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Explaining resistance outcomes: Community reactions to palm oil expansion

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Explaining resistance outcomes:

Community reactions to palm oil expansion

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Contents

Glossary	2
1 Introduction	3
1.1 Thesis Layout	4
2 Literature Review	5
2.1 Actors in land grabs	5
2.2 Conflict resolution	7
3 Theoretical Framework	10
4 The case for the Indonesian palm oil industry	12
5 Methods	14
6 Analysis and discussion	16
6.1 Case Study I: Sejangkung vs. Wilmar International	16
6.1.1 Conflict resolution process	17
6.1.2 Conflict outcome and Analysis	19
6.2 Case Study II: the Dayak Temuan vs. PT Mustika Sembuluh (PT MS)	20
6.2.1 Conflict resolution process	21
6.2.2 Conflict outcome and Analysis	22
6.3 Case Study III: Semunying Jaya Village vs. PT Ledo Lestari (PT LL)	22
6.3.1 Conflict resolution processes	24
6.3.2 Conflict outcome and Analysis	24
6.4 Discussion	25
7 Conclusion	26
8 References	28

Glossary

Compliance Advisor Ombudsman (CAO) is the independent accountability mechanism for the International Finance Corporation (IFC).

free prior and informed consent (FPIC) is a specific right that pertains to indigenous peoples which allows them to give or withhold consent to a project that may affect them or their territories.

Human Rights Watch (HRW) a Transnational advocacy Network that investigates and reports on abuses happening in all corners of the world.

International Finance Corporation (IFC) a member of the World Bank Group, advances economic development and improves the lives of people by encouraging the growth of the private sector in developing countries.

PT Agro Nusa Investama (PT ANI) an oil palm plantation companies owned by Wilmar.

PT Ledo Lestari (PT LL) an oil palm plantation companies owned by Darmex Agro.

PT Wilmar Sambas Plantation (PT WSP) an oil palm plantation companies owned by Wilmar.

Roundtable on Sustainable Palm Oil (RSPO) a not-for-profit that unites stakeholders from the 7 sectors of the palm oil industry to develop and implement global standards for sustainable palm oil.

Wilmar International an agribusiness group.

1 Introduction

Several countries in the Global South have emerged as a source of biofuels and food crops production, along with mineral deposits and reservoirs of environmental services (Borras et al., 2011). In such a setting, there is an increase in global land grabbing as a phenomenon. This means people's land is taken by corporations and states without consent. This is encouraged by pressures of foreign conglomerates coupled with government ambition to improve natural resources investment. Consequently, land deals have been rapidly growing throughout the past decades. Such deals contribute to and make up the global land grabbing phenomenon.

Various actors have conceived of land grabs differently due to their complicated ramifications. Scholarship has attempted to analyse it at multiple scales, from the local, national, to the transnational. I would argue that studying the phenomenon from a local level of analysis would provide a clearer picture of what this phenomenon implicates. Yet, there is disagreement in the scholarship on local experiences of land grabbing. Some see land grabs as a serious threat to the lives and livelihoods of the rural poor, others regard it as an economic opportunity (Borras et al., 2011). But what happens on the ground is more elaborate than these two stances. This is because societies fluctuate socially and perceive the experience differently based on economic, political, social, and cultural factors and conditions (Borras & Franco, 2013). Even within societies, they may differ in class, gender, generation, and ethnicity. These conditions reshape the various types of land deals and their outcomes (Hall et al., 2015). For this reason, divergent processes may lead to diverse outcomes, producing winners and losers as a result of the industry. Naturally, land grabbing tends to lead to conflict, as communities are dispossessed from their land. Thus, we have a moral obligation to understand it alongside interest in it as a political and economic phenomenon.

I am responding to this debate by testing it with a case study of palm oil in Indonesia, which is important because of the prominence of land grabs in the region. This research

will mainly study the following concepts: struggles against dispossession and reactions ‘from below’. These concepts are important as they not only pinpoint the specific reactions and outcomes of land deals but they also recognise the significant role civil society takes in the broader picture of economic development. Taking the above-mentioned elements into account, this thesis begins by observing the means through which local communities fight for their land. It goes on to examine certain influencing factors, which will be further discussed. Finally, the successfulness of the conflict resolution that took place will be analysed. Although, it is also important to keep in mind that success would depend on the type of state-corporate relation manifested in the corporation the community is fighting against. In reaction to the need for engagement with empirical cases of political reactions to land deals, with particular attention to resistance from below, this thesis asks what explains successful and unsuccessful resistances against dispossession in the palm oil industry. Based on my knowledge so far built on secondary literature and empirical observation, I would expect resistance to be more successful when communities work with NGOs and/or make use of mediation. However, other influencing factors would also play a role.

1.1 Thesis Layout

The overall structure of the study takes the form of seven chapters. First, the essay will present an overview of literature relevant to this debate, covering broad themes like land grabbing, reactions ‘from below’, resistances and conflict resolution. Chapter three lays out the theoretical dimensions of the research and looks at how certain factors might influence resistance results. Then it will focus on justifications for studying Indonesian palm oil and its academic contribution. Chapter Five is concerned with the methodology used for this study. Chapter Six analyses the results of collected data and an undertaken interview. Finally, it will conclude by outlining the main findings and implications for future research.

