

Processes of land appropriation for large-scale oil palm development in West Kalimantan, Indonesia

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Abstract

This study examines the processes of negotiation through which agribusiness investors are gaining access to large areas of land for oil palm plantations within the Kapuas Hulu district of West Kalimantan in Indonesia. Kapuas Hulu is at the forefront of current oil palm expansion in Indonesia, making this a revealing case-study of current practices at Indonesia's oil palm frontier. In their book, *Powers of Exclusion*, Hall, Hirsh and Li. (2011) describe the complex interplay of processes that are assembled to effectively exclude some actors from accessing land while privileging others. In Indonesia, these powers are applied to explain how investors access plantation land for a fraction of its market value. This study presents the complexities of institutional interplays among different actors that negotiate land dispossession across three village environments, each at different stages of engagement with the palm oil industry. In Kapuas Hulu, agribusiness corporations often gain land access with the support of customary elites, causing tensions within many Dayak Iban communities. Yet, informal modes of organisation, centred on the traditional longhouse social structures, also collide with the powers of exclusion, to produce sites of resistance.

Keywords: Palm oil; Kalimantan; land; political ecology; Indonesia.

Proses pembebasan lahan untuk perkebunan kelapa sawit di Kapuas Hulu, Kalimantan Barat

Penelitian ini mengkaji kompleksitas proses negosiasi antara investor perkebunan besar kelapa sawit dan masyarakat demi mendapatkan akses lahan di kabupaten Kapuas Hulu, Kalimantan Barat. Proses konversi lahan untuk perkebunan kelapa sawit di Kapuas Hulu terus mengalami perkembangan yang pesat. Menurut kajian akademik dari Hall, Hirsh and Li. (2011), proses tersebut melibatkan kekuatan ekonomi politik dominan untuk memperbesar akses lahannya dengan menghilangkan atau membatasi akses lahan pihak yang menyerahkannya. Keputusan ekonomi untuk konversi lahan ini didasari oleh motif atraktifnya transaksi lahan di pasar. Studi ini mengkaji proses negosiasi antar berbagai aktor dan/atau institusi dalam proses pembebasan lahan untuk peruntukan perkebunan kelapa sawit skala besar. Dalam proses pembebasan lahan tersebut, pemilik modal bekerjasama dengan segelintir elit adat lokal yang mendukung pembebasan lahan itu. Proses pembebasan lahan itu sangat kompleks sampai memicu perpecahan antara pihak institusi informal masyarakat tersebut, antara yang mendukung atau menolak proposal konversi lahan untuk perkebunan kelapa sawit.

Kata Kunci: kelapa sawit; Kalimantan; tanah; ekologi politique; Indonesia.

Processos de aquisição de terra para a produção de óleo de palma em Kapuas Hulu, Indonésia

Resumo

Esse estudo examina o processo de negociação através do qual investidores do agronegócio conseguem acesso a grandes áreas de terra para a plantação de palma (com fins à extração de óleo) em Kapuas Hulu, no distrito de Kalimantan do Oeste na Indonésia. A região de Kapuas Hulu está na linha de frente da área de expansão das plantações de palma na Indonésia o que torna este um estudo de caso revelador sobre as práticas na fronteira de produção do óleo de palma. Hall, Hirsch e Li (2011) descrevem em seu livro *Powers of Exclusion* o complexo arranjo de processos que são conjugados para excluirmos o acesso à terra de uma forma eficaz para alguns atores enquanto privilegiam outros. Aplicando esse arcabouço para o caso da Indonésia é possível explicar como investidores obtêm grandes propriedades pagando apenas uma fração de seu valor de mercado. Desta forma, este trabalho apresenta as complexidades dos arranjos institucionais entre diferentes atores que negociam a expropriação de terras na área de três vilarejos, cada qual em um estágio diferente de engajamento na cadeia produtiva do óleo de palma. Um desses arranjos presentes em Kapuas Hulu é que corporações do agronegócio costumam obter o acesso à terra através do apoio de elites tradicionais, o que causa tensões entre muitas comunidades Dayak Iban. Finalmente, modos informais de organização, como as estruturas sociais constituídas em torno de família extensas em casas comuns, têm entrado em choque com tais poderes de exclusão (*powers of exclusion*) produzindo espaços de resistência.

Palavras-chave: Óleo de palma; Kalimantan; terra; ecologia política; Indonésia.

Introduction

Compared to many other vegetable oils, palm oil offers an economically efficient and relatively low-cost production system in land abundant frontier regions, and strong international demand attracts the interest of large agribusiness investors. Foreign (primarily Malaysian and Singaporean) and domestic agribusiness firms have made large-scale investments in the Indonesian palm oil sector. Indonesia is the world's largest palm oil producer, and investors are motivated by an abundance of cheap labour and large amounts of apparently available land. For Indonesian policy makers, palm oil presents a variety of economic advantages that have encouraged them to facilitate the expansion of plantations into the remoter parts of rural Indonesia. Investment in palm oil development stimulates stronger export earnings and earns foreign exchange that support Indonesia's balance of payments and protects the exchange rate, while providing an important source of formal and informal revenue for the state. The industry is also seen to create jobs in rural regions with few other employment opportunities, and with multiplier effects for broader regional economies.

