

Hein, Jonas

**Working Paper**

## Reducing Emissions from Deforestation and Forest Degradation (REDD+), Transnational Conservation and Access to Land in Jambi, Indonesia

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### Reducing Emissions from Deforestation and Forest Degradation (REDD+), transnational conservation and access to land in Jambi, Indonesia

Jonas Hein

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Georg-August-Universität Göttingen  
Johann-Friedrich-Blumenbach Institut für Zoologie und Anthropologie, Fakultät für Biologie und Psychologie

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Abstract: Indonesia is engaging in the UN-backed Reducing Emissions from Deforestation and Forest Degradation scheme (REDD+) to reduce its land-use-based greenhouse gas emissions. This paper begins with the assumption that REDD+ and general trends towards privatization of nature and conservation are impacting the ability of local communities to access land. Drawing on fieldwork conducted in Jambi in 2012, I explore land access patterns in the context of Indonesia's emerging REDD governance framework. Initial findings show that, despite recent REDD-related forest governance reforms, land tenure issues remain unresolved. The results of fieldwork in the Harapan Rainforest area show that the reality on the ground is still characterized by overlapping and competing land claims backed by different authorities.

Keywords: REDD, land tenure, forest governance, conservation, Indonesia

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**Jonas Hein**

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# **Reducing Emissions from Deforestation and Forest Degradation (REDD+), Transnational Conservation and Access to Land in Jambi, Indonesia**

**Jonas Hein<sup>1</sup>**

## **Abstract**

Indonesia is engaging in the UN-backed Reducing Emissions from Deforestation and Forest Degradation scheme (REDD+) to reduce its land-use-based greenhouse gas emissions. This paper begins with the assumption that REDD+ and general trends towards privatization of nature and conservation are impacting the ability of local communities to access land. Drawing on fieldwork conducted in Jambi in 2012, I explore land access patterns in the context of Indonesia's emerging REDD governance framework. Initial findings show that, despite recent REDD-related forest governance reforms, land tenure issues remain unresolved. The results of fieldwork in the Harapan Rainforest area show that the reality on the ground is still characterized by overlapping and competing land claims backed by different authorities.

**Keywords:** REDD, land tenure, forest governance, conservation, Indonesia

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## 1. Introduction

Indonesia is one of the largest emitters of land-use based greenhouse gas emissions. Up to 60% of its emissions are caused by deforestation, forest degradation and peatland conversion (Brockhaus et al., 2011). Despite low per capita emissions, Indonesia was one of the first developing countries to announce an ambitious emission reduction target of up to 41% below business as usual (BAU) at the Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC) in Copenhagen. According to Indonesia's national greenhouse gas reduction strategy (RAN-GRK), it is planned to implement a substantial part of this commitment through a forest policy aimed at reducing deforestation and forest degradation (Republic of Indonesia, 2011). RAN-GRK is complemented by plans to implement a domestic carbon market (NCS, Nusantara Carbon Scheme) for offsets, including Reducing Emissions from Deforestation and Forest Degradation (REDD+) (DNPI 2013). In 2011, the Norwegian government committed to supporting Indonesia with up to USD 1 billion if the country achieved its climate goals. As part of the agreement with Norway (Norway-Indonesia REDD+ Partnership), the Indonesian government issued a moratorium on forest conversion permits in 2011 (known as the oil palm moratorium), which was extended in May 2013 until 2015, and established a National REDD Taskforce (SATGAS, 2012). These policies are complemented by more than 30 REDD demonstration activities throughout Indonesia (CIFOR 2012).

The REDD mechanism is designed as an international payment for ecosystem service (PES) scheme providing incentives to avoid deforestation and forest degradation through emission trading or result-based payments (Corbera, 2012, Pattanayak et al., 2010, Scholz and Schmidt, 2008). Carbon fixation services provided by forests are converted into comparable and exchangeable units, such as verified emission reductions (VERs). To date, national REDD programs and REDD projects have been funded primarily through bilateral and multilateral public channels and through NGOs. These so-called "readiness" funding activities aim to support the development of good forest governance for future emission trading and result-based payment mechanisms. It is argued that adequate pricing of ecosystem services leads to efficient and sustainable resource use (Kosoy and Corbera, 2010: 1230) and creates income for the rural poor (Gutman, 2007). Critical voices deny the win-win rhetoric and warn that REDD would lead to additional exclusion of marginalized groups if the land rights of smallholders and forest dwellers are neglected (McAfee, 1999, Phelps et al., 2010). Consequently, the emerging REDD mechanism may increase existing pressure on land and may increase the potential for land conflicts (Agrawal et al., 2008). Nevertheless, I argue that if national REDD programs promote inclusive land reforms, then marginalized groups could benefit significantly. In Indonesia, REDD put discussion about the formalization of customary land rights back on the political agenda (Hein, 2013). SATGAS REDD announced plans to improve tenure security and to consider Free, Prior and Informed Consent (FPIC) for all natural resource management permits (Indonesian REDD+ Task Force, 2012).

This paper begins with the assumption that REDD and general trends towards privatization of nature and nature conservation are changing the forest policy arena (Castree, 2011, Brockhaus



and Angelsen, 2012, McGregor, 2010) as well as the local geographies of resource access (Zimmerer and Bassett, 2003). REDD seeks to foster transformational change at the forest margins (Brockhaus and Angelsen, 2012: 17, WBGU, 2011). The emerging REDD governance framework and, in particular, REDD demonstration activities are establishing new policies of inclusion and exclusion. Most of the existing studies on REDD do not take issues of land access and exclusion from land into account. They mostly focus on the design of future REDD schemes (Miles and Kapos, 2008, Angelsen et al., 2008), on the opportunity costs of REDD (for Indonesia e.g. Butler et al., 2009, Hunt, 2010, Irawan et al., 2011), and on the potential (future) impact of REDD on local communities (Agrawal et al., 2008, Peskett, 2011, Peskett et al., 2008, Phelps et al., 2010). An increasing amount of empirical, qualitative and place-based research is being published of late on forest carbon projects (including REDD) and land tenure, on access to carbon benefits and on the existing impact of forest carbon projects on livelihood (Corbera and Brown, 2010, McGregor, 2010, Osborne, 2011, Milne and Adams, 2012). Corbera and Brown (2010) compared access to carbon benefits in three forest carbon projects in Mexico, China and Ecuador. Osborne (2011) investigated issues of land access and land control of smallholders participating in forest carbon schemes. In both studies, smallholders hold formal land rights.

The aim of this paper is to systematically analyze the ability of different stakeholders to access land, forest resources and REDD benefits (so-called community benefits). This paper seeks to contribute to ongoing discussion on incentive-based and market-based conservation, privatized conservation and land tenure conflicts. I will draw on “A Theory of Access” by Jesse Ribot and Nancy Peluso (2003). However, my approach differs from earlier studies on land access and forest carbon projects (e.g. Corbera and Brown, 2003), as, in the case of the project sites discussed in this paper, smallholders do not hold formal property rights even though they are living inside or close to REDD demonstration activities. The farmers mostly draw on customary land rights or village level land titles, consequently having no formal rights-based access to REDD payments, and they are also faced with increasing tenure insecurity in the course of project implementation<sup>1</sup>. Consequently, this paper deals more with exclusions (Hall et al., 2011) and changing ability to access land and forest resources in the context of REDD and private conservation initiatives than with access to REDD payments.

In the next section, I will briefly describe the methods that I applied. The paper then proceeds with private actors, forest conservation and REDD in Indonesia. In section three, I will analyze Indonesia’s REDD and forest policies and their relevance to the ability of different stakeholders to access land. In section four, I will outline the conceptual framework of this paper and in section five I will refer to provincial REDD policies and conservation projects in Jambi and to issues of resource access in and around the Harapan Rainforest Project.

