

ANATOMY OF AN INDONESIAN OIL PALM CONFLICT

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CONTENTS

I.	Introduction.....	1
II.	Background.....	1
	A. Migration into Kubu Raya	2
	B. The Evolution of Smallholder Arrangements.....	4
III.	The First Phase.....	5
	A. Sintang Raya's Land Acquisition.....	6
	B. Pelita Jaya and Olak-Olak Kubu.....	8
	C. Seruat II.....	8
	D. Dabong	10
IV.	The Arrival of AGRA.....	11
	A. AGRA and Palm Oil	12
	B. STKR's Activities	13
V.	More Battles Over Unfulfilled Promises	15
	A. Compensation in Dabong.....	15
	B. Out of Court Settlement in Olak-Olak Kubu	16
	C. The District Election in Kubu Raya	17
	D. Social Issues on the Plantation	17
	E. The Plasma Issue	19
VI.	The Conflict Enter a New Phase.....	20
	A. The Company Takes a Harder Line.....	20
	B. The Case of Bambang Sudaryanto	22
VII.	Possible Breakthrough or Continued Stalemate?.....	23
	A. More Demonstrations.....	24
	B. AGRA Steps up its Actions	25
	C. Ways Forward.....	26
VIII.	Conclusions.....	28
	Appendix 1: Map of Concession Area Derived from PT. CTB map, Nov 2013.....	29
	Appendix 2: Map of Concession Area provided by PT. Sintang Raya 2007.....	29

I. INTRODUCTION

The struggle of farmers in Kubu Raya, West Kalimantan to get their land back from a private palm oil plantation is an example of how a land conflict in Indonesia can become a constantly moving target in which goals, tactics and stakeholders change over time, complicating efforts at resolution. Had adequate consultation and mapping taken place at the outset, the entire conflict might have been avoided. Now, solutions are almost necessarily piecemeal and fragile, with any agreement likely to be challenged by new or different claimants.

The seven-year conflict between farmers and the Pontianak-based PT Sintang Raya company took a turn for the worse in July and August 2016 as a farmers union encouraged villagers to take the law into their own hands, the company filed criminal complaints, and police arrested union members on charges ranging from assault to theft. What started out as a land dispute also ominously took on an ethnic dimension as new parties tried to move in on disputed parts of the concession.

The impetus for increased activism was a Supreme Court ruling in 2014 in favour of five farmers who three years earlier had first brought a suit against Sintang Raya, backed by the farmers union and a rival palm oil company. The five, all transmigrants from Java, claimed that the company's concession (*hak guna usaha*, HGU) had swallowed up land to which they had clear title – a total of five out of 11,000 hectares (ha). They won the case and two subsequent appeals, despite the company's challenging the integrity of the plaintiffs and the validity of their claims. The Supreme Court ordered the company to redraw its concession with the farmers' land excluded. This set the stage for the union to claim that the entire HGU was now null and void, and farmers could harvest oil palm fruits as if it were their own land. It mobilised mass picking of several tonnes of fruit, and the company fought back with charges of theft.

The potential for violence was probably higher than it had been since the conflict began. Then suddenly, in late August 2016 the company agreed to return 55 ha of contested land, opening the door to possible resolution of key components of the complex dispute. It remains unclear, however, whether the land the company proposes to give back is the same as that originally claimed by the villagers, and the conflict is far from over.

The report underscores how much of the power to find a solution lies with companies that are parties to the dispute – in part because governmental authority is so fractured and the legal system so weak. Community-based advocacy and political pressure can help, up to a point, but until a company is convinced that it is in its interests to find a way out, protests and demonstrations may not have much impact. The question is what brings a company to that decision.

The very messy and complicated conflict described here has gone on as long as it has in part because it involved only a relatively small part of the concession area and thus until recently had a limited impact on the company's profitability. As the financial risks to the company increased, its response was both to take a harder line against activists as well as look for parts of the problem that it could solve without conceding larger issues, such as turning over more of the concession area to smallholders.

Sintang Raya is not a party to the Roundtable on Sustainable Palm Oil (RSPO). It is an open question whether the conflict, or parts of it, might have been resolved more quickly had the farmers had access to the grievance mechanism that RSPO supports.

II. BACKGROUND

The conflict in Kubu Raya emerged as Indonesia was committing itself to a huge expansion in palm oil production through "partnership" arrangements between commercial plantations and

local farmers, and as decentralisation was giving more power to local officials to hand out permits as a form of political patronage. One scholar's description of the situation in Jambi in 2008 applies equally well to West Kalimantan:

In the absence of clear legal frameworks for negotiating the agreements and effective oversight from district government, and with problems of accountability and transparency, landowners were often entering into ad hoc, informal agreements. NGOs reported an increase in land conflicts.¹

The conflict was also taking place in an area where tenurial arrangements were complicated by the intermingling over time of many different groups, including many Javanese transmigrants.

A. *Migration into Kubu Raya*

In the eighteenth century, Kubu Raya district was part of the Kubu sultanate that had grown up on the banks of the Terentang river. At the time it was surrounded by dense forest, but Syarif Idrus al-Idrus, a trader and preacher from the Hadramaut region of Yemen who married the sister of the sultan of Pontianak, saw the potential for a settlement and became the first raja in 1780.² The village of Kubu, which means "fort", was established in 1775 at the junction of three rivers – Terentang, Kapuas Kecil and Kapuas Besar -- as a defense against marauders and an entry point for trade further inland. Syarif Idrus signed an agreement in 1795 to share power and economic resources with the Dutch colonial government, an arrangement that lasted through to independence.³

The strategic location of Kubu attracted traders and cultivators from a variety of ethnic backgrounds. Muslim Malay speakers predominated, with upriver Dayak, coastal Bugis originally from south Sulawesi and some Chinese adding to the mix, though Kubu was south of the areas of West Kalimantan most heavily settled and cultivated by Chinese farmers.⁴

The raja was the ultimate arbiter of land use but in practice decisions on land use were left to local leaders.⁵ In the coastal areas of West Kalimantan, an individual known as the *kepala parit*, literally "head of the channel", came into widespread use. A title usually bestowed on the first person to clear or cultivate a particular plot of land, its origins lay in the practice of digging a channel to facilitate access by boat or raft to the area to be cleared, since much of the area was peat swamp that lay under water for part of the year. Whoever was first to get access then had the authority as *kepala parit* to assign plots to others who wished to cultivate. The position was generally hereditary, passed down from the original *kepala* through his sons, though in Desa Seruat II, one of the villages involved in the conflict with PT Sintang Raya, the position is chosen by community consensus.⁶

In the same village, the *kepala parit* title was held by Bugis since they were the first to clear the land and settle there in 1929, after fleeing harsh policies from the colonial government in South Sulawesi.⁷ More came during the independence struggle in 1946-47, this time escaping a Dutch

1 John McCarthy, "Policy narratives, landholder engagement, and oil palm expansion on the Malaysian and Indonesian Frontiers", *The Geographical Journal*, June 2009, pp.112-223.

2 Erwin Mahrus, "The Development of Islam in Kubu Kingdom (1768-1944)", *Borneo Journal of Religious Studies*, December 2012, pp. 77-8.

3 Iswara N. Raditya. "Kerajaan Melayu di Kalimantan Barat: Kesultanan Kubu", melayuonline.com/ind/history/dig/451/kesultanan-kubu. 13 February 2010.

4 Mary Somers Heidhues, *Golddiggers, Farmers, and Traders in the "Chinese Districts" of West Kalimantan Indonesia*. New York: 2003, pp. 20-1.

5 IPAC interview, head of Seruat II village, 16 February 2016.

6 Many thanks to Julia L for sharing this information from her field research.

7 IPAC interview, head of Seruat II village, 16 February 2016.

“pacification campaign” led by the notorious Capt. Westerling.⁸

The *kepala parit* allocated two ha per family to every settler; the land could be inherited, sold or rented out but only after community agreement. The *kepala parit* was also the arbiter of any land disputes. Seruat II, one of the villages involved in the dispute with Sintang Raya, was divided into several *parit*, including: Parit H. Abdurrahman, Parit Haji Husein, Parit Longkader and Parit Surabaya.

The *kepala parit* system blended with traditional Bugis hierarchies that were re-established as new settlements emerged. A group of settlers would be grouped together under a hereditary nobleman, who would oversee the opening of fields for or other food crops. One such leader would have responsibility for fifteen to forty families, guaranteeing their food needs at least until the first harvest.⁹

After Indonesian independence in 1949, the Kubu sultanate briefly became an autonomous area under the leadership of Sharif Hasan bin Sharif Zin, a direct descendant of the original raja. Only in 1958 was the sultanate officially transformed into the subdistrict of Kubu, a division of Pontianak district.

The area was largely unaffected by Soekarno’s “Konfrontasi” or confrontation with Malaysia that began in 1962 and involved military operations along West Kalimantan’s border with Sarawak.¹⁰ In the aftermath of the attempted coup in 1965 and Soeharto’s rise to power, the area around Pontianak was included in military operations against suspected Communists, in which local Dayaks were provoked into the largest single episode of killing of ethnic Chinese during the anti-Communist purge – several hundred died -- but most of the violence was further north.¹¹ Nevertheless, Pontianak was included in the “stabilisation” operations that followed, accompanied by the eviction of Chinese smallholders and the distribution of their land to migrants from other areas.¹²

Meanwhile, Javanese flooded into Kubu. The first group of 705 participants in the government’s transmigration program arrived in Olak-Olak Kubu village in 1957, with another 1,115 in 1966.¹³ Between 1969 and 1997, almost 16,000 Javanese transmigrants arrived, all of them given certificates for two ha of land, on which they mostly planted rice and other food crops. Some 700 locals, known as *translok*, were also included in the program beginning in 1991 and received certificates of land ownership accordingly.

Oil palm came to Kalimantan as the New Order was ending. The first company to set up a plantation in Kubu Raya was PT Bumi Pratama Khatulistiwa, a Pontianak-based agribusiness company founded in 1990 that began planting oil palm on its HGU in 1996. Almost immediately

8 Raymond Westerling was a captain in the Dutch colonial army who was given the command of a military campaign in South Sulawesi to counter Indonesian independence fighters. He and his men became known for summary executions. While some Indonesian sources cite the number of victims in the tens of thousands, a more realistic estimate is that over 1,500 Indonesians were killed during the brief campaign.

9 Patrice Levang, *Ayo ke Tanah Sabrang*. Jakarta, 2013. pp. 168-9.

10 IPAC interview, villager in Dabong, 17 February 2016.

11 The most detailed source on the killings may be Aju and Zainuddin Isman, *Kalimantan Barat: Lintasan Sejarah dan Pembangunan*, Pontianak 2013, which relies heavily on military sources. During Konfrontasi, Indonesia had trained guerrillas to fight Malaysia, many of them ethnic Chinese, grouped in the People’s Guerilla Forces of Sarawak (Pasukan Gerilya Rakyat Sarawak, PGRS) and the People’s Forces of North Kalimantan (Pasukan Rakyat Kalimantan Utara). After the fall of Sukarno and the restoration of relations with Malaysia, the Indonesian military began a campaign against both and linked both to the Indonesian Communist Party. In fact, some did have links to the remnants of the Malayan Communist Party. In the course of the campaign, the military killed a Dayak customary leader and spread rumours that the Chinese were responsible. Local Dayaks declared a ritual war against the Chinese, killing many and displacing thousands more.

12 Nancy Lee Peluso, “The plantation and the mine: Agrarian transformation and the re-makings of land and smallholders in Indonesia” in John F. McCarthy and Kathryn Robinson, eds, *Land and Development in Indonesia*, Singapore, 2016, pp. 41-44.

13 “Kabupaten Kubu Dalam Angka 2009”, Badan Pusat Statistik, p. 91.

a conflict arose with local farmers who said the company did not honor its promises to smallholders, foreshadowing many similar disputes to come.¹⁴

The communal violence between Dayak and Madurese that erupted in 1996-97 in Sambas, further inland, did not extend to Kubu, though many Madurese sought refuge in the Pontianak area – and hundreds of displaced Madurese families settled in Kubu Raya, mostly in Mekar Sari village, Sungai Raya subdistrict.¹⁵ The violence, however, created pressures to empower Dayak by dividing districts along ethnic lines, after the decentralisation program of the first post-Soeharto government made possible such administrative division, known as *pemekaran*. The Dayak-majority districts of Bengkayang, carved from Sambas district, and Landak, carved from Mempawah district, were created in 1999.¹⁶ Because Kubu was majority-Malay, its creation as a new district had lower priority, even though a separate district had been envisaged since 1996.¹⁷ The process of separating from Pontianak district finally began in 2005 and was finalised on 10 August 2007. For the first two years, it had caretaker heads, appointed by the government. In October 2008, Muda Mahendrawan, son of the former rector of Pontianak's Tanjungpura University, became Kubu Raya's first elected *bupati*, standing as an independent.

Sintang Raya obtained its concession just before the new bupati took office in February 2009.¹⁸

B. The Evolution of Smallholder Arrangements

During most of the Soeharto years, plantations were run as “nuclear estates” with the company-owned core constituting 20 per cent of the overall land area and smallholdings (*plasma*) making up 80 per cent. Farmers gave up 7.5 ha of land in exchange for a 2-ha plot, and then received credit to buy basic inputs that they could begin paying back once the trees began to produce – in the case of oil palm, about four years. They only received title to the land once the credit was repaid. The harvested palm fruits were sold to the company mill through a cooperative.¹⁹

By the time oil palm took off in West Kalimantan in the late 1990s, the government was increasingly favouring privatization of the industry over government-run plantations and reducing the smallholder share accordingly.