The expansion of palm oil, therefore, appears to have brought economic development to the outer islands of Indonesia where there has been an expansion of local infrastructure development and (many have argued) a reduction in rural poverty (PACHECO ET AL, 2017). Nevertheless, it is undeniable that palm oil expansion has also had major impacts on landscape transformation right across Indonesia. In the post-decentralisation era (after 1999), district governments in Indonesia have been empowered to provide local permits for large-scale oil palm plantations. Environmental concerns have been heavily debated between proponents and opponents of palm oil (PACHECO ET AL, 2017). Environmental campaigns aiming to limit palm oil expansion have been refuted by the palm oil industry in Indonesia, with the Palm Oil Business Association in Indonesia (GAPKI) even stressing the positive environmental benefits of plantations such as the ability to absorb carbon dioxide (GAPKI, 2013). The introduction of palm oil development into rural areas has resulted in a major influx of capital and labour into local landscapes (CRAMB & CURRY, 2012), while some activists have opposed big business due to accusations of labour exploitation. For instance, Amnesty International (2016) argued how the industrial development of palm oil in Indonesia is associated with child labour exploitation, while Potter (2015) shows an alternative assessment of palm oil in Sanggau in West Kalimantan, where smallholder farmers highly value the opportunity to grow the crop. Meanwhile, Mertz (2015) acknowledges the problem of land dispossession from large oil palm plantations in Sarawak and West Kalimantan, but nevertheless suggests that it has increased the market participation and infrastructure access for rural communities. The livelihood impacts of oil palm development, therefore, are intensely debated.

Oil palm is a land-extensive crop, with high returns on capital investment and relatively low labour requirements when access to land is cheap, and so plantations in Indonesia frequently cover large areas - some exceeding 100 thousand hectares. This article examines the specific processes through which areas of land are made available and incorporated into the palm oil complex in Kapuas Hulu, a District of West Kalimantan that shares a border with Malaysian Sarawak (Figure 1). Oil palm is also predominately planted as a monoculture, and so the spatial expansion of the crop frequently involves the exclusion of alternative land uses. This study combines political ecology and value chain approaches to examine unequal power relations and how they influence land control and access.

Figure 1: Map showing Kapuas Hulu District in West Kalimantan



The political ecology of resource exclusions

The field of political ecology has a long and rich history of examining how agrarian communities adapt to the influx and influence of external capital into their communities, and the multi-scalar analysis of the interaction between humans and the environment is central (NEUMANN, 2005). In mapping natural resource outcomes, political ecologists do not depend solely on natural causes, but also consider human behaviour and how different actors conserve or exploit natural resources. In such human interaction with the environment, political ecologists acknowledge the realities of imbalanced power relations among humans as well as conflicts over conserving some resources and exploiting others.

From this perspective, many environmental problems can be perceived as essentially political economic issues, which arise from the social relations of production within a capitalist system (NEUMANN, 2009). Local institutions do not have a monopoly over the regulation of local resource usage and access. In reality, corporate and state actors, operating at other spatial scales, can conspire together to significantly influence control over land access for large-scale palm oil expansion. The process of acquiring land for palm oil cultivation can be further understood through the domains of property and access. Ribot & Peluso (2003) define property as a claim to benefit from things, where things can become natural resources. In Kapuas Hulu,

property can be claimed through different institutions. For instance, customary leaders can claim *tembawang* (or forest garden) collectively as their common property on the basis of customary rules. The state can claim the forest area as state land on the basis of state regulation, and private entities can enclose land as private property on the basis of formal certificates they have acquired from the purchase or leasing of that land.

The concept of access has a broader relation to the property. Access concerns an ability to benefit from a natural resource (RIBOT & PELUSO, 2003), and it underpins broader social relations to property rights or ownership. For instance, in forest areas, the local community can acquire access to natural resources with permission from the state apparatus. Hence, in the intersection of broader relationships of owners and the people who enjoy the benefits of accruing natural resources, access refers to those who actually benefit.

Examining access raises questions of power in natural resource management as it scrutinises the various mechanisms, process and social relations that are exercised to influence the abilities of different people to benefit from natural resources (RIBOT & PELUSO, 2003). Political ecology can hence be used to trace the struggles of local institutions to access land and retain livelihoods amidst the onset of capitalist relations. In particular, local actors necessarily encounter, and must negotiate with, local elites, government actors, plantation developers (including timber entrepreneurs) and conservationists, all within the fluctuating pressures exerted by markets and prices (McCARTHY, 2006).

Resource exclusion involves limiting the access of original owners to their disposed land and even totally excluding some (marginal) actors from accessing land at all (HALL ET AL, 2011). In discussing land dispossession, Rhein (2014) finds that, in West Kalimantan, a variety of actors have been involved in land enclosures and the allocation of concessions. In those scenarios, local strongmen, senior bureaucrats, and influential businessmen have consolidated resources to establish palm oil. Using patron-client relationships, those consortia can shape ownership over particular tracts of land through the concession model. Hall et al (2011) identify four key “powers” that enable land exclusion and subsequent resource accumulation: regulations, force, market, and legitimisation. Regulations are often sets of formal rules that govern land and resource use and access. Force refers to sanctions and violence that are applied to exclude certain people from land. Land markets have been used as a mechanism to transfer land access from the existing to new owners who possess greater financial capacity. Finally, exclusion can occur through creating a socially acceptable basis of land claims, often through a dominant discourse (legitimation).

In West Kalimantan, Semedi (2014) describe how ethnic Dayaks (considered to be the indigenous people of upland Kalimantan) were dispossessed of swidden lands by the advance of large-scale agribusiness and regulatory processes. In the other settings, farmers have voluntarily converted their swidden or rubber plots into oil palm. When palm oil prices were high, farmers' market access can be expanded where local communities sell their crops to local collectors. Nevertheless, Potter (2015) notes the population expansion in West Kalimantan which has resulted in land shortages and resource competition, while capitalist firms have an interest in maintaining a monopoly over land to maximise their profits from large-scale plantations.

