



A Land Grab Scenario for Indonesia? Diverse Trajectories and Virtual Land Grabs in the Outer Islands

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Abstract

In August 2010 Indonesia's ministry of agriculture launched a giant project to create a \$5 billion agricultural estate spanning three districts in the province of Papua in response to perceptions of a food security crisis. This paper sets out to contextualize these new food estate initiatives within a wider trajectory of land use change. By comparing the new food estate schemes with earlier large scale rice, oil palm and jatropha schemes, we argue for developing a nuanced appreciation of land development trajectories. While the new developments appear to resonate with descriptions of the 'global land grab', contextualizing these developments within a historical trajectory of land use change suggests the need to reappraise the 'land grab' scenario. State developmental policies and private investment agendas have long depended upon the statutory separation of forms of property considered 'legal' and modern from their antithesis, long standing embedded forms of property relations rendered ambiguous and uncertain. At times these have privileged large-scale, capital-intensive models favoured by the private sector. However, with large areas of land either already under land use concessions or subject to 'fuzzy' land rights, access to land involves complex commercial land transactions with local landowners, state officials, brokers and agro-industrial enterprises working at various scales. Further, in contrast to descriptions of processes driven by direct international investment from the outside, agricultural development in Indonesia tends to occur within decentralized global production networks that involve national companies along with domestic and international investors in transformative processes. In some cases these schemes imply exclusion and marginalization in a fashion reminiscent of the 'global land grab' scenario. However, in many cases these scenarios are problematised, resisted and only partially realised as schemes confront existing land uses, patterns of resource access, ecologies and shifting political economies. Such outcomes suggest the need to substitute large scale estate schemes with approaches that more explicitly privilege local landowners and suit local land uses and ecologies while taking into account shifting political economies.

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1. Introduction

In August 2010 Indonesia's ministry of agriculture launched a giant project to create a \$5 billion agricultural estate spanning three districts in the province of Papua in response to opportunities raised by the spike in food prices. The plan involved developing a 1.6 million hectare 'Merauke Integrated Food and Energy Estate', reportedly turning Indonesia into one of the world's biggest food producers. Some 36 local and foreign companies expressed interest, and the government committed to spend between 2.5 and three trillion rupiah on infrastructure. 'Crops to be grown include rice, sugar cane, soya beans and maize.'¹

In July 2008, Hasannuddin Ibrahim, secretary general at Indonesia's agriculture ministry, had announced that a consortium of 15 Saudi investors were in the 'late stages' of negotiations to invest in the project. The Wall Street Journal reported that the Merauke project was 'the latest example of a new trend for developing countries to lease farmland to overseas investors in order to profit from rising global food prices'². Activists protesting against such land grabbing took up the case. For, it resonated with the story of a 'global land grab' - that investors were buying up large areas of land in response to new market opportunities in agro food-energy sectors driven by high prices for agricultural commodities, (seemingly) dazzling investment prospects for biofuels, and renewed concerns for food security.

In this paper we wish to consider the Indonesian case: to what extent does the trajectory of land use change in Indonesia - in terms of the type of land use change occurring, the agenda underlying land use change as well as timing and scale - fit the various 'land grabbing' scenarios? In considering the salient patterns in large scale land acquisitions, we concentrate on three key commodities, focusing predominately on areas in Indonesia that have been the target of large scale land acquisitions, and which differ in terms of climate, history of commercial agriculture and main crop: West Kalimantan for oil palm, Central Kalimantan for rice and oil palm, and Sumba in East Nusa Tenggara for *Jatropha*, and Papua for the food estate.

We argue that a more contextualized analysis of land acquisition processes in Indonesia reveals a complex pattern that only partially fits the land grab narrative. Cases that initially appear to accord with the 'new land grab' narrative, on closer inspection involve a wider range of processes. We can illustrate that argument with the next episode of the land grab case of Papua's food estate:

In September 2010 Singapore-based Wilmar International Ltd secured a permit to develop 200,000 hectares of land in Merauke Food Estate for their US\$2 billion sugar estate and sugar mills. Wilmar is one of the largest oil palm companies in Indonesia. According to news paper articles PT Wilmar Nabati, a subsidiary of Wilmar International specialized in biofuel production, was negotiating with various government agencies including Industry Ministry and National Investment Coordinating Board (BKPM) about upgrading the inadequate infrastructure.³

Rather than producing food for export, descriptions in January 2011 reformulated the project in terms of domestic food security:

The food estate project is part of the government's master plan to build Merauke Integrated Food and Energy Estate to help achieve national food self-sufficiency, eliminating the need to rely on imported food.⁴

What superficially seems to be just a clear land grab scenario involving foreign investment led-production of staple crops for export, on closer examination turns out to be a process involving rice production for the domestic market alongside sugar and other products. Further, the project involves an assemblage of foreign, national and local interests, producing many types of products and local effects. Yet, reports in early 2011 suggest that it still remains unclear whether the project will proceed as planned:

“We have been offered location permit of 200,000 hectares of land. We’re currently assessing the quality of the land,” Director Operation for Indonesian operation of Wilmar International, Hendri Saksti, was quoted by detik.com as saying on Wednesday night. Hendri said at present the company is conducting laboratory test on the quality of the soil, land structure, type of business as well as climate. He noted it takes 1-2 years before ensuring that the land is suitable for developing sugar cane plantation.⁵

In the contest of high commodity prices and the perception of food security crisis the ‘land grab’ narrative raises two underlying and highly pertinent questions. First, from a distributional justice perspective what would be a fair allocation of resources across a society? Second, what kind of developmental model supports outcomes that favour the poor? However, we argue that, while the term ‘land grab’ may be useful for advocacy, at least in the case of Indonesia, it serves analysis less well. In the Indonesian context, this meta-narrative lumps disparate land transactions and may well imply a kind of teleology: large corporations take over large areas for agricultural commodity production while displacing peasantries in the local domain. This may well resonate with classical descriptions of the ‘slow dissolution of the peasantry’ as they are dispossessed by ‘big, land estate and large scale agriculture’ (Akram Lodhi and Kay 2009: 7). Indeed, this dynamic can be found in specific cases. However, a range of obstacles continue to inhibit the structural transformation of the countryside suggested by the land grab scenario (cf Akram Lodhi and Kay 2009: 6). To be sure, in accord with classical political economy reviews of the agrarian question, a closer evaluation of the evidence suggests that we see a range of trajectories.

In considering the gap between plans promoted by boosters of land acquisition and processes occurring on the ground, this paper advances a number of propositions with respect to the pattern of land acquisitions in Indonesia. First, the highly political questions posed by rice self-sufficiency, the challenges of implementing food estate mega-projects in the outer island contexts, combined with the endemic problem of land tenure uncertainty present major obstacles for bringing food estates into operation. Second, we find that large scale land acquisitions tend to proceed via decentralized community level processes (cf Borras and Franco 2010). In many cases local entrepreneurial elites and local state based actors are driving these processes. While some efforts are made to integrate smallholders into diverse agrarian landscapes in particular cases, in other cases these processes lead to significant marginalization of customary landowners. At the same time local entrepreneurial actors are developing smaller scale agricultural estates. These involve micro-processes that lead to dispossession and marginalization, sometimes with greater impact on patterns of land ownership and agrarian structures than corporate scale acquisitions supported by international investment (McCarthy, 2010; Tania Li, 2010). Third, in many Indonesian cases the current pattern of land acquisitions predates and is only partially linked to 2007-8 period of spiralling commodity prices and the perception of a food security crisis - the proximate cause of land use transitions according to land grab narratives. Fourth, a very large number of land use transitions are occurring in the ‘forestry’ rather than agro-food sector. Fifth, land development projects in many cases bump into local ecologies and conditions. Booms eventuate, hold on for a while and then

crash, with varying local effects. Subject to this boom-bust cycle, in many cases 'land grabs' remain 'virtual', amounting to speculative activities where land development permits amount to development options over land that may or may not ever come to fruition. In light of these factors, we suggest that academic arguments and policy discussions might be better served by considering the highly differentiated processes that are leading to diverse local impacts that vary from that suggested by the 'land grab' meta-narrative.