2 Literature Review

The term ‘Global land grab’ is generally understood to mean “the capturing of control of relatively vast tracts of land and other natural resources through a variety of mechanisms and forms, carried out through extra-economic coercion that involves large-scale capital, which often shifts resource use orientation into extraction, whether for international or domestic purposes, as capital’s response to the convergence of food, energy and financial crises, climate change mitigation imperatives, and demands for resources from newer hubs of global capital” (Borras & Franco, 2013, p.1725). This occurs through what ranges between private-private purchases and public-private leases and results in various outcomes and complex political dynamics (Borras et al., 2011; Hall et al., 2015).

2.1 Actors in land grabs

Scholars have proposed various ways to understand land grabs and dispossession, shaping conflicts and possibilities for resolutions. Thus far, several studies have highlighted the role of the state in land deals, especially in securing land for corporate investors (Borras & Franco, 2013). Borras and Franco (2013) argue that states contribute to the steps in securing land for corporate investors. This puts the state in the core politics of land deals, while the various communities impacted attempt to address the challenges they face. Similarly, Schoenberger et al. (2017) assert that state attempts in luring land investment intensified in Southeast Asian countries, whereby many deals were open to question. While Borras and Franco (2013) present an aim to create a broad framework for ‘land grabbing’, the latter article is concerned with the convergence of land grab debate with the study of Southeast Asian agrarian and environmental transformations (Schoenberger et al., 2017). When observing the state’s relationship with society in the case of land deals, on many occasions land is seen as belonging to the state and not to the people inhabiting it, resulting in land dispossession for many communities (Borras & Franco, 2013). Consequently, communities fight for their land rights and state recognition through numerous means. Having said that, actors who work closely with the state encompass the capacity to influ-

ence land deals (Borras & Franco, 2013).

Recent literature on the local level has focused on explaining general reactions ‘from below’. It is now well established from a variety of studies that there are diverse reactions ‘from below’. Hall et al. (2015) sought to find out the particular political reactions ‘from below’, and have found that local reactions to land grabs are beyond seeking land sovereignty and counter mobilizations. They also encompass demands for incorporation or changed terms of incorporation in land deals. The authors stress the significance of understanding the diversity of reactions and the need for critical empirical investigations of responses in specific situations (Hall et al., 2015). There is a relatively small body of literature that is concerned with reactions ‘from below’ which specifically fixates on the local reactions vis-à-vis the palm oil industry. However, there is a steady increase of scholars studying the phenomenon. A narrower perspective on local reactions has been adopted by McCarthy (2010), who analyses contrasting outcomes associated with oil palm expansion by observing shifts in social relations on the account of changes in access and use of land resources and changes in commodity markets. He sheds light on the commodity-oriented characteristic of the palm oil industry and its heavy consequences for agrarian outcomes (McCarthy, 2010). Moreover, the author proposes the outcomes are determined by how smallholders are absorbed into the oil palm economy (McCarthy, 2010). McCarthy’s (2010) study points out how exogenous processes play a role in contrasting paths of agrarian change. These studies indicate that there is a relationship between land grabs and reactions ‘from below’, and that land grabbing does not occur without problems. It is thus worthy to further examine not only what causes the range of outcomes, but also how impacted communities resist land grabs, and how they find solutions to the conflicts that have arisen as a result of it.

Some scholars have focused on transnational advocacy and linkages. This is important because some local communities have built alliances with transnational bodies to gain assistance when resisting corporations or the state (Hall et al., 2015). They have done so using legal and extra-legal methods, bringing about various outcomes in their ‘battles’ (Hall et al., 2015). There is growing literature on Transnational Advocacy Networks and

NGOs aiding local groups and movements in their struggles against corporate bodies and states. An example of such focus will be further discussed in the section below.

2.2 Conflict resolution

Since this essay is concerned with resistance and resolution, it is important to look into how other scholars have studied it and their findings. Many recent studies have assessed the efficacy of land conflict resolution by observing legal recognition processes by the state. This is impactful because as mentioned, the state often does not recognise customary land rights, resulting in inconsiderate land allocation and dispossession of communities. Arizona et al. (2019) highlights various actors' roles in the legal recognition processes and showed the dominant role of indigeneity NGOs. The authors found that NGOs have the ability in advancing processes relating to legal recognition due to their legal expertise and capacities to consult with other parties (Arizona et al., 2019). The NGOs also offer services in assisting communities in solving their land recognition problems based on customary rights. Nevertheless, the authors conclude the failure of such indigenous approaches in resolving land conflicts. Rather than gaining community autonomy and land security, these processes result in state territorialisation over customary forests and communities (Arizona et al., 2019). This view is supported by van der Muur (2018), who asserts that settled claims for land sovereignty based on indigeneity often relate to the communities' relative bargaining positions and the informal linkages found between communities, their mediators and local authorities. Recognition is thus not only highly dependent on the formal law, but it is also most often based on informal relations (van der Muur, 2018). In other words, successful resolutions have to do with groups with relatively strong connections to influential state actors, thereby excluding marginalized groups that lack such relations (van der Muur, 2018). A broader perspective has been adopted by Dhiaulhaq and McCarthy (2020) who explain that despite the conflicts they observed appear to be successfully settled, the agreements reached between the parties still exclude the communities from land control. The authors assert that thorough legal and political empowerment is necessary to address the barriers that induce such agree-

ments (Dhiaulhaq & McCarthy, 2020). The authors also found that the framing of land conflicts impact mobilisation and coalition-building (Dhiaulhaq & McCarthy, 2020). More specifically, agrarian justice framing is more effective than indigenous rights framing, as agrarian justice framings tend to be more inclusive in the heterogeneous rural context, consequently intensifying political leverage to achieve better and more successful outcomes (Dhiaulhaq & McCarthy, 2020).