## **2. Methods**

This discussion paper presents initial results from multi-level qualitative research. Different qualitative techniques such as expert interviews and problem-centered interviews were conducted on different political scales. Expert interviews were conducted with representatives of German and Norwegian donor agencies on the fringes of the Bonn Climate Change Talks

in Bonn in June 2012 and at the 18th Conference of the Parties to the United Nations Framework Convention on Climate Change in Doha, Qatar in December 2012. Expert interviews with representatives of Indonesian governmental and non-governmental organizations and academia were carried out from July to October 2012 in Jakarta, Bogor and Jambi. Interview guides with open questions on Indonesia's forest governance and its emerging REDD governance framework were used. In villages and settlements close to or inside the REDD demonstration activities (Berkah Carbon Initiative and Harapan Rainforest/Hutan Harapan Project), I conducted semi-structured interviews with village heads, sub-village heads and customary leaders. Interview guides with open and closed questions were used to identify modes of land access and land use and to assess the local population's knowledge of existing forest and conservation regulations. Interviews have been recorded, transcribed (in part by Indonesian assistants) and coded with Atlas Ti. In addition, this paper builds on the review of existing literature on REDD and private conservation and on the intensive analysis of Indonesian land tenure and forest a regulations.

### **3. REDD and privately managed conservation in Indonesia**

As the country with the third largest tropical forest cover in the world and a rich biodiversity, Indonesia has long been a key area of concern for donor and international-conservation NGOs. Large international conservation NGOs began to step up their campaigns in Indonesia in the late 1980s and early 1990s (Peluso et al., 2008: 383, McCarthy, 2006: 183). At that time, the New Order regime took up the emerging sustainability discourse in order to improve its international reputation (Hall et al., 2011: 68). Bilateral donors, the World Bank and NGOs increasingly invested in biodiversity conservation and supported the Indonesian Government in designating protected areas and national parks and in designing environmentally-friendly natural resource management regulations (Peluso et al., 2008, Wells et al., 1999). In the 1990s, NGOs were mainly involved in the co-management or funding of Integrated Conservation and Development Projects (ICDPs), which was the most popular approach to conservation at that time (Wells et al., 1999: 13). However, most of the ICDPs in Indonesia were considered to have failed. They neglected existing informal land and forest tenure arrangements, were unable to solve land conflicts and were unable to contribute effectively to biodiversity conservation (Bowo 2008). Some of these ICDPs already included PES-style conservation agreements in order to incentivize environmentally-friendly behavior of villagers and local governments (Wells et al. 1999.). PES and forest carbon offsets developed rather slowly in Indonesia compared to Latin-American tropical forest nations (Heyde et al., 2012). But in 2008, during COP 13 in Bali, the incorporation of REDD+ into the Bali Action Plan (UNFCCC Decision 1/CP.13) led to the breakthrough of market- and incentive based conservation concepts in Indonesia.

The role of non-state and state actors in forest conservation in Indonesia and globally changed fundamentally with the emergence of REDD+. NGOs developed safeguards and certification schemes for REDD projects, established conservation companies and began to develop commercial offset projects (Hein and Garrelts, 2013, Newell and Paterson, 2010). As Andrew

McGregor (2010: 23) points out, REDD+ “brings environmental, social and capitalist interests together [...]” it links forest protection, benefits for marginalized smallholders and greenhouse gas mitigation and it has the potential to “[...] rewrite the rules of natural resource management [...]” (ibid. 21). REDD and the privatizations of conservation activities are deeply rooted in the principal assumption that global environmental problems can be solved without calling the existing economic model and its social consequences into question. The discourses of “green developmentalism” (McAfee, 1999) and “ecological modernization” (Bäckstrand and Lövbrand, 2006) promote technical solutions, market-based approaches and privatization of conservation activities to solve the global ecological crisis. According to the “green developmentalism” and “ecological modernization” discourses, environmental problems such as climate change and deforestation are caused either by policy failures (McAfee, 1999) or by a failure to economically account for ecosystem services in an adequate manner (Corbera et al., 2009, McAfee, 2012). Consequently, environmental problems at both local and global level have to be solved using market mechanisms (McAfee, 1999: 134) and by delegating former state functions to non-state actors (Fletcher, 2010: 172, McAfee, 1999). Emission trading, forest carbon offsets and PES schemes were framed as win-win solutions that are efficient, effective and equitable (Kosoy and Corbera, 2010, Milne and Adams, 2012, Newell and Paterson, 2010, Pagiola et al., 2005).

These “win-win solutions” were heavily promoted by influential policy reports such as Nicholas Stern’s “Review on the Economics of Climate Change” (2007) and Johan Eliasch’s review “Climate Change: Financing Global Forests” (2008). These reports induced a forest conservation boom involving NGOs, consultants, certification providers, governmental agencies, investment banks, donors, and multilaterals (McGregor, 2010, Hajek et al., 2011). In Indonesia, the “REDD rush” (McGregor, 2010: 23) has received strong support from top-ranking politicians and was facilitated by a set of regulations and decrees. The Law for Environmental Protection and Management (Law No. 31/2009) regulates among other things payments for environmental service schemes (Ministry for the Environment, 2009). The Ministry of Forestry also developed a number of regulations that directly focus on REDD implementation (e.g. Ministerial Regulations 36/2009 and 68/2008). Government Regulations No. 6/2007 and No. 3/2008 form the legal basis for ecosystem restoration concessions on state forest land which can be used for REDD projects (Ministry of Forestry, 2008a). Ecosystem restoration concessions (ERCs) date back to a forest management reform in 2004 delegating for the first time conservation activities on well-defined territories to private entities (Walsh et al., 2012: 35).

The regulations delegated authority over conservation, forest rehabilitation and REDD activities to conservation companies. Former state functions such as environmental protection, environmental monitoring and even the allocation of land use permits<sup>ii</sup> are exercised by conservation companies holding an ERC concession. The formulation and adoption of these regulations was very much the result of strong lobbying by the Indonesian branch of BirdLife International (Burung Indonesia)<sup>iii</sup>. In 2008, PT. Restorasi Ekosistem Indonesia (REKI), a company founded by Burung Indonesia and its international partners BirdLife International and the UK-based Royal Society for the Protection of Birds (RSPB), received the first ERC.

Due to complex permit procedures and high concession fees, the number of ERCs in Indonesia remains very low at three in total (Walsh et al., 2012: 38). However, there are a number of additional ERCs in the pipeline for REDD and private conservation projects (ibid.).

#### **4. Indonesia's forest governance, REDD policies and access to land**

In Indonesia, forest land is not only a term describing landscapes covered by forest, but also a political category (Peluso and Vandergeest, 2001). Areas designated as forests are not necessarily covered by trees (Purnomo et al., 2012) and forests are also found on areas designated as non-forest. Land in Indonesia is either classified as forest (*kawasan hutan*) or as non-forest (Indrarto et al., 2012: 35, Thorburn, 2004). Land classified as forest (with a few exceptions) falls under the jurisdiction of the Ministry of Forestry (MOF) and is regulated by the Forest Law. All other land is regulated by the Basic Agrarian Law (BAL) and administered by the National Land Agency (*Badan Pertanahan Nasional Republik Indonesia*, BPN) and sub-national authorities (ibid). All forest land belongs to the state (with a few exceptions). Private and formal property exists only on land classified as non-forest. According to specific criteria considering slope rate, soil fertility and precipitation, forest land is classified into three different forest types: production forest<sup>iv</sup>, protection forest and conservation forest (Ministry of Forestry, 1999). Formal access to forest land for economic and conservation purposes (ERCs) are provided by MOF through a concession system (Indrarto et al., 2012, Peluso and Vandergeest, 2001). In addition, communities can apply for various community or village forest concessions (e.g. *hutan desa* or *hutan kemasyarakatan*) and smallholders can apply for individual forest concessions (*Hutan Tanaman Rakyat*, HTR). It is usually difficult for local and indigenous communities to gain access to village forest concessions (*hutan desa*). Experts from academia and NGOs interviewed in July 2012 mentioned that requirements such as the preparation of management plans and performance of forest inventories, and the levying of administrative charges represent significant barriers to local communities and cannot be resolved without external support<sup>v</sup>. In addition, only forest land that is designated as production forest (*hutan produksi*) or protection forest (*hutan lindung*) and which is not allocated yet is eligible for new community forest concessions<sup>vi</sup>. Furthermore, the respective regulation on village forests (P. 49/MENHUT-II/2008) clearly links village forests to existing and formally recognized villages (Ministry of Forestry, 2008b). This excludes groups that settle informally or live nomadically inside the forest land<sup>vii</sup>. Since community forest concessions do not change state ownership, the indigenous association AMAN refuses concessions and demands full land ownership<sup>viii</sup>.