2. Reappraising the land grab scenario⁶

Before considering its applicability in Indonesia, we first would like to discuss the global land grab narrative conceptually. In historical times the term "land grabber" has been defined as 'a person who took the land of an evicted Irish tenant', i.e. someone who gets possession of land in an unfair fashion.⁷ The term 'land grabbing' then suggests the grasping, seizure or capture of land in an unacceptable or illegitimate fashion at the expense of the poor. Clearly, this is a 'blanket term' that (pejoratively) lumps together all sorts of land acquisitions.⁸

Historically, the "expropriation of the self-supporting English peasants" during the enclosure of the English commons is the classical parallel, involving the usurpation of common property supported by "parliamentary forms of robbery" (Marx, quoted in Glassman 610). Here the "removal of agricultural producers, from the countryside and consolidation of more privatized control over resources", affecting changes in property relations, transformations in human-environment relations and the consolidation of capital (Glassman 2006:609). In South-East Asia colonial regimes also enclosed land "to enable primitive accumulation of various sorts" (Nevins and Peluso 2008:12). Using laws that created categories of "free", "unencumbered" land, colonial territorialisation processes to enclose vast tracts of land and resources as forest and nature reserves and to make it available for agricultural enterprises.

According to Grain, land grabbing amounts to 'the acquisition (lease, concession, outright purchase) by corporations or states of large areas of farmland (>10,000 ha), in another country and on a long-term basis (often 30-99 years), for the production of basic foods that will then be exported'.⁹ In disaggregating the land grab narrative in a much more nuanced fashion, Borras and Franco (2010: 4) describe a 'new cycle of enclosures' that is occurring as converging financial environmental, energy and food lead to a 'dramatic revaluation of and rush to control land'. While distinguishing various scenarios, they describe a global rush to control land as transnational and national actors acquire land 'on which to build, maintain or extend large-scale extractive and agro-industrial enterprises' to secure food and energy needs into the future. From this perspective the central leitmotif of land grabbing is a newer idea, 'that long-term control of large landholdings beyond one's own national borders is needed to supply the food and energy needed to sustain one's own population and society into the future' (Borras and Franco 2010: 4).

In this account, the main actors vary, including transnational corporations and foreign governments, often in partnership with host governments who may be actively brokering such deals. I.e. Borras and Franco posit continuity with old land grabbing - but now with a different intent - primarily shifting to food and biofuel production for export. In a similar fashion, Kugelman (2009:4) notes: "Today's overseas land investments differ from their predecessors in significant ways. Their scale is much larger, they emphasise staples instead of cash crops; they are concluded on the basis of agreements instead of through the barrel of a gun; and they are spearheaded by more government-led investment than in the past".

Analysts argue that food demand in Asia is likely to more than double while there is “only room for a very modest 25 percent expansion in farmland” (Cribb 2009:49). The perception then is that agriculture is shifting from a buyer’s market to a supplier’s market. This suggests a change in the logic of agriculture: the pressure on land is increasing, the narrative suggests, powerful actors are responding by seeking to secure control over the supply of this key resources - land (cf Evans 2008). Writing of the constraints facing global agricultural production, other authors have noted the phenomenon of ‘peak land’. Arguing that the most productive agricultural land is already in production. Cribb (2009:50) has linked this to three ‘unpalatable truths’: that new land can only be carved out of the forest with high environmental costs, that productive land is being lost to soil degradation and urbanization, and that newly opened areas tend to be in areas with poor soils, requiring massive inputs of fertilizer, energy, drainage or irrigation to become highly productive.

As Nevins and Peluso (2008:19) have argued the “commodification of nature” is a long standing process involving the transformation of land into a commodity. Accordingly, here we wish to consider the Indonesian case in terms of to what degree we can identify a shift in patterns and modes of land acquisition. To what extent does the phenomena fit Borras and Franco’s typology? Here we take seriously the need to focus on ‘the nature and terms of agrarian change brought about by land use change which is, in turn, induced by the new, emerging agro food-energy complex, and not principally on the transnational characters as well as the nationality of land-grabbing and land-grabbers, respectively’ (Borras and Franco 2010:21).

In the next section, we will consider the key features of this process in the Indonesian case over the last decades, before in the following sections considering the cases of rice, oil palm and *Jatropha* before finally discussing the degree to which we can identify a transformation of outer island areas of Indonesia for food and energy security.

3. Large scale land acquisitions in the outer islands

Many areas of outer island Indonesia have long had the character of physical spaces in rapid transition. These frontiers have low population densities and high rates of in-migration where the organs of the central State tend to be weak and consequently the state law is a relatively abstract concept. Different actors compete to establish claims over the abundant natural resources that are up for grabs in a frontier context. The fuzzy nature of property rights corresponds to competing claims over resources, ensuring that while an investor may have obtained land through a state legal process, the land acquisition still needs to be painfully negotiated with local land owners in the field. As states, corporations, migrants and customary land owners have asserted competing claims over land and other resources, in contexts of institutional pluralism, these areas have witnessed conflicts over resources related policy narratives and legal regimes that privilege alternative patterns of resource use.

Historically, as elsewhere, the state has overseen the development of a binary opposition between “secure tenure, free-simple ownership, and state-guaranteed rights to property” and “uncertain and undeveloped entitlements, communal claims, and the absence of state guarantees to property” (Blomley 2003: 124). By separating statutory forms of property considered “legal” and modern from their antithesis, forms of property relations associated with ambiguity and uncertainty and hence too often conflict and violence, legal property discourse plays a foundational role in constructing forms of insecure tenure unregulated by the state. In obscuring the specific circumstances in which the dualism of statutory and ‘customary’ property emerged, the legal definitions allow for at best weak recognition of customary rights, underpinning a process of constructing state sanctioned

property regimes that has often enabled particular actors - state based actors, plantations with close links into the state or settlers - to override long standing processes of social interaction sanctioned by localized beliefs attitudes and values (Cousins 2002).

Historically we see particular trajectories of tenurial transformations occurring in outer island Indonesia. Before proceeding further, it is important to consider - albeit rather schematically - the general dynamics shaping these transformations. First, as technology and infrastructure develops, there is a change in the resources that actors can extract from or utilise in an area. Second, as this gives rise to new market opportunities, there is a shift in what is valuable and hence worth extracting or otherwise using. Third, State policies and laws that have long provided for the creation of eminent domain and the allocation of lands to plantations tend to be used in new ways to support national development strategies that reflect these changes. Of course, what passes for national development, particularly during the Suharto period, tended to be coloured by the interests of the politico-bureaucrats at the apex of the State and the corporate actors on whose generosity the wheels of a clientelist system can turn. In this context, like the parallel lines of a railway, national development strategies that depend upon revenue generation or export earnings and other agendas (e.g. food or energy security) can run alongside the strategies of corporations heavily invested in the natural resource sector. Fourth, these changes entail a series of redefinitions. Areas to be exploited need to be mapped in accordance with State planning categories, a process that reifies property, replacing a native place “dense with meanings, stories and tenurial relations” with an abstract space, thereby making it available for enclosure and privatization (Blomley p129). As this is worked through legal categories, local socio-cultural definitions of appropriate uses of resources and indigenous tenure regimes tend to become invisible, thereby serving as “a form of organized forgetting” (Blomley, 128). Consequently, as these cumulative changes are worked out on the ground, both the landscape and local patterns of resource uses may be transformed.

