights are not registered. Also in many cases, national states consider the land under-used and being available for disposal to outside investors (Liversage, 2010).

The phenomenon of land grabbing happened almost in all countries, especially in developing countries, including Indonesia. This takeover involves large-scale capital that often result in a shift in the orientation of the use of natural resources into extractive character, both for international and domestic destinations. Throughout 2005-2009, triggered by the convergence of the food crisis, energy, financial, to mitigate climate change, there are at least 20 million hectares of land that became the object of a large-scale land release agreement (GRAIN 2008, Cotula et al 2009, IFPRI, 2009 in Borras and Franco 2011).

Southeast Asia is a region where many land grabbings occur (Borras and Franco (2011). However, some characteristics of this land grabbing in this region differ from those in regions such as Africa. Borras and Franci (2011) further explain that at a glance, Europe is not a high profile or major driver of land-grabbing in this region, but a closer examination reveals that it nonetheless is playing a significant role. This influence is both direct and indirect, through European corporate sector and public policies, as well as through multilateral agencies within which EU states are members.

Until the year 2010 appropriation of land in Southeast Asia is relatively less than in Africa, Latin America or the former Soviet Eurasia (Borras and Franco, 2011). But the potential of land grabbing in Southeast Asia is increasing. According to Colchester and Chao (2011), especially oil palm plantation area in Southeast Asia is increasing. This is supported openness imposes investment in ASEAN countries. The development of oil palm in some countries in Southeast Asia are as follows; Indonesia has an area of 9.4 million ha with the development plan of up to 20 million ha, Malaysia 4.6 million ha to 100,000 ha per year development plan, Thailand 644,000 ha to 60,000 ha per year development plan, Cambodia 118,000 ha, Philippines 46,408 and around 304,350 ha will develop, and Vietnam an area of 650,000 ha and will develop 70,000 – 100,000 ha in 2015 (Colchester and Chao, 2011).

World Bank (Borras and Franco, 2011) reported, Indonesia is one country that has the potential for plantation development in ASEAN, with an estimated area of 22.4 million ha, Indonesia is a heaven for investor who want to invest in the plantation sector. According to the Directorate General of Plantation, Government of Indonesia until 2013, oil palm plantations in Indonesia is 10.01 million ha. Acreage according to the status of exertion, smallholders owned area 3.87 million ha or 38.68% of the total area, the state-owned area of 0.97 million ha or 9.68% of the total area, private area of 5.17 million ha or 51.64% (Ministry of Agriculture, 2014).

However, exploitation data of land per household in Indonesia is small. Agriculture Census of 2013 (ST2013) mentions that the number of households engaged in agriculture is 26,135,469 households, with 73.37% or 19,177,471 are households that have less than 1 ha of land (BPS 2013).

Unfortunately, the limited tenure Indonesian farmers did not dampen the government to gave plantation permits to foreign investors. The extent of the permissions granted to the private sector has given rise to new problems related to agrarian conflicts (Rahayu, 2009). Agrarian conflict in

Indonesia where land was given permission to the company, it turns out in the field has been dominated and exploited by peoples, consequently there was a conflict between the community and the company. As a result of agrarian conflict in Indonesia the number is increasing (Muadi, 2008).

In 2010, SawitWatch recorded more than 663 communities in conflict with more than 172 companies, which led to the arrest of 106 members of the community. National Land Agency has registered about 3,500 land conflicts related to oil palm plantations (Colchester and Chao, 2011).

But in recent years, local people have learned how to resist against land grabbing. As happened in the district of West Sumatra province Dharmasraya, where long-term land seizures experienced by the people. It began when the State handed forest concessions (HPH) to PT. Ragusa an area of 66,000 ha forested land between 1972 and 2002. After the end of the concession in 2002, location of former concessions then handed over to private plantations for palm cultivation and the rest is left to the two industrial forest licensees and permit holders meranti (*Shorea leprosula*), forest rehabilitation. However, in customary law, forest lands belong to the community who has been inhabited since hundreds of years ago.

Today the local community has managed to regain some of the forest land as a form of resistance on land grabbing. The success of the community took over the land due to the vacancy of forest management by the permit owners. Forest management vacancy occurs after the concession expired in 2002. Then land permits issued to a state run company and private industrial plantation company in 2002. After obtaining permission, both companies did not manage forests land properly, it triggered local people to enter permit concession area and grabbed back the forest land

This paper answers the following question; how was the process of the emergence of public resistance against land grabbing. What are the factors that cause the emergence of community resistance to the company to seize the land, and what the results of post community resistance on land grabbing.

This paper is based on an preliminary study carried out in the Dharmaraya District, Province of West Sumatra Indonesia. It argues that when there is the opportunity, local people will take over the land that taken earlier by state and companies, this triggered the emergence of resistance, and several factors contributing to land grabbing by community in Dharmasraya. It may reveal anatomy of local resistance against land grabbing that has not well documented so far.

MATERIAL AND METHODS

The research was conducted in the former concession area of PT. Ragusa of \pm 66,000 ha in Dharmasraya District. This site experiences with a lot of problems of land grabbing in the past. After the end of the concession, the land use is generally divided into two, namely the plantation concession granted to PT Incasi Raya, PT SMP and PT AWB for oil palm plantations with an area reaching 32.450 ha. The remaining area of 33,550 ha were given to PT. inhutani area of 13,721.28 ha for forest enrichment project and to PT. Dara Silva 15,461.91 ha for industrial forest plantation, and PT. Bukit Raya Mudisa (BRM) area of 764.09 ha for other industrial plantation (Dinas Kehutanan Kabupaten Dharmasraya 2014). In 2013, the forest area is designated as a working area of Production Forest Management Unit (KPHP) Model Dharmasraya. Traditionally, the forest land is customary owned (communal) by Koto Besar community. This location was used to be a concession area.