High prices for crude palm oil (CPO) exports at the beginning of the biofuel boom in 2006-2007 brought lobbying by companies to control 80 per cent of their areas, with only 20 per cent to go to smallholders in what were called Partnership (Kemitraan) schemes. [...] Plantations would work 20 per cent of the land on behalf of the small-

14 PT Bumi Pratama Katulistiwa signed an agreement with the Mekar Lestari Cooperative in Sungai Ambawang subdistrict in 1998. Four years after the company planted oil palm trees, it was supposed to convert the plantation into smallholding (*plasma*), so that the plantation would consist of 2,000 ha of *plasma* and 4,814 ha of company-owned land (*inti*). The conversion process turned into a morass of overlapping claims, made worse by poor measuring, lack of maps, bad village administration and no good record-keeping. See Indra August Samtriadi, *Sengketa Tanah Antara PT Bumi Pratama Khatulistiwa dengan Tanah Rakyat di Kecamatan Sungai Ambawang Kab Kubu Raya*, thesis for Law Faculty, Gajah Mada University, 2009.

15 “Bupati Kubu Raya Serahkan 143 Sertifikat Tanah,” *Antarakalbar.com*, 4 January 2016. See also “Studi Kasus Kalimantan Barat dan Nusa Tenggara Barat,” *Kapasitas Lembaga dan Dinamika Pencegahan Konflik*, Sistem Nasional Pemantauan Kekerasan (SNPK) dan Habibie Center May 2015.

16 Taufiq Tanasaldy, “Politik Identitas Etnis di Kalimantan Barat” in Henk Schulte Nordholt and Gerry van Klinken eds, *Politik Lokal di Indonesia*, Jakarta, 2007, p. 478.

17 *Kapasitas Lembaga dan Dinamika Pencegahan Konflik*, op.cit, p. 21.

18 Some local analysts interviewed for this report suggested the company had an interest in pushing through the approval, which was granted unusually quickly, before Muda was installed, fearing he might place obstacles in its path. The number of oil palm concessions grew steadily during Muda's tenure, however. See Sulastri, *Peranan Perkebunan Kelapa Sawit Dalam Perkembangan Wilayah Pedesaan di Kecamatan Kubu, Kab Kubu Raya, Prov Kalimantan Barat*, thesis for Technology Faculty, Gajah Mada University, 2015.

19 Lesley Potter, “How can the people's sovereignty be achieved in the oil palm sector? Is the plantation model shifting in favour of smallholders?” in McCarthy and Robinson, *Land and Development in Indonesia*, op.cit., pp. 322-323.

holders. The smallholder “partners” would receive small regular payments, amounting to much less income than if they had worked the land themselves. This income would only begin to reach the smallholders after the trees planted on their behalf started to bear fruit, and the fruit was sold to the estate mill.²⁰

Much of the anger and resentment of the farmers in Kubu Raya stems from a sense of having been the victims of false promises about smallholding. Some had turned over land in the expectation of gaining a two-ha plot, only to find that there was no smallholder land after all, or the company had gone back on its promises, or the information about the company’s plans was poorly conveyed in the first place. In this sense, the unrest in Kubu Raya mirrors similar situations across Sumatra, Kalimantan, Sulawesi and Papua.

This is not a problem that is going away anytime soon. By 2013, West Kalimantan ranked fifth among Indonesian provinces in terms of area under cultivation, with some 959,000 ha of oil palm planted, up 30 per cent from five years earlier.²¹ The provincial government now aims to have four million ha planted by 2034, and with every new concession is likely to come new disputes.²²

III. THE FIRST PHASE

The first phase of the conflict took place from 2007 to 2009 when farmers in different villages realised they had lost their land. The basic problems were lack of consultation, adequate information and clear boundaries, but concerns took different forms in different villages affected.

- Seruat II villagers who lived closest to the coast suddenly realised that if their trees were cut down, there would be no barrier to salt water coming in and damaging their cropland, and they wanted assurances that the company would build an embankment before clearing the land. Others supported the company from the beginning.
- Villagers in Dabong were also divided. One group had turned over 514 ha on the promise of getting smallholder plots (*plasma*) and were mostly interested in holding Sintang Raya to its promises. Others had given land voluntarily for what they understood to be a transmigration site, only to find that the Sintang Raya concession, which they had not agreed to, was claiming some of the same land.
- Villagers in Mengkalang felt they had been duped about the nature of the partnership and how much land was in fact going to be set aside for *plasma*. They also claimed that cultivated fields that should have been enclaved were included in the concession.
- Two villages, Pelita Jaya and Olak-Olak Kubu were never included in the original plans yet they were swallowed up in the final concession; the company ignored villagers’ demands for clear boundary markers. At the same time, some of the protestors acknowledged having agreed to turn over land to a rival palm oil company.
- Villagers in Ambawang believed the company reneged on its promises of 20 per cent of the concession being set aside for *plasma*.

From the beginning, Sintang Raya rejected all suggestions of wrongdoing because in its view, it had followed the letter of the law. It used signed statements of village heads as proof of consultation when it was clear in some cases that the heads in question had no clear idea of what

20 Ibid. p.324.

21 Riau ranked first with 2.2 million ha, followed by North Sumatra with 1.3 million ha, Central Kalimantan with 1.15 million ha and South Sumatra with 1.1 million ha. Director General of Estate Crops. *Statistik Perkebunan Indonesia Kelapa Sawit*, Jakarta, 2014, p.10.

22 Dinas Perkebunan Provinsi Kalimantan Barat, “Dokumen Kegiatan Pembangunan Perkebunan di Kalimantan Barat”, 9 September 2015.

was at stake or did not inform their own communities if they did. Villagers also accused the company of using the absence of clear markers to expand its operations beyond the land area specified in the concession.

A. Sintang Raya's Land Acquisition

The story begins in 2003 when PT Sintang Raya was established by a local businessman with the intention of establishing a palm oil plantation over 13,500 ha in five villages in what was then the subdistrict of Kubu Raya.²³ The villages were Sungai Selamat, Mengkalang, Seruat II, Seruat III and Dabong. On 24 March 2004, company received its “location permit”, the first step in the process of establishing a commercial plantation. The permit covered the same five villages but the size of the planned concession had now expanded to 20,000 ha.²⁴ At the time, the land in question fell under three forms of tenurial arrangements:

- Inherited titles in the form of written documents issued by the Kubu sultanate, mostly held by the Malay (Melayu) population.
- Individual land certificates given to the Javanese transmigrants by the Sukarno and Soeharto governments
- Customary land owned mostly by Bugis and inherited through the *kepala parit* system.

Normally a company had to wait at least two months from the time it obtained its location permit for the issuance of an operational permit, Izin Usaha Perkebunan (IUP), which would allow it to begin to acquire land. Sintang Raya received its IUP on 1 April 2004, after only eight days.²⁵ The permit stipulated that it had three years to prepare the land for the plantation. For the first two years, however, the company was inactive.²⁶ In 2006, it finally began to take steps to acquire the land in its concession area. The land in question included smallholder rubber gardens that were no longer productive, fields cultivated for non-rice food crops such as coconut, and residential areas.

In June 2006, it brought together the heads (*kepala desa*) of the five villages, all of whom agreed to turn over the land to the company. For example, the then head of Seruat II, A. Rafik, signed a letter recommending that a permit be given to Sintang Raya and allowing it to clear land in the village, but there was no consultation with the villagers about the letter or its contents. Rafik tried to persuade his successor, Zakaria, to accept the company and after initial reluctance, Zakaria did so.²⁷ Zakaria's nephew, who is now the head of the farmers' union, explained his uncle's actions:

My uncle was asked to sign and at first he said no. Then he was lobbied by the other village heads and he was afraid the village would be left behind, so he signed. At the

23 Bupati Kubu Raya, Letter No. 525/1145/Pertanahan-A, 21 December 2011.

24 Surat Keputusan Bupati Kubu Raya Nomor 400/02-IL/2004, 24 March 2004. Agus Salim had just become bupati in 2003. In 2014 he was detained on corruption charges in another land case involving the construction of a bus terminal in Kubu Raya.

25 To obtain an IUP after receiving a location permit, a company has to submit an Environmental Impact Assessment (Analisis Mengenai Dampak Lingkungan, AMDAL). The assessment must include a technical study carried out by an independent institute, consultations with those affected and an evaluation by a team from the local government. After the AMDAL is approved, a company obtains an environmental permit from the bupati or governor (if the proposed area involves more than one district). For this whole process to take only eight days requires significant political clout. See “Keputusan Menteri Pertanian 357/Kpts/HK.350/5/2002 tentang Pedoman Perizinan Usaha Perkebunan” and Government Regulation No. 27/1999 on Environmental Analysis.

26 IPAC interview, Dabong villager, 17 March 2016.

27 Letter from Seruat II village No 474/72/2011/PEM to the head of PT Sintang Raya, 7 July 2011 and STKR, “Dokumen Kronologis dan Dasar Penolakan HGU Sintang Raya”, undated.

time there was no agreement with the villagers. The company put together a lobbying team that included the village heads so that its recommendation would get through.²⁸

Facing revocation of the permit if it did not begin clearing the land, the company requested an extension of its location permit which was duly granted by the then deputy *bupati* of Pontianak, Drs. H. Abang Rasmansyah, on 22 January 2007.²⁹ Shortly thereafter, on 10 August 2007, the new district of Kubu Raya came into being, and Sintang Raya became one of six oil palm companies that had started their operations in one district and now found themselves in another.

One of these other companies, PT Cipta Tumbuh Berkembang (CTB), was to become embroiled in a long-running battle with Sintang Raya over claims to the same tracts of land.³⁰ CTB began negotiations to set up a plantation in August 2007 and had its location permit the following December. Conflict between the two companies was almost inevitable given the fact that CTB's land nearly encircled Sintang Raya's. One farmer explained that if one looked at a map (see map attached), it was like an egg: "Sintang Raya is the yolk and CTB is the white."³¹

Both companies pursued land acquisition so as to start clearing as soon as possible. On 26 January 2008, a businessman acting on behalf of Sintang Raya brought six village heads together at a Pontianak hotel. They represented the five villages approached in 2006 with the addition of Ambawang, a village that had never been named in the original location permit. The official handed out prepared statements for the men to sign, which were agreements to turn over land for the plantation without compensation.³² These statements became the basis on which Sintang Raya claimed it had conducted adequate consultation and was awarded its HGU.³³ Each signer received Rp.1 million (then equivalent to US\$109) in "travel" money.³⁴

Many villagers had no idea what was in store until the bulldozers showed up. Dozens of farmers in Seruat II confronted the company officials who showed up to supervise the clearing in mid-2008, even before the HGU was formally issued. They said they had a permit to operate, but that did not appease the angry farmers.

On 20 October 2008, the caretaker bupati of Kubu Raya, Kamaruzzaman, signed off on the environmental impact assessment (AMDAL), and on 14 January 2009, Sintang Raya formally obtained its HGU from the National Land Agency (BPN), giving it a concession area of 11,129.9 ha, down from the original 20,000 ha.³⁵

Sintang Raya's rival, CTB, was also getting its permits in order. Almost a year after Sintang Raya obtained its HGU, CTB received its operational permit (IUP), covering just over 6,150 ha including in the villages of Olak-Olak Kubu and Pelita Jaya where Sintang Raya also claimed land. An official of the District Office of Plantations, Forestry and Mines later said that CTB's

28 IPAC interview, head of SKTR, Seruat II, 16 March 2016.

29 Pemerintah Daerah Kabupaten Pontianak, "Perpanjangan Izin Lokasi Nomor 25 Tahun 2007", 22 January 2007.

30 IPAC tried to interview PT CTB but without success. An IPAC analyst went to the company's office in Jakarta on 29 July 2016, but was turned away. On 26 August the IPAC director called CTB's Jakarta office and requested to speak with an official. The receptionist said that the appropriate person was in West Kalimantan, but she could not give his name or telephone number. She also declined to give contact numbers for the Pontianak office.

31 IPAC interview, Seruat II villager, 16 March 2016.

32 A company official said no compensation was required because the land in question was considered "state land". Those who could produce a certificate of ownership, however, received Rp.1.5 million (around US\$159) per ha in 2009. IPAC interview, Sintang Raya official, Pontianak, 15 June 2016.

33 Surat Pernyataan Kepala Desa Seruat II Nomor 140/04/PEM, Surat Pernyataan Kepala Desa Seruat III Nomor 140/03/PEM, Surat Pernyataan Kepala Desa Dabong Nomor 140/032/PEM, Surat Pernyataan Kepala Desa Mengkalang Nomor 140/041/PEM, Surat Pernyataan Kepala Desa Ambawang Nomor 594/55/PEM, Surat Pernyataan Kepala Desa Sui Selamat Nomor 140/05/PEM. The handover without compensation was also noted in Surat Keputusan Kepala BPN RI Nomor 9-HGU-BPN RI-2009 14 January 2009.

34 IPAC interview, head of SKTR, Seruat II, 16 March 2016.

35 The final area was based on a decision from the head of BPN No. 9-HGU-BPN RI-2009 with further authorization from the head of the Kubu Raya district land office (Kantor Pertanahan) through letter No.4/2009, 5 June 2009.

permits were all legally flawed and that not only did the company plant oil palm within Sintang Raya's concession but they did so one year before their own operational permit was actually issued.³⁶ The conflicting claims of the two companies were not resolved until 2012 and even thereafter, mutual ill will continued.

