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“Today we Occupy the Plantation – Tomorrow Jakarta”: Indigeneity, Land and Oil Palm Plantations in Jambi

Stefanie Steinebach

Introduction

Indigeneity has become a category of agency and empowerment. This became evident in the adoption of the UN Declaration of the Rights of Indigenous Peoples (UNDRIP) in 2007 – not only transforming indigenous peoples from marginalised “victims” to “actors”, but also reframing the debate over indigeneity as one of “rights” rather than “claims” (Gilbert 2006; Merlan 2009).

The debate over “indigenous rights” in Indonesia is nearly always one over access to natural resources and especially rights over land. Conflicts over land between communities and other stakeholders have become virulent in Indonesia¹ as agricultural land becomes less and less accessible for the rural local population due to various economic and political developments. At the same time, competing rights over resources and land between “indigenous” groups and other stakeholders always refer

¹ In 2010, 46 conflicts in the plantation sector, 31 conflicts between communities and companies, and 30 forest conflicts were reported by official institutions in Jambi, the province in Sumatra with which this article mainly deals (Zazali 2012).

to *adat* (customs, traditions and traditional regulations) and, therefore, to questions of plural legal orders. The founding of Aliansi Masyarakat Adat Nusantara (AMAN; The Alliance of Indigenous Peoples of the Archipelago) in 1999 was a new development which mobilised and raised *adat* interests to the national level in many regions of Indonesia. This movement attempts to draw its legitimacy mainly from an analogy with the notion of indigenous peoples identified by the International Labour Organization (ILO) convention 169 from 1989 (Benda-Beckmann 2011:185). It links the local concepts of traditional communities to the global discourse of indigeneity and indigenous rights. In identifying who is and who is not “indigenous” and, therefore, rightfully entitled to articulate *adat*-based rights over land, a group’s self-identification is acknowledged as a crucial criteria in the global context of UNDRIP and Human Rights declarations.

I introduce a case-study from Jambi province (Sumatra) where violent conflicts over land have occurred between different local communities and a palm oil company. My focus is on the “SAD 113 – tiga dusun” (“Suku Anak Dalam 113 – three villages”, a heterogeneous group of activists and their strategic positioning (Li 2000) as “indigenous” at the intersection between the new agrarian movement and the indigenous rights movement.²

I will investigate how global categories and discourses of indigeneity related to rights and territory are adopted at the local level to realign the ways how marginalised minorities and agrarian movement activists connect to the nation, the government and the “non-indigenous” population. I will not go into detail of these movements, their histories, connections and differences, contradictions and inconsistencies, but explore how the fight for access to farmland and to ethnic homeland (Hall et al. 2011) is combined. In doing so, I picture the way indigeneity is strategically performed, also contradicting global discourses and resulting in a unique local indigenous identity at the new frontier of land control where authorities, sovereignties and hegemonies of the recent past have been or are currently being challenged by new enclosures, territorialisations and property regimes (Peluso and Lund 2011:668).

² The SAD 113 group was also supported by different NGOs, but in 2012, their activities were marginal compared to the agrarian movement’s activities. In this article, I will not further discuss the NGOs arguments and discourses in relation to indigenous struggles for land.

The Conflict between Suku Anak Dalam and an Oil Palm Plantation

“Today we occupy the plantation – Tomorrow Jakarta!” This pugnacious statement was made by a group of land-rights activists calling themselves “SAD 113 – tiga dusun” (Suku Anak Dalam – three villages – SAD 113) in the summer of 2012. The group was occupying land developed and managed as an oil palm plantation by the company PT Asiatic Persada (PT AP), but claimed as *tanah adat ulayat* (customary land) by the activists.³

The land under discussion is located in the southern part of Jambi, close to the borders of the neighbouring province Palembang. The region falls administratively within the jurisdiction of two regencies, Muara Jambi and Batanghari. The natural region is structured by the Bahar River and its tributaries, which are closely tied to the history of the local “indigenous” population, Batin Sembilan, mostly referred to as “Suku Anak Dalam” (SAD; “Tribe of the Children of the Interior”). Therefore, I will refer to this area as Bahar region. The Bahar region used to be scarcely populated and densely forested until the 1980s. Since then, intensive logging, the establishment of acacia and large-scale oil palm plantations created by state and private corporations, as well as the implementation of transmigration projects, have changed the natural and social structure in the region dramatically. The area under concession for agricultural use (including forest conservation areas) by several companies now covers a range of more than 200,000 ha.