Data collection was carried out from January to February 2015. The research used case study method with a variety of data collection techniques such as observation (Faisal, 1990), historical investigation, in format key interviews, field observations, secondary and documentary data collection, remote sensing, and also equipped with household surveys. Study focused in Nagari Bonjol because this village is traditionally recognized as the center of local land tenure management.

The data analysis was descriptive and qualitative analysis, which has a stage data reduction, data

display, and conclusion / verification (Sugiyono, 2013). Descriptive qualitative research techniques used to explain in depth how the process of taking the state land and public companies by community, and the factors that influence community to take over the land.

Household survey conducted to explore public perceptions about the taking of land for plantations as a form of resistance against land grabbing. The total sample of 41 households out of 512 households in the village population. Sampling of households used an incidental sampling technique, anyone who by chance/incidental met with the researcher was used as a respondent, if it is deemed that incidentally found to be suitable as a data source. Incidental sampling method was chosen because it is difficult to use a more appropriate technique since the potential respondents only be in residence between afternoon until evening. Even some farmers spend the night in their farm for weeks. Key informant interviews involving 17 KI consisting of traditional leaders (Ninik Mamak and Datuak customary authorities) villages leaders, institutions leaders, and forest use licensees.

The determination of the respondents who became key informant used snowball technique. Snowball technique of data collection began with first few and becomes large , over time. The addition of key informant was stopped when the data sample is saturated (Sugiyono, 2013).

RESULTS AND DISCUSSION

Study Area

Land Grabbing Location

The site is the area of PT. Dhara Silva and PT. Inhutani site permit that since the year 2013 was also set as the working area of Production Forest Management Unit (KPHP) Model of Dharmasraya, a State agency. KPHP Model Dharmasraya a secondary forest area which has an area of about 33,550 ha (RPHJP KPHP Dharmasraya Model, 2014)

Rampant land grabbing resistance expressed by taken over concession area began since the 2000s when local community seized forest land that is still under use permit owned by PT. Dhara Silva and PT. Inhutani. Land seizure activity by the community because of the omission of forest management by two companies or the companies have to stop operation due to forest land seizure by local community. The situation tactically used by the community to seize the customary land owned by Melayu Clan of Bonjol Village. As of now, almost two third of KPHP area has been taken by the local people and has been transformed into smallholdings.

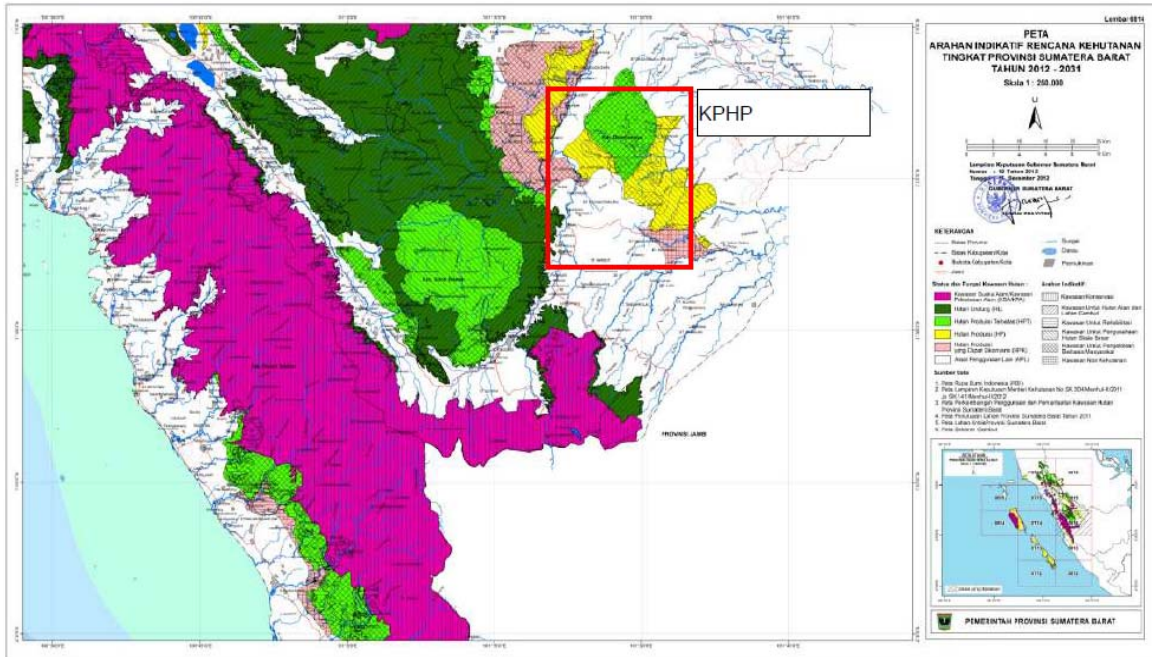


Figure 1. Location of communal land taken into KPHP Model Dharmasraya (Licensed PT. Inhutani and Dhara Silva)

Nagari Bonjol and Land Tenure

Bonjol Village is administratively belong to administrative area of Koto Besar sub District, Dharmasraya District, West Sumatra Province Indonesia. Bonjol is the largest village in the Koto Besar Sub District with an area of 268.83 km² or 55.07% of the total area of Koto Besar Sub District which is 488.19 km² (BPS Dharmasraya 2014).