Some research has found the increasing prominence of mediation as an alternative conflict resolution strategy. This is exemplified by the study carried out by Dhiaulhaq et al. (2014) in which mediation played a critical part in the conflicts they focused on, by helping in reaching an agreement, reducing conflict intensity, and improving the relationships between conflicting parties. The mediators analysed took on roles of facilitators, capacity developers, advisors, and motivators for the participating parties (Dhiaulhaq et al., 2014). Similarly, Afrizal (2015) shows that mediation cannot be separated from facilitation and assistance in intergroup conflict resolution involving a community. A comprehensive involvement of a third party, their ability and commitment all contribute to the success of resolving conflict resolution of this kind (Afrizal, 2015). These studies support the notion that mediation contributes to more successful conflict resolution. However, new scholarship suggests the picture is more complex. This is because mediation only offers a restricted solution in addressing conflicts (Dhiaulhaq et al., 2018). For effective mediation to occur, sustained collective action and transnationalisation of the disputes are needed (Dhiaulhaq et al., 2018). To address the root cause of conflicts, and to reduce or avoid conflicts altogether, reforms of State law and improvement of key structural problems and land governance are required (Dhiaulhaq et al., 2018).

This has led some scholars to argue that local-national-global linkages are important. This is because movement alignments have shown significance in advancing certain issue areas. Pye (2010) observes the connection between transnational campaign alliance and emerging broad inter-Transnational Agrarian Movements alliance. It seems that Indonesian peasant organisations played an important part in bringing the biofuels issue to the global scale arguing for climate justice (Pye, 2010). However, Pye (2010) suggests that

transnational activism has yet to reach its potential. There remain several aspects of how communities impacted by palm oil expansion can address the problems they face, about which relatively little is known. Given all that has been mentioned so far, one may suppose that other factors might affect how successful conflict resolution can be. Thus there remains significant debate over what factors contribute to successful resistance and resolution.

3 Theoretical Framework

Based on the literature and my research, this thesis will focus on reactions ‘from below’, struggles against dispossession, resistance and resolution. Reactions ‘from below’ can be broadly defined as reactions seen on the level of communities regarding the expansion of oil palm plantations and the ways it has impacted local communities. It encompasses demands for land deals as workers or smallholders, counter-mobilisations against land deals, and mobilisations that seek to improve the compensation for people’s expulsion from their lands (Hall et al., 2015). As mentioned, large-scale land deals often involve the expulsion of people from their lands (Borras & Franco, 2013). Struggles against dispossession then refer to the struggles local communities face when land is taken without consent as a result of land deals. This thesis critically examines these reactions against land deals that result in land dispossession of communities.

This research is based on empirical observation, thus the framework used to analyse the successfulness of resistances in the cases chosen here are taken from existing literature and NGO reports. Drawing from Scott’s (1985) work on peasant resistance, the concept of resistance starts with self-interested material needs with the intention to survive. In the case of land dispossession, the material in need is first and foremost land, then the goods brought about by land, such as resources, intergenerational knowledge and skills, and so on. Resistance may be seen as consistent acts that are a) (un)organised, (un)systematic, individual/cooperative; b) principled/opportunistic and/or self-indulgent; c) has (no) revolutionary consequence; d) that challenge the system of domination, or aim at marginal gains. Although in most cases it often lacks coordination, it is compensated by flexibility and persistence (Scott, 1985). To be clear, there are various levels and forms of resistances, they take place both in formal and informal spheres, can be an individual or collective act, and they can take place publicly or anonymously. Resistances can range depending on the level of repression and changes in the social organisation of the peasantry, from organised electoral activity, violent confrontations, to silent and anonymous acts of theft (Scott, 1985).

To determine whether resistances are successful or not, the study will make use of Cipta et al.'s (2020) and Saarikoski et al.'s (2013) framework for analysing success. Success in this study is finding a solution that the conflicting parties would rather have over sustaining the conflict (Saarikoski, 2013). Specifically, either companies have been willing to apply effective agreements, or the community have managed to make effective use of mediation through the Compliance Advisor Ombudsman (CAO), the Roundtable on Sustainable Palm Oil (RSPO), or Indonesia's justice system (Cipta et al., 2020). However, success can be partial, fragile, and open to change (Saarikoski, 2013). An indicator for determining whether a conflict resolution was successful or not is through the final agreement. Success will be measured and assessed through four criteria taken from Tudor's (2014) measurement of success. First, the disputing parties have indeed reached an agreement, unanimously or not. Second, a successful agreement has to be efficient, meaning the proposed agreement contributes to economic benefits and social well-being (Tudor, 2014). Third, equity- the degree of equality in actors' influence in the decision-making process. Fourth, sustainability- the procedures address the environmental and social impacts of the conflict. Unsuccessful conflict resolution is thus the inability to reach an agreement. Alternatively, an agreement that is inefficient, unequal and unsustainable.