Additionally more than 45,000 people, mainly from Java, were moved into the Bahar area under the transmigration programme, which seeks to reduce overpopulation and poverty on the Inner Islands. Each family was given roughly 2.5 ha of land for subsistence needs which was accompanied by a land certificate as proof of ownership. Most of the autochthonous local Batin Sembilan groups, who hold no official land title from the Indonesian government, were alienated from their ancestral territories and either retreated into still forested areas where concession holders had not yet started planting agricultural crops or were resettled in housing estates provided by the social department. In 2012, several hundred Batin Sembilan people, some of whom still practiced a semi-nomadic life and shifting cultivation, lived on land already given to a forest conservation concession. The majority of the Batin Sembilan failed to adapt to the rapidly changing social, political and economic conditions. Others succeeded in catching up with these rapid changes, mostly by marrying non-Batin Sembilan partners who were already familiar with the system of a market economy.

I will now focus on the case of PT AP to illustrate the development of the agribusiness in Jambi.

In 1986, the company PT Bangun Desa Utama (PT BDU), with questionable legality, was given a 20,000 ha licence by the Minister of the Interior to develop a cocoa and oil palm plantation in the Decree No. SK 46/HGU/DA/86, the Ministry stated that the area was still occupied by residents who settled prior to the issuance of the utilisation

³ The Indonesian term *tanah adat*, customary land, is usually applied as a synonym to *ulayat* (see v. Benda-Beckmann and v. Benda-Beckmann 2011. Here, the SAD have combined the two expressions.

permit; PT BDU was obliged to deal with this issue. A forest department inventory in 1987 showed, however, that more than 2,000 Batin Sembilan families were living and practiced shifting cultivation on 4,000 ha within the concession area (Colchester et al. 2011:11). As some of these families refused to leave their territory, they were evicted by military force under the repressive New Order regime; they finally withdrew from the concession area. The company was renamed PT Asiatic Persada (PT AP) in 1992. Subsequently, ownership changed several times until it was bought by the Singapore-based international agribusiness group Wilmar in 2006 (Colchester et al. 2011; Setara 2012; TÜV Rheinland 2011).



Guarded official entrance of the PT AP concession area. Photo: B. Hauser-Schäublin 2012

The Wilmar group received funding from the World Bank Group's development institution International Finance Corporation (IFC) and is, therefore, committed to the eight IFC Performance Standards on Social and Environmental Sustainability. It is also obliged to fulfil the criteria of the Round Table on Sustainable Palm Oil (RSPO),⁴ which pay special attention to international human rights laws and the UNDRIP. The latter recognises indigenous peoples' right to own, use, develop, and control the lands, territories and resources they have traditionally occupied or used. It suggests that states, by legally recognising these lands, territories and resources owned by indigenous

⁴ Criterion 2.2. The right to use the land can be demonstrated, and is not legitimately contested by local communities with demonstrable rights.

Criterion 2.3. Use of the land for oil palm does not diminish the legal rights, or customary rights, of other users, without their free, prior and informed consent.

peoples, should take into account their customs, traditions and land tenure systems. Moreover, article 28 of UNDRIP affirms that indigenous peoples have the right to redress for the traditional lands, territories and resources which have been confiscated, taken, occupied, used, or damaged without their free, prior and informed consent.

The conflict between Batin Sembilan and the company has been smouldering since 2000, and several locations inside the concession area are partly occupied and managed by a heterogeneous community of Batin Sembilan, political activists and farmers from all over Indonesia. PT AP accused the people living inside the concession area of illegally harvesting PT AP's oil palm fruit and of selling them to processing industries outside the plantation area. The company, fearing a substantial loss of their fruit, called in the mobile auxiliary police brigade (Brimob) in July 2011. The conflict between PT AP and the local population peaked in August 2011 when the lorry of an entrepreneur living in one of the occupiers' settlements inside the concession area was confiscated by a Brimob patrol. During the dispute between Brimob and the lorry owner, police weapons were stolen. This incident led to Brimob brigades raiding the entrepreneur's village and destroying at least 80 houses and leaving several people injured by gunfire (Colchester et al. 2011; Setara 2012). The escalation was followed by a spiral of more or less violent actions where houses, guard posts and equipment were burnt down and people were forcefully evicted from the plantation area.