Bonjol Village is still uphold traditions in community life. Almost all activities have been organized by indigenous peoples. Daily live of local people is regulated by traditional custom under custody of grand mophther eldest brother or locally called "Ninik Mamak". Ninik Mamak is a collection of people who are appointed to represent each of which served to regulate local life following customary law. They are belong to Minangkabai ethnic group. A contemporary largest matrilineal society on earth (Kato 1978).

Traditional social organization of Bonjol Bonjol village consists of five clan, the village called nagari is federation of clan. Each clan is led by a "Datuak" and also be "Ninik Mamak". List the name of each tribe Datuak in Nagari Bonjol can be seen in Table 1.

Table 1. Datuak tribal representatives in Nagari Bonjol

No	Tribe	Name of Datuak
1	Piliang	Datuak Panghulu Kayo
2	Patopang	Datuak Sangkutan
3	Melayu	Datuak Panduko Sutan
4	Chaniago	Datuak Panghulu Rajo
5	Talao	Datuak Bandaro Putihah

Source : Nagari Bonjol Profile 2014

Besides Ninik Mamak, in Nagari Bonjol there are also traditional leaders those are tasked to oversee Ninik Mamak. The task of traditional leaders is to make sure that Ninik Mamak in its activities in accordance with customary rules. Traditional leaders in Nagari Bonjol consists of *Urang*

Gadang, Mantari Alam, Datuk Manangguang, Urang Tuo, Penghulu, Monti and Dubalang. The amount of each is different. To determine the degree and number of customs officials in Nagari Bonjol can be seen in Table 2.

Table 2. Indigenous Leadership in Nagari Bonjol

No	Title	Number of individual
1	Urang Gadang	1 Person (In The Malayu Clan)
2	Mantari Alam	1 Person (In The Piliang Clan)
3	Manangguang	1 Person (In The Piliang Clan)
4	Urang tuo	5 People (Each Clan)
5	Panghulu	5 People (Each Clan)
6	Monti	5 People (Each Clan)
7	Dubalang	5 People (Each Clan)

Source : Nagari Bonjol Profile 2014

Nagari Bonjol has a very large communal land. Communal land set patterns of interaction regarding land ruled by customary law, the regulations of society that are inherited from ancestors and accepted, re-interpreted, and enforced by society, and which may be recognized or not by the state (Larson, 2012). Communal land in Nagari Bonjol majority owned by the Melayu clan. Other clan have customary land but in much smaller area.

Communal land controlled by the Malayu clan in Bonjol is not known for certain extent. But from interviews and field surveys, the Melayu communal land covering the entire area covering 33,550 ha KPHP Dharmasraya, some parts of the PT. SMP, PT. AWB, and PT. Incasi Raya. Estimated to cover more than 50,000 ha (depth interviews). In Bonjol community, Customary land controlled by "Datuk" inherited from generation to generation. Datuk holds authorities to manage communal land.

Process of Land Grabbing: An Overview

Land grabbing has been a long story in Bonjol Village. It begun in 1972 when PT. Ragusa, a timber concessioner company, central government granted concession right in the communal territory controlled by Melayu Clan with an concession area of \pm 66,000 ha. This area administratively belong fall under Koto Besar and Pulau Punjung Sub District. After the end of the concession in 2002, most of these concessions areah became secondary production forests or logged over forest that can be converted and given his concession to three private plantation companies, PT Incasi Raya, PT Selago Makmur Plantations (SMP) and PT. Andalas wahana Berjaya (AWB) with a total area of about 32 450 ha. These were oil palm companies. The rest of 33,550 ha logged over forest then was given to the three licensees, namely PT. Inhutani 13.721.28 ha, PT. Dhara Silva 15.461.91 Ha and PT. Bukit Rayu Mudisa (BRM) area of 764.09 ha (RPHJP KPHPM Dharmasraya, 2014). Local authorrities were not involve in this process.

Applicability of state law and customary land in Bonjol is a form of legal pluralism. The plurality of legal terms refer to the coexistence and interaction between multiple legal order (Meinzen-Dick dan Pradhan 2001) or the various legal mechanisms applicable in the same state (Vanderlinden 1989).

As mentioned by Benjamin (2008), that which occurs in granting the former PT. Ragusa only through the mechanism of state law without involving the local people. In fact, whereas on the land, in addition to state law, as well apply customary law of Melayu Clan.

Land decision unilaterally by the company and the state potentially deadly source of livelihood of local communities. Neglect of indigenous peoples in the distribution of land by the state causes people to feel aggrieved by the decision of the state, therefore it became source of conflict between the

company and the community as a result of the neglect of the rights of communities in the management of communal land.. This triggered local resistance.

Community Resistance Against Land grabbing

Since time of immemorial, the former timber concession of PT. Ragusa area of approximately 66,000 ha of was used to be communal land traditionally a owned by Malayu Clan. But people do not manage communal land due to the small number of the population and huge area of forest. Hence when PT. Ragusa begun logging operation and control of communal land in 1972 there has been no significant resistance from the local people.

Community resistance to the company occurred in the early 2000s, when the concession license of PT. Ragusa has been discharged and given to oil palm plantation companies (AWB, SMP, and Incasi Raya) and forest utilization company (Dhara Silva and Inhutani). Then the people took the fight to seize the communal land. Seizure of communal land by local community occurs because Bonjol population increasing and increasing the presence of land market of communal land, making communal land has a high economic value, therefore the people taking the customary land held by the company.