B. Pelita Jaya and Olak-Olak Kubu

As late as mid-2008, as Sintang Raya went through the final steps of acquiring its HGU, farmers in Olak-Olak Kubu and Pelita Jaya were still unaware that their fields were claimed by the company – especially as the two villages had not been named in any previous document. Olak-Olak Kubu was one of the oldest villages in the area. Mapping conducted in 1985 showed it then had an area of 17,285 ha. In 1996 and 1997, some 1,300 ha of that land was used for a government transmigration site and just over 2,000 Javanese transmigrant families moved in. That site became the village of Pelita Jaya in 2000. When Sintang Raya's HGU was issued, it was shown to have swallowed up much of Olak-Olak Kubu and Pelita Jaya, including land that had been individually titled to the transmigrants -- who had ownership certificates to prove it.

The farmers were not against palm oil plantations in principle, but they wanted to be included as smallholders. Since early 2007, they had been in discussions with CTB about a partnership arrangement that would include both smallholdings and a palm oil refinery.³⁷ In 2008, a total of 1,200 ha in the village was turned over to CTB but the village head at the time was later accused of using the transmigrants' certificates, which he held, to sell land to the company without their knowledge.³⁸

On 18 December 2008, after they found out about Sintang Raya's plans, farmers from the two villages went to the Pontianak branch office of the National Commission on Human Rights (Komnas HAM) to complain, saying their land had been seized without consultation. Komnas HAM sent a team to investigate and sent a letter to the *bupati* when it returned. It recommended that the exact borders of the villages be determined according to law in a way that was "honest, objective, open, responsive and involved inter-agency coordination."³⁹

It was a wholly ineffectual intervention because there was no political clout behind it, and by then in any case, it was too late. When villagers in Olak-Olak Kubu saw the HGU in early 2009, they were shocked. In a letter to the *bupati* dated 30 June 2009, they said that of their original 17,000 ha, only 4,400 ha remained, yet at no point had they agreed to turn over their land, nor had the *kabupaten* government ever put down clear markers.⁴⁰

In the meantime, a new village cooperative, Koperasi Sawit Harapan, had come into being on 31 December 2008, representing farmers who together held some 800 ha in Melati hamlet of Pelita Jaya. The cooperative signed an agreement with CTB, in which the 800 ha was noted as being within CTB's location permit. But Sintang Raya later said the land was theirs.

C. Seruat II

From the beginning, villagers in Seruat II were divided, with some quietly working out arrangements with Sintang Raya and others determined to fight it. The main resistance came from three *parit*: Parit Surabaya, Parit H. Abdurrahman and Parit H. Husen. On 23 September 2009, 63 farmers, led by Seruat II's then village head Zakaria, signed a petition to Sintang Raya complain-

36 "Kasus CTB-Sintang Raya: Waspada Konflik Sosial", *Equator*, 20 July 2011.

37 Letter from Olak-Olak Kubu No.590/240/2009 to the *bupati* of Kubu Raya, 30 June 2009.

38 "PT CTB dituding telah mencaplok lahan warga transmigrasi Pelita Jaya", *Sinarpagi News*, 23 May 2014.

39 "Warga Protest Pengkavling Tanah", *SUAR*, No. 2, 2009, p.41.

40 Letter from Olak-Olak Kubu No.590/240/2009 to the *bupati* of Kubu Raya, 30 June 2009.

ing about its operations. They said neither the process of getting permits nor the nature of the partnership with the community had ever been properly explained. All they knew, they said, was that a rogue village official had signed a statement allowing the company to invest in the area, but there had been no discussion before or since. They were particularly concerned that because their village was so close to the coast, the process of clearing the forest could end up damaging crop land. Their petition to the *bupati* noted:

Our forest is very important because in the rainy reason, it keeps the salt water that comes in through secondary channels from contaminating our coconut groves, but our forests are going to be cut down in the interests of a palm oil plantation. We are deeply concerned and upset, especially because the management of this project has never explained the partnership or the borders between the project's land and the community's.

You should know that our village consisted of 480 families or 2,015 people who live from farming, and if this project keeps expanding, we fear that the land we own and that has been set aside for our village will be controlled by a project that always puts its concession first, without thinking about the people's economic welfare or how to increase their income – because among the 480 families, there are many who own no land.

A misunderstanding could arise later between the people and the management. As good citizens with dignity, we do not want any backroom dealings. We want any project that comes to our village to provide a clear contribution to our security and prosperity, and with this in mind, we ask you to investigate this problem.⁴¹

As the protests mounted, the company got a new owner. On 11 November 2009, Sintang Raya became a joint venture with the Miwon conglomerate from Korea, and land-clearing activities intensified.⁴²

Seruat II villagers took a tougher stance accordingly. On 24 November 2009, villagers from five *parit*, supported by village head Zakaria, held a meeting with company officials in which they decided to reject the HGU because neither the boundaries nor the potential benefits had been made clear. More devastating, as far as the villagers were concerned, was that in 2009 they experienced a major flood that they attributed to the loss of trees for the plantation.⁴³ To deal with the salt water, they had to dig new wells to a depth of more than four meters behind their houses for fresh water.⁴⁴

As the rainy season came to an end, hundreds of farmers from Seruat II arrived at the Kubu Raya district council (DPRD) in March 2010 bringing a statement rejecting the presence of the company because it had not gone ahead with the smallholder program as promised. At the time, a council member who also worked for Sintang Raya said he was sure it was a question of miscommunication because up till then, investment of palm oil companies in Kubu Raya had gone smoothly – which was patently not the case. He also said that the demonstrators did not

41 “Keberatan Pola Kerja PT Sintang Raya,” petition signed by 63 farmers, Seruat II, 23 September 2009, to the bupati of Kubu Raya, the head of the District Environmental Office, the Forestry and Plantation Office and the Regional Planning Office, copied to the police command in Kubu, the district police command in Mempawah and the provincial police in Pontianak.

42 Through the joint venture permit (Izin Perseroan Terbatas Penanaman Modal Asing Nomor 232/V/PMA/2009), a majority stake in PT Sintang Raya was acquired by PT. Miwon Agro Kencana Sakti, part of the Miwon Group Indonesia which in turn was a subsidiary of the Desang Corporation Ltd from Korea Selatan, operating in the agriculture sector. AGRA suggested that the reason for the takeover was that the original owners lacked the capital to work the concession. “Kronologis dan Dasar Penolakan Masyarakat terhadap Masuknya PT Sintang Raya serta Lahirnya Serikan Tani Kubu Raya.” undated.

43 The Seruat II villagers were not alone; farmers elsewhere had a similar experience. See Krystof Obidzinski, Rubeta Andriani, Heru Komarudin and Agus Andrianto, “Environmental and Social Impacts of Oil Palm Plantations and their Implications for Biofuel Production in Indonesia,” *Ecology and Society* Vol. 17, No.1, 2012, p. 9.

44 IPAC interview, Seruat II villagers, 16 March 2016.

represent the whole village, and this was true.⁴⁵

The company maintained that only Parit Surabaya objected to the plantation's presence. Many in the other parit had worked out an agreement, so that by 10 May 2010, the village head was forced to acknowledge that while he had tried to defend the people's aspirations, some villagers wanted to reach an accommodation with the company. The village would try to hold on to land that was currently under cultivation, and Zakaria said he hoped there would be further information forthcoming from the company.⁴⁶

D. Dabong

The crux of the problem in Dabong village was somewhat different, linked to its status as a transmigrant site.

West Kalimantan had been a receiving area for settlers, mostly from Java, since 1957 and reached a peak during the Soeharto years. Between 1969 and 2013, 127,572 families or more than half a million people had been resettled in the province through the government transmigration program.⁴⁷ Of 24 sites in West Kalimantan developed during the New Order, not one was conflict-free, often because of overlapping land claims.⁴⁸ Many of the same problems arose with new transmigration sites opened in the post-1998 *reformasi* era, and Dabong was a case in point.

Planning for the new settlers began after the then village head agreed in February 1999 on behalf of the community to allow village land, mostly forest, to be set aside as reserves for a planned transmigration site, known as SP1.⁴⁹ In July 2000, the bupati of Pontianak signed off on the plan to settle 300 families in SP1, 150 from Java and 150 locals. As during the New Order, each household would receive subsistence income, crop seedlings and two hectares of land (0.5 ha for a house, 0.5 ha for surrounding gardens and subsistence crops, and 1 ha for cultivation).

A month later, however, the forestry minister issued a decree entitled "Designating Forests and Water Areas in West Kalimantan", and suddenly not only the planned transmigration site but also other long-settled areas of Dabong were declared to be "protected forest."⁵⁰ These areas included land used for homes and fields that had been registered since 1937 by the old Kubu sultanate, and fish farms that had been opened between 1991 and 2000 in mangrove swamps.

The designation was not based on any participatory mapping process. As one Forestry Ministry acknowledged:

Technology then was not what it is now. It wasn't difficult in the past to work out use of the forest. Draw a line here, draw a line there, the only considerations were the steepness of the slope, the amount of rainfall, and the kind of land -- whether there were any people there or not, we didn't know.⁵¹

The local authorities ignored the decree in some cases and enforced it in others. They did nothing to stop transmigration from going forward into SP1, with the first families arriving in

45 "Dewan Cek Laporan Warga", *Pontianak Pos*, 3 March 2010. As noted above, five *parit* continued to resist the company but others worked out an accommodation.

46 Zakaria Alwi, "Surat Pernyataan Sikap", 10 May 2010.

47 Government of West Kalimantan, Office of Labor and Transmigration, "Penempatan Transmigrasi di Kalbar Sejak Pra Pelita", <http://disnakertrans.kalbarprov.go.id/>, 2013.

48 "Kalbar Tolak Penempatan Transmigran", www.kompas.com, 15 April 2013.; Sugito and Ahmad Subhan, "Implementasi Kebijakan Transmigrasi di Pangmilang Kota Singkawang Provinsi Kalimantan Barat", *Jurnal Ketransmigrasian*, December 2013, https://www.academia.edu/11845171/Implementasi_Kebijakan_Transmigrasi_di_Pangmilang_Kota_Singkawang_Provinsi_Kalimantan_Barat.

49 SP is short for *sarana pemukiman* or residential facilities. For good background on some of the issues involved see Supriyono, *Dinamika Konflik Pemanfaatan Ruang di Kawasan Hutan Lindung Kasus di desa Dabong Kecamatan Kubu Kabupaten Kubu Raya*, thesis, Gajah Mada University, 2016.

50 Surat Keputusan No. 259/Kpts-II/2000.

51 Supriyono, op.cit.

2004, even though the land onto which they were moving was now protected forest not only under the 2000 decree but also under a provincial regulation.⁵²

Then, in August 2009, the West Kalimantan governor signed off on a decision setting aside 2,675 ha as additional reserves for further transmigration in areas designated as SP2 and SP3.⁵³ The new project would involve resettling 300 families from Java and 100 local households. Sembuluk residents agreed to the project, persuaded that the extra labor would be useful in raising agricultural productivity and income.

When BPN issued Sintang Raya's HGU, however, the concession area seemed to spill over into SP2, including land on which the local public works office had already constructed irrigation channels at huge cost. Villagers urged the government to speed up the implementation of the transmigration program so as to prevent Sintang Raya from going forward with its planting:

We in Selamat Jaya/Sembuluk don't want to become coolies on our own land. What we want is more people (through transmigration). We fully back the program of the *bupati* of Kubu Raya to develop the agricultural sector, not plantations, and we ask the government to consider our fate. If Sintang Raya comes in, our households will be broken apart.⁵⁴

They complained that they had turned over their land for transmigration, not palm oil. They had received no information on Sintang Raya's plans, and no one had told them that a private company was coming in. Because of these complaints, the local transmigration office in March 2010 asked the *bupati* to order Sintang Raya to stop all of its activities in the contested area. The bupati then set up a task force to investigate claims that the company's HGU had encroached on the transmigration site, and the team came back with a report in December 2010, saying that the HGU was in fact completely outside the 2,675 ha set aside for SP2. If a participative mapping process had been carried out in 2009, the entire dispute could have been avoided.

But the problems in Dabong were not over, because most of the original owners of the 602 ha of the HGU that fell within Dabong's boundaries had turned over land on the promise that they would be smallholders – and Sintang Raya was now saying it was all company land. These were the general contours of the conflict when a new player entered the scene.

IV. THE ARRIVAL OF AGRA

The sporadic protests of the farmers affected by Sintang Raya changed in 2010 with the arrival of the Alliance for Agrarian Reform (Aliansi Gerakan Reforma Agraria, AGRA), a leftwing advocacy organisation allied with the Philippines-based Asian Peasant Coalition. Rahmat Aji-guna, the secretary general of AGRA, is the deputy secretary general of APC. Both base their advocacy on the principle of “land to the tiller” and class struggle and say they are opposed to

52 Peraturan Daerah Rencana Tata Ruang Wilayah (RTRW) Provinsi Kalimantan Barat no 5/2004, 1 July 2004. On the other hand, 58 families that had been operating fish farms for years were declared suspects in March 2009, accused of violating the 2000 decree. They resisted through protests and demonstrations for the next three years. After a long period of legal limbo, during which they were allowed to continue with activities while still under the threat of prosecution, the police seemed to drop the case, thanks in part to new forestry regulations (Revision 936/2013) and Joint Ministerial Regulation of 17 October 2014 that was more accommodating toward people living in protected forests.

53 In 2005, via a decision of Pontianak's then bupati, just over 4,000 ha had been reserved in Dabong for the same purpose but the area was apparently then reduced.

54 Dewan Pimpinan Provinsi Kalimantan Barat Lembaga Pemantau Penyelenggara Triaspolitika Republik Indonesia (LP2TRI), Surat no 21/DPD.LP2TRI/11/2012 kepada Dirjen Pembinaan Pengembangan Kawasan Transmigrasi di Jakarta, 12 November 2012.