Forest and agricultural regulations and legislation only give very limited recognition to customary land rights or *adat* land rights (Indrarto et al., 2012, Moeliono and Dermawan, 2006: 109f). The BAL was developed to regulate access to all types of land, including forest land, and to incorporate existing customary law arrangements into a single land law (Rachman, 2011, Thorburn, 2004). Nonetheless, after the Forest Law was formulated, state forests were no longer subject to the BAL (Thorburn 2004: 37), and the old colonial dualism of Agrarian Law (*Agrarische Wet*) and Forest Law (*Boschordonantie*) was re-established

(Indrarto et al., 2012: 36). According to Giorgio B. Indrarto and colleagues (2012: 35), the recognition of customary land is more explicit in the BAL, since it uses the term “controlled” in a regulative sense, not in terms of physical control over forests. The BAL identifies three types of land ownership: private land, customary land (*tanah ulayat*) and state land (Ministry for Agriculture, 1960). By contrast, the Forest Law only distinguishes between state land and private land and treats customary land as state land (ibid. 36). The BAL also clearly states that, in principle, *adat* law is applicable “[...] to the earth as far as it is not in conflict with [...] state's interests” (Ministry for Agriculture, 1960). By contrast, the Forest Law 41/1999 indicates only that forests are controlled by the state, but that customary law should be observed if it does not conflict with the state’s interests (Ministry of Forestry, 1999). In addition, most of the forest land is not properly demarcated and only 10.65% has been gazetted so far (ibid. 22). In fact, both the Forest Law and the BAL acknowledge customary rights only in a very limited way, and tenure security for indigenous groups and local communities is still very limited. Very recently (May 2013), the Indonesian Constitutional Court decided that customary forests should not be classified as *kawasan hutan* (state forest) (Lang, 2013a). The consequences of this decision are not yet clear.

REDD has been facilitating new debates on forest governance and customary rights. At COP 16 in Cancun in 2010, the Parties to the UNFCCC adopted the “Cancun Safeguards” for REDD+ activities (1/CP.16). The negotiated text refers to the United Nations Declaration on the Rights of Indigenous Peoples and calls for the rights of indigenous peoples and local communities to be respected (UNFCCC, 2011). Transnational REDD and forest carbon project standards, such as the Climate, Community and Biodiversity Project Design Standard (CCBS), stipulate that FPIC is required for projects to become certified (Climate Community and Biodiversity Alliance (CCBA), 2008, Hein and Garrelts, 2013). This REDD-induced momentum for more open discussion on access to forest land provided an opportunity for AMAN to engage with the BPN and with the National REDD Taskforce to map territories claimed by indigenous groups.<sup>ix</sup> Moreover, AMAN and other civil society organizations were enabled to contribute to the participatory land-use mapping of the moratorium on new forest conversion permits. The Indonesian National REDD+ strategy reflects these developments, reaffirms the “[...] constitutional right to certainty over boundaries and management rights [...]” (SATGAS, 2012: 18), and proposes FPIC for all natural resource management permits. Historical rights to natural resources and rights to a specific location are acknowledged in the proposed REDD+ safeguards and in the proposed benefit-sharing guidelines for REDD activities (ibid. 30, 32). Discussions on land tenure and potential land tenure conflicts are also reflected in the Letter of Intent (LOI) between the Norwegian and Indonesian Governments on “Cooperation on reducing greenhouse gas emissions from deforestation and forest degradation”. The document, which forms the legal basis of the Norway-Indonesia REDD+ Partnership, calls for “full and effective participation” by all stakeholders, including indigenous groups and local communities, and for the development of “[...] appropriate measures to address land tenure conflicts [...]” (Government of the Kingdom of Norway and Government of the Republic of Indonesia, 2010).

Nonetheless, these announcements are not yet reflected in REDD and forest-related laws and regulations. The existing Indonesian regulations on REDD+ do not directly focus on land tenure issues, community involvement and FPIC. However, regulation MENHUT P.36/M-II/2009 (not yet in force) of the MOF contains a framework for benefit sharing between government, communities and project developers (Ministry of Forestry, 2009). A recent regulation on forest carbon projects (P. 20/MENHUT-II/2012) states that local communities should benefit from REDD projects and urges project developers to follow existing voluntary market standards such as the CCBS (Ministry of Forestry, 2012). The existing regulatory framework for ecosystem restoration concessions (private conservation concessions) stipulates only that there must be cooperation with “local community cooperatives” (Ministry of Forestry, 2008a: 11), but provides no further instructions on how to engage with local communities.

Despite the strict formal requirements of existing MOF regulations concerning access to forest land, this land is used by smallholders and forest dwellers for various purposes. Land and forest tenure in Indonesia is considered to be highly insecure and is characterized by overlapping claims. Conflicts over access and control have been seen throughout Indonesia (Wiradi and Suhendar, 2002: 3). Christopher Barr and colleagues (2006: 130) argue that “the lack of a clear division of authority, coupled with inconsistent regulations which are not enforced, has resulted in an intense free-for-all competition over forests and other natural resources”. Access to forest land is influenced by patron-client networks, corruption and by overlapping customary and village-level regulations (Rhee, 2009, Wollenberg et al., 2009).

## **5. Conceptualizing access and exclusion in the context of REDD+**

According to Jesse Ribot and Nancy Peluso (2003: 155), access is defined as “[...] the ability to benefit from things – including material objects, persons, institutions, and symbols”. Access refers to *de jure* and *de facto* options to benefit from given opportunities of any kind or, in this specific case, from natural resources including land and carbon credits (Corbera/Brown 2010: 1745, Ribot 1998: 312). Any analysis of access to natural resources, land and carbon benefits has to take account of power relationships. Michel Foucault (2006: 14f) describes power as an ensemble of mechanisms and procedures which are inherent in all social relationships. In Foucault’s view, power is not attached to people (Ribot and Peluso, 2003: 156), institutions, or class (Balan, 2010: 38). Rather, it emerges from people and is exercised through networks (Balan, 2010: 38) or “webs of power” (Ribot and Peluso, 2003: 156). Different groups of actors have different positions within these webs of power and, consequently, have differing abilities to access natural resources (including land) or to prevent resource access by others (ibid. 154). Monique Nuijten (2005: 2) uses the term *force field* to describe power relations that are more structural in nature. In her view, “[...], the patterning of organizing practices is not the result of a common understanding or normative agreement, but of the forces at play within the field” (ibid. 3).