Some influencing factors need special attention as they may be necessary for the occurrence of a successful resolution. Based on NGO reports and information gained from an expert interview, I would argue the following factors should be considered as influencing conditions: plantation financier- are they international institutions or local elites; conflict resolution type- local judicial system or mediation through a third party; claims for land; village head stance; who is the community conflicted with, and; involvement of NGOs. Notably, these factors are insufficient when examined individually. They are fundamental parts of a whole that allows for an overall successful outcome.

4 The case for the Indonesian palm oil industry

This thesis seeks to test these claims through a case study of palm oil in Indonesia. This is because conflicts over land in Indonesia have spiked in the past years. According to Mongabay's recent report, there has been a small but irregular increase in the number of conflicts during 2020 (Jong, 2021). Palm oil is particularly significant because land conflicts in the Indonesian context are particularly evident in the palm oil sector (Peluso, 2016). The conflicts often revolve around claims to land, whereby local communities accuse palm oil firms of taking over their ancestral and communal land (Jong, 2021). With Indonesia being one of the biggest palm oil exporters in the world, its local communities have to pay the ultimate price of 'economic development'.

Existing scholarship on Indonesia has shown that in Indonesia, palm oil has resulted in conflicts for several reasons. Firstly, there has been a radical change in land usage as well as how land is being claimed and controlled across Indonesia (Peluso, 2016). Secondly, the practices of large-scale plantations in Indonesia are attributed to an array of systemic issues. To explain, the Indonesian government is instrumental in the plantation sector-related land conflicts by misusing their land appropriation powers (F. McCarthy & Robinson, 2016). The government provides plantation companies with favourable laws and regulations, thus reverberating the corrupt nature of land allocation in Indonesia (Jong, 2021; Hirsch, 2020). Furthermore, state institutions make use of formal categories applied by national land agencies to make claims over land (Peluso, 2016). Examples include 'state land', 'customary land', and so on. These categories are significant for local communities because land recognition remains in the hands of the state by the use and application of these labels.

More importantly, the need to understand conflicts resulting from palm oil expansion is because on many occasions the formation of large-scale agricultural authorization came through the eviction of land occupiers, resulting in communal dispossession (Hirsch, 2020). This happens due to corporations gaining access to land under commercial leases,

thus contributing to highly unequal land distribution (F. McCarthy & Robinson, 2016). While this is a growing trend, international entities attempt to address and regulate the issue. For instance, voluntary industry standards for palm oil have been introduced through the RSPO to emphasize local communities' need to enjoy their right to give or withhold their Free prior and informed consent (FPIC) (Afrizal & Anderson, 2016). Because of consumer and investor pressures, many companies in Indonesia committed to adhering to the standards, which means they are required to respect customary land rights and the right to FPIC, not to mention to attempt to resolve conflicts that impinge on these rights (Afrizal & Anderson, 2016). Despite certain companies' commitment, in practice, RSPO members actively fail to inform communities of their loss to community rights over the lands after releasing them to plantation companies (Afrizal & Anderson, 2016). This continues to be a problem for communities and inherently relates to struggles concerning recognition by the state, spilling over to issues of disparity in land ownership. The conflict over land between communities and plantation companies has been violent and deadly, involving incidents of murder, physical violence, and criminal charges- with indigenous people, farmers and activists on the losing side (Jong, 2021). Nevertheless, farmers and communities continue to resist injustices through various means (Hirsch, 2020).

The need for resolution is accentuated with the Indonesian deputy minister for land and zoning's suggestion to building a foundation for a conflict resolution mechanism (Jong, 2021). This is because resolution is often delayed or is unsuccessful considering several factors hindering the process (F. McCarthy & Robinson, 2016). According to McCarthy and Robinson (2016), the factors include Indonesia's political economy hinging on resource extraction and land-intensive development, powerful state-corporate interests, complex land arrangements, and bureaucratic inertia. Hence, policy-makers and activists have yet found a way to refine land governance and to resolve related conflicts (F. McCarthy & Robinson, 2016).

A comparison of local attempts of resistance is helpful to find specific patterns available in empirical data, such as who owns the specific branch of plantation the community is fighting against, the means through which the community resisted, who they worked with,

and whether the resistance was successful or not. Moreover, an in-depth investigation into the specific factors influencing resistance outcomes helps generate new hypotheses and theories in developing fields of inquiry and has important value for future research. By focusing on local struggles against dispossession, we can capture the range and complexity of the politics of land, especially in Indonesia. Paying attention to these struggles can lead scholars to learn more about specific state-society relations, and state-corporate relations. Additionally, finding out what might influence successful resistances is helpful and has a significant ramification on real-life solutions for people fighting against land dispossession.

5 Methods

This research will be a small-N comparative study. This research design fits my research question due to the comparative nature of the question. This way the different factors involved that influence the outcome could be compared. The benefit of this approach is it aids in broadening our intellectual horizon by comparing cases in different contexts (Halperin & Heath, 2020). However, there are certain drawbacks associated with the use of comparative research, especially in small-N studies. In the selection process, one needs to be wary of selection bias, considering the limited number of cases compared in the study (Halperin & Heath, 2020). For case selection, I will make use of the most similar systems design (MSSD). This is useful to compare cases that are similar except for one crucial difference (Halperin & Heath, 2020) - in this case, it is the outcome. I will look into cases where land was taken without consent and whether the conflict was successful on the side of the communities. The similar characteristic of the cases will act as control while examining what factors contribute to the variance in resistance outcomes (Halperin & Heath, 2020). Here, three cases will be compared, whereby a successful case will be pitted against unsuccessful cases. Important variables to control are urban-rural cleavages and economic and ethnic diversity. These indicate that region should not play a big role in explaining outcomes.