The workings of these dynamics are apparent in the transformative processes typically found in outer island Indonesia.¹⁰ First, after an earlier phase of colonial plantation development, with the rise of markets for timber and the emergence of technologies to exploit forests on a large scale, beginning in the late 1960s interest focused on industrial logging. State planners facilitated this by redefining the majority of many regions - including areas subject to extensive local land uses - as State “forest zone” and granting concessions timber. This amounted to an accumulation and revenue generation strategy that served the interests of the alliance between politico-bureaucrats and associated business empires. (Peluso, 1995).

Second, as part of the government development strategy, the State also embarked on a large-scale government administered colonisation project, the well-known transmigration program. Transmigration involved both a demographic shift and the emergence of a new form of resource exploitation [Parnell and Von Benda-Beckmann, 1999]. It combined the opening of agricultural rice lands in sparsely populated regions - to address food security problems - with the settlement of farmers from densely populated areas of Java, Madura and Bali who would form a readily disciplined labour force for the plantations to which many transmigration schemes were twinned. The idea was that these transmigrants would carry agricultural techniques, cultural refinements and economic entrepreneurship to the “outer islands”, thereby indirectly raising the level of development in the periphery [Bubandt, 1999]. As transmigration entailed replacing extensive swidden and agroforestry systems with intensive wet rice cultivation, it also entailed a redefinition of the optimal form of agriculture.

This formed a part of a range of strategies to stabilize the rural population through agricultural modernization increasing the productivity of rural areas through the provision of new agricultural technologies, planting material, extension services and developing supporting financing institutions, cooperatives and marketing arrangements.

Third, in the 1980s we see the beginning of a process that had much more significant consequences for local tenurial regimes when the development of a private palm oil and timber estates became a particular focus of New Order policy.¹¹ Finally, the growing market for biofuels and more lucrative markets for food products, together with the emergence of a market for carbon locked up in remaining forests and peatlands, raises the prospect of a further transformations. Before considering the implications of this historical discussion for the current land grab discussion, it is important to bear in mind a number of considerations.

To begin, we need to be wary of looking at the above schematic account in terms of discrete or uniform processes. While logging, transmigration and estate development could be integrated into a single process set in a single spatial planning document, spatial plans could also be altered to incorporate new agendas. Companies could develop oil palm plantations under the nucleus estate/smallholder scheme that used transmigrant families, as well as local farmers. Further, schemes tended to bump into existing land uses, patterns of resource access, ecologies and shifting political economies due to rapid fluctuations in world commodity prices. This meant that these scenarios have been problematised, resisted and only partially realised. In such contexts, transmigration projects and the peat land scheme in Central Kalimantan to develop 1 million hectare rice bowl were often associated with failure. Accordingly, transformative agendas were only partially realized.

In addition, as far as existing socio-political dynamics and legal concepts that necessarily frame these initiatives continue to work against local landowners lacking the formal land tenure rights, the transformational process described above remains challenged by several factors. These include procedural and institutional complexity of a decentralizing state, the lack of integrated institutional arrangements between the different actors and agencies involved conflicts of interest between different actors and state agencies, and deficiencies in organizational capacity within the state and civil society, and the underlying conflicted property system.

Finally, we can see a wider process where the emergence of new State development strategies occurs alongside agendas to generate state revenue and largesse for clientelist networks and the capital accumulation strategies of corporate actors. With struggles and contests turning on issues of land and property, property and social relations exist in a dynamic interaction, ensuring that tenure cannot be considered “a static, pre-given entity, but depends on a continual, active “doing” (Bromley 2003 after Rose 1994). This means that state and corporate strategies have to alter to keep up with the changing utility of local resources (including for agro-fuels and food export opportunities), necessitating a continued reworking and reapplication of State notions of territoriality and tenure developed to control access to productive resources pertaining to the same “nature”.

Taken together these dynamics problematise the agrarian transition narrative “that assumes a linear pathway, and a predictable set of connections” (Li 2009: 69). This historical narrative sets the context for considering to what degree transformative processes associated with bioenergy and food security change property relations, causing the dramatic transformation suggested by the land grab scenario.

4. Food security, the Peat Mega Project and the Papuan Food Estate

The current analysis on land grabbing will be inadequate unless it fully considers the social and political processes of commodity production that shape how plans work out in a particular context. An agriculture commodity is both a crop with an economic value and also a cultural, social and political means for the people who live in the location subject to an investment project. The way local actors attach meaning to a crop and its production will shape their response to the investment projects involving a particular agriculture commodity. Unless agriculture investments requiring vast land acquisitions and capital are “accepted” by the public, their lack of legitimacy will trigger widespread social protests that delay or even halt project implementation. Under an authoritarian regime (such as Indonesia prior to 1998), the government can use repression against opponents to a project. But in a country where people are relatively free to express their voice (Indonesia post-1998), investors need to find ways to tame people protests. This shift explains the move from more repressive to decentralized community based approaches (discussed further below). To support our argument, we will now examine why it is difficult for foreign capital to acquire vast tract of lands for rice production for export.

‘Food security’ and ‘food sovereignty’ represent long term concerns of Indonesian policy makers and civil society critics, and as such present complex political problems.¹² Food, in particular rice, plays an important role in state efforts to maintain political stability. A food crisis can create massive social unrest that can be mobilized by political actors to topple a government. Further, maintaining political stability is also central to government who, holding that economy growth depends on increasing foreign capital investment, is eager to attract foreign investors.

To establish the legitimacy of his regime, Suharto sought to overcome 600 percent inflation and widespread food shortages that had contributed to the fall of the previous Sukarno regime. Suharto worked particularly hard to support domestic production, aiming to achieve and maintain self-sufficiency in rice production. The state focused on the accessibility of rice for the poor and stabilization of the rural population. As the main staple food in Indonesia, the Indonesian government has never allowed the price of rice to be set by the market (Timmer 1993). State policies included subsidies and market interventions involving BULOG, a state agency that set out to maintain adequate rice supplies at affordable prices. To this end Suharto used state revenues from the oil boom to improve agricultural infrastructure, to supply low-cost agricultural inputs and to underwrite the introduction of high yielding rice varieties.¹³

The general public supported the policy to achieve “*swasembada beras*” (rice self-sufficiency). The policy had deep root in the nationalistic economic agenda, appealing to the Indonesian generation who fought for the revolution against the colonial government. The policy became a symbol of success for the Suharto regime, especially when Suharto received international recognition in 1985 for his government’s achievement of rice self-sufficiency program.

As Indonesia’s self sufficiency in rice came under threat during the 1990s, in 1995 Suharto initiated a controversial project to develop one million hectares of new rice cultivation areas in Central Kalimantan, (Proyek Lahan Gambut or PLG) .¹⁴ As the area was located in extensive and relatively undisturbed peat land ecosystems, environmental groups, argued that it would have devastating ecological and social impacts. Under the authoritarian regime, opponents could not effectively mobilize against the project.

The project was widely seen as a failure, in large part due to the unsuitability of the land for rice production and the devastating impacts on the environment and the livelihoods of the thousands of people who live within the project area. Like many earlier transmigration schemes in peat swamp areas, technocratic planners failed to learn the lessons offered by traditional farming techniques regarding choice of plants and cultivation methods on marginal soils. Engineering failures left upstream areas drought-stricken in the dry season and flooded in the wet. This, together with the fires that destroyed rattan and *purun* gardens, ensured that the livelihoods of indigenous (Dayak) people over a wide area virtually collapsed. This, combined with pest infestations, also led to the agricultural efforts of many Javanese in-migrants to fail, and many took up illegal logging or returned home after the period of government support (*jaminan hidup*) ended in December 1999 (McCarthy, n.d.). After the fall of Suharto the project was terminated. While rice production may have failed here, the district government still issued plantation permits, seeking to turn the area into oil palm plantations. At present, there are twenty-three oil palm plantation companies with oil palm licences in the ex-mega rice project (Afiff et al. 2010). The lesson provided by the project was that, despite extensive investment in food production and the support of a powerful state actor along with extensive technological inputs, there is no guarantee of project success.