The theory of access developed by Ribot and Peluso seeks to conceptualize access relations. Furthermore, the concepts serve as a catalogue of indicators for analyzing resource access mechanisms in the course of changing social relations and legal frameworks. The theory of access distinguishes two modes of access – access control and access maintenance (Ribot and Peluso, 2003: 158f). The term access control refers to processes directing the access of less powerful actors to resources. Access maintenance refers to the activities and processes of actors designed to sustain access to a specific resource (ibid.). They reflect power relationships between actors with the ability to draw on rights-based access (e. g. land titles) and those struggling for access (ibid.). The ensemble of mechanisms and procedures which are reflected in access control and maintenance processes are referred to as mechanisms of resource access and can be divided into rights-based mechanisms on the one hand and structural and relational mechanisms on the other (ibid 161f.).

Rights-based access usually refers to property or tenure arrangements which are backed up by formal institutions or customary arrangements. Rights-based access or property is legitimized by political institutions which have the authority to provide such legitimization (Sikor and Lund, 2009). Thomas Sikor and Christian Lund (2009: 1) point out that the notion of a contract links property or rights-based access with the legal institution or authority that guarantees and certifies the claim. In simple terms, rights-based access does not exist without authority, and authorities do not serve as authorities if they are not able to enforce legal claims (ibid). Institutions withdraw power and authority from those actors that are in need of an authority to protect and legitimize their access claims (ibid. 10). Property as rights-based access to land and authorities is a source of power over people, land and labor (Benda-Beckmann et al., 2009: 2). Social actors without rights-based access have to gain access rights and maintain their access, for example, by paying fees (Ribot and Peluso, 2003: 162).

Societies with plural land tenure systems are often characterized by nested and plural legal authority arrangements with unequal ranges of validity and unequal abilities to enforce claims. Claims backed by high-level administrative authorities may have greater legitimacy than claims backed by a village official or vice versa. Multiple authorities on different political scales are involved in ongoing negotiation processes and struggle to maintain or gain influence within webs of power (Sikor and Lund, 2009: 6f). Influential actors with access to political institutions on different political scales may have the ability to make active scale choices to achieve their objectives (Ribot and Peluso, 2003: 157, 163; Lebel et al., 2005). The ability to gain or maintain rights-based access thus has a scale component. The configuration of political scales is “[...] the outcome of socio-spatial processes that regulate and organize power relations” (Swyngedouw, 2004). Administrative entities such as village, district and provincial governments stabilize the scalar configurations through regular interaction with their citizens, e.g. through and enforcing access claims (ibid.). They channel social interaction and stabilize the social production of space and scales (Towers, 2000: 26). Access to specific institutions on different scales is an important factor in explaining socially differentiated abilities to benefit from resources (Leach et al., 1999: 233). Different social actors use different rule systems to justify their claims to land and other natural resources (ibid). In the context of private conservation and REDD, new actors and transnational sources of authority

emerge. REDD establishes a transnational layer of forest governments through COP decisions, donor safeguards and certification schemes developed by NGOs. Private conservation companies implementing REDD projects themselves have to gain and maintain access to forest land, which requires them to engage with authorities. Moreover, they have the authority to provide access to land through conservation agreements.

The ability to benefit from natural resources, including land of different actors, depends on “Structural and relational mechanisms” (Ribot and Peluso 2003: 164) such as access to capital, markets, technology and knowledge, and factors such as social identity (including ethnicity). Consequently, structural and relational mechanisms of resource access determine the ability to legalize access claims, as well as the ability to benefit from natural resources. Capital, for instance, can be used to gain access to resources (e.g. through the purchase of land) or to maintain access (e.g. through the payment of fees) (ibid. 165). Moreover, capital can be used for investment in means of production. Means of production refer on the one hand to classical input for agricultural production and on the other hand to inputs or requirements for engaging in the so-called “new carbon economy” (Brown and Corbera, 2003: S42) and therefore gaining access to potential benefits from REDD projects. Access to capital is in this sense closely related to access to technology or, more precisely, access to carbon consultancy services which require large up-front investments, such as certification, validation or baseline construction (Corbera and Brown, 2010, Hajek et al., 2011). Access to capital and to technologies may also provide actors such as conservation companies with the option of accessing benefits from carbon markets. Access to technology, capital and markets is nonetheless an important factor influencing the ability of actors (e.g. rural households) to benefit from natural resources and to increase their productivity and their income.

In frontier regions, with their confusing and dynamic institutional landscapes, access to authority and access through social identity are key factors shaping the ability to benefit from resources (McCarthy, 2006, McCarthy and Cramb, 2009, Rhee, 2009: 53, Ribot and Peluso, 2003: 170). Access to authority and even to formal state authority is selective (Ribot and Peluso 2003: 170). Factors such as distance to the location of an administrative agency and the level of education have an impact on the ability to access authority and, subsequently, on the ability to benefit from rights-based access mechanisms such as land titles (ibid.). Informal ways of achieving access to authorities are even more selective. In many cases, informal means of access are closely linked to the social identity of the actors seeking access. According to Steve Rhee (2009: 53), ethnicity is a crucial factor in gaining access to state authorities. Ethnicity and kinship shape patron-client linkages and permit privileged access to state officials and, consequently, to formal or semi-formal processes which facilitate resource access (McCarthy 2006, Rhee 2009, Ribot and Peluso 2003). However, in many cases, social and ethnic identities are also direct mediating factors in resource access (Ribot and Peluso 2003: 171). Ethnicity is context-dependent (Wimmer, 2008) and determines affiliation to groups with specific customary arrangements permitting resource access for their members. Classifications such as *putra daerah* (child of the region) serve as ethnic markers and as factors influencing access to natural resources and political power (Rhee 2009: 43). Even though in principle ethnicity has no direct implication for REDD, it is a crucial factor



mediating resource access in general and therefore it is very likely that REDD will affect different ethnic groups differently.

Another important factor influencing the ability of actors to benefit from resources is knowledge and the ability to frame discourses about meanings and values of nature (Ribot and Peluso 2003: 168f). According to Noel Castree (2001: 11), discourses about meanings and values of nature reflect “the [...] interests of the most powerful groups in Western and non-Western societies”. In this sense, “nature”, or its social construction, is the result of discursive practices or powerful narratives (Braun and Wainwright, 2001: 46). Powerful narratives of specific “natures” are in some cases used to legitimize state control over forest resources and to exclude groups from access to forest resources (Demeritt, 2001: 27, Ribot and Peluso, 2003: 169). Well-documented examples of such discourses include the allegedly strong role of traditional land-use practices in destroying rainforests (e.g. through slash and burn techniques) on the one hand and the mystification of indigenous groups as stewards of the forest on the other. Both discourses are used to legitimize the inclusion or exclusion of land users. Other powerful discourses for justifying the exclusion of local communities include the social construction of deserted wilderness in national parks and the social construction of forests and other ecosystems as global commons or as a global heritage (Demeritt, 2001, Hall et al., 2011). The REDD narrative leads to the construction of forests as carbon sinks. Any type of forest use results in the release of carbon dioxide. In this sense, the REDD narrative could also be used to restrict any access to forests (Sikor et al., 2010).

Knowledge also shapes the ability of individuals, groups and organizations to benefit from natural resources and, in particular, from REDD projects and other forest carbon initiatives in a more concrete way, in the sense of access to information. Empirical research from Peru and Indonesia shows that many land users are unaware of REDD and of the fact that they actually live in a REDD project area (Erler et al., 2011, The Environmental Justice and Governance Research Lab, 2011, Zelli et al., in preparation). This lack of knowledge is a major challenge to local actors when it comes to accessing the potential benefits of REDD activities.

It is worth mentioning at this point processes of enclosure. These are broader structural processes organizing access and exclusion “[...] which are at work in contemporary Southeast Asia” and elsewhere (Hall et al., 2011: 13). The concept of enclosure goes back to Marx and was picked up by David Harvey (1993) and other critical geographers. Enclosure refers to the process of transforming common used lands to lands exclusively used by private entities or by the state (Blomley, 2007). Processes of enclosure are not always initiated by companies and states and not always for the sake of profit (Hall et al., 2011: 13). Processes of enclosure are pushed by smallholders (Murray Li, 2002), conservation discourses, nation states (through land-titling schemes) and companies (through “land grabs”) (Hall et al., 2011: 13).