An investigation of the conflict was carried out by TÜV Rheinland⁵ on behalf of Wilmar, and additionally, by an independent team in 2011 to encourage a resolution of the conflicts in the PT AP concession in line with the principles and criteria of the RSPO, the Performance Standards of the IFC, national law, and international human rights standards.⁶ In the evaluation of the situation, TÜV Rheinland (2011:9) states that “the RSPO Certification of PT Asiatic Persada will not be approved until the dispute is resolved”. The report of the independent commission states that:

It is clear that the way that PT AP has acquired lands in Batanghari is in violation of the rights of indigenous peoples as set out in international treaties ratified by Indonesia and summarised in the UN Declaration on the Rights of Indigenous Peoples, which Indonesia has endorsed. Most evidently, PT AP has violated the right of the Batin Sembilan communities in the concession area to the ownership and control of the lands and natural resources they have traditionally owned, occupied or otherwise used. The company has failed to respect the people's right to give or withhold their Free, Prior and Informed Consent. In depriving the people of their lands, the company has violated their other rights including their rights to subsistence and a decent livelihood.

(Colchester et al. 2011:54)

⁵ PT TÜV Rheinland is a RSPO-accredited assessor which evaluates the implementation of RSPO criteria.

⁶ For a detailed report on the conflicts between PT AP and local communities, see Colchester et al. (2011), Setara (2012), and TÜV Rheinland (2011).

By 2012, nearly 70% or 17,937 ha from the 20,000 ha managed by PT AP was claimed to be *tanah adat ulayat* (Setara 2012:13) by Batin Sembilan and their allies who organised themselves into seven different groups pursuing varying or overlapping goals and strategies.



Inside the PT AP concession area: Orange banner stating “Welcome to the tanah adat of Suku Anak Dalam” installed by SAD 113. In the foreground is a green sign of the PT AP stating: “Area of PT Asiatic Persada due to land use permit for agricultural commercial lease (HGU) from 1986. Any kind of activity is forbidden in the HGU area.” A number of relevant decrees and paragraphs are displayed as well. Photo: B. Hauser-Schäublin 2012

As in many similar cases all over Indonesia, the conflict is based on ambiguities and competition between codified state laws and customary laws (*bukum adat*) creating a situation of plural legal orders which have existed since the Dutch colonisation. The origin of the land conflict can be traced to back to the period of Suharto’s New Order regime (1965-1998) with its repudiation of local land rights and resource claims. The exploitation of forests and other natural resources on Indonesia’s Outer Islands were part of the government’s agenda of economic development and nation-building. All land, especially if communally owned, and all natural resources of economic interest were formally conceptualized as the property of the Indonesian state (see chapter by Arizona and Cahyadi in this volume).⁷

⁷ Access to land in Indonesia is still regulated mainly by the 1960 Basic Agrarian Law (BAL) which is based on the Dutch Agrarian Law from 1870, the 1967 Forestry Law and the latter’s replacement law of 1999. Next to the National Land Agency, control over areas that are classified as forest lies with

Similar to the PT AP case, most conflicts over land and other resources between local communities and private or state-owned companies erupted after the downfall of Suharto in 1998 and with the beginning of political decentralisation, regionalisation and democratization. These processes also created a more NGO-friendly climate when freedom of speech allowed the questioning of political decisions and the articulation of local (indigenous) identities and rights. It was the official line of Suharto’s regime that Indonesia is a nation which has no indigenous peoples, since all Indonesians are equally indigenous. Therefore, the internationally recognised category “indigenous and tribal peoples” (as defined by the ILO Convention) has, so far, no direct equivalent in Indonesia’s legal system (Li 2000:149; but see the chapter by Arizona and Cahyadi in this volume). The convention takes a practical approach and only provides criteria for describing the peoples it aims to protect. Self-identification is considered as a fundamental criterion for the identification of indigenous and tribal peoples, along with the criteria outlined below in article 1(1) (see also chapters by Göcke and Cabrera in this volume):

- a) Tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
- b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

(ILO 1989)

These definitions entail the relation between “indigenous” and the “others” (conceived as mainstream society), as well as universal criteria or conditions which should facilitate the identification of indigenous peoples.