The community seized the land which is owned by PT. Dhara Silva and Inhutani which should be used as a secondary forests belong to the state. Reason communities acquire land PT. Dhara Silva and Inhutani was because both companies have come in to take over the land without the consent of customary authorities and Ninik Mamak in Bonjol villages, so the according to customary, the two companies have no right to control the land.

Contrast to Dhara Silva and Inhutani, The are another three oil palm companies obtained license from government, gthese are PT. SMP, AWB, and Incasi raya) that bahe also given permission from the customary authorities and ninik mamak to manage communal land so that local people were not against it. Another reason seizure of company land by the local community as a form of resistane to previous land grabbing was a vacancy forest management of by Dhara Silva and Inhutani who were not active for some times.

The process of expropriation of companies land by the community begins with the felling of Jabon (*Anthocephalus cadamba*) plantation (owned PT. Dhara Silva) and Meranti (*Shorea leprosula*) (owned PT. Inhutani). After cutting Jabon (*Anthocephalus cadamba*) and meranti (*Shorea leprosula*), then local community clear forest land and planted with oil palm and rubber (*Hevea brasiliensis*). After the local farmers planted with rubber and palm oil, meaning the land has belonged to the community, and if the company wants to take the land that has been cultivated by local people, companies want to continue cultivation, they have to pay some money to the community, if the company is not willing to pay means the company must give up the land became the property of the community.

The absence of the state apparatus in the customary problems in Bonjol strengthen the community that acts of communal land seized from the company is not against the law, because the community is fighting for indigenous ancestral lands they have occupied for hundreds of years.

The Driving Factors for Community Resistance

In addition to some of the above, there are three main factors that generally lead to community resistance to seize the communal lands. These are local economy, legal pluralism, and other triggering factors.

1. Economic Factor

One of the main factors that trigger community to seize the land from the company is community dependence from forests land and community economic factors (Baharuddin, 2006). The increasing number of people in Bonjol increased demand for land since they depend on agriculture for livelihood. The forest is converted into agricultural and settlement (Wester and Yongvanit, 2005).

2. Recognition of Customary Law that is Stronger than the State Law

State forest status does not restrict people to stop clearing forests and makes rubber and oil palm plantations, as customary forests in Nagari Bonjol is communal land that has been handed down by ancestors for generations. Although legally the forest is owned by the state, but they assume their customary rights have greater legitimacy than the state claims with reason, that indigenous peoples earlier there than state (Larson, 2012). Some indigenous peoples isolated in Indonesia and elsewhere have long enjoyed their customary right of self-managed without interference from the state (Colfer and Pfund 2011). Case studies in the Arau valley, community only recognizes the existence of communal land for forests, State (Nursidah, 2012).

Recognition of customary law which is very strong in the community Bonjol cause they do not have fear and worry when clearing forest land which prohibited by state law. They dared open forest because customarily forest is part of the lands which they are entitled, and customary law clearing forests then making rubber and oil palm plantations is not prohibited.

3. Coalition with officials

In addition to economic factors and the recognition of customary law that is stronger than the state law, there is another factor that causes people dare to take the company and state land. Factors that cause people more willing to take the forest is affected by many state officials who opened the land owned by PT. Inhutanai and Dhara Silva. There is a coalition between local people and state officials. Some officials acquire land by purchasing the communal it from traditional authorities. Some officials who opened the forest range from the policeman, army, civilian officials from the district to the provincial level office. As a result, people are also increasingly dared open forest, they assumed that what is not unlawful because state officials involved in acquiring company land. Following Colchester and Chao (2011), when licensing company by the government was done without FPIC (free prior informed, consent) and regardless of utilization and customary land tenure, rejection and opposition from local communities and indigenous peoples tend to appear

The similar conflicts are emerging in Thailand, Cambodia, the Philippines and is increasing in Indonesia and Malaysia, where local communities are adopting various approaches to voice their opposition to the land expropriation that permitted by the state. The techniques of collective opposition conducted by community includes strikes, petitions to government agencies and non-governmental, blockade, to physical attacks and armed. (Colchester and Chao, 2011). But, the people in Dharmasraya, instead, do it in a coalition with local officials.

Colchester and Chao (2011) mentioned that in Indonesia, the Agrarian Reform Consortium (KPA) reported that social conflicts related to plantations covering more than a third of the land conflicts in Indonesia. Then, the National Land Agency (BPN) has registered about 3,500 land conflicts related to oil palm plantations.

In the state of Sarawak, Malaysia, more than 100 land disputes, many disputes with oil palm companies have taken to the local courts and some have been brought to a higher court. One of the cases of land grabbing in Sarawak Malaysia is the inclusion of FELDA Holdings Bhd who want to extend the area of oil palm, but FELDA encountered resistance from Bidayuh local communities, Bidayuh local communities fight FELDA land that eventually can not expand its plantation expansion

(Sutton, K, 2001).

Land conflict in Cambodia. As of March 2012, economic land concessions in Cambodia covered more than 2 million hectares, equivalent to over half of the country's arable land. The Cambodian ruling elite has enabled land grabbing through three major mechanisms: first, by establishing a form of 'shadow governance' and corrupting the legal culture; second, by discursively justifying expropriation and resettlement through emphasizing rural development, ecological restoration and poverty alleviation; third, by instrumentalizing donor-supported, pro-poor land allocation in the form of social land concessions towards legitimizing land grabbing and distributional injustices and minimizing opposition to land grabs among local communities (Neef and Touch, 2012). Resistance to land grabbing done Cambodian society is to take collective action against companies, and stop land grabbing by ELC (economic land concession). Community use force to stop the ELC who take community agricultural lands, if ELC not stop taking the land, the people will burn ELC facilities. Other community resistance is by destroying the company teak seedlings and cut the timber in ELC concessions.