The post-Suharto period initially seemed to represent a major shift in how state planners would address the food security issue. Under a more market-focused polity, the SBY government has focused its attempts to secure 'food security' via imports. As Indonesia has become the fourth largest global rice importer, this policy is subject to harsh criticism and a political resource for the government's critics. In response to criticism as well as the apparent challenges of accessing rice in the international market, recent agricultural policy makers have shifted back to supporting more intensive agricultural production on underutilized or 'idle land' in outer island Indonesia.¹⁵ The best known example is the Merauke Integrated Food and Energy Estate (MIFEE) in Papua that we mentioned in the introduction of this paper, which represents a throw-back to PLG-type interventions. Initially this seemed to be primarily about producing agricultural commodities for export, but most recent articulations framed it more explicitly in terms of 'food security'.¹⁶ There are now plans to open 2 million hectares of new food estates outside of MIFEE, including in Sumatra and Kalimantan.¹⁷ There are also policies to protect rice-growing areas from being taken over by bio-fuel or other cash crops. Consequently, given the political importance of rice, it is difficult to imagine how the Indonesian government would facilitate foreign investment to take control of vast areas of lands to produce rice for export. The food security issue would seem to posit limits to the 'land grab' by ensuring that the new food estates focus on domestic 'food security' issues.¹⁸

Given the scarcity of labour in this outer island frontier, the PLG project had brought about fifteen thousand people into the areas, mostly poor Javanese. This in-migration is often associated with ethnic tension - given the difference in cultural practices between the indigenous people and the new migrant from Java. In the Papuan context, the indigenous groups have also contested the process of their integration into Indonesia, with some expressing desires to separate from Indonesia. This makes large investment in Papua more complex and politically sensitive: some Papuans would view the practice of bringing Javanese labour into Papua as "internal colonialization", and the project might inflame separatist grievances. Given these political sensitivities, it remains unclear whether the proposed food estate in Merauke can be fully implemented.

5. Fuzzy land rights

The fuzzy land tenure arrangements in Indonesia represent a third problem facing large-scale food estates. This problem derives from the way national regulation on spatial

planning delineates all lands in Indonesia into two major zoning categories: forest and non-forest land areas. ‘Forest land’ is a government designated area - a political concept creating a “political forest” (Peluso and Vandergeest 2001) – that provides the Ministry of Forestry (MoF) with jurisdiction over areas that may or may not be covered by forest or already be developed for non forest uses.

This problem emerges due to two factors. First, the MoF and the Provincial Government in Central Kalimantan continue to have a conflict over spatial planning regulation. Under an earlier ‘land grab’, during the 1980s the Ministry of Forestry designated 100 percent of Central Kalimantan Province as ‘state forest areas’ under the “Forest land use agreement” (TGHK). While the Ministry of Forestry subsequently reduced this area, the Ministry maintains that district governments require permission to convert all but 18% of the province from ‘state forest’ into other land use classifications before any development occurs (see table 1 below). However, using its discretionary authority, under the Spatial Planning regulation (Law no 24/1992) local government has sought to extend areas under its jurisdiction to allocate for development projects such as for oil-palm plantations, roads, buildings, etc. The two parties - with starkly different interests and using different areas of law - have continued to clash and negotiation has so far failed to resolve the issue. This issue leads to large scale problems of tenurial insecurity in large areas of land.

Table 1. Variety in percentage of Central Kalimantan's land surface classified as forest.

Legal source	TGHK 1982	TGHK Up dated per... (date or year)	Provincial Spatial Planning Regulation No. 5 of 1993	Provincial Spatial Planning Regulation No. 8 of 2003	Ministry of Forestry Proposal in 2009
Forest Zone	100%	91%	63%	67%	82%
Non-Forest Zone	0%	9%	37%	33%	18%

Source: (Afiff, et al., 2010: 37).

As the current governor of Central Kalimantan is afraid to being accused of making illegal land transfer, in 2009 he requested the National Land Agency to freeze the land titling process in the entire province. As this problem has a tremendous impact to private investment, the President has sought to sort out the spatial planning problem.

A second issue that contributes to a fuzzy land tenure situation is that customary land rights have a very weak legal status under forestry law. The status of ‘state forest’ often remains contested within state planning processes. Thus, 1.4 million hectares of ex-mega rice project remains classified as ‘state forest’ despite the fact that vast areas have been converted to agriculture, including 47 transmigration settlements, 23 palm oil concessions, and four mining concessions (Afiff et al. 2010). In fact, within this 1.4 million hectares of state forest land, there are about 187 villages with the total population of 350,000. While the political situation at present does not legitimize the Ministry of Forestry evicting these settlements, the forest law provides legal sanction for this. In the meantime community claims have an unclear legal status, leaving customary landowners with uncertainty of tenure. On the other hand, to carry out its mandate, justify the forestry status of this land and to protect its jurisdictional claims property rights, MoF allows that areas mapped as ‘forest estate’ be made available for forestry projects. The concern is that carbon

sequestration projects may represent a threat to ‘informal’ or ‘customary’ property rights and that state and other actors may be tempted to appropriate most of the benefits derived from these projects (UN 2010). To defend its authority over the forestry estate and sustain timber production, the ministry has continued to allocate large areas of the ‘forestry estate’ to timber plantations: there are massive plans to develop 9 million hectares of new plantations by 2016.¹⁹ In 2010 it was reported that a Korean investor has obtained licenses for 500,000 ha of HTI in Central Kalimantan under a Clean Development Mechanism framework.²⁰

The MoF regulations allow the community who live and farm in areas that fall within ‘state forest’ use rights. At the same time the Ministry argued that the Forest Law (no. 41, 1999) provides a legal basis to allocate the ‘state forest’ to other activities and users without requiring the consent of the community who live inside and around these ‘forests’ who argue that they retain customary rights. Civil society groups contest this view (see Contreras-Hermosilla & Fay 2005).

Consequently, tenurial insecurity emerges as communities, corporations, and even the government itself advances competing agendas and definitions, finding justification in different areas of law. Land conflicts remain extensive and increase without adequate mechanisms for addressing them.

These dynamics appear to be shaping the Merauke Integrated Food and Energy Estate (MIFEE). The Ministry has significant interests, a legal mandate and the ability to apply environmentalist concerns to argue against large scale conversions of ‘forest areas’ into other uses. The government’s new REDD+ initiative adds further uncertainty, particularly given the policy commitment to a moratorium on new concessions that would involve peat land and forest conversion. In this context, plans for the large scale Papua food estate have already been scaled down, with only 570,000 hectares of land now to be excised from the ‘forest area’ under a new national law on spatial planning in Papua.

Further, according to news reports, it remains unclear how well suited the ecology of the area is for the planned development:

In the first MIFEE plan, 90 percent was primary or natural forest, land so flat that the incoming tide brings salt water upriver more than 120 kilometres. Soil quality is a problem – unlike Java where the soil is rich and deep. After two seasons of (proposed) agricultural production, vast quantities of fertilizer will be needed. The cost of maintaining a profitable level of productivity highlights the benefits of keeping the forest intact now and reducing climate change.²¹

Implementation of this project raises the possibility of large scale PLG style environmental degeneration.