“imperialist globalisation, feudalism and state repression.”⁵⁵

A. AGRA and Palm Oil

AGRA was born in 2004 in the midst of a post-Soeharto optimism in many activist organisations that genuine land reform was possible. It was part of a flowering of leftwing organisations, most of which were offshoots of the Democratic People's Party (Partai Rakyat Demokratik, PRD), a student activist-led organisation born in the waning days of the New Order government that consciously modelled itself as a socialist movement. Most of its top leaders were imprisoned as a result; many emerged after 1998 as leading intellectuals and policy-makers of the reform era. Among the peasant unions that emerged at this time, AGRA was among the most militant.

AGRA's entrance into the Sintang Raya conflict came as nationally and internationally, it was trying to increase its visibility. On 1 May 2008 it joined 33 other organisations in establishing the Front for People's Struggle (Front Perjuangan Rakyat, FPR), an alliance of progressive farmers and workers committed to social change.⁵⁶ In July 2009, it joined the launch of APC's "Stop Global Land Grabbing!" campaign that aimed to send a caravan of Asian peasants from the Philippines to Bangladesh and Sri Lanka in a show of solidarity. One of their goals was to revoke the operational permits of large-scale palm oil plantations and prevent the issuance of new ones on the grounds that such plantations tended to force farmers off their own lands, reduce food security, create social unrest and damage the environment.⁵⁷

West Kalimantan, with vast amounts of land locked into timber, mining and plantation concessions, became one of AGRA's most fertile areas for recruitment. Its *modus operandi* was to have local staff keep an eye out for new or ongoing conflicts; send organisers in; then raise the visibility of the case through mostly non-violent mass actions, including occupation of contested land and "long marches". Occasionally, these actions spilled over into vandalism of the property and equipment of the protest targets, often multinational agribusinesses. The Pontianak office of AGRA said it heard about the problems in Kubu Raya when it was training fisherfolk from Teluk Pakedai, on the coast of Kubu subdistrict.⁵⁸

AGRA organisers decided to visit Seruat II and began intensive conversations with Yunus, then head of an independent cooperative. AGRA encouraged the farmers to form a union to strengthen their position. They also explained the regulations governing plantations and the rights of the farmers. Their efforts bore fruit: on 1 August 2010, the Kubu Raya Peasant Union (Serikat Tani Kubu Raya, STKR) was born, with bases in Seruat II and Mengkalang, and with Yunus as head.

55 APC powerpoint presentation, undated, <http://asianfarmers.org/31staprccivilsociety/APC%20powerpoint%20to%20DR.pptx>. For a sample of AGRA's position see <https://agraindonesia.wordpress.com/2008/05/12/pendasaran-obyektif-alian-si-dasar-buruh-dan-petani-melawan-rezim-anti-rakyat-di-indonesia-dalam-periode-krisis-umum-imperialisme/> 1 May 2008.

56 See "Tentang FPR" in <https://fprsatumei.wordpress.com/tentang-fpr/>. The other members were Gabungan Serikat Buruh Independen (GSBI); Asosiasi Tenaga Kerja Indonesia di Hongkong (ATKI-HK); Organisasi Pekerja Seluruh Indonesia (OPSI); Serikat Buruh Aspirasi Pekerja; Indonesia (SB-API); Serikat Buruh Koas Eterna Jaya Industries (SBK-EJI); Front Mahasiswa Nasional (FMN); Gerakan Mahasiswa Kristen Indonesia (GMKI); Himpunan Mahasiswa Budhis Indonesia (HIKMAHBUDHI); Gerakan Mahasiswa Nasional Kerakyatan (GMNK); Perhimpunan Mahasiswa Katolik Republik Indonesia (PMKRI); Central Gerakan Mahasiswa Universitas Bung Karno (CGM-UBK); Sarekat Hijau Indonesia (SHI); Liga Pemuda Bekasi (LPB); Komite Pemuda Cengkareng (KPC); Arus Pelangi (AP); Gerakan Angkatan Muda Kristen Indonesia (GAMKI); Himpunan Mahasiswa Islam (HMI); Gerakan Mahasiswa Nasional Indonesia (GMNI); Pergerakan mahasiswa Islam Indonesia (PMII); Forum Pemuda Kota Bekasi (FORDASI); Gerakan Rakyat Indonesia (GRI); Serikat Pekerja Hukum Progresif (SPHP); Serikat Becak Jakarta (SEBAJA); Jaringan Rakyat Miskin Kota (JRMK); International NGO Forum of Indonesia Development (INFID); Institute for National and Democratic Studies (INDIES); LP3ES; MIGRANTCARE; Urban Poor Consortium (UPC); UPLINK; PBHI Nasional; Cianjur Peduli Migrant (CPM); and Jaringan Advokasi Tambang (JATAM).

57 See for example Lembaga Gemawan, "Cabut Izin Perusahaan Sawit," 6 May 2009, where AGRA is cited as one of the organizations backing a ban on large-scale sawit organizations in Sambas, West Kalimantan.

58 IPAC interview, head of AGRA, Pontianak, 15 March 2016

B. STKR's Activities

It took almost another year for the union to publicly announce its existence, but on 11 July 2011, it officially came into being with branches in the villages of Seruat II, Mengkalang, Mengkalang Jambu, and Sungai Selamat (also known as Sui Selamat) and additional members in Olak-Olak Kubu and Desa Pelita Jaya, altogether totalling some 500 members, by the union's count.⁵⁹ For those who joined, STKR was seen as providing information unavailable elsewhere about the status of land ownership, the HGU and palm oil plantations in general. Sintang Raya saw the union as a provocateur and accused it of being backed by CTB.⁶⁰ AGRA and FPR saw the Sintang Raya conflict as one of many that could be used to draw attention more widely to the problems of large-scale plantations and the need for land reform.

STKR, backed by AGRA, also expanded the range of advocacy options available to the farmers. On 20 September, five farmers from Olak-Olak Kubu and Pelita Jaya, with STKR's encouragement, filed a formal petition in the local administrative court (Pengadilan Tata Usaha Negara, PTUN) against Sintang Raya and the local land office. All five claimed to have land certificates given to them as transmigrants in 1999, and all argued that they had never turned over their land to Sintang Raya although they *had* turned it over to CTB on the understanding that they would be included in a smallholder program.⁶¹

Sintang Raya saw the sequence of events differently. Officials said they only realised in 2011 that the 800 ha turned over two years earlier to CTB through the the Sawit Harapan cooperative actually fell within their HGU. They said they only belatedly understood what had happened because they had concentrated on opening a different part of the concession first. In May 2011, the company filed a criminal complaint against CTB for illegal seizure of 871.4 ha. Officials suggested that the legal petition filed by the five farmers was CTB's chosen method of retaliation.⁶²

The allegation that CTB was involved from the beginning in the case is strengthened by the fact that just over a month after the five farmers submitted their petition, CTB filed a case in the same court with the same legal team, arguing that Sintang Raya had taken a large tract of land in Olak-Olak Kubu and Pelita Jaya – including the plots owned by the five farmers -- that it had been allotted through its operational permit and that it had already planted with oil palm. The court handed down victories to both the farmers and CTB on the same day, 9 August 2012.⁶³ Sintang Raya immediately appealed.

While the court case was proceeding, on 20 December 2011, STKR organised a demonstration involving farmers from five villages. They succeeded in getting support from Kubu Raya bupati Muda Mahendrawan, who from the beginning was seen as an ally; indeed, Sintang Raya saw him as close to CTB where his brother was employed.⁶⁴ In 2008, Muda had also been the notary who prepared the documentation for the agreement between CTB and the Sawit Harapan Jaya cooperative. But in Pontianak's poisonous political culture, some of CTB's strongest backers also saw Muda as an enemy and defeated him when he stood for a second term in 2013. It may be that Muda, who was named as a model bupati by TEMPO magazine in 2013, was what he seemed to be: a rare example of a local government official who put the interests of his

59 IPAC interview, head of STKR, 16 March 2016.

60 "Tanggapan PT. Sintang Raya atas tuntutan Serikat Tani Kubu Raya (STKR) p. 5.

61 Pengadilan Tata Usaha Negara Pontianak, "Salinan Putusan Nomor 36/G/2011/PTUN-PTK", 9 August 2012. In addition to their land claims, the farmers argued that the 2007 extension of Sintang Raya's location permit was invalid because it was signed by the deputy bupati, whereas by law it could only be signed by the bupati. They also argued that the company had not created an enclave as it should have for cultivated land and residential areas.

62 IPAC interview, Sintang Raya official, Pontianak, 15 June 2016.

63 For the verdict, see "Putusan Pengadilan Tata Usaha Negara Pontianak No 3/6/2011 PTUN-PTKI", 9 August 2012." The law firm employed was H. Roliansyah, SH.MH. & Rekan and the letters empowering them to act were issued on 11 September 2011.

64 IPAC interview, Sintang Raya official, Pontianak, 15 June 2016.

constituents first.⁶⁵

In a letter dated 21 December, addressed to the president of Indonesia with copies to the head of the National Land Agency (Badan Pertanahan Nasional, BPN) and the Governor of West Kalimantan, the bupati outlined the problems with Sintang Raya's HGU. He noted that he had repeatedly written the head of BPN, without result, to urge that the company be made to fulfil its promises of reserving 20 per cent of the concession for smallholders.

As a new kabupaten, Kubu Raya strongly supports investors, including palm oil investors whom we hope will open up employment opportunities and bring prosperity to the local people. What we don't want is investment that marginalises the locals, so that they only become plantation coolies, not smallholders in the plantation that has come to their villages. BPN has the authority to issue HGUs and they can be cancelled through petitions to the administrative court. But this takes a very long time, and the people are losing patience with forever holding demonstrations and protests to revoke the HGU. BPN can also cancel HGU on the grounds that it includes the people's productive agricultural land. [...] To prevent the criminalization of the people by the company, we ask you as president to direct the head of BPN to settle the problem of Sintang Raya's HGU, by reviewing it and revising it so that it does not hurt the local people.⁶⁶

The letter, drafted by STKR, had no hope of reaching the president. But it was a way of giving the farmers a sense of political momentum, and the bupati's support was real – so real, in fact, that a few weeks later, on 9 January, Sintang Raya sent hundreds of its employees, many of whom were also villagers, to protest in front of the bupati's office.⁶⁷ A spokesman for the demonstrators specifically referred to the letter and said the bupati had no right to intervene. He accused CTB of illegally buying up land from 500 villagers through corrupt village officials, but that the land in question had earlier been turned over to Sintang Raya. The company had filed a report with the police, and the bupati's letter was seen as interference in a criminal case. "We aren't trying to bring down the bupati," the spokesman said, "We just want him to straighten out a crooked program." He then questioned STKR's bonafides and suggested that it should be reported to the police for failing to register with the local office of the home affairs ministry (*kesbangpol*).⁶⁸

One of the protestors said the whole problem went back to *pemekaran* and the division of Pontianak district. He said Sintang Raya's legal standing had been clear but then Kubu Raya was created, and CTB came in with a new concession on Sintang Raya's land. The villagers, he said, were caught in the middle.⁶⁹

Throughout 2011 and 2012, farmers organised by STKR continued their protests against Sintang Raya, including by trying to take over their heavy equipment, such as bulldozers; remove it from their villages; or obstruct the ability of the company to enter the concession area.⁷⁰ Farmers in Dabong removed the company's equipment at least five times between 2011 and 2012 because they saw it as encroaching on SP2, the transmigration site. "I gave up 50 betelnut trees in the interests of transmigration, not for palm oil," said one farmer.⁷¹

In Seruat II, Sintang Raya approached individual farmers with compensation for any crops

65 "Muda Mahendrawan dapat penghargaan 'Bukan Bupati Biasa' Tempo", *Tempo*, 12 February 2013.

66 Surat Bupati Kubu Raya No 525/1145/Pertanahan-A, 21 December 2011.

67 "Bupati KKR Jadi Sasaran Demo", *Equator*, 10 January 2012.

68 Ibid.

69 Ibid.

70 "Melawan Perusahaan Sawit, Perjuangan Warga Seruat Berbuah Manis", www.mongabay.co.id, 6 May 2014. The farmers destroyed a bridge to deny the company access on 28 May 2012.

71 IPAC interview, Dabong villagers, 17 March 2016.

growing within their HGU so they could clear it and plant more oil palm.⁷² But these efforts to go around the farmers organised by the union only created more anger. On 28 May 2012, a group of farmers stopped an excavator from operating the village, in an action captured by ruai-tv, a citizen journalists' television station.⁷³ In August, Seruat II head Zakaria issued a new statement banning the company from any activities on cultivated land, even as more households signed up for compensation.

Then in mid-2012, Kubu subdistrict was struck by an attack from insects (*oryctes rhinoceros*) which damaged more than 3,000 coconut trees and ruined the income that farmers in Seruat II and Mengkalang normally got from copra, a coconut byproduct. Such an infestation had never occurred before and was apparently a frequent by-product of oil palm cultivation.⁷⁴ It only increased local anger toward the company, and the protests became more heated.

On 7 August 2012, STKR members from Seruat II, led by Zakaria, met in the Sintang Raya concession area with local police and company officials in yet another unsuccessful effort to establish boundaries of the different claims. The atmosphere was turning ugly, and STKR head Majid had asked people to disperse to avoid a clash. Suddenly, flames rose up from the area where the meeting had been taking place and by the time the fire was extinguished, some 180 ha had been burned, at a cost to the company of some Rp. 12 billion (about US\$1.2 million). On 1 September police arrested a farmer named Iskandar in connection with the incident, but he was quickly freed through the intervention of the village head after an angry crowd massed at the police station. Activists raised the cry of "criminalization" because Iskandar reportedly had been apprehended by police in plainclothes without a proper warrant, although it was never clear whether there was *prima facie* evidence against him.⁷⁵ The identity of the arsonists was never established, if indeed it was arson: STKR claimed it was a dry season bush fire.⁷⁶

V. MORE BATTLES OVER UNFULFILLED PROMISES

As STKR was organizing the farmers, some efforts at settlement were underway but they were piecemeal and in many cases, created new problems – most again caused by lack of information. In the midst of it all, a local election changed the political dynamics and brought a pro-company bupati to power.