## 6. Analyzing access to land in the context of REDD in Jambi (Sumatra, Indonesia)

### 6.1. REDD in Jambi

Jambi is an Indonesian province located in the south of the island of Sumatra between 0°45 – 2°45 South and 101°10 – 104°55 East. With an area of 53436 km<sup>2</sup>, Jambi borders Riau, the Riau Islands and West and South Sumatra. A total of 42% of Jambi is classified as state forest (Pemerintah Provinsi Jambi, 2010). According to the National Council on Climate Change (DNPI), Jambi's annual GHG net emissions reached 57 MtCO<sub>2e</sub> in 2005. Over 80% of these emissions are caused by land-use, deforestation and forest and peatland degradation (DNPI 2010, SATGAS, 2012). Between 2006 and 2009, average forest loss of 76,522 ha per year was measured (Perbatakusuma et al., 2012). DNPI (2010) projects that Jambi's emissions will increase to 30% by 2020. In order to stabilize emissions, a low carbon growth strategy was developed by the DNPI (Purnomo et al., 2012: 75). Jambi is one of DNPI's model provinces for REDD and green growth (ibid.). Jambi's low carbon growth strategy draws on McKinsey's GHG abatement methodology, which was criticized by NGOs such as Greenpeace. Greenpeace argues that the strategy over-estimates future deforestation rates and ignores governance issues (Greenpeace, 2011). The study paints a "win-win" picture of forest-based mitigation actions in Jambi and plays down conflicts and trade-offs between local development and forest-based mitigation.

In 2010, the provincial government of Jambi prepared a draft REDD strategy. The document *Jambi Sebagai Provinsi Percontohan Untuk Mekansime REDD+* was developed to outline Jambi's potential as a national REDD pilot province (Pemerintah Provinsi Jambi, 2010). The strategy supports the designation of new community forest concessions in Jambi and argues for the acknowledgement of indigenous and local community rights to forest land (ibid). Two years ago, the Jambi Regional Commission for REDD+ was established through Governor Decree No. 356/2011<sup>x</sup>. The Commission consists of NGOs such as WARSI, ZSL and WWF, conservation companies such as REKI, representatives of governmental agencies such as the provincial planning agency (BAPPEDA), the provincial forest agencies and the provincial environmental protection authority, and experts from academia<sup>xi</sup>. The Commission prepared a new long-term provincial REDD strategy covering the period from 2012 to 2030. The policies announced in the strategy are designed to lead to emission reductions of 1.58 mega tons of CO<sub>2e</sub> per year (Perbatakusuma et al., 2012) by 2030. The districts of Tebo, Muaro Jambi and Merangin are designated as REDD pilot districts. In these districts, land use and forest use permit procedures will be reviewed, and forest monitoring and law enforcement will be improved. In addition to providing technical details and data on the emission reduction potential of specific land-use policies, the strategy refers to the pro-poor benefits of REDD. It also aims to strengthen the rights of local communities and includes plans to map forest land claimed by local communities and indigenous groups (ibid. 4f).

## 6.2. REDD and private conservation projects in Jambi

Jambi hosts at least three REDD or REDD-style private forest conservation projects: the Harapan Rainforest Project, the Berbak Carbon Initiative Project and the Bukit Tiga Puluh Ecosystem Conservation initiative (CIFOR, 2012, Forest Climate Center, 2013). A report from UN REDD also lists the Community Carbon Pool in Jambi in the Meangin district and the cancelled Sumatra Forest Carbon Partnership<sup>xii</sup> (Mardiastuti, 2012).

Table 1: REDD and/or private conservation projects in Jambi (own draft, data interviews and websites of implementing agencies)

| Project  | Project status   | Land use category/<br>concession  | Implementing agencies   | Land users have formal rights | Community benefits                        | Ecosystem                    |
|--|--|---|---|-------------------------------|---|------------------------------|
| <b>Harapan Rain-forest</b> <sup>xiii</sup>                     | in progress, no tradable certificates yet  | production forest/ ERC concession (private conservation concession)             | Burung Indonesia, BirdLife Int., RSPB, PT REKI                | no <sup>xiv</sup>             | yes                                       | dry lowland rainforest       |
| <b>Berbak Carbon Initiative Project</b> <sup>xv</sup>          | in progress, but only in national park and in the forest reserve (TAHURA), no tradable certificates yet. VCS in preparation, registered by the Ministry of Forestry as official demo project (DA). | national park, forest reserve, protection forest and production forest          | ZSL, National Park Agency                                     | no <sup>xvi</sup>             | yes (planned, needs assessment conducted) | peat swamp forest, mangroves |
| <b>Bukit Tiga Puluh Ecosystem Conservation</b> <sup>xvii</sup> | not running yet, pre-carbon accounting completed   | production forest/ applied for ERC concession (private conservation concession) | ZGF, WWF, KEHATI, The Orangutan Project, National Park Agency | n/a                           | yes (planned)                             | lowland rainforest           |

Source: own interviews, 2012

The **Berbak Carbon Initiative Project** is a joint initiative of ZSL and the National Park Agency of the Berbak National Park. It is supported by the Ministry of Forestry and funded by the Darwin Initiative of the UK Department for Environment, Food and Rural Affairs (ZSL 2010) and by the Tropical Forest Conservation Action for Sumatra (TFCA) program, which is an Indonesian-US debt-for-nature swap scheme. The REDD project is in its initial stages and is due to be implemented in the national park, in a production forest, in a conservation forest and in a protection forest, all adjacent to the national park. The project area covers a huge peat dome, therefore preventing the emission of 5 million tones of CO<sub>2</sub> per year (ibid). As a result of problems with managing a project area encompassing different forest categories under the authority of different institutions, the project proponents initially began implementation in the national park and its surrounding villages<sup>xviii</sup>. The project management team is currently working on Memorandums of Understanding on co-management agreements with district authorities in order to begin implementing the project in the protection forest. The production forests consist of a logging concession held by PT Putra Duta Indah Wood and PT Belantara Nusantara. According to ZSL, all companies agreed in principal to co-management and ZSL is currently negotiating with these companies. One of the challenges faced is that carbon finance is not yet a substantial income source for companies<sup>xix</sup>. The National Park authorities and ZSL are currently preparing certification according to the Verified Carbon Standard (VCS). Community benefit schemes are planned and ZSL and the National Park Agency conducted community needs assessments with the support of local NGOs. Other benefit sharing schemes will depend on national legislation. Most of the communities are living outside of the national park, but some are using forest resources inside the park. Since recently, parts of the park have been occupied by smallholders practicing agriculture. Parts of the forest reserve and the protection forests are also used by smallholders<sup>xx</sup>.

The **Bukit Tigapuluh Ecosystem Conservation** initiative was developed by the Frankfurt Zoological Society (FZS), the Bukit Tigapuluh National Park Agency, WWF, KEHATI and other NGOs. The NGOs ZGF, WWF and KEHATI have recently founded a conservation company and have applied for a private conservation concession (ERC). The application is still being processed. In addition, the NGO consortium has applied for funding from Germany's international Climate Initiative (ICI). As in other projects, the NGOs are planning community benefit schemes to improve the livelihoods of local people and groups. Parts of the project area are claimed by local indigenous groups and by Javanese migrants. ZGF plans to fund the project area in future via carbon trade and has recently conducted a carbon pre-assessment<sup>xxi</sup>.