This research will be based on reports from NGOs, such as Mongabay, the Human Rights Watch (HRW) , Forest Peoples Programme and other local NGOs. Moreover, an interview will be carried out with a scholar and practitioner working in the field already, who can provide me with more insight on the specific puzzle. An appropriate method for analysing the collected data is explaining-outcome process tracing. Drawing from Beach and Pedersen's (2013) book, this is sufficient as the study seeks to explain the specific outcome of a case. Furthermore, it is useful to trace causal processes and contributes to descriptive richness. It should be noted that being limited in location, this study lacks primary data on local conflicts. Because not all conflict information is published online, this study relies on restricted available sources. Therefore, this research is based on primary data collected from other sources. When possible, the primary data used will be confirmed with other sources. Furthermore, the small sample size did not allow for an accurate conclusion on what factors impact conflict resolution. Hopefully, future opportunities would allow me to thoroughly research the topic.

6 Analysis and discussion

6.1 Case Study I: Sejangkung vs. Wilmar International

The case observed here involves mainly two communities from the Sejangkung sub-district and Wilmar, one of the biggest oil palm plantation groups (Wilmar, n.d.). Wilmar's main activities include international palm oil production, refining and trade (Wilmar, n.d.). Wilmar is a leading member of the RSPO controlled by Indonesian and Singaporean businessmen (Down to Earth, n.d.). Importantly, Wilmar markets itself as responsible, as having a good environmental record and has won certificates because of it (Zakaria et al., 2007). In addition, according to Wilmar, a key part of their oil palm plantation management is their commitment to improving community development (Zakaria et al., 2007). This emphasis on community development aims to promote social wellbeing and welfare of the communities, this is done to highlight the participatory nature of the company's policies (Zakaria et al., 2007). However, as we will see, what happens in practice is different from what is formally declared by the company. In both cases, Wilmar-owned oil palm plantation companies- PT Wilmar Sambas Plantation (PT WSP), and PT Agro Nusa Investama (PT ANI)- began clearing land without abiding by the official land acquisition procedures, neither did the companies properly carry out FPIC processes with local communities (LifeMosaic et al., 2008). Thus the case selection fits my design, considering that the communities are dispossessed from their land with no consent. The first village involved in land rights conflicts with Wilmar was Senujuh and PT WSP. PT WSP started opening land into the village in November 2005 and cleared some of the customary rights lands in Senujuh (Zakaria et al., 2007). While doing so, the company demolished part of the community's source of food and cash income (Zakaria et al., 2007). The second community was from Sajingan Kecil, a Hamlet within the sub-district. They were involved in a dispute with Wilmar's PT ANI. Wilmar's supplier PT ANI started opening land in the region in 2005.

A couple of problems arose during operations and expansion of palm oil. One problem relates to concession area decisions. Formally, the concession areas are decided by the

Regional Investment Coordination Board via closed meetings with interested investors (Zakaria et al., 2007). This is followed by adjustments based on the Environmental Impact Assessment and consultations with the communities involved (Zakaria et al., 2007). What happens on the ground often does not involve clear communication with the local communities (Zakaria et al., 2007). Nevertheless, revisions to concession areas are considered only when communities resist strenuously (Zakaria et al., 2007). Another problem relates to Wilmar's operations and its impacts on local communities and the environment in Indonesia (Down to Earth, n.d.). Consequently, conflicts arise between local communities and Wilmar's plantation branches.

6.1.1 Conflict resolution process

When PT WSP began clearing land into Senujuh village, a villager noticed and reported the clearings to the village leaders (Zakaria et al., 2007). More of the company's movements were reported in January 2006 to NGO Lembaga Gemawan (Zakaria et al., 2007). The company continued its activity until 19 March 2006, when some villagers halted company workers by confiscating equipment used to clear the community forest (LifeMosaic et al., 2008). Collaborating with members of the local parliament and the Forestry Department, village officials in a written letter demanded the company to remove its workers and equipment. In response, the PT WSP manager apologised for their unawareness of borders in their concessions areas (Zakaria et al., 2007). Essentially, this indicates that PT WSP was clearing land outside of their concession areas without the appropriate permits and procedures (Balaton-Chrimes & Macdonald, 2016). PT WSP paid a small fee as compensation to the community (Zakaria et al., 2007). By the end of March, the community returned their equipment (Zakaria et al., 2007). The villagers came out with a public statement in February 2007 signed by 516 villagers, stating that the community is determined to stop oil palm expansion in their region because of its environmental impacts (LifeMosaic et al., 2008). In the statement, the villagers expressed their disagreement with the village head's decision to allow the company to work without the community's consent (Zakaria et al., 2007).