The story of the people's resistance against the companies also occur in Laos. Lazar (2012), in one of these cases, the village leaders of Ban Kang repeatedly denied HAGL and the provincial government's requests to survey and acquire land. HAGL employees still attempted to clear-cut village land, but village leaders and armed village police stopped bulldozer operators and forced them to pay a fine of USD 355 for breaking the law and destroying village land. Provincial government officials and company representatives continued to unsuccessfully attempt to acquire village land. The village leaders had refused because of the land's importance for village livelihoods. Additionally, they knew the results of plantation development in advance because they had seen what happened to their relatives in Bachieng district of neighboring Champasak province who lost their land to a different Vietnamese rubber company. Based upon the village leaders' responses, I find that the ability for the village to exclude rather than to be excluded was predicated upon the following factors: (1) village leaders had knowledge of the potential negative impacts of land concessions and plantation development upon their livelihoods, and also of their legal rights under Lao law, (2) village leaders made their decision to oppose the concession only after democratically consulting the rest of the village and (3) village leaders were unwavering and forceful in their resistance.

Of the few cases community resistance against land grabbing in Southeast Asia, it turns out the people's resistance and the Malayu Clan have a characteristic pattern different than other regions. What makes different is that Bonjol community resistance is the recognition of customary land tenure is so strong in people's lives, people's resistance to taking the company's land occurs in massive scale, and the company on the other hand is powerless to resist the action of land expropriation by the community.

Results of Land Expropriation Resistance di Nagari Bonjol Dharmasraya

What are the result of land expropriation by local community? The previous section explained that community resistance to seizure the lands controlled the company. By resistance. Local people have managed to restore the status of customary land of ownership by Melayu Clan in Bonjol, even all the people now recognize that the land is communal land of the Melayu clan. There are some results of land expropriation by community.

Size of Small holder Plantation per household

The local community who see the existence of customary law stronger than the state law is base for recognition of customary land ownership. However, public recognition of the customary land raises

new problems related to the management of communal land. Problems faced by the people is a new patterns of transaction of communal land in the Nagari Bonjol. The success of community land seized from the company has made the customary authorities as a regulator of communal land without any controls. Customary rulers now have full rights to divide and sell communal land to anyone, this is what makes the new problems in the management of communal land in Melayu Clan in Bonjol. New patterns of customary land seizure in Bonjol occurred not on a large scale, but it happens on a small scale and not done by company, but the outside community which privatization and investment in the communal land.

Although community in Bonjol seized communal land from the company, but not all people acquire the land. Instead, land seized from company concentrated in few hand of indigenous groups who have power, and people who do not have the authority will not obtain communal land. The results of household surveys among household in Bonjol reveals land ownership as shown in Table 3.

Table 3. Size of small holder plantation area

No	Land area (ha)	Quantity	Percentage (%)
1	0 – 2	22	53.66
2	>2 – 5	11	26.82
3	>5-10	3	7.32
4	>10-20	3	7.32
5	>20	2	4.88
Total		41	100.00

Table 3 shows that most people in Bonjol has a land area below 0-2 ha. But there are some people who acreage reached 10-20 ha, even some people have a land area of over 20 hectares. Bonjol community land area is very different from the results of in-depth interviews related to the extent of land held outside community Bonjol. Many people from outside Bonjol have bought communal land area of tens to hundreds hectares. Overview of customary land area owned by communities outside Bonjol shown in Table 4.

Table 4. The area of communal land owned by ethnic Melayu officials and outside community Bonjol

No	Office (fictitious)	Large	Origin	Location
1	No name 1	140 ha	Bonjol outside	Non forest/Comunal land
2	No name 2	25 ha	Bonjol outside	Forest area/Comunal land
3	No name 3	50 ha	Bonjol outside	Forest area/Comunal land
3	No name 4	25 ha	Bonjol outside	Forest area/Comunal land
4	No name 5	20 ha	Bonjol outside	Forest area/Comunal land
5	No name 6	>100 ha	Bonjol outside	Forest area/Comunal land
6	No name 7	>500 ha	Bonjol outside	Forest area/Comunal land
7	Some Bonjols people	>50 ha	Bonjol people	Forest area/Comunal land

Through Tables 3 and 4 it can be seen that there is a big gap between the land owned by the Bonjol community and the people from outside community. The differences are so great because many people who haven't the cost for plantings, and do not have high position in the customs. People from outside Bonjol outside have large land and has enough capital to buy communal land. However, some household from Bonjol who have a large plantation, between tens to hundreds hectares, are those people close to traditional clan leaders, leaders of Nagari, or custom figures.

Forest Encroachment as mark the land rights by households

Although current small holder land holding among household is relatively small, but they are reserving large track of land for next plantation land as shown by forest land clearing although it led to the increasing deforestation. Any one who wants to open the land must request permission from the customary authorities, after permission is granted, the forest is cleared as a sign that the forest plot had been earmark as a someone next plantation plot. Forest encroachment activities started with slashing and felling tree in the forest, it follows by burning to clear the land. After the forest was burned and cleared farmers plant oil palm or rubber, but many farmers left the cleared plot with the intention to mark one claim on forest plot ownership. As a result, existence of forest in the KPHP Model Dharmasraya increasingly threatened.