A. Compensation in Dabong

In Dabong, Sintang Raya decided to assuage the anger of the farmers who had been promised smallholder plots – together covering 514 of the HGU's 602 ha in Dabong -- by providing compensation to those concerned. On 13 February 2012, it gave Rp. 1,204 billion (about US\$ 133,038) to the head of the hamlet of Sembuluk where the resistance was centered, to be allocated to those who had been promised *plasma* holdings and with some additional funds for the village.⁷⁷ Some 57 families rejected the compensation, seeing it as a one-sided decision of the

72 In one transaction, two farmers together received a cash payment from the company of just under Rp.64,489,000 (about US\$ 7,144) in February 2012 for crops (*tanam tumbuh*). The receipt, signed by the two farmers, does not specify where within Seruat II the land is located.

73 See www.ruaitv.co.id for a wide range of videos about Seruat II and the resistance to Sintang Raya.

74 Marcus Colchester and Sophie Chao (eds.). *Oil Palm Expansion in Southeast Asia: Trends and Implications for Local Communities and Indigenous People*, 2011, p.206

75 Lembaga Gemawan, "Menurani Konflik Warga Seruat Dua vs PT Sintang Raya", 3 September 2012.

76 IPAC interview, head of STKR, Seruat II, 16 March 2016.

77 "Nota Konsep PT. Sintang Raya nomor 026/SR-SSL/II/2011 tanggal 13 Februari 2012" and photocopies of receipts for Rp. 1.204.000.000 to the people of Sembuluk. The concept note signed by Sintang Raya's director, Johnny Wijaya, and its president, Lee Sang Woo, states that 602 ha claimed by Sembuluk residents lies within the company's HGU. Villagers understood this to be plasma. They agreed to compensation of Rp. 2.000.000 per ha.

Sembuluk hamlet head to go along with the company rather than fight for securing smallholder status.⁷⁸ It was also not clear how the funds were actually distributed, because not everyone with claims actually received payments.

Likewise, with the village head of Seruat II rejecting Sintang Raya's HGU, the company paid heads of neighbourhoods (RT) a total of Rp 64,289 million (about US\$7,000) in 2012 to try and win their cooperation.⁷⁹

B. Out of Court Settlement in Olak-Olak Kubu

In Olak-Olak Kubu, the competing companies reached a settlement. As noted above, Sintang Raya had filed a criminal complaint against CTB in May 2011, accusing it of planting oil palm on 870 ha in Olak-Olak Kubu and Pelita Jaya that lay within its concession. After losing in the administrative court in August 2012 and even before its appeal had been heard, Sintang Raya apparently decided that its best option was to reach an out-of-court settlement with CTB. If CTB would acknowledge Sintang Raya's right to the land in question, it would pay compensation to its rival for the oil palm planted. Accordingly on 27 September 2012, an agreement was worked out whereby Sintang Raya paid CTB Rp.30.81 billion [US\$3.21 million] for the oil palm already planted and CTB relinquished its claim. But because there were few good markers, no one appeared to be quite sure where the boundaries of the tract actually were.

Moreover, no one told the farmers, to whom CTB had promised a *plasma* share, that this agreement was in the works, and no one informed them of the settlement afterwards. From this point on, the farmers in Olak-Olak Kubu and Pelita Jaya were as much in a fight with CTB as with Sintang Raya. From a series of meetings held by a kabupaten government team in March and April 2013 with representatives of Sintang Jaya and villagers, it appeared four specific tracts were in contention:

- The 874.3 ha in Sintang Raya's HGU that was the subject of the settlement. The questions were how the boundaries were going to be determined and whether farmers would receive any of the compensation funds that Sintang Raya had paid.
- 151 ha of the above tract that had been promised by CTB as *plasma*. Farmers demanded that Sintang Raya, as the newly acknowledged holder, abide by those promises, but the company maintained that it had to know the exact boundaries first.
- An additional 160 ha of land within Olak-Olak Kubu that CTB had promised as *plasma*, according to the head of the local cooperative there.
- 31 ha within the hamlet of Melati. There was some confusion as to whether this was inside or outside the 151 ha but because it contained productive land, the farmers who claimed it wanted it enclaved. CTB seemed to take the position that the land in question was within its concession but not within the area compensated by Sintang Raya.⁸⁰

CTB did not send a representative to any of the meetings, and various participants, including the village head of Olak-Olak Kubu, accused it of operating in bad faith.⁸¹ Sintang Raya positioned itself as the company that had the villagers' interests at heart. It said all of the land in question was within its HGU; that it would honour all agreements made by CTB; and that it

78 List of participants and notes of meeting of Dusun Sembuluk, Desa Dabong, 25 August 2014.

79 "Berita acara serah terima ganti rugi tanam tumbuh PT Sintang Raya dengan warga Desa Seruat II", 22 February 2012.

80 See "Notulen Rapat" from meetings held on 5 March, 28 March, 11 April, and 23 April 2013.

81 Tim Pembinaan, Pengawasan dan Penilaian Penggunaan Lahan (TP4L), "Notulen Rapat", 11 April 2013, p.2.

would continue discussions on how to handle the 31 ha.⁸² None of the agreements seemed to mean anything. CTB continued to work the 151 ha it had supposedly settled with Sintang Raya, and farmers continued to demand smallholder rights that both companies failed to provide.

The five farmers continued to win in court, however. On 19 June 2013, they won their first appeal, and the case then went to the Supreme Court.

C. *The District Election in Kubu Raya*

In the midst of it all, Kubu Raya held an election for bupati on 19 September 2013. Muda Mahendrawan, the incumbent, stood as an independent in a field of five, with the support of STKR and other backers. He lost by a narrow margin, 42 per cent to 43.7 per cent, to Rusman Ali, a strong ally of the West Kalimantan governor. One of the other candidates, David Maryansyah, was said by Muda supporters to be a “puppet” candidate, backed by the governor to enter the race so that he would take away votes from Muda from among the transmigrants and allow Rusman to win.⁸³ A Madurese, he had particular support among some of the displaced Madurese who had fled violence in 1996-7.

Muda immediately filed a case with the Constitutional Court, alleging systematic and widespread fraud through payments to voters by several different teams, including one alleged NGO set up just before the election to advocate on behalf of farmers and fisherfolk.⁸⁴ The head of the NGO, Ujang Sukandar, was also head of the party, Partai Bintang Reformasi, which supported Rusman Ali. (Later elected to the provincial legislature, he was arrested in 2016 in a corruption case for distributing fake fertilizer to farmers.⁸⁵) The evidence provided by Muda was overwhelming and Rusman Ali’s legal team generally responded to each point by saying, “Not true.” Nevertheless, the court upheld Rusman’s victory.

The election results in Kubu Raya subdistrict were particularly interesting. In Dabong village, where farmers had earlier mobilized against Sintang Raya and Ujang Sukandar’s efforts reportedly had been particularly intensive, Rusman Ali won by two votes over Muda. Seruat II was the only village that Muda won by a landslide, and that was where STKR support was strongest.⁸⁶

D. *Social Issues on the Plantation*

As the land issues were being thrashed out, other issues arose between the communities and Sintang Raya. One sore point involved villagers appointed as “public relations staff” (*humas*). These were mostly local people whose mission, according to their detractors, was to persuade their friends and neighbours to turn over their land, including by offering them money at time when they most needed it, such as just before the end of Ramadan.⁸⁷ Villagers active in STKR regarded them with contempt:

They’re all spies. In Seruat II, there are 26 people. They don’t have to work. Their job is to report on everyone’s activities, and if people want to go to their fields, they obstruct them. That’s it, that’s all they do. If this conflict never ends, these people will still get their salaries. So it’s logical to assume that they don’t want a settlement.⁸⁸

But there were wheels within wheels within wheels, and several individuals seemed to be playing both ends against the middle. One man who worked as a *humas* for Sintang Raya

82 TP4L, “Notulen Rapat”, 23 April 2013, p.2.

83 David won 9 per cent of the votes. Had those votes gone to Muda, he would have won.

84 The NGO was Forum Komunikasi Petani dan Nelayan Kabupaten Kubu Raya (KOMPAK), led by Ujang Sukandar.

85 “Ujang Sukandar ditahan,” *Pontianak Post*, 30 April 2016.

86 See Mahkamah Konstitusi, Keputusan Nomor 145/PHPU.D-XI/2013, 31 October 2013, p.32.

87 IPAC interview, head of STKR, Seruat II, 16 March 2016.

88 IPAC interview. head of Seruat II village, 16 March 2016.

doubled as a security guard for CTB.⁸⁹

Many of the farmers became wage workers, on the plantation or in the palm oil factory. For some it was more than they earned as farmers. In 2012, the daily wage for a male worker on the plantation was Rp.35,000 a day, Rp.30,000 for a woman. At harvest time, the wages could go up to Rp.50,000 a day or more.⁹⁰ (A nearby plantation paid its workers Rp.56,000 a day).⁹¹ Four years earlier, in 2008, the average daily income for a *household* in peatlands of Kubu Raya with a holding of 2.8 ha was roughly Rp. 43,000 day.⁹² A survey carried out in 2015 in a neighboring concession in Kubu Raya found that 80.1 per cent of 200 respondents had experienced a rise in income after the palm oil concession came in.⁹³ Some farmers were therefore better off working for the company, but for many, the promise had been to be a smallholder and therefore retain land while having a share in some of the profits of the company. It was this promise that for many remained unfulfilled.

Moreover, even if income rose, there were trade-offs. Before palm oil came in, farming families generally had three options, to search for food and income via the forest, the rivers, or the fields. One example was in the village of Mengkalang Jambu – a village with land that lay partly within CTB's concession area and partly within Sintang Raya's. After the insect infestation nearly destroyed their coconut fields in 2012, villagers turned more to fishing to supplement household income. But since 2013, fishing has become less reliable as an alternative source of cash, with dwindling supplies of shrimp and crab. "Now we go to the sea just for our own food," said one man.⁹⁴ As their options have narrowed, more have become plantation labourers.

Sintang Raya claims that it employs around 3,000 workers, 80 per cent of them locals.⁹⁵ But many of these work as wage labourers, not as full-time employees. One of STKR's demands was for more of these labourers to be given job security through contracts that guaranteed a steady income. The company also relied on labor recruiters to bring in migrants from elsewhere in Indonesia. One case involving 36 workers from Lombok, six of them underage, drew media attention to working conditions in the concession. The company recruited the men and boys through a labor supplier, PT. Lombok Sejahtera. A day after they arrived in May 2013, 26 of them ran away to Pontianak where they sought help from Lembaga Gemawan, an NGO. They said the wages were not what they were promised.⁹⁶ They said they were told when they were recruited that they would receive Rp. 1.76 million per month plus overtime. They would have adequate housing with clean water and get an allowance of 15 kg of rice per month. When they actually signed with the recruiting company, the promised wages had already dropped to Rp.1.16 million a month but they were still told they would get overtime, only to discover on arrival in Kubu Raya that they would not. Moreover, they learned from other workers that the monthly rice allowance rarely exceeded 4 kg.⁹⁷ They demanded to be sent home.

Lembaga Gemawan told the workers that the problem of the broken promises was with the labor recruiter, not with Sintang Raya, but also said that both the recruiter and the company

89 IPAC interview, head of STKR, Seruat II, 16 March 2016.

90 M. Zainuri, Junaidi H. Matsum, Yoseph Thomas, "Tingkat Pendapatan, Sosial Budaya Dan Jarak Rumah Dengan Sekolah Sebagai Faktor Penyebab Anak Putus Sekolah Di SMPN", research paper, 2013.

91 Sulastrri, *Peranan Perkebunan Kelapa Sawit*, op.cit.

92 Herman, Famuddin Agus, IGM Subiksa, Eleonora Runtunuwu, and Irsal Las, "Analisis Keragaman Usaha Tani dan Opportunity Cost Emisi CO2 Pertanian Lahan Gambut Kabupaten Kubu Raya, Kalimantan Barat". Riset Perkebunan Nusantara dan Balai Besar Pengembangan dan Penelitian Sumber Daya Lahan Pertanian, Bogor, 2012, p.130.

93 Sulastrri, *Peranan Perkebunan Kelapa Sawit*, op.cit.

94 IPAC interview, fisherman and coconut farmer, Mengkalang Jambu, 17 March 2016.

95 "Tanggapan PT Sintang Raya atas Tuntutan Serikat Tani Kubu Raya, Kecamatan Kubu, Kabupaten Kubu Raya", 10 March 2016, p.5.

96 "36 Pekerja Asal Lombok Telantar di Kalbar", Kompas.com, 6 May 2013.

97 Ibid, and "Merasa Ditipu, 26 perkerja sawit PT Sintang Raya Kabur," *Tribun Pontianak*, 4 May 2013.

could be held responsible for violating Indonesian laws against child labor and trafficking.⁹⁸ Sintang Raya quickly announced that it would send the 26 back at its own expense, which it did.⁹⁹ This did not stop NGOs from continuing to use the case as proof of Sintang Raya's "violations".