This paper examines the formal and informal processes through which large areas of land are appropriated by agribusiness investors, while local communities are effectively excluded from accessing that land. These processes involve a series of negotiations between investors and both state structures and local communities. The ensuing political negotiations can be seen as a process leading to the effective exclusion of certain actors (especially local communities) from areas subsequently converted to oil palm.

Methods

To address these research objectives, various data collection methods were employed as part of a doctoral study by one of the authors, including eight months of fieldwork in West Kalimantan during 2016 and 2017. The research objective required a deeper understanding of changing local social relations, power relations, and livelihood transformation, and a variety of data collection techniques were used during the ethnographic field work. These included: participant observation, semi-structured interviews, group discussions and a household livelihood survey. Three villages were identified as case-studies of livelihood transformation under oil palm, with 40 households surveyed from each village. The detailed results of these surveys are presented in Hasudungan (2018) and are not presented in this article. They did, however, inform our understanding of local perception towards land appropriation processes.

Palm oil in Indonesia

Originating in West Africa, the oil palm tree grows well under humid climates with suitable rainfall, such as Indonesia, and Europeans originally brought oil palm to Indonesia, with the first pilot experiment conducted in West Java, in 1848 (BERGER & MARTIN, 2012). Oil Palm cultivation was initiated in Sumatra in the late 1800s, as the opening of the Suez Canal in 1869

allowed a much shorter shopping route to European markets for products from Southeast Asia (BREMAN, 1989). The Dutch viewed the thinly populated north-eastern parts of Sumatra (south of the current city of Medan) as a “waste land”, since it was surrounded by thick forest, and interspersed with “unproductive” swidden cultivation. As a result, the east coast of Sumatra was developed into what appeared to be one large plantation, which became known as Deli around the turn of the 20th century (Stoler 1998, p.14).

In West Kalimantan, the Dutch occupied the western part of Borneo (West Kalimantan) in 1848 in response to British expansion in Sarawak (EILENBERG, 2014a). In Sarawak, the expansion of cash crops - in particular rubber and pepper, mainly occurred under the British Empire, with the assistance of Iban Dayaks in Batang Lupar territory. In contrast to the relatively large-scale commercial development of industrial crops in Sumatra, cash crop development initially occurred in West Kalimantan through cooperation between ethnic Chinese settlers and Dayaks. Being popularised by Chinese merchants, Dayaks cultivated rubber in their swidden fields from around 1903 in the Sanggau region (BISSONNETTE ET AL, 2011). While road infrastructure was not well-developed, merchants soon saw the possibility to bring palm oil into Pasar Kelua, near Tanjung in South Kalimantan which was shipped directly to Singapore in the early 20th century (Ibid, p.156). In West Kalimantan, however, palm oil did not become a high value cash crop until the mid-1970s.

In 1978, state institutions made direct interventions to facilitate smallholding palm oil partnerships between various Indonesian state-owned plantation companies (PTPNs) and smallholder farmers (ZEN ET AL, 2016). Under these arrangements, local inhabitants effectively surrendered their land to state-owned corporations. From all land allocated to the corporation, 70 percent of the land was redistributed to smallholder farmers, while the remaining 30 percent was kept by the corporation (CRAMB & McCARTHY, 2016). In those smallholding schemes, local smallholders gained access to financial capital, inputs and the ability to sell their fruits to the state-owned corporation at the price determined by the corporation. At the same time, these schemes tended to involve a significant cost for the government and the PTPNs, who would subsidise the smallholder production and absorb the risks associated with the delivery of poorer quality product. As a result, a dominant narrative emerged, mainly from within the international donor community, that the industry was badly affected by inefficient government attempts to intervene in palm oil cultivation (LARSON, 1996). Donors came to believe, in the 1990s, that liberalisation of palm oil development in the hand of private investors would give far more efficient business outcomes (BUDIDARSONO ET AL, 2013). During this period there continued to be widespread allegations that state-controlled palm oil policies were fuelling smuggling,

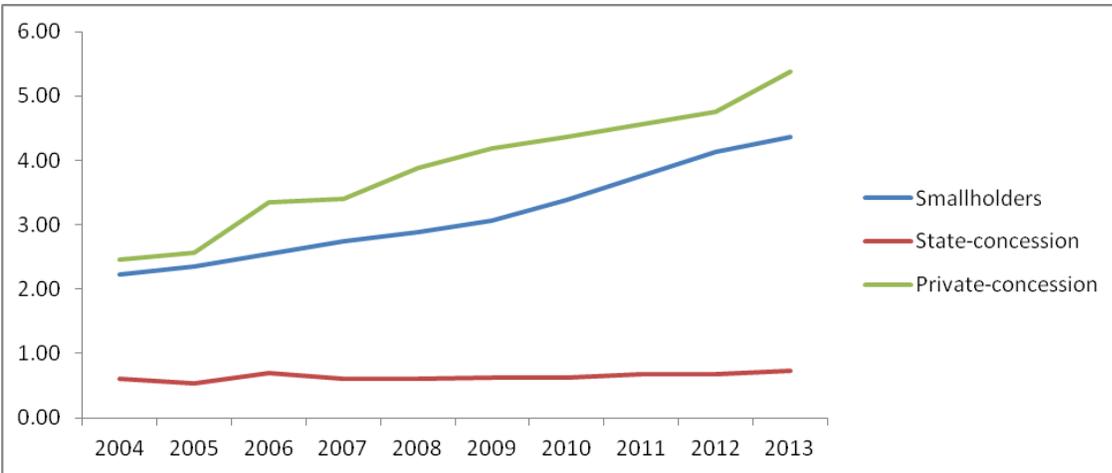
leading to inefficiencies, reducing foreign exchanges and contributing to inequality (GASKELL, 2015). The World Bank took this opportunity to push the development of private plantations as a way to absorb labour, including from some state-sponsored transmigration policies (POTTER, 2011). The World Bank insisted that the government allow market forces to dictate development of the sector and so in the context of a limited state budget and under pressure from donors, the palm oil sector became increasingly privatised (BUDIDARSONO ET AL, 2013).