Customary buying and selling communal land to the public

It is uncommon that communal land is sold among Minangkabau people as it traditionally considered as taboo. Communal land is only allowed to be pawned under certain conditios. I addition, a clan communal land is only accessible to clan members.

What happens post communal land seizure from companies was surprising, The communal land is sold by the communal land authorities. The land traded to anyone, not only Bonjol community, but also the entire community of West Sumatra. Buying and selling communal land is not limited extent by the communal authorities, everyone could buy land ranging from 10 ha, 100 ha even 1000 ha, provided that having money.

Discussions with the community and traditional leaders reveals that the buying and selling of communal land is no longer a secret, because the buying and selling activities of communal land is done openly. The price depend on location and slope of the land. The classification of land price can be seen in Table 5.

Table 5. Communal land price base on the location and slope

No	Type	Land Criteria	Price per ha
1	Type A	1. Location close from the village 2. The slope is low	> 10.000.000 IDR
2	Type B	1. Location close from the village 2. The slope is high	7.000.000-10.000.000 IDR
3	Type C	1. Location close from the village 2. The slope is low	4.000.000-7.000.000 IDR
4	Type D	1. Location far from the village 2. The slope is high	2.000.000-4.000.000 IDR

As a result of buying and selling communal land and lack of control of customary authorities, the current availability of communal land in Nagari Bonjol becoming more limited. People who want to farm should go as far 2-3 hours distance by a motor bike. As mentioned earlier, customary land transaction involve not only the public, but officials from the district level to national level.

Privatization dan Investment in Customary Land

After the expropriation of land by indigenous people, there was the trade of communal land by Melayu Clan. Sales of communal land to outsiders in long-term would cause Malayu Clan would lose their ancestral lands and finally cause poverty in Bonjol, next generation of Bonjol would have no more communal land.

Basically, communal land should not be sold in vain. Communal land can only be sold in the event of death, marriage and build a communal house that required a huge cost. If the non-clan members within or outside the Bonjol Village want to open the land, they are only allowed to borrow or rent the land, so that after a few years to come grandchildren of Melayu Clan will still be able to enjoy the communal land. But what happened today, free sale of communal land by customary authorities has led to the privatization of communal land by outsider.

The high purchase or privatization of Malayu Clan communal land in Bonjol by the general public due to the low price of communal land (Table 5), and high interest to invest in the plantation sector. Today most of the Malay Clan communal land has been owned by people from outside Bonjol and has planted with rubber and oil palm (Table 4).

Forest Cover Change

Evidence of forest land conversion can be easily detected from satellite images. Although the existence of the forest is intended as a counterweight environment, water conservation and disaster mitigation, but in Dharmasraya district, deforestation is going on at alarming level. This mainly caused by transforming forest land into plantations. So the existence of the forest in the Model KPHP Dharmasraya be threatened.

Current production and limited production forest area with the area of 33,500 ha gradually has become oil palm and rubber plantations that occurred since early 2000 when the community seized the forest, cutting down the tree planted with tree crops.

The secondary forest cover in PT. Dhara Silva and PT. inhutani (currently KPHP Model Dharmasraya), can be seen in Figure 2 and Table 6.