E. The Plasma Issue

As far as the villagers were concerned, the main reason for talking to the companies in the first place had been the promise of *plasma*, smallholder shares. Everyone knew that huge profits could be made from palm oil, and the dream of many in Kubu Raya was to have a share in that income – not just to work as wage labourers. It was in the expectation of being a smallholder that some farms agreed to turn over land. In areas where *plasma* was implemented, the company would help the farmers form a cooperative that would sign a partnership agreement with the company and then manage the harvesting and sale of the palm fruit as well as a division of profits with the cooperative members. The agreement included details about the management of the plantation by a Plasma Team and the deductions that the company could take for management costs as well as inputs.

After all the promises that Sintang Raya had made about plasma since it first began operating in Kubu Raya, it was not until 10 January 2014 that the first agreement was signed with the cooperative in Dabong and by early 2016, three more cooperatives in Olak-Olak Kubu, Sui Selamat and Seruat III had signed. Almost at once disputes arose over the choice of cooperative managers who would be in charge of payments to smallholders. In Mengkalang Jambu, for example, some farmers rejected the selection of the head of the cooperative because he was the elder brother of the village head, and it was seen as nepotism. Some farmers in Olak-Olak Kubu also felt there was an indefensibly huge gap between the income received by the cooperative managers and that of the plasma farmers.¹⁰⁰

The biggest problem, however, was over the company's obligation under its HGU to set aside 20 per cent of concession land for smallholders. With a total land area of 11,128.9 ha, Sintang Raya should have prepared 2,200 ha for smallholders, yet by early 2016, only 1,362 had been set aside.¹⁰¹ The company said it was working to increase this amount, but STKR and farmers interviewed said this should have been done from the moment the company received its operational permit.

The farmers also maintained that the plantations law and regulations from the agriculture ministry were clear that the 20 per cent referred to land within the HGU, although they may have been unaware of a 2013 amendment to the relevant ministry regulation that undermined their position.¹⁰² Sintang Raya, however, citing a 2007 decree from the directorate of plantations and a 2009 directive from the provincial office of plantations, said that the 20 per cent referred to additional land outside the plantation, and this meant they needed to acquire more land.¹⁰³ In many of the land conflicts that have arisen in Indonesia, the unclear regulatory framework has been a major exacerbating factor.

98 "Gemawan: PT Sintang Raya Pekerjaan Anak Bawah Umur," *Tribun Pontianak*, 4 May 2013.

99 "26 Pekerja dipulangkan," *Kompas*, 8 May 2013.

100 IPAC interview, Olak-Olak Kubu villagers, 17 March 2016.

101 "Tanggapan PT Sintang Raya atas Tuntutan Serikat Tani Kubu Raya, Kecamatan Kubu, Kabupaten Kubu Raya", 10 March 2016, p.3.

102 Article 11 of Agriculture Ministry Regulation 26/2007 states that 20 per cent of the total land area of the concession should be reserved for "people's plantations" (*kebun masyarakat*), a reference to smallholders. This was superseded in 2013 by Regulation 98/2013, however, which states that any company with a concession of 250 ha or larger has an obligation to facilitate the development of "people's plantations" equivalent to 20 per cent of the concession area but located outside the concession area itself. See Potter, op.cit, p.324.

103 Surat Direktorat Jenderal Perkebunan No. 396/02.140/21.1/07/2007, 25 July 2007 and a directive from the Dinas Perkebunan Provinsi Kalimantan Barat No. 525/1595/PTP/XI/2009, 9 Desember 2009.

VI. THE CONFLICT ENTERS A NEW PHASE

On 27 February 2014, the Supreme Court ruled in favour of the five farmers and triggered a new wave of conflict. Unlike the administrative court rulings, which granted the farmers their land but did not directly affect the HGU, the Supreme Court directed the the Pontianak land office to revoke the HGU and issue a new one with the five contested hectares enclaved.¹⁰⁴ SKTR and its supporters were jubilant, but revoking the HGU was easier said than done.

An official in the land office said the ruling was unenforceable because no one knew exactly what the coordinates of the land claimed by the five farmers were – the boundaries were not mentioned on their certificates – and two of the claimants, Junaidi and Ali, probably had land outside the HGU.

STKR's reaction seemed to be that what counted was the legal victory, not the integrity of the plaintiffs:

If Junaedi lied, well, I don't know about that, what's clear is that he did us a great service, and without his land certificate to use, the HGU would not have been revoked.¹⁰⁵

The Pontianak land official stressed that his office was not unwilling to enforce the court ruling; in fact they had put in a request to BPN to change and reissue the HGU.¹⁰⁶ But without clear markers, implementation was technically impossible.¹⁰⁷ Moreover, he said:

The ruling directed the local land office – that's us – to issue a new HGU. But that's beyond our authority, that's the authority of the central National Land Agency. If a baby is born, the doctor delivers it but a civil authority registers the birth, right? We're the civil authority here. Our job is to register the land but the head of the local office doesn't have the authority to cancel a HGU or issue a new one.¹⁰⁸

The company felt it was being unfairly targeted. From its perspective, it had paid tax on the full 11,000-plus ha since 2009, even though 1,270 ha had not yet been cleared or planted; it had been trying to get the plantation going for six years and kept finding new obstructions in its path. Now its entire HGU was under a cloud.

A. *The Company Takes a Harder Line*

After the court decision, both the company and the villagers seemed to lose patience. For SKTR and many of the villagers, the ruling meant that the company should immediately cease all activities until the new HGU could be issued.

In Mengkalang, an STKR stronghold, 77 people attended a village meeting to discuss developments regarding Sintang Raya. The mood was angry and the conclusion was clear: total rejection of the company, as indicated by some of the comments made and duly recorded in the meeting notes:¹⁰⁹

- “I opened this land with my own sweat, not so that Sintang Raya could make a profit.”
- “We've waited six years and there still is no information from the company about how it

¹⁰⁴ Supreme Court decision No. 550 K/TUN/2013, 27 February 2014.

¹⁰⁵ IPAC interview, head of STKR, Seruat II, 16 March 2016.

¹⁰⁶ Surat Badan Pertanahan Nasional Kabupaten Kubu Raya No. 53/13-61-12/VII/2015, 29 July 2015.

¹⁰⁷ IPAC interview, BPN official, Pontianak, 14 June 2016.

¹⁰⁸ IPAC interview, BPN official, Pontianak, 14 June 2016.

¹⁰⁹ “Berita Acara Rapat /Musyawarah Masyarakat Desa Mengkalang”, 10 March 2014, signed by Bahtiar A. Muin, village secretary and Haydi M. Sahat, village head.

intends to implement a partnership with us or the cooperative.”

- “On what basis is Sintang Raya trying to open land outside its HGU for *plasma*, when we already got that land through the [government] revitalisation program? There is no basis for its activities.”
- “What is Sintang Raya going to do about the damage it’s caused us with the pest infestation on our coconut trees? They used to produce, now they’re all dead, it’s because of all the trees that have been cut down.”

The villagers decided to turn their concerns into a formal complaint against the company.

Meanwhile, the company stepped up criminal complaints against villagers, with accusations against nineteen people filed in 2014 mostly for allegedly stealing palm fruit from its trees – but from land that the fruit pickers said was theirs.¹¹⁰ The villagers and STKR stepped up protests.

One case involved fifteen people from Olak-Olak Kubu accused of theft. They thought they had worked out a plasma agreement with CTB in the land that was surrendered to Sintang Raya in September 2012.¹¹¹ The kabupaten government tried several times unsuccessfully to get both companies to clarify the status of smallholder land that had been “given back” to Sintang Raya by CTB under the 2012 agreement. The fifteen farmers only found out in April 2014 that the settlement included compensation to *plasma* farmers and they should have been paid -- but since they received nothing, and no one from either company had been in communication with them, they harvested the fruit themselves on 17 August 2014. Sintang Raya saw the harvest as theft and reported them to the police on 20 August.¹¹² The men refused to answer summonses from the police until 22 June 2015, at which point they were all detained. They were sentenced to two months in prison and released for time served. While they were detained, their phones were confiscated and they said they were subjected to repeated intimidation by police.¹¹³

The village of Pelita Jaya split into opposing camps, one backed by CTB, the other by Sintang Raya, an aftereffect of the confusion and anger sparked by the 2012 settlement. Some villagers accused the former village head, Suyatni, of illegally confiscating their land certificates and then selling the land to CTB.¹¹⁴ The case was tried in the Mempawah district court in 2014, with the judges ruling that CTB had to return the certificates. One person who continued to protest against CTB was a lawyer named Awang Linong who worked as a *humas* employee with Sintang Raya. He also helped Sintang Raya prepare its criminal complaints against villagers, but he himself was accused of faking his university diploma.¹¹⁵ The villagers increasingly saw themselves caught between the interests of the two companies.

All of the pressure did bear some fruit, however. After six years of conflict, Sintang Raya and local officials finally got around to mapping the conflicting claims in Olak-Olak Kubu and Pelita Jaya. On 10 July 2015, they went back and looked at the original 1996 decision from the governor of West Kalimantan setting aside land for transmigration in Olak-Olak Kubu. They looked

110 “Data Pusat Bantuan Hukum Kalimantan Barat”, April 2016.

111 “Notulensi Rapat Tim Pembinaan, Pengawasan dan Penilaian Penggunaan Lahan (TP4L) Kabupaten Kubu Raya”, 26 March 2013.

112 “PT. Sintang Raya Bantah Lakukan Kriminalisasi”. www.suarapemred.co.id. Selasa, 30 June 2015.

113 Pusat Bantuan Hukum Kalimantan Barat, “Kronologis Kasus PT Sintang Raya dan PT.CTB vs Masyarakat Olak-olak Kubu”, undated.

114 “Warga Tuntut PT. CTB Kembalikan Sertifikat”, thetanjungpuratimes.com. 29 March 2016.

115 “Surat Hasil Verifikasi Ijazah”, letter sent by law faculty of Tanjung Pura University to Sintang Raya on 14 July 2014 stating that no one named Awang Linong was registered as a graduate.

at the 1998 decision of provincial land office in Pontianak to give ownership certificates to 460 transmigrants. They looked at the terms of the HGU awarded to Sintang Raya in 2009. Then they overlaid a map of the plots awarded to the transmigrants over a map of the HGU and found to no one's surprise that the HGU indeed encroached on the transmigration site, as the villagers had always claimed. Specifically, it had swallowed up the plots of 41 transmigrants who had never agreed to turn over their land and who had been trying as far back as 2011 to get someone to listen to them, without success.¹¹⁶ Some of the land was now already planted with oil palm. The company said it would consider the possibility of setting aside the rest as an enclave.¹¹⁷

Then as usual, nothing happened. A year later, the company was still "considering" what to do about it. Finally, in August 2016 it decided to remeasure its concession area, enclave some 55 contested hectares, and have BPN reissue its concession permit with the 55 ha removed. This had the potential for resolving one major part of Sintang Raya's dispute with villagers from Olak-Olak Kubu and Pelita Jaya, but the exact location of the 55 ha remained unclear as of late August. In addition, many of the Seruat II villagers remained militantly committed to Sintang Raya's expulsion.

B. The Case of Bambang Sudaryanto

In October 2015, the company petitioned for judicial review of the Supreme Court ruling. The petition was linked to Sintang Raya's alleged discovery that Bambang Sudaryanto, village head of Olak-Olak Kubu and one of the five plaintiffs, had falsified his identity card (KTP), meaning that he was not the real holder of Certificate 724, one of the land certificates at issue. The company filed a criminal complaint against him on 26 August 2015 at the Mempawah (formerly Pontianak district) police command. Its case appeared to be strong.

Bambang Sudaryanto had never shown any interest in working or claiming the land in question until matters between CTB and Sintang Raya came to a head in May 2011. Bambang and the other farmers took on the CTB attorneys as their legal counsel on 19 September 2011 and the next day filed a case against Sintang Raya.

When they filed the case, Bambang had an identity card in the name of "B. Sudaryanto." His birth certificate, however, is in the name of Sudaryanto only; he says that he was given the additional name of Bambang by an elementary school teacher who thought he needed a longer name.¹¹⁸

The problem is that there is another, more plausible Sudaryanto who says that he is the rightful owner of Certificate No. 724. Sudaryanto, born in Semarang in 1949, came to Olak-Olak Kubu in 1997 as a transmigrant, together with his wife and child. On the registration card for receiving initial subsistence payments, his name was misspelled "Sudaryanto" with a "d" instead of a "t", and it was in that name that his land certificate was issued in 1999. But he never picked up the certificate because the local official in charge was demanding an administration fee, and he had no money. He never worked the land in Olak-Olak Kubu because his wife got a job as a civil servant in 2003, and he followed her to a different village. He does not know how the certificate came into Bambang's hands.

The first Sudaryanto heard that there was an issue with the certificate was after the five farmers brought the suit against Sintang Raya, and the company began looking into their claims by checking the records at BPN. They found that the original certificate had been issued to "Sudaryanto", not "Bambang Sudaryanto" and proceeded to track down the original owner. The

116 The 41 farmers had complained to the West Kalimantan police in a letter dated 26 July 2011.

117 "Notulen Rapat, Pembahasan Data dan Peta, Nomor: 33/NR/SPP/VII/2015", 10 July 2015.

118 IPAC interview, Pusat Bantuan Hukum Kalimantan Barat (PBHK), Pontianak, 15 June 2016.

company had argued from the beginning that Bambang was too young to have received a land certificate. Their officials do not accept the argument that the father put the son's name on the certificate, because it would have been BPN that prepared the documents.