The Batin Sembilan in a Historical Perspective

The Batin Sembilan as indigenous people experienced different relationships with the pre-colonial, colonial and postcolonial states, during which they were categorised as “Kubu”, “Isolated Tribe” or “Children of the Interior” by governmental discourses and the sedentary population. In the following section, I will outline how being indigenous in Jambi has changed from a negative derogatory category towards a category of empowerment that is strategically employed by various actors.

the Department of Forestry. The revised 1999 Forestry Law decrees that all forest, and the natural richness within it, is under the control of the state (article four), and instructs the central government to regulate its management and exploitation (Bakker and Moniaga 2010).

The Batin Sembilan (*sembilan* = nine) themselves trace their origin back to nine brothers who ruled along nine rivers in the border region between Jambi and Palembang. The nine brothers are said to be the offspring of Raden Ontar, a local ruler who is believed to be a descendant of Maruhum Sungsang Romo. According to the Batin Sembilan, he was one of the former rulers of Jambi before it became an Islamic sultanate in the 15th century. This sultanate is known as Jambi Melayu II. The Melayu inhabitants of the sultanate were linguistically and culturally heterogeneous, organised through the concept of lineage groups (*suku*) and associated with a particular territory which formed small chiefdoms ruled by local elites (Andaya 1993:16). The political structure of the sultanate was rather one of concentric circles of power than hierarchically vertically structured. Guillaud (1994) describes the representation and governing of space in the sultanate of Jambi as appanages or fiefs, a spatial projection of both the royal genealogy and the organisation of the court. Accordingly, all land was owned by the sultan, who also held rights over mineral and forest produce. The rights of usage were granted or withdrawn by the sultan and a proportion of the yield from all cultivated lands held in usufruct had to be delivered to him (Kathirithamby-Wells 1993). Land was also granted to the *suku* as communities, but not as individual property. Land could be distributed and inherited within these communities, according to their *adat*. Land could neither be sold nor bought.

Reconstructing the Batin Sembilan's history that is rooted in those days is rather difficult as written sources only start in 1615 when the Dutch and English East India Companies arrived in southeast Sumatra (Andaya 1993). These sources present the European perspective on local history, whereas local oral traditions were not recorded in writing until recently; they certainly shifted over time. Therefore, much of the Batin Sembilan's origin, as well as their status and relation to other ethnic groups and ruling elites, are difficult to disentangle. However, the oldest settled communities in Jambi are commonly termed as "*batin*" groups, *batin* being a title associated with the leaders of non-Muslim jungle and sea peoples. The character of these *batin* groups was considerably modified by the penetration of Minangkabau influence (Andaya 1993:14).

Batin Sembilan as Kubu Bahar

By the 17th century, territorial lineages still formed the basis of the social organisation of the moving clans (*suku pindah*) scattered over a wide area on the Jambi-Palembang border. The names attached to such lineages vary: An 18th century inscription refers to them as *marga*, the term commonly employed in much of the Palembang-Jambi region (Andaya 1993:17). This region was registered by the Dutch as Marga Kubustrecken ("Koeboestrecken") or Kubu-margas ("Koeboe-marga's"), which was originally inhabited by *suku* Kubu (van Dongen 1910). "Kubu" was a collective name used by the sedentary population to refer to non-Muslim hunter-gatherer bands or shifting cultivators who led a more or less nomadic life in the vast forests. The name "Kubu", derived from the Malay word (*kubu*, *mengkuburkan diri*) for "hiding" or "retreat", referred to the groups dependent on the forest. Claims by *suku* to specific stretches of territory were often traced back to ancestors in distant times, also by the Kubu:

By reliving the peregrinations of their ancestors a kinship group reiterated its rights to fish in certain rivers, to hunt the animals and collect forest products in a particular area, and to clear the jungle for swidden agriculture. It was in these terms in the early twentieth century that the orang kubu, the jungle dwellers of the Jambi-Palembang border, traced the origins of their possession of large tracts of land in the Lalang district. Kubu in adjoining domains could then see themselves as linked through the kinship of their ancestors, who had also laid down the territorial boundaries within each group could freely move.