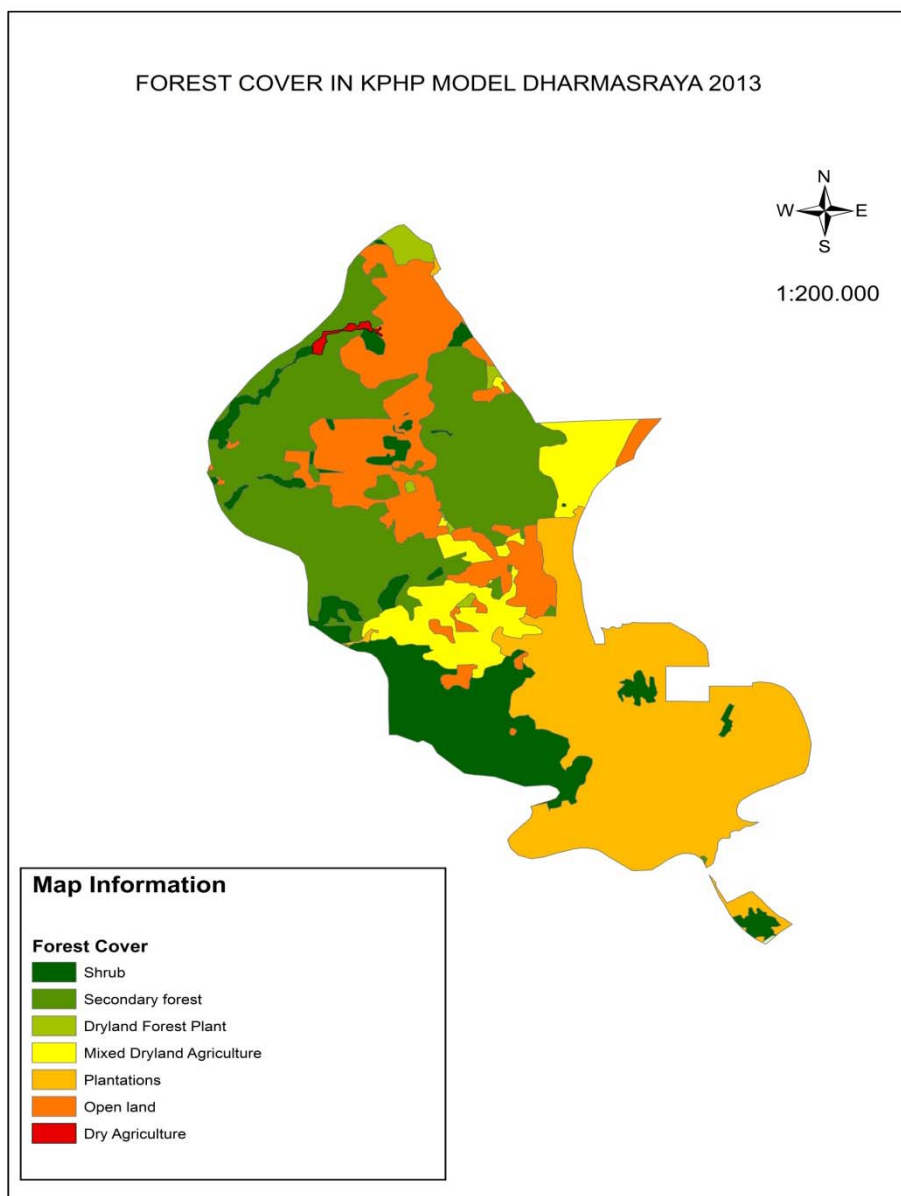


Figure 2. Forest Cover in KPHP Dharmasraya 2013

Table 6. Condition and Land Cover area the KPHP Model Dharmasraya

No	Forest cover clasification	Area (ha)	Percent (%)
1	Secondary forest	9,903.94	29.52%
2	Dryland forest plant	219.36	0.65%
3	Shrubs	4,693.75	13.99%
4	Plantations	10,311.61	30.74%
5	Open land	5,908.75	17.61%
6	Mixed dryland agriculture	2,427.81	7.24%
7	Dry agriculture	84.78	0.25%
	Jumlah	33,550.00	100.00%

Source: BPKH I Medan, biophysical inventory Regional Implementation KPHP Model Dharmasraya 2013

As shown in Table 6, forest cover is only a third of the forest, the rest has become a plantations or other dry land farming. The plantations are owned by the Bonjol community or outside who bought

communal land from customary owners.

CONCLUSIONS

1. As argued earlier, the expropriation of companies land by local people started because of the emptiness of forest management by the companies. The process of land expropriation by the local people begins with cutting planted trees, clearing of forests, and planting of rubber and oil palm . After planted with rubber and oil palm, community perceive the plot belonged to individuals who cultivate the land.
2. Factors that affect the seizure of state land and companies by community is economic factors, the recognition of customary law that is stronger than the state law, and trigger factor triggered the presence of government officials who involved in forest land transaction.
3. Community resistance to the company and the country has managed to regain communal land. After successfully seizing the land, new patterns of communal land transaction follow. The new pattern of communal land transaction is through buying and selling of communal land by customary authorities, and privatization of communal land by outsiders for plantations
4. The study reveals some more interesting topics that need further study such as, what are the the company land seizures by local communities, and which parties are benefited from .

References

- Badan Pusat Statistik. 2013. Laporan Hasil Sensus Pertanian 2013 (*Report of the Agricultural Census 2013*). Jakarta, Indonesia. <http://st2013.bps.go.id/dev/st2013/index.php/publikasi/index>
- Badan Pusat Statistik Kabupaten Dharmasraya. 2014. Kabupaten Dharmasraya Dalam Angka 2014 (*Dharmasraya in Figures 2014*).
- Baharuddin. (2006). Kajian interaksi masyarakat desa sekitar Taman Nasional Gunung Rinjani Provinsi Nusa Tenggara Barat (studi kasus di desa pengadangan, desa Loloan dan Desa Sembalun Lawang) (*Study on Interaction of Local People at Gunung Rinjani National Park Province of West Nusa Tenggara (Case studies in Villages of Pengadangan, Loloan, Sembalun Lawang)*). Program Studi Ilmu Pengetahuan Kehutanan. Bogor, IPB. Master. <http://repository.ipb.ac.id/handle/123456789/8749>.
- Benjamin, C.E. 2008 Legal pluralism and decentralization: natural resource management in Mali. *World Development* 36: 2255–2276.
- Borras, Saturnino M. Jr., and Jennifer C. Franco. 2011. Political Dynamics of Land-grabbing in Southeast Asia: Understanding Europe's Role. Transnational Institute. Amsterdam. <http://www.tni.org/report/political-dynamics-land-grabbing-southeast-asia-understanding-europes-role>
- Borras, Saturnino M. Jr., and Jennifer C. Franco. 2012. Land Grabbing in Latin America and the Caribbean, *Journal of Peasant Studies*, Routledge.
- Borras, Saturnino M. Jr and Jennifer C. Franco. 2012. Global Land Grabbing and Trajectories of Agrarian Change: A Preliminary Analysis. *Journal of Agrarian Change*, Vol. 12 No. 1, January 2012, pp. 34–59.
- Colchester, Marcus dan Chao, Sophie. 2011. Ekspansi Kelapa Sawit di Asia Tenggara: Sebuah Tinjauan. Forest Peoples Programme and SawitWatch. <http://www.forestpeoples.org/>
- Colfer, C.J.P. dan Pfund, J.L. (ed.) 2011 Collaborative governance of tropical landscapes. Earthscan, London.