The **Harapan Rainforest Project** stretches over 100,000 ha and is located in the districts of Batang Hari, Sarolangun and Muaro Jambi in the province of Jambi and in the province of South Sumatra. The project is funded by ICI (until the end of this year), by DANIDA (until 2014) and by private companies such as Singapore Airlines (Ministry of Foreign Affairs of Denmark, 2012, Singapore Airlines, 2010, Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit (BMU), 2010). The project protects remaining patches of dry lowland rainforest and stores up to 2.8 billion tons of CO<sub>2e</sub> (BMU, 2010). It is implemented by PT.

REKI in a private conservation concession (ERC) and should promote ecosystem restoration and REDD in Indonesia (Ministry of Foreign Affairs of Denmark, 2012). The company itself denies that the project is a REDD pilot, despite the fact that it was referred to as a model for REDD on the DANIDA website. The conservation company probably wishes to avoid controversy regarding benefit sharing of future REDD payments. However, the project does not yet gain any income from carbon trading and has not yet been certified against a carbon standard. The local project staff state that REDD would be a future source of project funding<sup>xxii</sup>. Apart from carbon trading, the project seeks to generate income from non-timber forest products (NTFP) and ecotourism. REKI is also developing community benefit schemes to incentivize environmentally-friendly behavior on the part of the communities living inside the project area.

Before REKI received the concession, the project area was a logging concession used by PT Asialog and PT Inhutani. They both left the area in the early 2000s and REKI received the conservation concession in two steps: in 2008 the company received the concession in South Sumatra and in 2010 the concession in Jambi<sup>xxiii</sup>. Parts of the project area and parts of the neighboring large-scale oil palm plantation of PT. Asiatic Persada (Wilmar International) and of the neighboring plantation forests of PT Wanakasita Nusantara are claimed by *Suku Anak Dalam* (SAD), a local indigenous group, and by smallholders. *Suku Anak Dalam*<sup>xxiv</sup>, which means “Children of the Interior”, is a postcolonial category for nomadic and semi-nomadic groups in Jambi, and is now widely used by groups in and around Bungku that claim to be indigenous (Steinebach 2013). Many SAD lived on the land of PT. Asiatic Persada before and were displaced during the course of plantation development<sup>xxv</sup>. The Harapan Rainforest serves as the last refuge for this group on the one hand, but on the other hand the project restricts slash and burn farming, which was a common livelihood strategy of the group<sup>xxvi</sup>.

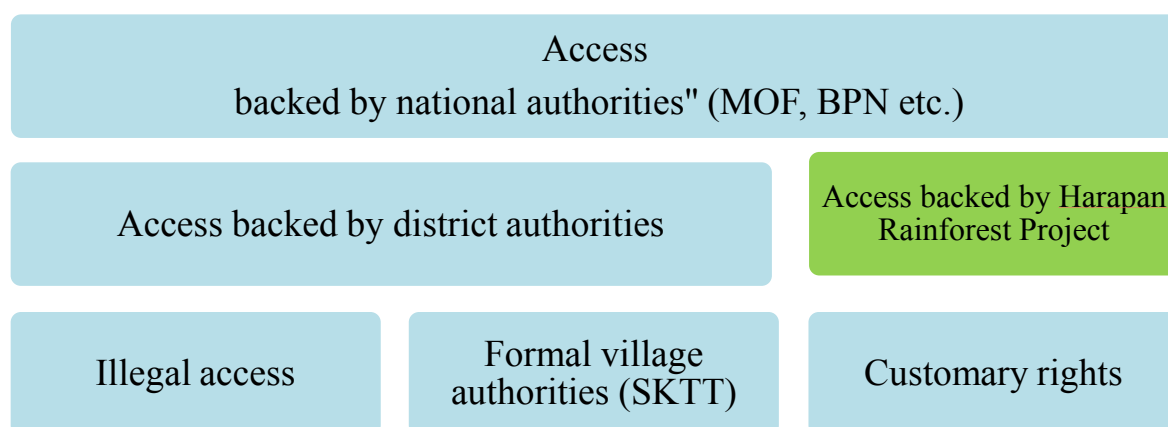
### **6.3. Different types of rights-based access – the village of Bungku and the Harapan Rainforest<sup>xxvii</sup>**

Bungku is located at the northern edge of Harapan Rainforest. Bungku arose from a resettlement scheme in 1972, which was conducted to settle groups living semi-nomadically and practicing slash and burn. During the 1980s, the first oil palm companies received concessions in the area, but, in contrast to other villages in Indonesia, the plantations were not linked to the allocation of land titles for out-grower schemes (c.f. McCarthy and Cramb, 2009). During the 2000s, land claims by commercial oil palm and timber plantation companies intensified and many smallholders and SAD lost their land. Land use in Bungku is dominated by oil palm and rubber cultivation. In the past, slash and burn farming and the cultivation of fruit trees (in forest gardens) and jungle rubber were common.

Today, a high proportion of the village territory is either classified as forest reserve or managed by companies. Consequently, a significant number of villagers are using land which is either classified as protection forest, managed by companies or is part of the Harapan Rainforest Project. According to the Forest Service of the district of Batang Hari, 30% of the

forest reserve *Taman Hutan Raya Sultan Thaha Syaifuddin-Senami*, located west of Bungku, is converted for agricultural activities (Pemerintah Kabupaten Batang Hari, 2010: 9) by villagers. As a consequence of overlapping land claims, at least three main land-use conflicts between the local population and companies can be identified. The conflict between the local population and PT Asiatic Persada is probably the longest running and, consequently, most well documented of all. PT Asiatic Persada holds an HGU (*Hak Gunah Usaha*, forest conversion concession for agricultural purposes) of around 20,000 ha which overlaps with ancestral land and graveyards and which led to the destruction of former forest gardens (c.f. Colchester et al., 2011, Steinebach 2013). The second conflict exists between PT AAS Wanakasita Nusantara and the local population. In this paper, only the third conflict between villagers living in sub-villages (*dusun*) Kunangan Jaya I and II and the Harapan Rainforest project (PT REKI) will be discussed.

Figure 1: Authorities legitimizing access to land

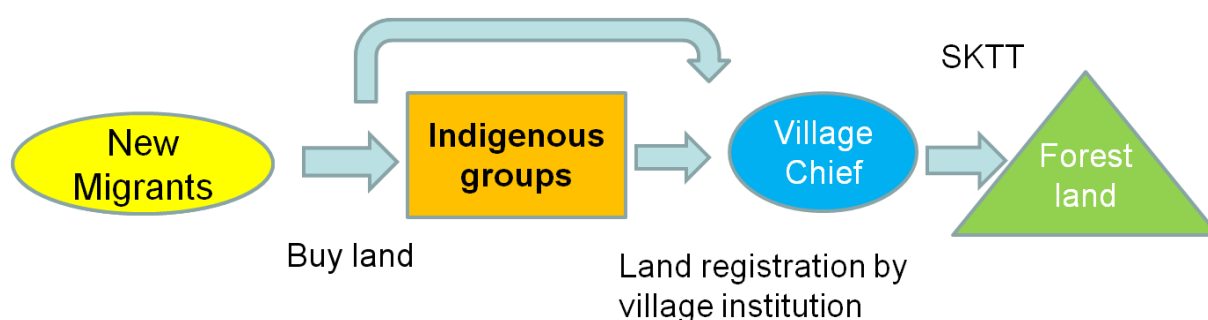


Source: own interviews, 2012

Based on interviews with the village administration and village elites, I identified different types of rights-based access in Bungku (Figure 1). The hierarchy indicates political scales and power imbalances between political institutions on different political scales. I argue that national level institutions are more powerful than local institutions since they have the capacity to use force legally (policy, military) to enforce claims, and their policies delimit the agency of local actors significantly. However, the presence of local communities and SAD groups on land claimed by companies indicates that they have the ability to resist powerful claims. Companies, including conservation companies such as PT. REKI, have access to national-level and district-level institutions (such as the MOF and the BPN) to legitimize their claims. In principle, villagers can also access high level authorities to legitimize land access, as described in section 4. However, since land designated as forest is either already used by companies or classified as forest reserve, this option exists only on the remaining non-forest land. In Bungku, the amount of available non-forest land is very low and most of the villagers do not have land titles backed by BPN, meaning that, in most cases, land access for villagers and smallholders in Bungku is not governed by formal national legislation.