(Andaya 1993:9)

Forbes (1885) states that nomadic Kubu were roaming in the forests at the borders of the Jambi sultanate and Palembang regency, as well as along the banks and tributaries of the great rivers Musi and Batang Hari. Kubu groups were named according to the main rivers which delineated their territories: Kubu Bulian, Kubu Bahar, Kubu Lalang, and Ridan Kubu (Hagen 1908). The Kubu marked their boundaries by planting fruit trees (durian, rambutan, etc.). Land was not considered as property, but certain trees, especially fruit trees or those used for honey extraction, were (Forbes 1885).

The sedentary population treated the Kubu, with their nomadic and non-Muslim lifestyle, only with contempt. Forbes in the 1880s described the first attempts by the Dutch to settle the Kubu in villages and introduce to them a sedentary lifestyle and agricultural practice (1885:121, 123). As long as they were not settled, they were regarded to be in their “wild” stage (Forbes 1885:121; Hagen 1908:11), and were characterised as “overgrown children of the woods” by Forbes (1885:123).⁸

The Malay consider the Kubus far their inferiors, a position which the latter seem to accept with very marked submissiveness. ‘You Kubu!’ is a term of opprobrium which I have often heard applied by one native to another with whom he had quarrelled. The village people consider them littler other than beasts.

(Forbes 1885:124)

From the historical sources and the Batin Sembilan’s orally transmitted history, we can assume that the Batin Sembilan is one of those groups formerly referred to as Kubu Bahar and Kubu Lalang. Today’s plantation occupiers themselves trace back their origins to the Kubu Bahar and Kubu Lalang groups. They connect their territorial claims to the activities of some heroic ancestor.

⁸ Colonial administrators and anthropologists were already debating in the late-19th and early-20th centuries whether the Kubu were original polytheist proto-Malay people or a degenerated group of people who had fled into the forest during wars between different rulers of Jambi and adjacent kingdoms.

Dutch Rule

Jambi was finally subjugated by the Dutch in 1906 after several years of guerrilla warfare. After the sultan's death, the colonial administration replaced the former political structure of the sultanate. Local *adat* defining rights and access to land were acknowledged only as long the land and other resources were not destined for colonial exploitation. Otherwise, such land was categorised as “*woeste grond*”, that is, not productively used land or waste ground, and declared as the property and domain of the state (Benda-Beckmann 2005:7). This procedure elided the former *adat*-based land rights and people's classification of the forests according to the way they were used. Instead, “*woeste grond*” created a no-man's land, an undifferentiated wilderness that should be cultivated and civilised by industrialised plantation agriculture with cash crops, such as cacao, coffee, tobacco, and especially rubber. Thus, local concepts of an encompassing *Lebenswelt* were ignored and the western concept of ownership and property imposed, which allowed the exploitation of what became categorised as “natural resources”.

In line with the conceptual division of wilderness and civilised cultivation, the colonial government continued their efforts to tame and govern the margins and the marginalised by settling the “wild Kubu” and tying them to a place in order to govern them. In 1905, the village of Muara Bahar at the mouth of the Bahar River was the first Kubu settlement in the region, which was established with military force to safeguard the borders to Palembang. According to Dutch records, settling of the Kubu proceeded as described by Loeb:

The Kubu live in the partly swampy stretch between the Musi, the Rawas, the Tembesi and the Batang Hari. At this date [1935] practically all the Kubu, willingly or unwillingly, are united and registered in villages (*dusun*'s). In 1907 there were 7,590 Kubu distributed in five sibs (*marga*'s). [...]. While most of them have been converted to Islam, this conversion has been in name only. They have not been willing to give up their former food habits.

(Loeb 1935:281)

The Dutch rule has served the Kubu ethos, so that voluntarily or by force, they settled down in villages. How this kind of life is contrary to the Kubu, I heard from several people. Moreover, the Kubu have found a clever escape, satisfying both the officials and the Kubu individually. Under pressure of officials the Kubu built pretty villages, neat huts, in which they live, as was the custom of their ancestors, and here they cultivate the crops in their fields. They went to the villages as necessity dictated or when a festival was celebrated.

(Schebesta 1926:3)⁹

⁹ Translated by Kummerow and Baer 2005.