These challenges are shaping the prospects for Indonesia’s most famous ‘land grab’. First, due to the sensitive issue of rice self-sufficiency, foreign actors face difficulties freely choosing the commodity that they wish to produce for export. Second, given the sensitive political problem presented by actually implementing food estate mega-projects in the Papuan context, investors may well hesitate before committing their finances. Third, the problems of insecurity of land tenure represent a major obstacle to corporate investment that may yet curtail the accomplishment of the MIFEE plan.

6. Shifting the frontier to empty land in East Indonesia

In response to the global push for biofuels, from 2006 the Indonesian state set in place policies to increase the share of biofuel in domestic fuel consumption and to increase production for export. The government needed new areas for implementing this policy because the capacity of existing plantations in Sumatra and Kalimantan to expand slowed down due to land tenure uncertainty. Companies face a key problem in 'freeing up' land areas subject to concession licences. Most of the suitable land 'available' was either already inhabited and subject to local land uses or already occupied or subject to leases and land classifications that sometimes overlap with each other or with mining and other permits. Extensive oil palm or agro-fuel estate plans would entail displacing local landowners, involving 'expensive and arduous' land-use and compensation negotiations.²² The Agriculture Ministry's Director General for Plantations pointed to the problems of actualizing these permits when he noted that Sumatra and Kalimantan were now 'too dense' for new oil palm plantations, suggesting that state planners had turned to Papua where, he asserted, there is still three to four million hectares of land suitable for palm oil plantation.²³

For *Jatropha* the focus was on the 'empty' land in the eastern province Nusa Tenggara Timur (NTT). Unlike in Kalimantan or Papua, only a quarter of the land surface in that province is classified as forest, and around forty percent is unused or very extensively used land (see table 2 below). In 2007 the provincial newspaper *Pos Kupang*²⁴ and also national newspapers like *Kompas* reported first initiatives for large plantations in this province which is one of the poorest areas of Indonesia in terms of human development index.²⁵

The idea of 'empty', 'reserve' or 'marginal' land is central to the land grab scenario set out in the literature, concepts that render areas classified as 'public land' available to appropriation. Typically the land grab involves the transition of 'reserve land' into production, involving dispossession and marginalization (Borras and Franco 2010:9-10). Typically, formal property rights over public lands remain 'contested terrain'. The new land grab tends to occur in areas where land is plentiful and labour cheap (Borras and Franco 2010:5).

In order to know how announced land grabs work out in practice we can look at developments in the island Sumba, which is part of the province NTT and administratively divided in 4 districts. *Kompas* headlines in 2007 announced international *Jatropha* investments in Central Sumba covering an area between ten and twenty thousand hectares²⁶, and up to 100,000 in East Sumba²⁷ and similar figures for NTT in general (Legowo 2008). According to information on a provincial government website a total of 2.177.456 ha would be available for *Jatropha* cultivation.²⁸ The precision of this figure suggests it is based on actual measurement on the ground rather than on estimates of pro-agricultural investment policy makers supported by 'high tech satellite imagery' (Borras and Franco 2010:6). To provide some perspective to this figure, table 2 presents official government statistics about land classification in the province from the annually statistical compendium "NTT in figures" by the Central Statistics Board (BPS-NTT 2009), for the province in total and in the four districts of Sumba for the year 2008.²⁹ Apart from the total land surface area the Central Statistics Board's data in table 2 concern categories of land that we could summarize as 'empty land' in the context of the land grabbing rhetoric. Those categories are - in terms of the statistics book -: temporarily unused lands

(defined as land usually cultivated, but that is purposely allowed to stay idle for more than one year (FAO 2006), meadows (*padang rumput*, land usually used for herding livestock) and a category of 'other dry lands'. Data about forest areas indicate that in NTT there is not as much forest land as in other islands of Indonesia, like West Kalimantan, or Indonesia nationally (around 60% forest).

Table 2. Land surface and unsued land in NTT and Sumba, 2008.

In 2008:	NTT	West Sumba	Central Sumba	Sumba Barat Daya	East Sumba
land surface (ha)	4734990	73742	186918	144532	700050
State forest	15	21	26	4	28
Private forest (hutan rakyat)	10	16	14	18	4
temporarily unused lands (lahan sementara tidak diusahakan)	19	22	12	12	20
meadows (<i>padang rumput</i>)	10	12	16	13	0,5
other dry lands (tanah kering lainnya)	13	1	15	9	16
plantations (% of land surface)	9	6	3	10	7

Source: Badan Pusat Statistik NTT, NTT dalam angka 2009 (East Nusa Tenggara in Figures 2009). Available at : <http://www.ntt-academia.org/statistik-ntt.html>

The sum of the percentages of the three categories unsued or extensively used lands is 42 for NTT in total, and for the districts in Sumba: 35 in West, 43 in Central, 34 in Barat Daya and 37 in East Sumba. Based on these percentages one could draw the quick conclusion that land for agricultural enterprises is amply available in these districts. However, it also raises the question why these lands were not cultivated in 2008. If the plantation plans of 20,000 hectares in Central Sumba would be realized, that would mean an increase of around 400 per cent compared to the 2008 acreage of plantations, and would cover about a quarter of all the 'empty land'. That land is 'marginal' in the sense that it lacks some of the vital characteristics for being productive: it has poor infrastructure (or none at all), involves undulating terrain, has shortage of water (no irrigation), and poor soil fertility.³⁰ Additionally, the marginal land in these districts of NTT is sparsely populated, which means there is very little labour available locally. Furthermore, large scale plantations can only be successful if the logistics and marketing are well managed (Strydom 2006).

7. Plantations in Sumba: plans and reality

When *jatropha* was first launched in NTT in 2004-2006 the government supplied seeds and planting material and agricultural extension, but there was little attention for post harvest activities, including trade, processing and transport. Such experience lead to comments on new *jatropha* investments as voiced in Pos Kupang:

“If there is a new agricultural investment company settling in NTT (..) We hope that it will organize a marketing channel for jatropha products that is accessible to and beneficial for the local people. Thanks in advance to the Malaysian investor.”³¹

Figures about realization of jatropha plans are not easily available. The table below shows the figures from the Central Statistics Board for realized jatropha cultivation in 2008. These data are based on the Agricultural Surveys conducted by BPS.

Table 3

In 2008, in hectare	NTT	West Sumba	Central Sumba	Sumba Barat Daya	East Sumba
BPS data*:					
plantations	428805	4652	47744	15063	49801
Land cultivated with jatropha	15034	1257	1148	1396	1077
Total areal planned for jatropha in 2006 by the Government NTT**					
For the period 2006-2010	624246	-----	80100	-----	79750

* Badan Pusat Statistik NTT, *NTT dalam angka 2009* (East Nusa Tenggara in Figures 2009). Available at : <http://www.ntt-academia.org/statistik-ntt.html>

** http://www.nttprov.go.id/ntt_09/index.php?hal=potjarak, Because the three districts were still united in the old West Sumba in 2006 there is only one figure.

There appears to have been little realization of the plans for large scale land acquisitions for jatropha. The NTT government’s website mentions two reasons why plantations in general have not been very successful:

- Past experiences with estate development in NTT have been traumatic for the rural population because it has never brought any economic benefit for the farmers
- Farmers did not want to invest in cultivating estate or cash crops because the market price of those crops was not stable.³²

These two reasons could explain why farmers are reluctant to invest in new commodities when they do not expect that cultivation will be profitable. However, the question why large scale plantations are few in NTT asks for further explanation.