Bambang, who also acknowledges never having set foot on the land he now claims, also took several steps that the company argued was proof of bad faith. After the legal case was underway, he went to see Sutaryanto, apparently with the aim of persuading him to give up the claim.¹¹⁹ In January 2012, he obtained a letter from village officials authorizing him to change his identity card from "B.Sudaryanto" to "Sudaryanto" in 2012 so that it would match the name on the land certificate.¹²⁰ Village officials now say the letter was false because the numbering was out of sequence and was filled in on a typewriter rather than a computer that is now normally used. Finally, after the first victory in the administrative court, he took the land certificate to the CTB office in Pontianak to use as collateral to become a member of a CTB-run cooperative.

Bambang became village head of Olak-Olak Kubu, backed by STKR, and, one government official suggested, by CTB in 2013.¹²¹

On 12 September 2014, Sintang Raya filed a charge of falsification of documents against him with the provincial police in Pontianak. They dismissed it for lack of evidence. The company then filed a complaint with the district police office in Mempawah. This time it was accepted and Bambang was arrested under Article 263 of the criminal code for falsification of documents.¹²² On 12 May 2016, he was sentenced to eighteen months in prison.

AGRA, STKR and other NGOs continue to maintain his innocence and use the case as an example of the "criminalisation" of Sintang Raya's opponents.¹²³ It remains to be seen how the case will be affected by Sintang Raya's agreement to redraw its concession area.

VII. POSSIBLE BREAKTHROUGH OR CONTINUED STALEMATE?

Until July 2016, little progress had been made toward resolution. Sintang Raya was adamant it had done nothing wrong. STKR wanted it to stop work until the Supreme Court ruling was enforced. The land office continued to maintain it was unenforceable. Farmers who lost their land wanted compensation, smallholdings or both. In the meantime, various political interests seemed to be waiting like vultures to cash in on the conflict or benefit from one of the companies involved. The temperature was rising and the prospects for any mediated settlement seemed low. Then in quick succession came an escalation of the conflict with a disturbing new Dayak dimension and the company's decision to re-measure its concession with a view toward removing the most bitterly contested areas.

119 There were several peculiarities about the visit, not least of which was that Bambang was accompanied by a man named Wiryorejo who claimed to be Bambang's stepfather and Sudaryanto's father. Sudaryanto in 2011 would have been 62, so it is not impossible that his father was still living but his father was named Semin, not Wiryorejo. There is no blood relationship between Bambang Sudaryanto and Sutaryanto/Sudaryanto. But a father or step-father would have no bearing on the case anyway, since Sudaryanto himself was the original recipient of the certificate.

120 He says he had to change the ID card anyway because it had expired, and he decided to go back to his original name. At the time he requested a new ID, he had told a village official that it was for the purposes of opening a new bank account. "Kesaksian Musri bin Ahmad dalam Berkas Putusan Pengadilan Mempawah untuk kasus pidana Bambang Sudaryanto", Surat Putusan No 87/Pid.B/2016/PN Mpw, 23 May 2016. p.43.

121 IPAC interview, BPN official, Pontianak, 14 June 2016.

122 First, the older Sudaryanto reportedly testified to the police that he was the real owner of the land certificate. Then police noted that in the 2011 petition to the administrative court, Bambang had initially used an identity card (KTP) in the name of B Sudaryanto. In 2012, however, he submitted a different ID that matched the name on the land certificate. A village official accused him of stealing a blank application form for a KTP and filling it out. The official said that by 2011, KTPs were computerized but the KTP used by Bambang had been manually typed. See "Kades Olak-Olak Ditahan Kapolres: Gugat PT. SR dengan Surat Palsu," Pontianakpost.com, 25 February 2016.

123 "Kades Olak-Olak Ditahan, Kapolres: Gugat PT. SR dengan Surat Palsu," pontianakpost.com. 25 February 2016.

A. *More Demonstrations*

On 24 February 2016, the Supreme Court rejected Sintang Raya's demand for a judicial review. On the same day, STKR and AGRA organised a demonstration of some 100 people in front of Sintang Raya's office in Ambawang village. The protestors included many villagers but also employees of CTB who reportedly been given time off to attend.¹²⁴ They had a set of demands that covered all the grievances built up over the years: the demand for *plasma*, the return of land taken for the HGU, an end to "criminalisation." Despite a security detail of 200 police and 100 *humas* staff, violence broke out between the demonstrators and the *humas*, and several of those involved were slightly injured.

Two weeks later, on 10 March, Sintang Raya invited representatives of STKR to the Kubu sub-district office and offered a written list of answers to the villagers' grievances; they also published it in the local newspaper *Pontianak Post* two days later. It included much useful data about the company's activities. To date, it wrote, it had planted 9,300 ha of the 11,129.9-ha concession; an additional 556 ha was taken up with roads, buildings, irrigation channels and other infrastructure. It had given compensation based on "open and transparent" consultation involving village heads and the subdistrict heads. It understood it had an obligation to open 20 per cent of its HGU but it understood the *plasma* would be over and above the HGU, that is, an additional 2,200 ha. Its factory to produce palm oil was operational but because it was not yet getting a steady supply from the cooperatives it was buying palm oil fruit from third parties. It also listed all of the corporate social responsibility programs it had undertaken, from construction of the Mengkalang village head's office to rehabilitation of mosques.¹²⁵ STKR said it was disappointed with the response because it was only an explanation, not a concrete redress of the union's complaints.¹²⁶

On 4 June 2016, farmers from seven villages massed on the fifth anniversary of the issuance of Sintang Raya's HGU to demand that the company cease operations immediately as the first step toward implementation of the Supreme Court ruling. There were several odd aspects to the demonstration. First, it was far larger than the usual few hundred people that STKR could mobilise, with the local paper putting the crowd at about 1,000.¹²⁷ Second, in addition to demanding cessation of the company's operations, the protestors demanded compensation for all land seized, at a rate of Rp.22 million per ha. Suddenly the protests seemed less like a demand for rights and more like an attempt at getting money. Third and most bizarrely, the organisers this time were men linked to two Dayak organisations, the Dayak Defenders Front (Front Pembela Dayak) of West Kalimantan and the Dayak Customary Council. But almost none of the farmers affected were Dayak; they were overwhelmingly ethnic Melayu and Javanese – so why was it suddenly turned into a Dayak issue?

There seem to have been two answers. AGRA and STKR wanted back-up, and political interests close to the governor apparently were hoping to force Sintang Raya out so that interests closer to the governor could move in. The hook, however, for bringing in the Dayak groups was the claim of one Dayak adat leader named Harris to five ha of land in Sintang Raya's HGU, based on an ownership certificate issued in 2010 – that is, after the HGU had already been granted.¹²⁸

Two weeks before the demonstration the West Kalimantan Dayak War Commander (Panglima Perang Dayak Republik Indonesia, PPDRI), Simson Mihai – a political operator with

124 IPAC interview, Sintang Raya official, Pontianak, 15 June 2016.

125 "Tanggapan PT Sintang Raya atas Tuntutan Serikat Tani Kubu Raya," op.cit.

126 IPAC Interview, head of STKR, Seruat II village, 16 March 2016.

127 "Tujuh Desa Demo PT Sintang Raya," Pontianak Post, 7 June 2016.

128 IPAC interview, Sintang Raya official, Pontianak, 14 June 2016.

a criminal record for corruption -- had sent around a circular to Dayak leaders.¹²⁹ The letter forbade them from selling or taking over customary assets or changing the boundaries of fifteen customary areas (*benua adat*); it also warned about the danger of losing land to foreign companies.¹³⁰ While Kubu Raya was technically fell outside the closest of these areas (*Benua Kandayan*), Mihai nevertheless decided that Sintang Raya's plantation qualified as a threat to indigenous assets, apparently because of Harris's claim.

Petrus SA, the head of both Dayak groups, appeared as the spokesman and legal counsel for the demonstrators – many of whom had reportedly been paid to attend.¹³¹ He told the press:

This is our land, only it's not. We've been trampled, exploited and colonised by foreigners as you see here. This is Indonesia.¹³²

A Sintang Raya official claimed Harris was an employee of CTB, but it nevertheless offered to provide compensation to settle the claim.¹³³ After the demonstration, the Dayak Adat Council tried to put forward itself as the proper arbiter of the dispute with Harris, but the company, which had reportedly received threats from the Dayak groups, refused.

As it happened, both Petrus and Simson Mihai were long-time players on the local political stage and both were said to be close to the governor.¹³⁴ One local writer suggested their goal was purely economic: to get Sintang Raya's investors to pull out so others could move in.¹³⁵

B. AGRA steps up its Actions

On 9 July, AGRA organised about 100 people, several pick-up trucks and a motorboat to go to two blocks of the Sintang Raya concession and pick nine tons of oil palm fruit. They reportedly informed the police that the operation would take place and justified it by saying that since the Supreme Court had cancelled Sintang Raya's HGU, the land no longer belonged to the company. An official from Sintang Raya responded that the court had only ruled that the contested five hectares be removed from the HGU and that the harvest therefore was illegal and constituted theft. On 11 July, the company filed a criminal complaint and on 28 July, two of the organisers, Ponidi and Effendi, were arrested, prompting new accusations from the union about "criminalisation".¹³⁶ The action got little attention, however, outside Kubu Raya, so STKR and AGRA decided to raise the stakes.

On 23 July the two groups organised about a hundred men, women and children to march from Olak-Olak Kubu toward the concession area where some of their friends had set up tents

129 "Korupsi Melawi Diduga Dilakukan Merjamaah", *Tribunnews.com*, 8 July 2011. Simson Mihai was sentenced to two years in prison for a case involving cuts taken from a local public works project to build a sports stadium in Melawi.

130 Panglima Perang Dayak Kal-Bar RI, "Letter No. 127/PPD/RI/2016 re Benua-Benua Desa Lurah Temanggung Pemangku Adat Dayak", 18 May 2016.

131 IPAC interview, local author, Pontianak, 14 June 2016.

132 "Tujuh Desa Demo PT Sintang Raya", *Pontianak Post*, 7 June 2016.

133 IPAC interview with Sintang Raya official, Pontianak, 15 June 2016.

134 In 2014, Petrus stood for the People's Regional Council (DPD) and lost; he said that tens of thousands of votes that should have been his were stolen. "Caleg DPD Kalbar, Petrus SA Tuding Ada Pencurian Suara", *kapuas.tv*, 24 April 2014. In 2009, he was one of 33 members of the Bengkayang district council (DPRD) accused of corruption. See "Putusan Sela Korupsi Bengkayang," *Hukum dan Keadilan*, 15 March 2009. In 2004, when he was head of the council, he had been sacked by his party, PDIP, after accusing the then bupati of Bengkayang of corruption. He brought a lawsuit against the party after the sacking, demanding Rp.11 billion (US\$ 1.2 million) in compensation.

135 IPAC interview local author, Pontianak, 14 June 2016.

136 "Dua Warga Ditahan", *Pontianak Post*, 3 August 2016. Ponidi had come to the attention of the police several times before for trying to force the company's heavy equipment out of the village. <http://pontianak.tribunnews.com/2016/08/02/inilah-pengakuan-ka-yang-telah-mencuri-sawit-pt-sintang-raya> See also <http://sawitwatch.or.id/2016/08/pernyataan-sikap-bersama-komite-nasional-pembaruan-agraria-knpa-dan-jaringan/>.

in preparation for a planned occupation.¹³⁷ After about half a kilometre, the marchers were blocked by a combined force of police, paramilitary police, and Sintang Raya humas. Police told the villagers to go back because Sintang Raya supporters also had gathered at the occupation site and they wanted to prevent a clash. Angry, the marchers began pushing, shoving and exchanging blows with the police.

Police asked the organisers to appoint five individuals to help mediate an end to the stand-off, but AGRA refused, saying they had had enough of mediation and it never produced results.¹³⁸

As the clash turned uglier, two Dayak men were arrested for striking police officers. Akun and Ichsan (also spelled Iksan) were both members of the Benua Kandayan Farmers Union (Serikat Tani Benua Kandayan, STBK), an organisation based in the neighboring district of Bengkayang. It had never taken part in any of the earlier protests but appeared to have ties both to AGRA and to the militant Dayak groups linked to the Pontianak politicians.¹³⁹ Akun was eventually released; Ichsan was charged under the criminal code with assault and using violence against a civil servant carrying out his duties (Articles 351 and 212 of the Criminal Code).

The head of the Dayak Adat Association in Kubu Raya accused AGRA of exploiting Dayaks in their fight with Sintang Raya – which also suggested divisions in the Dayak community.¹⁴⁰

Police then arrested four other Olak-Olak Kubu villagers on various charges related to the clash, including assault and carrying sharp weapons – in this case machetes which the farmers claimed were used to set up their tents on the occupation site – as well as moving against others who had been involved in earlier incidents but never prosecuted. On 25 July, for example, police arrested Katin, a Dayak farmer, after he failed to respond to a summons in connection with the 24 February demonstration. He was alleged to have struck a Sintang Raya employee.

In response to the arrests, AGRA and STKR encouraged villagers to seek “refuge” from police harassment at the local office of KOMNAS-HAM. This is also a much-used technique by other groups – in 2015, another union organised a group of farmers from Jambi involved in a land dispute to go to the main KOMNAS-HAM office in Jakarta where they held court for more than two months and were featured in all the major national media. The move to the Pontianak office of KOMNAS finally pushed Olak-Olak Kubu’s struggle against Sintang Raya to the pages of national newspapers.¹⁴¹

C. Ways Forward

All parties seemed stuck, with seemingly little willingness to talk about a constructive way forward. This was clear from a meeting that *bupati* Rusman Ali tried to organise on 4 August, to which he invited both companies, village heads, AGRA and STKR, police and military commanders and various elected officials. AGRA and STKR refused to attend because they said it was clear from the invitation letter that the *bupati* was deliberately ignoring the root causes of

137 “Aksi Pendudukan Lahan Berujung Bentrok”, www.pbhk.org, 26 July 2016.