Civilizing the Kubu was apparently not always successful, and land use continued as before. In respect of the land tenure of the Bahar Kubu, Keereweer (1940:368) states the “*beschikkingsrecht* (right to avail – *hak ulayat*) belongs to the Kubu community. They needed a large area, borders were known and safeguarded”.¹⁰ In summing up, we can state that under Dutch rule, the Batin Sembilan were also marginalised and were not acknowledged as owning land as this was appropriated by the colonial state.

After Independence and New Order

After Indonesia reached independence in 1945, a new category for communities like the Kubu was created by the Indonesian government. The Batin Sembilan, still called Kubu, were, like other communities all over Indonesia, defined as *suku terasing* (“isolated tribes”), then as *masyarakat terasing* (“isolated communities”) and, finally, as *komunitas adat terpencil* (KAT; “traditional remote community”; Depsos 2003). Forest dwellers such as the Batin Sembilan were judged as being highly dependent on natural resources and isolated from development and progress. Thus, their way of life was associated with backwardness and ignorance (Saudagar 2002:i). The Social Department stated that a big gap and a lot of difference exist between the value system of the local culture and those of the people (i.e. “mainstream” Indonesian) outside of the traditional remote community (Depsos 2003:10). State policies tried to minimise these differences by forcing remote communities into modernising and development programmes, where attempts were made to teach moral and religious values, as well as a sedentary lifestyle and agricultural practices. Starting in 1973, more than 6,000 Batin Sembilan in the Bahar region were officially settled by the Social Department. Nevertheless, as already experienced under Dutch rule, most of the Batin Sembilan returned to their former ways of life inside the still forested areas as long as this was tolerated.

Batin Sembilan and Landless Peasants becoming “Indigenous”

As already briefly outlined, the Batin Sembilan have been a marginalised community for centuries who were never acknowledged by sovereigns to possess land as their own property. Their land tenure was either connived or ignored and violated. Who is the SAD 113 community that now claims land to be *tanah adat* of the Batin Sembilan?

The SAD 113 group derives its name from being “Suku Anak Dalam”. They trace their origin back to three ancestral Batin Sembilan villages (*dusun*) that had been located inside the plantation area. SAD 113 was founded in 2003 and, at that time, claimed 113 ha of customary land: The spokesman of SAD 113 is Pak Bebas (pseudonym), who traces his genealogy back to ancestors who originally inhabited the Bahar region (see above). The group consisted of about 530 families in 2012, but the majority of these families could not prove autochthonic origin. They are mostly of Javanese origin and have either married a spouse from a local Batin Sembilan family or claim to be

¹⁰ Whether *beschikkingsrecht* can be translated as “*hak ulayat*” is discussed by legal scholars, see e.g. Soesangobeng (2012b).

members of an extended family and friends of the autochthonous Batin Sembilan population. The descent system of the Batin Sembilan is bilateral and a member (whether male or female) of another ethnic group who marries a Batin Sembilan is acknowledged as Batin Sembilan. Land tenure is inherited by sons and daughters equally. This system allows, for example, a Javanese migrant who married a Batin person to call him/herself Batin Sembilan and claim access to customary land as regulated by Batin Sembilan *adat*. Accordingly, many strategic marriages take place.

The SAD 113 who not only claim but also occupy the land of the PT AP are supported by various institutions, including political parties as well as NGOs; they form a heterogeneous alliance of activists who associate themselves mainly with the “new agrarian movement” (Peluso et al. 2008). Each of these outside partner groups bring in their own visions and goals which are merged with the original claims of the Batin Sembilan producing a new dynamic. In 2012, the SAD 113 requested about 3,800 ha of land inside the concession; this land should be given the status of an “enclave” and then be controlled by the occupiers. Similar to the government’s policy of allocating land to transmigrants, the occupiers intend to grant each family 2 ha.¹¹ Since the occupied land is already planted with harvestable oil palms and the activists do not plan to change the crops, the families would become owners of individual oil palm plots, thus participating as smallholders in the agribusiness.

The occupiers are supported by the People’s Democratic Party (Partai Rakyat Demokrat – PRD),¹² an Indonesian left-wing political party. By using anti-neoliberal rhetoric, this party demands that all natural resources shall be used for the welfare of the Indonesian people. The National Peasant Union (Serikat Tani Nasional –STN) is affiliated with the PRD, supports farmers in land struggles and is one of the leaders of the agrarian movement.¹³ STN is actively coordinating the organisation of the SAD 113 in Jambi. With the support of STN, the SAD 113 set up an infrastructure and a central camp inside the plantation area with a meeting place also functioning as office. Everybody who wants to enter the camp from the main road has to pass a security post which is painted in the PRD’s party colours and is decorated with the PRD’s and STN’s flags and symbols.