Instead, most of the villagers in Bungku draw on village and customary authorities. In many instances, land access is legitimized through ethnicity and indigeneity. Local indigenous groups state that, in principle, all of the land in the area of Bungku belongs to their former customary land. Migrants searching for land have to engage with the customary leaders of these groups. This is done, for instance, through interethnic marriage or through bartering with customary leaders and offering the, direct payments to access land and authority. Positions in the formal village government are often taken by members of customary groups or by persons affiliated through marriage with indigenous groups. Forest conversion and the establishment of new agricultural plots and settlements have to be approved by the customary leaders and/or the formal village administration (Figure 2). In some cases, plantations of migrants on land claims that had not been legitimized by customary groups have been destroyed. Land conversion permits, land-use permits and other access claims legitimized by village and sub-district authorities often overlap with forest land or with land use concessions of companies. The village government of Bungku issues *Surat Keterangan tanaman tumbuh* (SKTT) land titles. SKTT land titles are land-use permits. A large number of SKTT certificates are issued on land which is designated as *kawasan hutan*. SKTT land use permits are not backed by national legislation.

Figure 2 Access to land in Bungku



Source: own interviews, 2012

REKI seeks to establish new regulations for accessing and maintaining access to land and forest resources inside the project territory. REKI categorizes three groups of actors living inside the project territory according to their presence in the area and according to ethnic criteria: 1) SAD (as local indigenous group and forest stewards), 2) local communities living long-term and permanently in the area, and 3) rural migrants from “outside” (*dari luar*) converting forest<sup>xxviii</sup>. Land claims by SAD and, to a lesser extent, those of local communities living long-term and permanently in the area are regarded as more or less legitimate by REKI. Most of the land claims of recent rural migrants are considered illegitimate. They are regarded as outsiders and encroachers. Rural migrants, smallholders and the SAD in Bungku are supported by the NGOs *Yayasan CAPPA Jambi* and by *Serikat Tani Nasional* (STN). Smallholders in other villages overlapping with the concession, such as Tanjung Lebar and Unit 22, receive particular support from the farmers’ union *Serikat Petani Indonesia* (SPI). SPI is a member of La Via Campesina and supports landless farmers. SPI is critical of the fact that REKI considers claims which are not backed by national legislation as illegal (Lang,

2013b). SPI draws on the Basic Agrarian Law (BAL) to legitimize the land claims of landless farmers. The BAL is used because it is the only Indonesian land or forest law that states that land has a social function<sup>xxix</sup>.

Lines between these actor categories used by REKI are fluid, since many of the rural migrants stigmatized as encroachers bought land from SAD or local communities, while SAD are converting forests for oil palms inside the project area as well. Most of the settlements inside the project territory are ethnically diverse and some are even recognized as official RTs (neighborhoods) of Bungku by village and sub-district authorities. Land claims have also been legitimized by the village and sub-district administration. In addition, agricultural activities and settlements have been promoted by the agricultural agency of the district of Batang Hari and by the education agency of the same district through the establishment of an elementary school service.

Since 2011, tensions have been mounting between groups claiming parts of the project area and REKI. Farmers accuse REKI of destroying their oil palms and REKI accuse villagers of burning forests and taking REKI staff as hostages<sup>xxx</sup>. A mediation process involving farmers, NGOs, forest administration and REKI begun in 2012, but the conflict intensified in parts of Bungku and in the village of Tanjung Lebar at the end of 2012, and communication channels were interrupted. The Ministry of Forestry urged farmers to leave the area and sent in the forest police and the Indonesian army in order to force farmers to leave (Lang, 2012). According to a local newspaper, three houses were destroyed during the intervention (Usman, 2012). Conflict mediation is challenging, given that REKI did not conduct FPIC prior to project implementation. The absent of FPIC and the lack of knowledge among the local population regarding the project's aims led to mistrust and odd statements by villagers. Villagers interviewed in Bungku stated for instance that the forest is owned by Prince Charles (since he visited the project in 2008) and that the project aims to protect the ozone and the globe. A village chief in Kungan Jaya mentioned that a company is implementing a REDD project in the area, but that he did not know where it is and whether it is generating benefits or doing harm.

While the mediation process between REKI, migrants and smallholders has been interrupted, REKI has negotiated conservation agreements with SAD groups. The agreements allow families to use a parcel of land in future, in accordance with guidelines developed by REKI. One challenge in the roll-out of conservation agreements to all groups living inside the project territory is that 10% of the households identified by REKI (2011) claim more than 5ha land and one is even claiming up to 300ha<sup>xxxi</sup>. The benefits that form part of the conservation agreements include the provision of rubber seedlings and improved marketing for NTFPs. REKI has also established community nurseries, which are managed by SAD families. The community nurseries are intended to provide additional income through the cultivation of seedlings and their sale to REKI. REKI also provides community benefits such as healthcare, an elementary school service, wells, and improved sanitation. In return, REKI expects its guidelines prohibiting slash and burn farming, logging for commercial purposes, hunting and the cultivation of non-tree species such as oil palms to be observed. A general problem is that



the benefits provided through the conservation agreements are only incentivizing smallholders to adopt low-carbon and biodiversity-friendly land-use practices, whereas farmers who hold harvestable and larger oil palm plantations have to accept income losses. However, both groups could benefit from land-use rights legitimized and backed by REKI.

REKI also established a new settlement for SAD close to the main project camp. This settlement is the initial settlement for the community development zone (*Mitra*) of the project and includes a community nursery and improved sanitation. REKI seeks to settle the scattered and semi-nomadic SAD families in the community development zone and plans to provide income opportunities for them. Nonetheless, many community members were complaining up until September 2012 about unemployment, a failure to pay them compensation for giving up their slash and burn farming practices, and the fact that they have not received land for rubber cultivation as promised. Respondents also complained that they preferred to live scattered rather than in a closed settlement.

If REKI is successful in establishing the conservation agreements, REKI would create new land access opportunities which are bound to low-carbon and biodiversity-friendly land-use practices. Environmentally-friendly behavior would then be a new and additional category for explaining access to land and forest resources in Bungku and in other villages around the project area. Community benefits provided by REKI already incentivize environmentally-friendly behavior, but so far most of these benefits are only accessible to SAD. This implies that, in addition to new categories explaining access to land such as environmentally-friendly and low-carbon land-use practices, ethnicity remains an important category.

## **7. Conclusion**

Forest-based mitigation policies are often very precise when referring to emission reduction targets but very imprecise when referring to local communities and project implementation. For instance, the recently published executive summary of the REDD strategy of Jambi states quite a small range when referring to emission reduction targets than can be achieved by 2030, to be specific between 47.3 and 55 mega tons of CO<sub>2e</sub> (Perbatakusuma et al., 2012: 2), yet when referring to poverty reduction, the strategy simply highlights the fact that co-benefits for the poor have to be created (ibid. 4).