During the 1998 Asian Financial Crisis, and under pressure from an IMF rescue package, the government began withdrawing fiscal support for subsidising smallholder palm oil development. As a result, the government began actively promoting corporate investments in oil palm during the post-*reformasi* period (i.e. the period following the fall of Suharto in 1998). With increased liberalisation, private companies complained of poor smallholder capacity and unreliability, resulting in their reluctance to give responsibilities for cultivation to smallholders within their estate (CRAMB & McCARTHY, 2016). This led to corporate demands for greater direct control over oil palm land and relegating former landowners to roles either receiving dividend payments or working as labour.

The government tried to encourage private investors to follow earlier state-run models such as the Nucleus Estate Scheme (*the Perkebunan Inti Rakyat*, or PIR), as usefully described by Bissonette (2013) where PIR consists of a core company (*inti*) surrounded by smallholders (*plasma*). Smallholders were considered beneficiaries of large-agribusiness and received technical knowledge and market access to processing mills from the company. In exchange, they were bound by contract to exclusively provide fruit to the company. In reality, this form of contract farming all too frequently provided inadequate technical support for the farmers, many of whom were unable to meaningful benefit from the wealth generated from the industry.

Within the new private model of corporate palm oil production, new partnerships between private plantations and smallholders were established, as the government increasingly withdrew from direct involvement in plantations (Figure 2). Under such schemes, large-scale plantations resulted in new and complicated institutions that reached down to the village level (McCARTHY & ZEN, 2016). For instance, land was parcelled out to cooperatives and the cooperatives were then forced to allow companies to manage that land. In this instance, smallholders would maintain formal ownership of their land which was cultivated under corporate management (thereby forgoing their own management rights) and received a share of profits from the company.

Figure 2: Oil Palm cultivation by ownership type (in Million Hectares)



Source: Indonesian palm oil statistics, Ministry of Agriculture (website)

Oil palm in Kapuas Hulu District

A shareholding system has been applied in our case sites in Kapuas Hulu. For instance, in Miau Merah village, PT. Riau Agro Plantation (PT RAP) acquired a plantation permit (known in Indonesia as a *Hak Guna Usaha*, or HGU) over 4,500 hectares of land, 40 percent of which was owned by local villagers, such that a shareholding system was implemented. This involved the company fully controlling production, but whereby a share of financial benefits were redistributed, through a formal agreement with a land cooperative, to the original landholding members of the local community. Under this model, the participation of local people in the palm oil industry, and their relationship with downstream companies, is limited to receiving monetary dividends from their landholdings. Over time, large agribusiness firms have been able to control increasingly large areas of land by negotiating with the government to gain control over the redistributed land they obtained from local inhabitants. In addition to the expansion of corporate palm oil, the desire of smallholders to cultivate palm oil in their farms, has also contributed significantly to the expansion of palm oil across Indonesia (Figure 2).

Due to its frontier location near the Malaysian border, Kapuas Hulu is considered strategically important by Indonesian political elites concerned about potential loss of national sovereignty. The extremely underdeveloped state of the region is seen as a risk, as the economic expansion of Malaysian activities there could eventually result in a territorial claim. Partially as a response to these concerns, Indonesian national elites have been actively promoting palm oil development since around 2000, with large-scale operations beginning in Silat Hilir in 2001 (SHANTIKO ET AL, 2013). In a further attempt to assert national control, in 2007, the state provided land use permits to any large-scale palm oil developer willing to operate

further upstream in Badau (immediately proximity to Sarawak), resulting in plantations being established in 2012.

The emergence of large-scale palm oil operations significantly impacted processes of land access for swidden farming, which is culturally important to indigenous Dayak Iban communities. In a previous study in Kapuas Hulu, Clerc (2012) found many lands previously used for swidden cultivation had been converted to oil palm. Kapuas Hulu is an important case study as it straddles the current frontline of oil palm expansion, with some Dayak Iban longhouse communities in Embaloh Hulu actively resisting the ongoing expansion. The upper reaches of Kapuas Hulu thus present an interesting case where traditional Dayak communities demonstrated some (initial) resistance to the expansion of oil palm in their territories.

Kapuas Hulu also provides insights into the competing agendas of environmental conservation and the imperative of economic development. Communities in Embaloh hulu believed that palm oil development, as they witnessed in the other villages, would bring environmental destruction and land dispossession. These villages are located on the border of the Betung Kerihun National Park, which was formally established in 1995 and provides habitat for the Bornean Orangutan and several other primate species. At the same time, many individual households were struggling to find alternative incomes to meet their increasing cash needs. International conservation and non-government agencies have been active in attempts to conserve these forests, and many inevitably come into conflict with local palm oil advocates.

We now turn to analysing three distinct processes through which land appropriation for oil palm is taking place in Kapuas Hulu.

Formal regulatory processes of land appropriation

The area converted to oil palm continues to grow at a significant rate. In 1999, there were few cases of land being provided to oil palm plantations, but oil palm concession land had grown to an astonishing 464,000 hectares¹ by 2015. Much of this land was allocated through central land use authorities working in partnership with local elites, although the processes of land allocation were often opaque and based on securing benefits for political elites and agribusinesses.