Sumba’s wealth of ‘empty lands’ has attracted many potential investors in agricultural projects.³³ The governments of Sumba’s four districts encourage commercial agricultural development, because that would contribute to improving the economy of their territories, increase rural employment and incomes, and additionally would yield the district government’s tax income. Plantation initiatives over the last decade concerned jatropha curcas, maize, cotton, sugarcane or sorghum. However, when travelling with local companions in the area where the plantations were planned, we did not encounter many operational activities. Discussing this observation with members of the local population as well as with people working for NGOs and for the district government or services, their stories revealed the next pattern of plantation development in Sumba:

A - Setting up

- The District Head or other high government official has an idea to advertise or promote cultivation of a new cash crop
- An Indonesian company responds to this idea discussing potential plantation sites with the district officials
- An international company or foundation gets involved as initial investor
- Websites on the internet promote the idea and speak of large scale, long terms and high expectations.
- There is an official ceremony in which companies and district government sign a 'letter of intent' or 'a memorandum of understanding'
- This signing ceremony is covered by the press and parts of these reports are published on the internet.

B - Limited implementation

- The district government issues a location permit for a much smaller area than the initial plans stated, allowing the company to start exploratory activities and obliging the company to negotiate with local land owners about the terms for land use/acquisition, and to conduct an environmental assessment.
- The company sets up some minor activities: building one road, and one small warehouse, getting some equipment and making a fence and a sign board.
- The company tries to persuade local farmers to collaborate with the plantation, also because that is one of the requirements for obtaining bank loans.
- The company employs a few local people as 'permanent staff' and casual labourers to do seasonal work or making fences.
- Part of the land is cultivated with the crop, for one or two seasons.

C - Failure

- After several years the plantation project is declared a failure, arguing that the area was not suitable for the crop, that local population was uncooperative (and sometimes even burnt the plantation), or that the company was in financial trouble because of some global crisis.
- The company is declared bankrupt, and disappears from the district scene.

Plantation failure does not mean that farmers are not willing to engage in cash crop cultivation. Crops that have proven to be profitable are widely cultivated. For example, in the 1990s vanilla cultivation became popular in Sumba, and many people earned extra income while prices were still high. In 2007 the prices declined, the crop was suffered from a pest and traders became reluctant to buy from Sumba because the product had been polluted with soil and other material to increase the weight. Next was a hype for cultivating shellac (*kutu lak*), that yielded high incomes in the first years, but then had bad environmental effects, destroying many valuable fruit trees. The most positive cash crop results have been achieved with cultivation of cashew and candlenut (*kemiri*). Originally both crops were promoted by government and NGOs, but in 2009 most produce was from small holders. There is a well-developed marketing channel, with steady demand and prices, and both crops are suitable for the agronomic conditions of Sumba.

In many cases that occurred in NTT agricultural investments never materialised after the initial activities of promoting plans, exploring sites and applying for budgets, grants and subsidies. If land grabbing is analysed as one of the activities that occurs in global production networks (Coe et.al 2008), in this case the network of jatropha, it becomes possible to explain its process (or lacking implementation) as the outcome of strategies of actors who engage in land acquisition for pursuing goals other than implementation of plantations. Those actors are not just agribusinessmen and farmers, but also - or even more - district and provincial government officials, politicians, brokers, and technical researchers. Far from being coerced into land deals the government officials welcome them - and even lobby aggressively for them (Kugelman 2009:3).

Specifically for jatropha government policy, legislation and linked budgets have been main drivers for activities during the period 2005-2008. The district Agricultural Service in West Sumba implemented a jatropha introduction program, distributing seeds and inputs (herbicide), and village agricultural extension workers explained farmers about the cultivation of this plant for commercial purposes. The state owned enterprise (SOE) PT Rajawali Nusantara Indonesia was implementing a jatropha project in East Sumba in 2006-7, which had a demonstration plot close to the capital Waingapu and a sign board announcing a processing unit as its visible signs. PT RNI commissioned local producers in Sumba - amongst others a member of the East Sumba District Parliament - to produce many thousands of jatropha seedlings, of which a large percentage was never planted or died in the nursery (Vel 2008; Vel and Makambombu 2010).

A report on subsidies for the biofuel sector in Indonesia indicates that there are many types of subsidies available for jatropha related activities (Dillon et al 2008: 36-43): (a) interest rate subsidies for plantation development , (b) seedling development subsidy (c) agribusiness development program for jatropha seed and seedling cultivation, (d) infrastructure subsidies (e) interest payment subsidies (f) tax reduction for biofuel-related investments (g) training programme support related to jatropha cultivation, (h) research and development. The report's list of subsidies and support measures indicates that a large part of biofuel related activities are in fact activities linking state agencies with each other in a subsidy chain. In that context the headlines about 100,000 hectares land acquisitions can be understood as part of the discourse that supports the budget grabbing among domestic actors and agencies, rather than land grabbing by international companies.

The lesson is clear: the actual process on the ground can be very different from the situation intimated by land development narratives of project boosters that suggests that large scale expansion of estates to be used for the basic production of food and fuel feedstock that will be exported. Too often the main activities seem to centre on planning, creating a discourse, attracting money (investments, subsidies, loans), and the distribution of that money. Actual cultivation, processing and export may or may not occur, but if they do occur, they will be conducted only at a fraction of the scale mentioned in the plans. The main actors in the pattern include international companies, but also Indonesian district government officials, local businessmen and brokers, who mediate between investors and local companies, between companies and state officials, and between local population and companies.

The Jatropha phenomena would seem to accord with the boom and bust cycle - high global prices and good prospects lead to flow in of investment. However schemes tend to collapse due to a combination of endogenous factors - poor soils, lack of market channels etc - and exogenous factors - the collapse in world crude oil prices.³⁴ The story is somewhat different for palm oil.

8. Land grab scenarios and oil palm

In the 1980s state planners came to understand the developmental possibilities of one particular crop, oil palm. Since this time a developmental narrative has underpinned practices that have continued to attract investments and loans. As articulated by state officials, this narrative focuses on potential land as a lure to capital investment in a key global boom crop (McCarthy & Cramb 2009). Ever-rising prices in a global market - where prices continue to increase - have sustained an oil palm bubble that underpins this narrative. While there have been inevitable dips in global prices, palm oil prices quickly rebound. Following the collapse in prices in 2008, over the last year there are signs that this boom may even speed up, with a 15 percent price increase in the global market as of early 2011.³⁵ With global demand increasing, and with good crop yields, the bubble does not burst, and the expansive phase is sustained. As investors can rely on the financial reality that oil palm production will deliver a high rate of return, government decision makers have continued to construct exuberant oil palm development plans.³⁶

The oil palm developmental narrative reverberates with the concept of ‘underutilized’, ‘critical’ or ‘idle land’ in outer island Indonesia. For example in 2009-2010 newspapers in West Kalimantan carried a series of reports quoting government officials who estimated that there was up to six million hectares of ‘potential land’ and critical land (*lahan kritis*) in West Kalimantan that could be made available for oil palm. However, just like in NTT, the capacity of plantation developers to plant the land falls way below these enthusiastic plans. Only 520,000 ha of the 1.5 million ha that the provincial government has set aside for oil palm is already planted - just 35% of the 1.5 hectares zoned for plantation development.³⁷³⁸ Government statistics revealed that companies were only succeeding in planting 20,000 ha a year. These land coupling processes are now very extensive. According to one report, the district of Ketapang has issued permits for plantation developments extending over 40% of the district - now 90 permits extending over 1.4 million hectares, with 39 overlapping with areas classified as forest.³⁹⁴⁰ While this licensing process may not have an immediate relation to the plantation areas developed on the ground, it does allow permits (such as izin lokasi) to become objects of investment by speculators.

This dynamic is reflected at the national level where very large areas of public land are considered to be available for conversion plantations. Indeed, in 2004 the Directorate General of Plantation Production and Development estimated that 32 million hectares of Indonesia was suited to oil palm production. State planners have taken large areas out of the ‘forestry estate’ and made them available for oil palm cultivation. One report notes that state planners allocated approximately 10 million hectares of new land licenses between 2000-9 to domestic and international investors, mostly prior to 2008.⁴¹ Yet, Kompas reported that by 2010 the government had issued plantation licences (*izin prinsip*) over 26 million hectares.⁴² While the government has set a target of 15 million ha of oil palm by 2020, in reality oil palm plantations now only encompass 7.56 million ha (USDA, 2010).