- Critchley, C. N. R., M. J. W. Burke, et al. (2004). "Conservation of lowland semi-natural grasslands in the UK: a review of botanical monitoring results from agri-environment schemes " *Biological Conservation* 115(2): 263-278.
- Dianto Bachriadi dan Gunawan Wiradi, *Enam Dekade Ketimpangan Masalah Penguasaan Tanah di Indonesia*, Bandung: KPA Agrarian Resource Center Bina Desa KonsorsiumPembaruan Agraria, 2011.
- Dinas Kehutanan Kabupaten Dharmasraya. 2014. Rencana Pengelolaan Hutan Jangka Panjang Kesatuan Pemangku Hutan Produksi (RPHJP KPHP) Model Dharmasraya 2015-2024
- Faisal, Sanapia, 1990. Penelitian Kualitatif: Dasar-dasar dan Aplikasi (*Qualitative Research: Fundamentals and Applications*). Malang: Yayasan Asah Asih Asuh (YA3 Malang).
- Larson, A.M. 2012 *Tenure rights and access to forests: A training manual for research*. CIFOR, Bogor, Indonesia.
- Lazar, Miles Kenney. 2012. Plantation rubber, land grabbing and social-property transformation in southern Laos. *The Journal of Peasant Studies*, 39:3-4, 1017-1037, DOI:10.1080/03066150.2012.674942.
- Liversage, Harold. 2010. Responding to 'Land Grabbing' and Promoting Responsible Investment in Agriculture. International Fund for Agricultural Development (IFAD). <http://www.tni.org/work-area/agrarian-justice>
- Lorenzo Cotula, Sonja Vermeulen, Rebeca Leonard and James Keeley. 2009. Land grab or development opportunity? Agricultural investment and international land deals in Africa. London: FAO, IIED and IFAD.
- Meinzen-Dick, R. dan Pradhan, R. 2001 Implications of legal pluralism for natural resource management. *IDS Bulletin* 32(4): 10–17.
- Ministry of Agriculture. 2014. Outlook Komoditi Kelapa Sawit 2014 (*Oil Palm Commodity Outlook, 2014*). Data Center and Agricultural Information System. Secretariat General - Ministry of Agriculture.
- Muadi, sholih. 2008. Penyelesaian Sengketa Hak Atas Tanah Perkebunan Melalui Cara Non Litigasi (Suatu Studi Litigasi dalam Situasi Transisional) (*The Settlement Of Dispute On Plantation Land Right Through Non Litigation Approach (Litigation Studies In Transitional Situation)*). Disertasi. Universitas Diponegoro. Semarang. http://eprints.undip.ac.id/18083/1/SHOLIH_MU%E2%80%99ADI.pdf
- Neef, Andreas and Touch, Siphath. 2012. Land Grabbing in Cambodia: Narratives, Mechanisms, Resistance. Paper presented at the International Conference on Global Land Grabbing II October, 2012 .
- Nursidah.2012. Pengembangan institusi Untuk membangun kemandirian dalam pengelolaan daerah aliran sungai terpadu (studi kasus pada satuan wilayah pengelolaan daerah aliran sungai arau sumatera barat) Doktor Ilmu Pengelolaan Hutan. Bogor, Institut Pertanian Bogor. Doktoral.
- Onibon, A., Dabiré, B. dan Ferroukhi, L. 1999 Local practice and decentralization and devolution of natural resources management in West Africa. *Unasylva* 50: 23–27.
- Rahayu, Sri Sultarini. 2009. Ketika ijin usaha perkebunan (IUP) bersinggungan kawasan Hutan. (*When the plantation business license (IUP) tangent Forest region*). http://penataanruang.pu.go.id/bulletin/upload/data_artikel/KETIKA%20IJIN%20USAHA%20PERKEBUNAN.pdf
- Saturnino M. Borrás Jr and Jennifer C. Franco. 2012. Global Land Grabbing and Trajectories of Agrarian Change: A Preliminary Analysis. *Journal of Agrarian Change*, Vol. 12 No. 1, January 2012, pp. 34–59.
- Savitri, Laksmi Adriani. 2011. "Gelombang Akuisisi Tanah untuk Pangan: Wajah Imperialisme Baru (*Land Acquisition waves for Food: Face New Imperialism*)" Makalah Seminar Nasional Politik

- Penguasaan Ruang Berkeadilan.” Bogor: Jaringan Kerja Pemetaan Partisipatif (JKPP), 25 Januari 2011.
- Sekolah Tinggi Pertanahan Nasional (STPN). 2012. Kebijakan, Konflik, dan Perjuangan Agraria Indonesia Awal Abad 21 Hasil Penelitian Sistematis STPN, 2012). (*Policy, Conflict and Indonesian Agrarian Struggle Early 21st Century*) (Results Systematic by STPN 2012). Yogyakarta. STPN.
- Sugiyono. 2013. Metode Penelitian Kombinasi (*Mixed Methods*). Bandung. Alfabeta.
- Sutton, K., 2001. Agribusiness on a grand scale: FELDA's Sahabat Complex in East Malaysia. *Singapore Journal of Tropical Geography* 22(1): 90-105.
- von Benda-Beckmann, F. 1981 Forum shopping and shopping forums. *Journal of Legal Pluralism* 19: 117–159.
- Wester, L. and S. Yongvanit (2005). Wester, L. and S. Yongvanit (2005). "Farmers, foresters and forest temples: conservation in the Dong Mun uplands, Northeast Thailand." *Geoforum* 36(6): 735-749.

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