In the Hamlet's region, the first permit for plantations was given to the Sinarmas Company in 2002 (de Vos, 2013). The company cleared land that belonged to the Hamlet without FPIC of the community (de Vos, 2013). Following the community's complaints, the company offered a deal that was refused by the community (de Vos, 2013). Through consultations with the company and hearings with the local government, the community persisted in expressing their dissatisfaction (de Vos, 2013). In 2005, the community protested by burning down the plantation branch's base camp and attacked the plantation workers (de Vos, 2013). After this attack, the plantation was sold to PT ANI, whereby they continued the work of Sinarmas and further opened up land (de Vos, 2013). The community of the Hamlet thus organised meetings that were attended by the village head and representatives of Wilmar (de Vos, 2013). Eventually, they reached an agreement that the company would not enter an area of three kilometres alongside the river on which the Hamlet was built (de Vos, 2013). The company offered a deal that was declined by the community (de Vos, 2013).

What makes this case interesting is that Gemawan documented all palm oil-related problems in Sejangkung and cooperated with other NGOs in an attempt to address them. Through a jointly published report, they conveyed their concerns about Wilmar's sustainable image, their impact on the community, and their financial donor, the International Finance Corporation (IFC) (Zagama, 2011). The report was launched internationally and was presented to the RSPO, the Indonesian national government, the government of the Netherlands, and an international NGOs network (de Vos, 2013). Afterwards, they filed an official complaint to the RSPO (de Vos, 2013). They further brought the case to the IFC after signing a letter of complaint to CAO and made several accusations transcending community grievances, including concerns on IFC's due diligence (Balaton-Chrimes & Macdonald, 2016).

6.1.2 Conflict outcome and Analysis

Overall the conflict between the community and Wilmar reached a relatively successful outcome. Firstly, they indeed reached an agreement. Secondly, the proposed agreement contributes to economic benefits and social well-being. It is agreed that 327 hectares of forest will be maintained as a community forest, and if it happens to be converted, it will be reforested (de Vos, 2013). Moreover, 403 hectares of land will be used for plasma plantation, which includes 'assisted' smallholders that are tied to the plantation (Potter, 2016). Additionally, the company will invest in a community development program. Thirdly, the degree of equality in actors' influence on the decision-making process can be seen as relatively equal, although this is hard to assess. The communities gained assistance from the NGO coalition, especially in receiving training in negotiation skills and in understanding the palm oil system (de Vos, 2013). We can thus conclude that the community's position was strengthened, making the playing ground slightly more equal. Because their dispute was settled through mediation, one might conclude that it was a comparatively neutral and fair process. Lastly, the procedures somewhat address the environmental and social impacts of the conflict. Although, the agreement does not necessarily address this, regardless of it being addressed in the community's demands towards the company.

In terms of influencing factors, with the help of an NGO alliance, the community was able to launch the problem to an international scale and make use of mediation through the CAP-IFC. Following the literature, these factors indeed help reach more successful dispute resolution outcomes. It should be mentioned that persistence and organisation were also slightly touched upon in the literature. Here it would not have occurred without the help of the NGOs. Gemawan helped create a network of villages that gave way for a fight against the company, rather than fighting against its specific plantation branch. This led to a bigger impact on reaching an agreement. Other factors that might play a role in influencing the outcomes should be mentioned. First, this case's claims surpassed the dispute between the community and the company, addressing issues that relate to the company's general behaviour in Indonesia on various topics. This is important because this brings more evidence to the fore, and helps make a better argument against the com-

pany. Secondly, the company's financier is the IFC, as well as other foreign banks and funds (Zakaria et al., 2007). A possible explanation for the financier's influence might be that it is easier to hold these institutions accountable due to the specific principles they follow. Lastly, the village leaders' stance on the conflict should be considered. It seems that the Hamlet's leader's position changed to supporting the company's side. This might have influenced the final agreement that did not follow exactly the Hamlet's demands.

6.2 Case Study II: the Dayak Temuan vs. PT Mustika Sembuluh (PT MS)

In continuation of the previous case study, the current case also concerns Wilmar. This case is important as it examines the same company with a different conflict outcome. However, in this case, the communities conflicted with PT MS- one of Wilmar's subsidiary companies. It is the first plantation company in Kalimantan to be awarded RSPO certification (Chao et al., 2013). This case is important considering the relative success Wilmar gained in the previous case. This case will show whether there is a difference when in conflict with the plantation company rather than Wilmar the higher company. Furthermore, the case would also present how a certified plantation company deals with conflicts. This case study regards communities from two communities in Central Kalimantan. One community is set in the village of Bangkal, the other are two individuals.

Similar to the previous case, one main issue present in both communities' conflicts is due to the plantation company not carrying out a proper FPIC process and other procedures needed to start the company's operation in the region (Chao et al., 2013). According to the company, documents relevant to starting their activities can be accessed by stakeholders by submitting a formal request (Chao et al., 2013). Nevertheless, the community was unaware that the documents existed (Chao et al., 2013). This reinforced the community's lack of participation in the processes of claiming land. Another issue relates to the village head's stance on the conflict. Hence the case fits my design relevant to struggles with dispossession. The village head of Bangkal was clearly on the side of the company and

did not represent the community's interests. To illustrate this, the village head reported on several consultations held and emphasized the company's role in providing social and infrastructural support (Chao et al., 2013). The community, on the other hand, claimed not to be involved in consultation meetings with the company, nor were they properly informed of the operation, in contrast with the village head (Chao et al., 2013). Moreover, due to the villages' structures, activities carried out by palm oil companies greatly affects communities' mobility (Mongabay, 2014).