Although conducted only at a fraction of the scale mentioned in the plans, actual cultivation, processing and export remain significant activities. Every year 33 oil palm

groups manage to open around 300,000-400,000 ha per year (USDA, 2010;Teoh, 2010).⁴³ By 2008 private and state companies had accumulated 'land banks' - land under various licences (izin lokasi etc.) that are currently inactive but are set aside for later development - between 6.5- 7 million hectares (USDA, 2010). However, the key constraint was that, outside Sumatra, oil palm processing and transportation infrastructure remained 'underdeveloped', consequently licenses are much more valuable close to the infrastructure required for plantation development.

Plantation licenses tend to work as 'development options' - or amount to 'a monopoly right to buy' - that allows for the possibility of either developing a plantation or selling on the opportunity. For financiers initial investments tend to pay off because if the holder of the plantation permit is unable to proceed to the plantation stage, they can later trade the permit in a rising market and hence obtain a return on their initial investments. As new investors need to negotiate with those holding these relatively scarce 'development options', the investment is potentially lucrative.

Large scale foreign investment involving direct control over large areas of land plays a key role in most 'land grab' scenarios. However, integration into global production networks can occur either through direct control over production by investors or by through the purchase of the undifferentiated product in bulk through globalized value chains. These imply different patterns of land acquisition by foreign investors and forms of smallholder integration, and both are occurring on different scales.

To access lands plantation companies have facilitated contract growing and out grower schemes in return for access to land, in the process consolidating private landholding (cf Borrás and Franco 2010:8). Indonesia's oil palm sector has a long history of this. Previously, under the New Order, various policies provided for smallholder out grower schemes that allowed for more indirect forms of control over production in smallholder areas. Under these schemes smallholders would retain legal title and would be integrated into global supply chains through the contract form. A significant body of research demonstrates that, under favourable conditions, smallholders can obtain income from oil palm significantly higher in terms of return to labour than other alternatives (Rist et al. 2010). Smallholders successful integrated into NES schemes have experienced the positive aspects of insertion into highly productive, intensive agricultural systems. As a corollary of smallholder schemes - and the emergence of an independent smallholder sector - the area cultivated by smallholders has grown by 2.0 million hectares since 2000, and now accounts for approximately half of the total area under oil palm (USDA, 2009). Where various schemes have provided smallholders with access to loans, high quality planting material and technical assistance, they have been unable to overcome the huge start-up costs and long lead time before oil palm comes fully into production. Where they have been included in the oil palm economy under favourable conditions, they have benefited from increases in commodity prices that are able to more than compensate for increased food prices.⁴⁴ However, those not included or included on less favourable terms suffer when their agricultural products and rural wages fail to keep up with food price increases (McCarthy, 2010). This process of rural differentiation provides for a 'reconfiguration in access to, and control over, productive assets' (Akram-Lodhi and Kay 2008:10) - particularly land - with far-reaching consequences for social relations, particularly in Sumatra, the centre of oil palm production.

In the context of international pressure, particularly the IMF MoU, at the time of the East Asian Crisis the government lifted its ban on new foreign investment in the palm oil sector. The new policy aimed to attract investors. Yet, corporations did not immediately invest in the oil palm sector on a large scale. With large scale conflicts around existing

estates having increased the threat of supply chain failure, plantations required more secure terms of investment. In response, the state liberalized investment requirements, increasing the length of agricultural concessions from 25 to 95 years and reformulating the terms of smallholder inclusion under 'partnership' (*kemitraan*) policies. In the next years, the National Investment Board (BKPM) reported a very large number of new investment projects in the sector.⁴⁵

The new dispensation involved reworking contract farming arrangements whereby estate development involved communities who want into the boom. In areas where it is difficult to find such 'reserve land', investors need to negotiate access to private land outside the 'forestry estate' (especially in areas where they have obtained development options close to infrastructure e.g. Sumatra). Under the earlier 'nucleus estate' model of the 1990s, the plantation estate developed 30 per cent of the scheme land for its core plantation while 70 per cent was returned to participating smallholders. But under the new 'partnership' model of the last decade, depending upon negotiations in the field, the core estate is only obliged to return 20 per cent of the scheme land to villagers, retaining up to 80 per cent of the land as its core estate. When under earlier schemes in Jambi 70 per cent of the land was returned to smallholders, farmers obtained 50 per cent of yields after credit and production costs were subtracted by the scheme developers.⁴⁶ In Sanggau, West Kalimantan, farmers only received 20 per cent of the land developed under the new 'partnership' scheme. Further, they would only obtain 30 per cent of the benefits under a 30:70 production sharing arrangement, with further deductions for plantation costs and credit repayments. Clearly the terms under which smallholders engage with oil palm have remarkably deteriorated under the new schemes. This type of land grab takes land out of production by local landowners, and exacerbates the increasingly salient problem of marginal farmers (*petani gurem*) with very small landholdings (Zen et al. 2008; McCarthy et al, forthcoming).⁴⁷

This reflects the shift over the last decade towards decentralized-localized community based negotiations.⁴⁸ In such contexts negotiations are easily manipulated and large scale violations continue despite codes of conduct and legal innovations that provide for elements of 'free, prior and informed consent'. This is because too often the local actors - including community leaders and the state - who play a mediating role in such processes have an underlying interest in ensuring that land acquisitions go ahead (Zen et al. 2008; Gillespie 2010).

Foreign investment remains significant, especially from other developing country sources. It was recently reported foreign investors own 25 percent of around 2 million hectares of oil palm plantation area in Riau. Malaysian investors have been carrying out intense plantation expansions in West Kalimantan, buying up around 50 percent of oil palm plantations in this province.^{49,50}

Domestic and transnational players often play complementary roles (cf Borrás and Franco p21). Financiers may pursue opportunities associated with producing food and fuel for export can pursue this objective in other ways. In other words, rather than leaving themselves open to the accusation of engaging in 'land grabs' by taking up direct ownership of land, foreign investors can partner local firms in food and agro-fuel projects. To give just one example, in May 2008 it was reported that Bakrie Sumatera, a branch of the conglomerate Bakrie was investing US\$260 million to double its plantation holdings, raising \$80 million from an international equities consortium.⁵¹ Otherwise, large palm oil scale buyers (e.g. Unilever) maybe content to sit at the downstream end of global production networks. As buyers in decentralized global production networks, they can avoid owning the land directly. In this way they can avoid some of the opprobrium associated with problems in the upstream sector, diminishing the impact on their brand

names through discontinuing purchases from problem companies and supporting certification schemes which provide for codes of conduct regarding land acquisition policies. (I.e. the logic here suggests avoiding direct ownership).

Clearly oil palm has been inserted into a particular political-economic context that shapes outcomes. District governments have the opportunity of using their discretionary authority under decentralization to issue plantation permits (and izin lokasi) to extend plantation development. The temptation is to issue large number of permits, with district officials having the key power within networks involving local businessmen, brokers, investors, local companies, local populations and large corporations. For district governments a failure to attract investors would be perceived as an inability to deliver many development benefits. On the other hand, local governments who attract investors gain directly from the allocation of permits, from shares in oil palm schemes, and through opportunities to support electoral programs in return for services rendered.