138 “AGRA Kalbar Ingin Dua Orang yang Ditahan Segera Debebaskan”, www.kalbaronline.com, 28 July 2016.

139 The head of STKR in a 24 July 2016 phone interview with IPAC denied that Serikat Tani Benua Kandayan had any links to AGRA, but in his deposition to the police, Ichsan said they had gone to Olak-Olak Kubu with eight others from Bengkayang to work on the oil palm plot of a farmer named Ayub. Ayub was the local head of STKR. He said they first heard there was going to be a demonstration on 21 July and decided to join in solidarity with the Olak-Olak Kubu farmers. Through his lawyer, Ichsan acknowledged having struck a policeman by accident as he was trying to find his friends. “Mempawah Berlebihan Menerapkan Pasal 351 dan 121 Kuhap Terhadap 2 warga yang demo di PT Sintang Raya”, Perkumpulan Bantuan Hukum Kalimantan, www.pbhk.org, 27 July 2016 and interviews at PBHK.

140 “AGRA Kalbar Minta Polisi Bebaskan Ichsan”. www.suarapemredkalbar.com, 26 July 2016. Lasem, head of Dewan Adat Dayak Kabupaten Kubu Raya, warned Wahyu Setiawan as head of the provincial office AGRA to stop the protests against Sintang Raya because Dayaks were getting a bad reputation as a result.

141 “Scared families stay in Komnas HAM office after land dispute”, Jakarta Post, 5 August 2016.

the conflict and trying to sideline them.¹⁴² Instead, the two groups went to see the PDIP bloc in the provincial parliament, urging it to get involved – which had the potential to further politicise the problem.¹⁴³

The police at the provincial (Polda) and district (Polres) levels took different approaches to the villagers at the KOMNAS HAM office, perhaps reflecting different patronage sources. From the beginning, the district police had been more sympathetic to the company, as was clear from their willingness to accept the complaint against Bambang Sudaryanto that the provincial police had rejected. With the Olak-Olak Kubu villagers, the provincial police projected leniency as opposed to the district police's toughness. On 10 August, the provincial chief told the "displaced" villagers there would be no more arrests as long as the conflict remained unresolved, so they could return home without fear.¹⁴⁴ No sooner did they return home, however, than they were met by eight officers from the district police carrying summonses for several villagers suspected of stealing oil palm fruit. AGRA and STKR returned to Pontianak to complain. A spokesman for the provincial police said the summonses would be withdrawn.¹⁴⁵

At the same time, various stakeholders interviewed for this report offered their own ideas for solutions. It was clear that a place to start was the Supreme Court ruling, even if some of the claims of the plaintiffs were dubious, even if the exact coordinates of their land were not clear. Agreement on the five ha would undercut the AGRA argument that the court ruling had rendered the whole HGU null and void, and could end some of the mass actions aimed at forcing the company out.

A Sintang Raya spokesman said it also wanted the ruling to be implemented as fast as possible because too many parties were capitalising on the HGU's unclear status. BPN recommended that a redrawn HGU exclude not only the five ha of the plaintiffs but also the 41 plots in Pelita Jaya, and an official said in June that the company was "considering" this recommendation.¹⁴⁶ Shortly thereafter, the company decided to go ahead with it. On 22 August BPN finished its measuring of Sintang Raya's HGU, and the new HGU certificate, removing 55 ha from the original concession area, was expected to be ready by 2 September. Even if some farmers accepted this solution, it would still leave unresolved the problems with villagers in the STKR strongholds of Seruat II and Mengkalang.

AGRA and STKR for now are taking the position that they want a resolution of the land seized unfairly for the HGU. This would include the return of all land obtained without free, informed and prior consent. If farmers had voluntarily turned over their land, that was their choice, and the union had no objection. The problem, aside from the fact that the proposal is unrealistic, is that much of the land taken unfairly is now planted in oil palm. One union official suggested a compromise that could involve an agreement whereby the trees already planted on the land would be given to the villagers as credit, and the loan would be repaid over time through cuts in proceeds from the sales of oil palm fruit.¹⁴⁷ That solution, however, would effectively turn all contested areas into *plasma* and could well create new demands in areas that hitherto have been working reasonably smoothly with the company.

142 "Bupati dan DPRD Pojokan STKR atas konflik warga dengan PT Sintang Raya," agraindonesia.org, 13 August 2016.

143 The PDIP bloc is closely linked to Governor Cornelis, provincial party chief of PDIP, who as noted above is allied to the Dayak groups that took part in the anti-Sintang Raya conflict.

144 "Semua Pihak Diminta Kawal dan Jaga Situasi," www.ruaitv.co.id, 11 August 2016. West Kalimantan police chief Brig.Gen. Musyafak's statement came in a meeting attended by Komnas commissioner Siti Noor Laila from Jakarta.

145 "Polisi akan Tarik Surat Panggilan untuk Warga Olak-Olak Kubu," www.ruaitv.co.id, 13 August 2016.

146 IPAC interview, Sintang Raya official, Pontianak, 15 June 2016.

147 IPAC interview, head of STKR, 22 January 2016.

VIII. CONCLUSIONS

The conflict in Kubu Raya has dragged on because there is no overarching authority to turn to for a solution, no neutral arbiter available to help find a way out. It is telling that a ruling from the Indonesian Supreme Court has taken more than two years to implement. This may be in part because the legal system more generally is held in low regard but also because there is little cost to the bureaucracy or anyone else for ignoring the court.

There is also no single official with the authority to bring others into line. The *bupati* wields immense authority locally but in this case, he was not seen as a neutral player. So many agencies at so many different levels of government have a piece of the action – local and national offices of transmigration, spatial planning, forestry, agriculture, and more – that finding a single authoritative voice may be a forlorn hope. That is why a company's own calculation of costs and benefits becomes so important in the search for a solution.

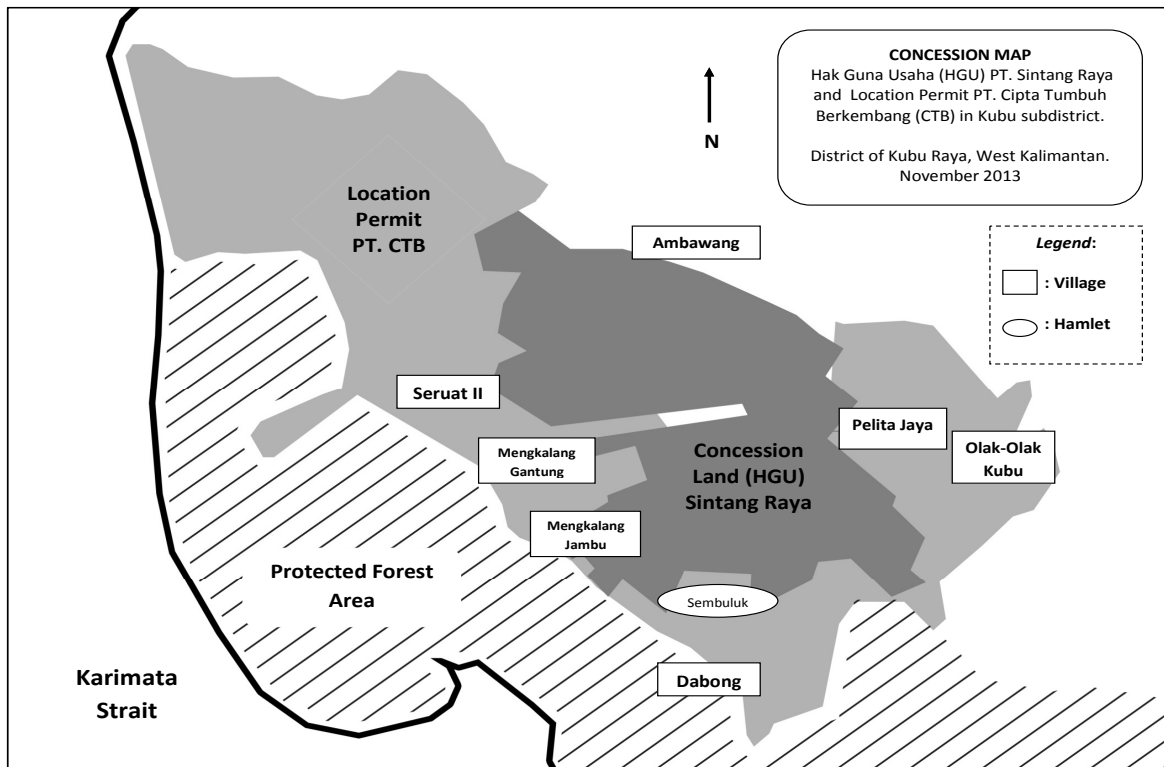
Sintang Raya could have avoided costly protests if it had moved more quickly to listen to villagers, pay compensation on contested land, agree to a participative mapping project and redo its concession permit. Instead it seemed to wait until protests forced its hand. Now, just as it is moving to implement a solution that a good mediator could probably have found in 2012, the conflict is for the first time making national headlines – meaning there will almost certainly be further chapters in this saga.

The key role of companies in reaching a solution, however, underscores the importance of the Roundtable on Sustainable Palm Oil (RSPO) in setting and implementing standards for palm oil production that respect the rights of local communities. Membership in RSPO does not guarantee good behaviour on the part of the signatories but it provides a measure of transparency as well as a mechanism for reporting and investigating grievances.

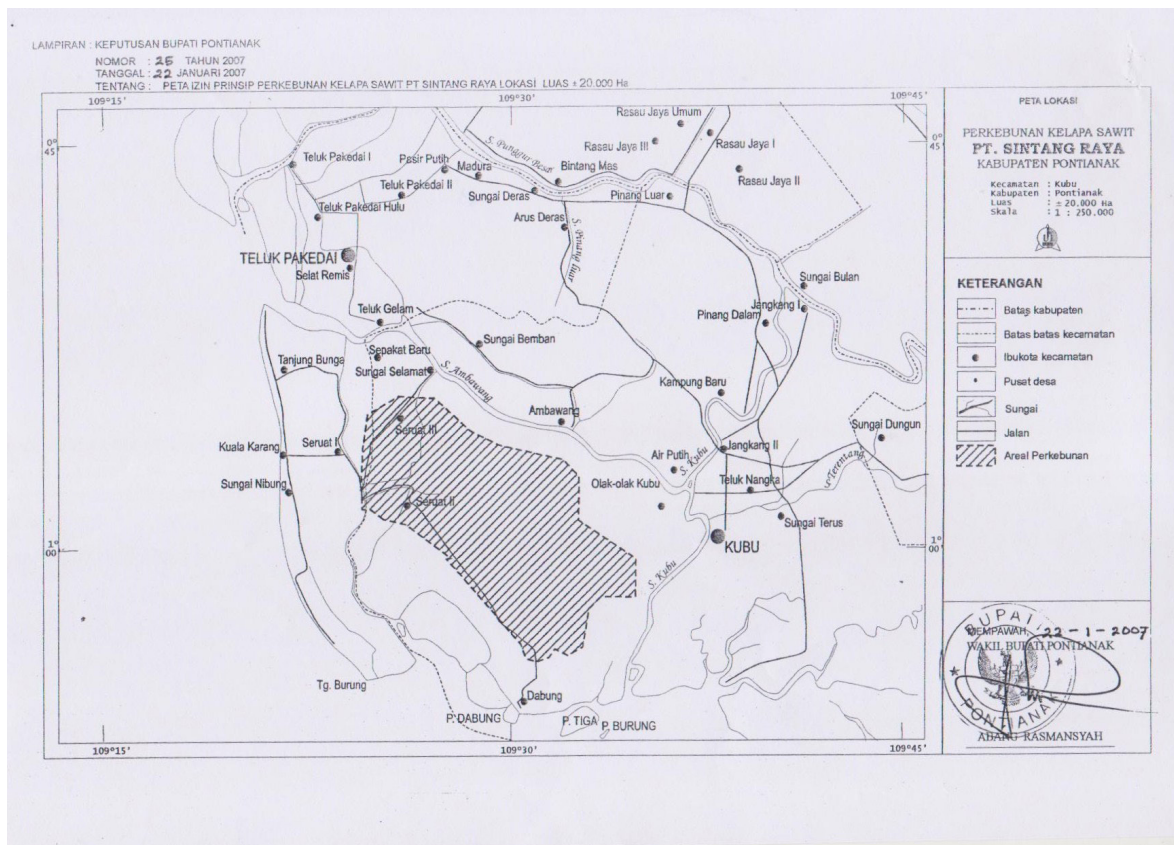
Longer term, the Indonesian government needs to heed calls to rethink the nature of partnerships between companies and communities. One proposal is to move away from a plantation model to one in which more power rests with independent smallholders who can negotiate their own terms of association with commercial enterprises.¹⁴⁸ For the moment, Sintang Raya and the farmers in Kubu Raya are mired in a situation where both lose from protracted conflict but a way out that will satisfy all those involved is still elusive. The changes that need to take place for this conflict to be resolved go far beyond one district in West Kalimantan.

148 For more on how this might work, see Potter, op.cit.

Appendix 1 : Map of Concession Area Derived from PT. CTB map, Nov 2013.



Appendix 2 : Map of Concession Area provided by PT. Sintang Raya 2007



INSTITUTE FOR POLICY ANALYSIS OF CONFLICT (IPAC)

The Institute for Policy Analysis of Conflict (IPAC) was founded in 2013 on the principle that accurate analysis is a critical first step toward preventing violent conflict. Our mission is to explain the dynamics of conflict—why it started, how it changed, what drives it, who benefits—and get that information quickly to people who can use it to bring about positive change.

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