The creation of exclusive access rights over land is ultimately political and involves dynamic power relations, as described elsewhere by Massey (2009). In Indonesia, land use

¹*Data perkembangan perizinan Perusahaan perkebunan di Kabupaten Kapuas Hulu (Keadaan Tahun 2015).*

decisions are often made in a top down hierarchical way, involving the Ministry of Forestry and local governments who delineate between development zones and forestry zones (CHAKIB, 2014). Spatial land zoning is a critical process that involves three tiers of government: local district governments make their own spatial zones (RTRWK); these are negotiated with forestry officials and their forestry zoning plans (TGHK); finally, these are incorporated into provincial zoning plans (RTRWP), which ultimately determines formally allowable activities on particular lands. Through these negotiations, local governments typically attempt to reduce areas that are zoned as state forest, thereby opening up land to oil palm conversion. In a general sense, forestry authorities would lose their authority over lands once they had been converted into designated non-forest use areas, such that negotiations over these forest lands becomes an institutional contest between the forestry authority and local authorities to maintain territorial influence and possible access to rent-seeking opportunities.

Allocating oil palm leases (HGU) almost inevitably results in access loss for local communities. In Kapuas Hulu, two palm oil corporations, PT BTS (PT Buana Tunas Sejahtera) and PT RAP (Riau Agrotama Plantation), were granted HGU concessions under different conditions and even though compensation was provided to the community due to loss of land during this process, many believed it to be inadequate. In the land titling and leasing system, power relations work in the favour of the government who is able to overrule the informal property rights of smallholders (McCarthy, 2006). The rationale for local government to override local customary land tenure systems is discursively constructed through an argument that these systems are poorly adapted to encourage economic development.

Through the permit process, corporations have to negotiate with various state institutions and, prior to applying for a HGU, corporations have to negotiate with local development agencies to get information about land availability, obtain local permits, and undergo environmental assessment (AMDAL). After they meet these various requirements, they can negotiate with the national land agency (BPN) to finally obtain HGU leasing rights.

During the process of obtaining a HGU lease, land concession proponents are required to resolve pre-existing conflicting land claims and pay compensation if needed. Prior to receiving local permits (*ijin lokasi*), district elites required PT BTS and PT RAP to negotiate with local communities to resolve any formal or informal claims to the land these companies were planning on cultivating. Such bureaucratic requirements, however, were often accompanied by weak local government monitoring capacities, and in Kapuas Hulu, the consultation process was driven by the company, such that local claims to land were effectively ignored. For instance, in both Silat Hilir and Badau, company representatives attempted to encourage local inhabitants to sacrifice

their land for large-scale plantations. Simultaneously, local elites would use the consultation process to secure land sales to the company – often severely under-priced land. Much of the land previously accessed by the local community was not formally certified (ie. they did not have formal land title, or *Hak Milik*), which would otherwise involve a costly administrative process.

As local villagers have weak formal claims to land, agribusinesses are able to take advantage of formal land allocation systems to gain access. For instance, in Badau, company representatives attempted to gain the support of local leaders by offering up-front compensation payments to village leaders, on the apparent assumption that such payments would persuade influential local leaders to convince other villagers to approve the transfer of communal lands to the company. One local community member, alluding to the actions of company spokespersons, said:

“They frequently came into my house to try and persuade me to give up my land by promising employment. I thought all my family members would become field supervisors..... Yet, I am now disappointed that I gave 31 hectares of my land.” (female respondent, Janting, Badau, 2016).

In Miau Merah, verbal promises of wealth and jobs were also given by the company to encourage land release, and many villagers felt deceived:

“The spokesman told us that if we join the palm oil company, we will never suffer loss. We would not have to work, as the dividend would be delivered to us. In harvesting season, we could even purchase a television and receive money. We can just stay and relax in our home” (male respondent, Miau Merah, Silat Hilir, 2016).

Compensation should be paid to existing land users prior to an HGU concession being issued. This process of receiving compensation (and thereby effectively surrendering rights) occurred in a social environment fully controlled by the company. Using their influence over national and provincial land regulation processes, large-agribusinesses are able to push down compensation far below market prices. During the process of establishing the plantation, the company was in a strong position to dictate terms of compensation, and generally treated villagers as project recipients (who should be thankful for the company “gifts”) rather than rightful stakeholders. Some reportedly received as little as 250,000 IDR per hectare (19 USD) (SHANTIKO ET AL, 2013). In the process, all plantation land, including the land ostensibly redistributed to the community, became under the full control of the company. Dividend payments provided by the company in 2016 and 2017 varied greatly in value, but a single villager would on average receive approximately 60 thousand IDR per month (around 4.6 USD). Although it was claimed that the local community had been consulted about the company’s

decisions, there were few opportunities for villagers to meaningfully discuss their needs and aspirations.

In Miau Merah, the situation was different again from that just discussed in Badau. Here, the company did not initially provide monetary compensation for acquired land but rather took control by directly managing 40 percent of land allocated to farmers. Yet, farmers received regular payments for fruit harvested from their plasma production plots, which were calculated based on the weight of total fruit production in all their plasma plots, and could be between 400 to 900 thousand rupiah (or 30-67 USD) per month. Through these arrangements, PT BTS, was able to secure over 6 thousand hectares of land through a HGU concession². In Miau Merah, the company was able to secure about 4.5 thousand hectares in total.

Discursive strategies to appropriate land

The formal regulatory system is underpinned by various powerful discourses regarding the most appropriate use of land and processes for allocating use rights. Contestations over land use essentially arise from competing models of reality that have been assembled in order to promote particular interests. Here, discourse is employed by powerful actors to allow the construction of a particular way of framing reality that delegitimises alternative framings (a process elsewhere discussed by Street, 2001). The way in which different discourses are used often shows how power is being contested among elites. Dynamic power relations can also be observed between central and provincial governments as they release and reclassify forest areas for oil palm development.