Oil palm, in the words of one observer, has emerged as an ‘elite business between investors and rogue officials (oknum) in the regional elite who possess access to control of land. The low realization of land compared with the permits that are issued are an indicator of the intensity of the practice of ‘land division’ and brokering of land permits by rogue regional officials (‘adalah buah isapan jempol belaka’).⁵² In the absence of effective forms of accountability, too often customary and community leaders are involved in ‘freeing up’ land, in land sales manipulated by village heads and brokers⁵³⁵⁴

When the ‘sweet promises’ made by companies in the process of ‘freeing up’ land are not realised, large numbers of conflicts emerge. These include conflicts over land purchases and compensation processes deemed to be unjust, over the perceptions that plantations have failed to return smallholder ‘plasma’ entitlements, over the lack of extension and development assistance to smallholders and over profit sharing arrangements from fruit (TBS) at the farmer level that are deemed as unjust. Other problems include low productivity in smallholder schemes due to lack of fertilizer, low wages to casual labourers employed in these schemes, accusations that ‘partnership’ schemes that are unjust and accusations of corruption in cooperative credit schemes.⁵⁵ NGOs claim that the level of conflict is growing during the era of decentralized-localized community based negotiations. According to one report, there were 660 conflicts in 2010 compared to 116 conflicts in 2009⁵⁶

9. Conclusion: A land grab scenario for Indonesia?

In contrast to descriptions of processes driven by direct international investment from the outside, agricultural development tends to occur within decentralized global production networks that involve national companies along with domestic and international investors and a wider diversity of local actors in complex transformative processes (Coe et.al 2008). In contrast to the meta-narrative suggested by the global scenario, on the ground processes tend to be highly differentiated. As the earlier one million hectare PLG project in Central Kalimantan demonstrated - a project pursued for domestic food security objectives - despite strong political support, extensive investment and large scale technological inputs, there is no guarantee that large scale food production schemes - such as that planned for Papua - will go ahead as planned.

Land development projects in many cases bump into local ecologies. Booms may eventuate, hold on for a while and crash. Taken together, the fluctuating political economies of particular commodities - together with the variable hospitability of the specific ecologies - ensure that outcomes are highly variable. This goes some way to explaining why the prospect of a *Jatropha* boom in East Nusa Tenggara seems to have fizzled. It was conceived in a boom period, and implemented after the crash in a marginal ecological zone. The case of *Jatropha* counterpoises a discourse of large scale projects with weak and failing implementation, leaving a wide gap between intentions and plans and reality in the fields. The process of setting up, limited implementation and failure witnessed here contrasts with the palm oil case. Despite temporary price setbacks, demand for palm oil in the international market always tends to pick up, crop yields remain high, and the boom is inevitably kick started.

The politically charged food security issue also limits the prospects for a 'land grab' for food production. The global food land grab narrative circulates around the need for investors to secure land for export production. However, in Indonesia new food estate plans need to be framed in terms of domestic 'food security' issues - as projects legitimized by the policy intension of securing the domestic rice supply rather than for export.

In terms of scale, the land grab scenario suggests vast land acquisitions. Indeed, we see the promulgation of extravagant land use plans in the cases of food crop estates, *jatropha* and oil palm development for Indonesia. But the scale of the rhetoric, and the large number of permits granted, far outstrips developments on the ground. In many cases the large scale project remain 'virtual'. The permits are useful for speculative purposes, to access timber, or to extend development options - across large areas of land. The later constitutes a monopoly right to buy the land, or sell it on should an investor come along with a more serious intent to invest. However, they often do not lead to the large scale food production areas or the displacement of large populations suggested by the land grab narrative. In contrast, smallholders (and a coterie of local actors) are much more likely to take up opportunities where they perceive a market opportunity. This is particularly so where state supported initiatives that explicitly privilege local landowners and support developments suited to local land uses and ecologies have already demonstrated success.

In respect to timing, accounts of the new land grab scenario posit that the peak demand for food and biofuel in the 2007-8 period acted as the proximate cause of land use transitions. In the case of oil palm, the main boom crop for Indonesia associated with large scale land acquisitions, the current pattern of land use change predates this period. While spiralling commodity prices always spur further investment, in the case of oil palm the strongest demand was from vegetable oil markets. Biofuel demand quickly fell in mid-2008: with the collapse in the price of mineral oil, comparatively high priced palm oils was not an economical biofuel stock. Biofuel related plans - including for *Jatropha* - were put on ice before investments could be realised. As a boom commodity - the large scale land acquisitions associated with oil palm anticipated the recent emergence of the agro-food/food security discourse. Consequently the post-2006 trajectory of land use change represents continuity rather than a break, where current high prices and boom conditions (when they emerge) further re-intensify and re-inscribe existing processes of land acquisition.

The idea of 'reserve', 'marginal' or 'idle' land remain central, concepts that render areas classified as 'public land' available to appropriation in virtual land grabs. Most available suitable areas - 'public lands' close to infrastructure (outside Papua) - are now scarce, or perhaps already captured in 'land banks'. Hence, investors will have to negotiate with those who have already pocketed the development option. Yet despite their formal

status, these lands are contested terrain - typically owned, occupied or subject to customary claims. Implementation of land use licenses involves a second round of difficult negotiations on behalf of potential investors - with actual landowners. The transition of 'reserve land' into production that involves dispossession and marginalization through decentralized land transactions (e.g. Borras and Franco 2010: 9-10) does occur in particular cases, albeit on a smaller scale and a more fragmented fashion than that provided for in the global land grab narrative.

It is important to also distinguish how international investment articulates with local level dynamics. Integration into global production networks can occur either through direct control over production by foreign and domestic investors, through outside investment in local firms, and/or through the purchase of the product in bulk through globalized value chains from smallholders. The precise degree to mixture between these two systems implies different types of production systems, patterns of land acquisition and terms of inclusion/exclusion for smallholders. The precise terms of inclusion under different schemes needs to be carefully examined before the distributional outcomes of a particular policy or scheme becomes clear (cf McCarthy 2010). It is sometimes argued that land acquisitions do not have to be exploitative, that they can 'bring much needed investment and improve poor farmers' access to capital, markets, infrastructure, knowhow, risk management and so on' (Evans 2008). The outcomes are clearly dependent upon the political economic conditions that frame the terms of investment - which along with the technical and governance aspects of policy, project design and implementation processes - determine the terms of smallholder inclusion. As noted earlier, the decline in the terms of smallholder inclusion in oil palm 'partnerships' over the last decade can be explained in terms of factors.

Policies and schemes in Indonesia - whether they are realized or not - demonstrate a clear prejudice towards development models that are large-scale and high tech rather than smaller scale and labour intensive. These tend to involve a redistribution of landed property rights away from local landowners in a fashion that is often associated with 'disruptive shifts in land rights and increased land concentration' (UN 2010: 5). The later trajectory however is more favourable. As several analysts have argued, access to land 'is strongly related to poverty and inequality' (Borras et al 2007 p1). In the absence of effective safety nets, land serves as a primary source of social security for the rural poor, providing a basic means of livelihood, making food more available and providing a buffer against external shocks⁵⁷. Advocates of this pro-poor perspective argue for securing livelihoods for smallholders by broadening their entitlements rather than further subjecting them solely to the caprice of labour markets and out-migration, arguing that 'more equitable land distribution and the development of owner operated farms' are 'desirable on both efficiency and equity grounds' (UN 2010 p16). Indeed, as the 2008 World Development Report noted, the fall in poverty in many countries occurred due to improvements on small farms rather than out-migration.

To be sure the land grab scenario narrative poses a series of interesting questions regarding distributional justice and appropriate development models. However, its contribution to understanding what is occurring on the ground remains less clear. The problem, at least for the case of Indonesia, is that the land grab scenario may imply a closed teleology when the course of land acquisitions suggests heterogeneous, contested processes that are often ambiguous or contingent - processes that take shape at the intersection of complex socio-political, ecological and economic dynamics.

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