6.2.1 Conflict resolution process

In an attempt to resist the company and address the conflict, the community of Bangkal sent a letter to express their complaints and reported their case to the local and provincial governments (Chao et al., 2013). Furthermore, as a means of conflict resolution, the community requested the company to follow their customary rituals, to which the company has not responded (Chao et al., 2013). Moreover, the community has reported their case to the Indonesian National Human Rights Commission (Komnas HAM). However, these processes have not sided with the community.

In the two individuals' case, Tarang and Umbung's ancestral graveyards were destroyed by the company during land clearing (Chao et al., 2013). The case was originally taken to the customary court in 2008, where it was ruled that the two will receive compensation (Chao et al., 2013). However, both rejected the amounts. The individuals also submitted a report to the district police department against the company. After that, an additional round of negotiations occurred with local NGOs' attendance (Chao et al., 2013). This negotiation resulted in a documented conflict resolution mechanism accepted and signed by the disputed parties in 2009 (Afrizal et al., 2013). Nevertheless, the company did not come to an agreement on the compensation amount (Chao et al., 2013). Due to the number of unsuccessful meetings on the sub-district, district, and provincial government level, Tarang and Umbung appealed to the Komnas HAM for help (Afrizal et al., 2013). Despite Komnas HAM's acceptance to act as a mediator, PT MS did not agree to the process

(Afrizal et al., 2013). Consequently, the case came to a deadlock.

6.2.2 Conflict outcome and Analysis

Both cases that sought to find a conflict resolution with PT MS are unsuccessful- no agreement was reached on either conflict. Despite attempts to seek mediation through Komnas HAM, the attempt either left an insignificant impact or was not accepted by the company. NGO cooperation influenced this case in several ways. First, despite its presence in both instances, active NGO assistance was absent as opposed to the persistence shown in case I. Second, this reflected on the communities' persistence and minimal organization efforts of the two communities. Third, the company's financier did not influence the cases. This is because communities were not organised enough to resist Wilmar, and ended up fighting against PT MS specifically. In terms of influencing factors, in comparison to case I, the claims made by the communities here were not as elaborate and evident. Lastly, I would argue the disparity between the village head's position vis-a-vis the company and that of the community also does not help strengthen the community's interests. According to a local expert interviewed for this study (May 3, 2021), in certain cases, village heads receive payments to support the company. This can be explained by the importance of informal relations prominent in Indonesian politics (Anonymous, personal communication, May 3, 2021). Eventually, these factors together led to an unsuccessful fight against the company.

6.3 Case Study III: Semunying Jaya Village vs. PT Ledo Lestari (PT LL)

The following case was chosen due to the local nature of the company as opposed to the International nature of the previous cases. PT LL is a subsidiary oil palm plantation company owned by Darmex Agro, an Indonesian group dealing with palm oil cultivation, production, and exportation (Darmex Agro, n.d.). The company was a member of RSPO committed to protecting rainforests and compensating local communities (HRW, 2019; RAN, 2009). Later, a complaint was filed to the RSPO by a network of Indonesian

NGOs on the company's violations of RSPO criteria in 2009, Darmex's membership was thus terminated in 2013 (HRW, 2019). More importantly, Darmex's owner was arrested for bribing the local government in 2015 (Mongabay, 2016). This echoes much with the corrupt nature of land allocation discussed earlier. It is thus interesting to pit this case against previous cases and examine whether the locality of it plays a role in conflict outcomes.

Following the case selection design of the research, the communities were also not consulted, nor did they interact with the company before PT LL began its operations (LifeMosaic et al., 2008). In addition, PT LL started working in the region without the necessary permits (RAN, 2009). Communities believe this happened due to the Indonesian Military's partial ownership of the company (RAN, 2009). Consequently, the community was greatly affected by the company's operations on many levels. First, the plantation development has led the communities to relocate due to destroyed forests, which the community depended on for generations (HRW, 2019). The company forced reluctant families to leave by burning their houses (HRW, 2019). In such circumstances, communities had difficulties adapting to the new environments (HRW, 2019). Second, oral promises made by the company were not implemented, such as securing their church, clinic, school, and other promises involving their land security (HRW, 2019). Third, the communities' livelihood was damaged as they highly depended on their surroundings for food, farming, and cash income (HRW, 2019). Fourth, concerns were raised about river water pollution, which they depended on for drinking, cooking, and other household chores (HRW, 2019). Fifth, despite some families being employed by the company, they still had to spend more money on food due to relocation and loss of natural resources (HRW, 2019). As a result, some children had to drop out of school as families could no longer afford the expenses (HRW, 2019). Finally, the community's generational link to nature was harmed by their loss of access to their forest (HRW, 2019).