While some conservation advocates hope that National Park designation could help support tourism, for the most part forestry designation is considered a poor economic driver. As a result, provincial and district governments are often keen to endorse forest conversions to other uses, even when this marginalises local land use and resource access rights. In 2016, the provincial government formally converted 13.5 thousand hectares of protection forests in Kapuas Hulu into non-forest areas.³ According to the political proponents of this process, the conversion of forests would result in new legal rights for the local community.⁴ In reality, it seems clear that the economic and political interests of district and provincial elites was the driving

² Data of land concession in Kapuas Hulu, West Kalimantan, sourced from local plantation office in Putussibau, 2015.

³ Presentation of Provincial government to national parliament, May 30, 2016.

⁴ Interview with provincial forestry staff, Pontianak, West Kalimantan, 2016.

motivation as it supported oil palm expansion, and coalitions of businessmen and politicians would stand to benefit.

After those forests were converted into development zones, other local elites also pushed the narrative of opening up 'marginal swidden lands'. This narrative was also legitimated and reinforced by official development agencies at the national and international level. Various reports written by multilateral development organisations are underscored by an agenda which promotes rural development and large-scale agribusiness as economically superior to swidden farming. In such reports, the concept of 'utilising' 'marginal' areas or 'wastelands' is discursively presented as a key strategy to increase the efficiency of production. For instance, in the 2008 World Development Report, commercial crops were advocated as a key means to achieve poverty alleviation. In line with this argument, commercial smallholders would provide their surplus crops to local markets as a key way in which to expand commercial agriculture (World Bank, 2007, p. 3). Furthermore, it was argued that smallholders can benefit from direct partnerships with agro-industry (Ibid, p.2). The report also suggests that subsistence farmers are frequently "buyers of food and sellers of labour" and that the unfavourable conditions endured by many swidden farmers have rendered them incapable of engaging in commercial crop production.

Such assessments help construct a discourse around the perceived inefficiency of traditional swidden farming of the land, which has led to the promotion of large-scale plantation farming. As another example, Deininger et al. (2011) advocate the introduction of oil palm plantations in areas currently known as 'wastelands' or '*alang-alang*', thereby delegitimising subsistence production because it is not marketized. In fact, subsistence-based swidden cultivation is used as a critical means of survival (CRAMB, 2007; DOVE, 2011). During the post-1998 period, national elites presented the threat of destabilised borders to national security if Malaysian interests expanded their economic activities in Kapuas Hulu. To resist such pressures, national economic sovereignty was discursively established in an attempt to supposedly maintain self-sufficiency and "national dignity" in the context of the rising economic power of Sarawak in Malaysia. For example, in 2005, former Indonesian President, Susilo Bambang Yudhoyono, made the following claim:

"Our plan is to develop the areas alongside the border for palm oil plantations, forestry, and tourism centres. If we can develop this from the west to the east, security and stability will be better. Palm oil and agricultural cultivation will raise

incomes, absorb the workforce and increase regional taxes. Meanwhile, we will be able to keep on nurturing the sense of nationhood and being Indonesian.”⁵

In this context, land policies were justified to institutionalise new land arrangements in the border regions, with national regulations formulated to accommodate large-scale plantations. A new ‘grand design’ land policy was initiated in 2011, which laid out a 15 year master plan which included a large scale agrarian zone in the border areas of Kapuas Hulu (EILENBERG, 2014b) as part of what they referred to as an *Agropolitan* region. Nonetheless, these policies were challenged and opposed by various actors, as activists and affected villagers took actions to oppose these national land use plans. Often, this opposition was spearheaded by non-government activists to gain public attention, attracting sympathy and support from a network of international NGOs. In turn, international NGOs (along with some international donors) who were critical of these policies applied pressure on national elites within Indonesia in a partially successful attempt to change national land use policies. National and local political actors did, however, eventually modify formal planning processes to designate an oil palm zone in the local spatial plans in Kapuas Hulu (EILENBERG, 2014a). Agribusiness investors saw the euphoria to maintain national sovereignty in the borderlands as an opportunity to establish plantations close to Malaysia, and possibly even benefit from cheaper transportation costs.

The ability to construct a powerful narrative about the benefits of oil palm and the backwardness of swidden systems has been critical to legitimising the formal land appropriation process, but it still required the active enrolment of local community members.

Intimate exclusions within communities

Both government processes related to the formal approval process, and the requirements of sustainability standards such as the Roundtable for Sustainable Palm Oil (RSPO), require that plantation companies obtain the prior and informed consent of local communities, and for relevant compensation to be paid. The process of obtaining this consent in Dayak villages was complicated (and was arguably also facilitated) by horizontal conflicts amongst community members. Companies frequently gained access to land through establishing patron client relations with customary elites, thereby breaking the cohesion of longhouse communities.

⁵ Political statement of SBY as quoted in Tempo. 2005. Border integrity, Tempo, English edition No. 50. 16–22 Aug.

In these processes of land appropriation, customary institutions are constantly challenged by various external interventions orchestrated by interested parties (companies and their state-based allies) that frequently use customary leaders as instruments of their interests. In the first stage, market powers were a powerful influence over customary elites, when companies negotiated with various village elites surrounding Badau. Following initial verbal promises of future prosperity, village leaders were taken by company representatives to the company's other plantation in Riau province in Sumatra.

“About 30 village leaders were invited to a feasibility study in Riau. They were shown the development in the company's concession, and in return we gave the land to them. Yet, those promises were misleading. What they had promised was different to current reality” (Male Iban respondent, Badau, 2016).