The aim of this paper was to analyze the ability of different stakeholders to access land, forest resources and the community benefits of REDD and private conservation projects. The first step involved summarizing the context of REDD and private conservation in Indonesia. I argue that REDD and the privatization of conservation have fundamentally changed forest management in parts of Indonesia. Private conservation agencies are establishing conservation projects and REDD projects and private conservation agencies have the authority and power to develop guidelines for land and forest use in their jurisdictions (project territories). Private voluntary carbon market standards for REDD projects (such as VCS and CCBS) are establishing criteria for managing forest carbon projects including FPIC which are a

precondition for carbon market access and which are recommended by governmental regulations (P. 20/MENHUT-II/2012). The second step involved analyzing relevant forest, agricultural and REDD regulations in order to clarify the regulatory framework of land and resource access in Indonesia and Jambi. I argue that REDD created momentum for improvements in tenure security for local communities but that the legal situation remains uncertain, since most of the new REDD and private conservation-related regulations do not tackle land tenure issues (c.f. Indrarto et al., 2012). The third step involved conceptualizing access and exclusion from a theoretical perspective, drawing on Jesse Ribot and Nancy Peluso's Theory of Access. The fourth step involved identifying private conservation and REDD projects in Jambi, and the fifth and final step involved discussing rights-based access to land and access to community benefits in and around the Harapan Rainforest project. I argue that, despite strong statements on local and indigenous community rights in Jambi's REDD framework, tenure security remains limited. The results from Bungku and the Harapan Rainforest show that the reality on the ground is still characterized by overlapping and competing land claims and by the further enclosure of land formerly used as commons by indigenous groups.

Different stakeholders have differing abilities to engage with the authorities that have the power or the legitimacy to enforce the land and resource claims of stakeholders (Sikor and Lund, 2009). Access to formal or customary authorities is selective and linked to factors such as distance to the location, education, kinship, financial resources and ethnicity (Ribot and Peluso, 2003: 170). Local and indigenous communities mostly draw on regional authorities to legitimize their claims. In many cases, these interactions are based on kin or ethnic ties. Some of the land claims of local communities inside the project territory of the Harapan Rainforest are backed by village and sub-district authorities. By contrast, REKI's land claims are backed by a high-level authority, the Ministry of Forestry. The ability of REKI as a conservation company to engage with high-level authorities provides it with additional opportunities or concentrations of power (Ribot and Peluso 2003), such as the forest polices and other legal enforcement mechanisms, to protect its claims against claims of other stakeholders. As REKI categorizes forest users by presence and ethnicity, the project is also reproducing the discursive framing of outsiders as encroachers and of indigenous groups as forest stewards. The Bungku case shows that, despite fluent lines between actor categories, ethnicity remains an important category. In addition, the results show that overlapping and competitive rule systems are a challenge for project implementation. Groups such as SPI or AMAN are arguing that land claims backed by national authorities such as the MOF are not the only legitimate claims. AMAN refers to international agreements such as ILO Convention 169 and to the UN Declaration on the Rights of Indigenous Peoples. SPI refers to the Basic Agrarian Law from 1960 that guarantees equal land access opportunities (La Via Campesina, 2011). The recently published Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (FAO, 2012) lend support to critics from SPI and AMAN. The document claims for instance that "states should provide appropriate recognition and protection of the legitimate tenure rights of indigenous peoples and other communities with customary tenure systems [...]" (ibid. 15).

Different stakeholders draw on different discourses to legitimize their claims. Discourses or narratives on conservation, environmental justice and indigeneity are important sources of power for stakeholders within the multi-sited resource arena of REDD. REKI for instance points out that the Harapan Rainforest project protects the last remaining patches of intact low-land rainforest and therefore uses its conservation aims in order to legitimize their land claims and the exclusion of farmers. Indigenous groups draw on indigeneity and are supported by NGOs, such as Yayasan CAPP, that have the ability to link local land struggle to global discourses on indigenous rights and FPIC. SPI argues that land should be accessible for food production and adds that greenhouse gas emissions should be reduced in industrial countries and not in peripheral rural areas of developing countries.

Local communities and SAD in the Harapan Rainforest Project area have the ability to follow REKI's guidelines to maintain their land claims and to obtain land-use rights guaranteed by REKI. Earlier land-titling schemes such as oil palm out-grower schemes linked tenure security to unsustainable oil palm cultivation. REKI's conservation agreement approach changed the game, as it links tenure security to more sustainable land-use practices. REKI's guidelines are creating incentives for the biodiversity-friendly and low-carbon practices of stakeholders, thereby changing the existing geographies of resource access on the project territory (Zimmerer and Basset, 2003). If REKI could generate profits through carbon trade, a transparent benefit-sharing scheme would underpin the established conservation agreements and would augment the existing incentives.

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## Notes

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<sup>i</sup> Interviews with project stakeholders

<sup>ii</sup> PT Reki allows households that are living inside the concession area to use land for agricultural purposes according to conservation regulations developed by the company (interview by the author).

<sup>iii</sup> Interview by the author

<sup>iv</sup> In addition, production forest is classified into areas designated for permanent production forest, limited production forest (*Hutan Tanaman Industri*), and convertible production forest.

<sup>v</sup> Interview with GIZ advisor and Greenpeace Indonesia activist in Jakarta and CIFOR researcher and Forest Watch activist in Bogor (all interviews conducted in July 2012)

<sup>vi</sup> Interview with forester of *Dinas Kehutanan Jambi* (September 2012).

<sup>vii</sup> Interview with Forest Watch activist in Bogor (July 2012)

<sup>viii</sup> Interview with AMAN activist in Jakarta (July 2012)

<sup>ix</sup> Interview with AMAN activist in Jakarta (July 2012)

<sup>x</sup> Interview with member of Jambi Regional Commission for REDD+ in Jambi (August 2012)

<sup>xi</sup> Interview with head of Jambi Regional Commission for REDD+ in Jambi (August 2012)

<sup>xii</sup> Interview with member of Jambi Regional Commission for REDD+ in Jambi (August 2012)

<sup>xiii</sup> Interview with REKI staff in Jambi (August and September 2012)

<sup>xiv</sup> Interviews with village elites of Bungku, Batang Hari (September 2012)

<sup>xv</sup> Interview with ZSL staff in Bogor and Jambi (August and September 2012)

<sup>xvi</sup> Interviews with ZSL staff in Air Hitam Laut, East Tanjung Jabung (October 2012)

<sup>xvii</sup> Interview with ZGF staff in Jambi (August 2012).

<sup>xviii</sup> Interview with ZSL staff in Bogor (August 2012)

<sup>xix</sup> Interview with ZSL staff in Bogor (August 2012)

<sup>xx</sup> Interview with ZSL staff and villagers in Air Hitam Laut, Jambi (October 2012)

<sup>xxi</sup> Interview with ZGF staff in Jambi (August 2012)

<sup>xxii</sup> Interview with REKI staff at the project camp in Jambi and in Jambi city (August and September 2012)

<sup>xxiii</sup> Interview with REKI staff in Jambi city (August 2012)

<sup>xxiv</sup> For a detailed discussion on indigenous groups in Bungku: “Today we occupy the plantation – tomorrow Jakarta” Indigeneity, land and oil palm plantations in Jambi” (Steinebach 2013)

<sup>xxv</sup> Interview with SAD inside the Harapan Rainforest (September 2012)

<sup>xxvi</sup> Interview with SAD inside the Harapan Rainforest and with villagers in Bungku (September 2012)

<sup>xxvii</sup> All information, if no other citation is mentioned, was collected through interviews with village elites and members of the village administration during trips to Bungku and to the Harapan Rainforest Project in September 2012.

<sup>xxviii</sup> Interview with REKI staff at the project camp in Jambi and in Jambi city (August and September 2012)

<sup>xxix</sup> Interview with SPI staff in Jakarta (June 2013)

<sup>xxx</sup> Interview with REKI staff and village and sub-village heads in Bungku, Jambi (August and September 2012)

<sup>xxxi</sup> Interview with REKI staff in Jambi city (August 2012)