6.3.1 Conflict resolution processes

In March 2005, the company accompanied by the military, brought in heavy machinery to start its operation (Christmas et al., 2020). The community protested and fined the company under customary law; PT LL did not pay the fine (LifeMosaic et al., 2008). The community protested to the local police and seized a company motorbike in response (LifeMosaic et al., 2008). The company continued clearing land despite community complaints on the district and sub-district level (LifeMosaic et al., 2008). In December 2005, the community seized company machinery to stop their work (LifeMosaic et al., 2008). In 2006, the police detained two villagers concerning the protest (HRW, 2019). During the years 2006 and 2009, the villagers continued their complaints and concerns on plantation expansion to local authorities in the regency and on a provincial level, sometimes assisted by local NGOs in filing complaints (HRW, 2019). The community also brought complaints to the Bengkayang Regency Plantation Development and Development Team, the National Human Rights Commission of West Kalimantan, and Komnas HAM (Mongabay 2014). Despite several conducted investigations through the institutions, they were proven unsuccessful (Mongabay 2014). During 2009 and 2010, company representatives held meetings with some community members to negotiate a compensation and rehabilitation package but overall failed to compensate all affected communities (HRW, 2019).

6.3.2 Conflict outcome and Analysis

This case is deemed unsuccessful as no agreement was reached. In comparison with previous cases, the company's entry into community areas were more violent. The company was accompanied by the military and burnt people's houses. What might have strongly influenced this case is Darmex being an Indonesian group. This company's owner, Surya Darmadi, is known to be wealthy and was even arrested for bribing Pirau province's governor in 2015 (Mongabay, 2016). This resonates much with Indonesia's patronage democracy, a democracy whereby politicians distribute goods and favours as a key method of gaining electoral support (Aspinall & Berenschot, 2019). This is also supported by the local expert (May 3, 2021), who mentioned the commonalities of local governments gaining

monetary support from palm oil companies for funding electoral campaigns in exchange for licenses. Despite the communities' constant struggle and protest against PT LL, their efforts were still unsuccessful. They made use of immediate resources such as local NGO assistance, though their assistance was not as tenacious as that of Gemawan in case I. Regardless, the community remained persistent and organized throughout their conflict, this can be explained by their village authority siding with them rather than the company. The community also complained to local institutions. Nonetheless, no institution acted as a mediator between the parties. Moreover, the community's claim over the land was ancestral. With the Indonesian national government's difficulty in recognising indigenous communities, this claim seemed less successful in comparison to the more systematic claims made in case I.

6.4 Discussion

In the observed cases, we may witness a trend both on the companies' and the communities' side. Overall, the companies in the three cases did not properly carry out the FPIC process, nor did they implement their oral promises made to the communities. The communities resisted in numerous ways, ranging from confiscating company equipment, meetings and hearings, to complaints to local authorities and institutions. There seems to be a trend in the examined influencing factors as well. First, different levels of NGO cooperation were visible in the cases, which influenced community persistence organisation and unity. Second, not all cases were able to make use of mediation, some succeeded, others were denied. Third, most cases examined made claims based on generational and ancestral inhabitation. Fourth, in most cases, the village head was against his own villagers' will. Finally, in most cases, the community 'fought' against the plantation branch rather than the higher company in charge.

According to the local expert (May 3, 2021), community members face numerous challenges to their attempt in resistance. First and foremost, the weak recognition by law of the communities' land rights (Anonymous, personal communication, May 3, 2021). Sec-

ondly, more often than not government officials collude with plantation companies, resulting in high levels of bias and corruption (Anonymous, personal communication, May 3, 2021). These two challenges contribute to the lack of effective local conflict resolution mechanisms. In the backdrop of the government's bias in favour of companies, and the companies' abilities to gain licenses effortlessly, the communities' position is frequently weaker with a shortage of legal evidence on land claims. A third challenge is a communal one framed by their circumstances. Because of some communities' lack of experience, education, and capacities, NGOs or other external actors are needed to assist and strengthen their positions. Finally, many communities made use of local institutions or government-led mediation. Although this is the most accessed mechanism by communities for conflict resolution, it is not an effective one (Anonymous, personal communication, May 3, 2021).

7 Conclusion

The main goal of the current study was to determine what makes successful and unsuccessful local resistances against palm oil expansion in Indonesia. First, this study confirms that mediation is associated with more successful outcomes in conflict resolution between local communities and palm oil companies. Second, the findings also reflect the idea that cooperation with NGOs helps promote the community's side of the conflict. However, as we have seen, the mere presence of NGOs is not enough. The NGO has to facilitate meetings and be active in creating connections between communities and assisting by teaching skills relevant to negotiation. Third, prior studies have also noted the importance of persistence and organisation, the case studies have indicated how the NGOs play a role in communities' persistence. One interesting finding shows this, where communities of case study I worked together against Wilmar, whereas in other cases the villagers were not organised and only 'fought' against the specific plantation branches rather than the big company behind the operations. Fourth, the results also suggest significance in the community's claims on the companies. It appears that customary ancestral land claims are not as strong as presenting an array of claims that surpass local grievances. Fifth, the

findings point to a possible influence of whether the company financier is international or domestic. Although, this is only relevant if the community conflicts with the big company rather than the plantation branch. Lastly, the findings present that village heads do not always represent villagers' needs. However, not much correlation is found with the success of cases.

This work contributes to existing knowledge of what makes local resistances more successful by providing more possible influencing factors. Despite its limitations, the study certainly broadens the scope of what might contribute to successful conflict resolution outcomes. This information can be used to ensure appropriate systems and services aimed at strengthening communities' position to balance the playing field. These findings also raise intriguing questions regarding the nature of the companies that operate and expand oil palm plantations, and the extent of local institutions to deal with the conflicts that arise with oil palm expansion. There is abundant room for more research on the topic. Further studies to be undertaken on conflict resolution should take these factors into account.

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