Through such travel perks and other activities, the company expected key leaders in the village to convince other villagers to agree to land transfers. As negotiations progressed, the company sought further way to influence internal community dynamics, and increasingly relied on patron-client relations stretching down to the village level in an attempt to secure the flow of natural resources from village lands. McCarthy (2006) presents similar processes in Aceh, where village and district officials were bribed in exchange for allowing the logging industry to proceed. In Badau, patron-client relations are primarily used to make informal arrangements between the company and local elites:

“Before they acquired the local land, they gave [money] in envelopes [to village leaders]. After they got what they wanted, they just left.” (Male respondent in Janting, 2016)

Through what became an influential patronage relationship, the various powers of exclusion (as presented by HALL ET AL, 2011), including regulation, force, markets and legitimation were combined by those customary interests to pursue the enclosure of common land. For example, it was stated by Dayaks in Badau that a village leader urged his family to surrender land to the company. As land conflicts emerged, community representatives from Kekurak met with NGOs and media organisations to discuss the problem of land dispossession, but later claimed that Dayak thugs threatened violence against the activists (CHAMIM ET AL, 2012). Another villager explains:

“In the beginning we rejected oil palm, but there were two people who urged the local people to accept. They said we were stupid when other villages had opened up to large-concessions, but we had not. The company has accrued

extensive financial resources against local people in the court..... They came to other villagers' houses to urge land sales". (Interview with male respondent, Janting, 2016).

In various interviews with Dayak community members, it was revealed that many people had hoped that the establishment of oil palm plantations would improve their household economies. For instance, in an interview with local inhabitants in Janting, one Dayak community member sold large tracts of land with the expectation that their children would be given supervisor jobs within the company⁶. They later discovered that these promises were not fulfilled and greatly regretted the loss of their land. On the other hand, those who rejected oil palm were often forced to leave their longhouse community to form new longhouses. Similarly, swidden farmers who rejected these schemes were often influenced by NGO activists, such as farmers in Janting village.

Village communities, then, are presented with highly divergent narratives from external agents about future prospects should they choose to cooperate with oil palm companies, resulting in divided aspirations, sometimes leading to serious horizontal conflicts and even violence. During one interview, one local Dayak man revealed that his father in law had opposed the oil palm company on the basis that the terms and conditions of the agreements were both unclear and fluctuating, such that he was subsequently verbally abused as a result. In another instance of intense debate, one man who supported large-scale palm oil ended up in a *Mandau* sword fight with another man who was opposed to the company. Other similar conflicts within Iban villages between supporters and opponents of palm oil were commonly reported during fieldwork.

Horizontal conflicts can also occur between communities, and are often related to communal and customary territorial claims, such as occurred along an ambiguous boundary between Janting and Semuntik villages. According to Janting villagers, the Semuntik villagers had sold the communal forest of Janting villagers to the company without their permission or discussion which immediately resulted in conflict. This occurred despite various kin and cultural relationships between Dayak Iban villagers of Janting and Semuntik.

In Janting, after customary institutions were challenged, those who rejected palm oil plantations imposed social sanctions upon those who supported previous land appropriations. This included not inviting, or excluding, those who stayed in the longhouse community from attending certain customary meetings to make some local decision makings. As a result, several

⁶ Interview with M, Janting, Kapuas Hulu, 2016.

meetings related to oil palm have been shifted to other venues. These and other horizontal conflicts within Dayak communities were frequently perceived, by local migrants and non-Dayaks, as a sign of weak customary institutions that could be exploited to gain access to resources.

In Miau Merah, Dayaks constitute a smaller proportion of the local population compared to Malays and other migrants, such that these migrant groups have more comprehensively challenged the customary practice of swidden farming by the Dayaks. They argued that swidden was a destructive agricultural practice that causes smog in neighbouring countries. The official Village Head (*kepala desa*) explained:

“I need to explain the effect to indigenous farmers. I already told them the smog will go overseas [to Malaysia]. I did not blame the swidden, but just the way to convert them with slash and burn practices. We find no progress to reduce slash and burning farming”. (Male village head, Miau Merah, 2016).

Such legitimating discourses, often backed up by the actual or threatened use of violence, have proven to be powerful tools for excluding some community members from their land, and these are often employed within the community itself as a form of “intimate exclusion” (HALL ET AL, 2011).

Exclusion and differentiation through market processes

Individuals who have become financially successful with access to cash income, either through early adoption of oil palm and hard work or, more commonly, through privileged access to social capital and primitive accumulation, have expanded their interests to acquire even more land through local market transactions. Numerous cases unfolded whereby initial access to off-farm income (such as a salary as a field plantation supervisor) or from palm oil had enabled subsequent land purchases – often from family swiddens. At the same time, those who lack initial income or other forms of capital, or whose farms are poorly maintained, or who are exposed to sudden price volatility for their outputs, find themselves forced to sell their land into the hands of wealthier villagers. While a land market accommodates the successful actors to accrue assets, the market also works to exclude those who have been made vulnerable by their fluctuating, but ever-increasing, cash needs. Financial distress caused by the need to pay electricity or phone bills, or to meet various social expenses such as health and education, was a common cause of land sales amongst households we interviewed. In Miau Merah, for instance, an elderly Dayak farmer, who claimed to be 101 years, had sold his plasma plot

entitlements to other villagers and was subsequently forced to seek off-farm work in and around the village. Other cases were commonly narrated to us.

Oil palm cultivation tends to require significantly larger upfront access to financial resources than some other crops, and is less amenable to intercropping. As such, processes of social differentiation seem to occur much more rapidly in oil palm frontiers than for other commodity boom crops, and land dispossession amongst kin and community, often based on voluntary negotiations and market forces, is a common pattern.

The process of converting customary tenure into individual property rights is a complicated one, and no doubt highly varied, but one such mechanism was presented to us in Badau when a Malay man sought to purchase land held under customary tenure. He was unsure of the customary land demarcation and the rights of dispossession held by the Dayak individual with whom he was negotiating, such that he called customary elites and various other villagers to determine the new boundary of the land. He effectively bribed several influential individuals to secure his claim:

“Previously, I used to only deal with land holders in purchasing land. Now, I need to bring 10 neighbours where the land is located. I give them cash of say 100 thousand IDR [10 USD]. I want to prevent any external parties claims, so that I insist that they collectively point out the boundaries. After that I propose a *SKT* (land claim letter from the village head) to be approved with those signs of those neighbours.” Interview with A, Badau, Kapuas Hulu, 2016.

This engagement may actually suggest an increasing influence of customary land institutions over time (compared to the informant’s behaviour in the past) that need to be accommodated by potential new resource users. However, it also demonstrates the relative ease through which land exclusion can occur through the marketisation of land. In Miau Merah, some local migrants would attempt to secure up their claims by obtaining formal land certificates as soon as practically possible to avoid any future customary claims on land that was previously made by land tenure customary institution. In local land market transactions, they instead invited the customary leader as a formality and as a reference of the past history of that land. In fact, the decision to determine local land sells and purchases frequently depends more on the voluntary transaction between local buyers and sellers in Miau Merah.

In these various cases, it can be observed that customary land institutions were subservient to processes of market-based exclusions and to the certainty of regulation (formal land certificates), and appear to be becoming increasingly irrelevant in the regulation of local resource access.

Conclusion

Large scale oil palm development has resulted in land appropriation and the exclusion of some individuals from accessing land. This has occurred as a result of various mechanisms, including the regulatory processes associated with spatial planning and formalizing private concessions (HGU), through discursive strategies, and by establishing local networks with local customary elites and market mechanisms. While local communities have, at times, been able to call on external institutions to mobilise support for their struggle against land appropriations, sometimes making an impressive resistance movement, they are engaged in a negotiating space characterised by highly unequal power relations. National and local elites have more successfully configured alternative strategies to incorporate regulations, force and market pressure to achieve their aims. The outcome of this process has been large-scale landscape transformation across Kapuas Hulu away from a mosaic of forests, agroforests and swiddens towards a mostly monocultural oil palm plantation, although this process remains, at present, incomplete and contested.

Formalizing process of allocating large-scale concessions combines regulation and discursive narratives to accommodate the interests of global markets. These interests are able to concentrate land resources into their hands through regulatory mechanisms that ensure that this is achieved at relatively low cost. They rely heavily on negotiation and networking with various national and local elites within the state apparatus. While there has been a countermovement from environmental activists and other NGOs to recognise customary rights and to reject oil palm expansion, this countermovement has largely failed to take into account the reality that many community members are actively embracing the crop and engagement with the broader oil palm economy. Many local swidden farmers expressed a disappointment towards environmental advocacy groups in that they have been largely unable to generate alternative income-generating activities for the local community. As a result, many have established their own oil palm smallholdings in an attempt to secure a cash income.

To acquire local land from customary Dayak communities, large-scale agribusiness have cooperated with some customary elites to enable the dispossession of previous land users. In that process, customary elites have themselves drawn upon regulation, legitimation (through the construction of a dominant discourse and the manipulation of customary institutions) and even threats to make that happen. The ensuing horizontal social tensions and conflict within Dayak communities has led to the fracturing of customary longhouse institutions in some cases.

With weaker customary institutions, land markets have accelerated as an alternative to facilitate “voluntary” land dispossessions, resulting in increasing social differentiation in village society.

Over many decades, policymakers in Kapuas Hulu have portrayed locally abundant land resources as ‘marginal lands’. More recently, these same actors have promoted conversion of what was earlier characterised as swidden and forest landscapes into large-scale oil palm plantations. According to the logic of policymakers, the state-backed conversion of frontier lands into oil palm can bring about numerous benefits. Those benefits include the strengthening of government influence in the border district as well as increased state revenue and the generation of employment opportunities. On the downside, the expansion of large-scale oil palm plantations has been accompanied by the ongoing disregard and marginalisation of local informal land rights and customary access institutions.

Within broader planning processes, a political discourse of promoting and sustaining the palm oil sector has become enshrined within various spatial planning regulations that influence land use outcomes. Various international organisations also legitimise and promote policies that encourage the expansion of large scale oil palm plantations, with national and local elites often tailoring these development narratives to serve their own interests.

The state bureaucracy also informally promotes oil palm expansion by purposefully choosing to work through ambiguous legal and spatial planning categories, resulting in decisions that allow for the de facto expansion of the crop. Within these grey areas, local and national governments have a weak capacity to effectively and adequately monitor and evaluate existing and proposed oil palm concessions. Agribusinesses are then able to manipulate these processes to influence the local community, partly through their ability to convincingly present a particular narrative of economic development related to palm oil. Ultimately, these distorted and opaque processes in turn tend to advantage corporate interests by giving them access to underpriced land.

This article has demonstrated how the interests of large agribusiness capital have acted across multiple spatial scales, involving a network of non-firm actors, to enable the conversion of large areas of land in Kapuas Hulu to oil palm. While the ultimate social outcome for the Dayak communities who previously dominated land use in this region remain uncertain, it appears clear that their access to natural resources (especially land) as the foundation of traditional livelihood strategies has been severely disrupted, and probably irrevocably so.

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