The unifying moment between the indigenous Batin Sembilan and the agrarian movement is the claim for land, either as ancestral territory linked to a local ethnic identity or for the landless people, such as Javanese who spontaneously immigrated to the area, who as an economic and social class strive for social justice and economic participation. In response to the demands of SAD 113 and also based on the criteria of RSPO and articles 16-32 of UNDRIP, PT AP argues that SAD 113 community members are mostly not SAD, that is, indigenous people in a narrower sense. They, therefore, tried to identify the genealogies of the occupiers in order to check whether

¹¹ The remaining land will probably be managed by the supporting activists together with the SAD 113.

¹² The PRD had previously existed as the People’s Democratic Union, which was established in 1994.

¹³ A few years before the fall of Suharto demonstrations, strikes and other forms of action against the regime in Indonesia increased. These demonstrations and strikes were led by several organisations, which started their activities around 1993-1995. Some of these organisations were the STN.

they can prove a long-standing relationship with the area and, thus, are legitimised to make claims on behalf of RSPO criteria.

The SAD 113, not least through the activities of the STN, strategically use criterial and relational aspects in defining their indigeneity to facilitate the inclusion of non-indigenous activists as well. The activists’ self-identification not as Batin Sembilan, but as Suku Anak Dalam (SAD) is of great significance.

SAD is a politically correct but, at the same time, more powerful synonym for KAT or “Kubu” (Departement Pendidikan dan Kebudayaan 1985:26). Following the pan-Indonesian indigenous organisation AMAN, the term KAT (*komunitas adat terpencil*, or traditional remote community) was replaced by the name “*masyarakat adat*” (traditional community). *Masyarakat adat* is translated as “indigenous people” and allows them to ally with the international indigenous peoples’ movements. SAD, therefore, explicitly refers to *masyarakat adat* and the distinctive international attention indigenous communities receive; they are, as Tyson called it, different and “special” (Tyson 2011) and, therefore, appeal to the category of “indigenous” as defined by the ILO convention and used in UNDRIP.



Batin Sembilan graveyard inside PT AP oil palm plantation. Photo: Stefanie Steinebach 2012

In contrast, the name Batin Sembilan implies not first and foremost indigeneity, but rather defines the community’s place in history and the changing socio-cultural landscapes and ruling dynasties over centuries. The term rather links the Batin Sembilan in a positive way to the sedentary general populace, than differentiates and distinguishes them from the latter.

The strategic self-identification as SAD in the context of land disputes with PT AP is a political positioning that relates local claims to global discourses. At the same time, the self-identification as SAD combined with the Batin Sembilan's inclusive systems of kinship, makes being SAD a homogenising and inclusive category. The cultural differences, once highlighted by the Depsos 2003, were de-emphasised in favour of a unified political positioning vis-à-vis the nation state. This unification is provided with its own particular history. Pak Bebas also insisted on the use of the term SAD, as it reduces cultural differences and hierarchies between Batin Sembilan and "others". He states:

There are many groups of SAD, but we all can be traced back to the same ancestors – in former times it was the time of the *depati*, Depati Sending Ketanoh, Depati Jentikan [the Batin Sembilans political authorities are called depati]. This was some time ago, well, we do not like to be called Kubu now, but Suku Anak Dalam. Why SAD? Because we used to have a religion, we used to have settlements, we lived an appropriate life. During the colonisation by the Dutch and the Japanese [during the Second World War], we ran into the forest because we did not want to be colonised. Colonised – we did not want to be, so our ancestors gathered in the forest where we again established a village in this forest – ha, that's our history.

We own the absolute authority (sovereignty) here – I said we will fight for our land but actually we are fighting for the self-confidence of the Suku Anak Dalam because in 1986 we were expelled by the [oil palm] company. I know the history; there existed villages, graveyards that were destroyed by the company. Who cares if the name [of the company] was PT BDU or PT Asiatic a few years ago if we can still see durian trees, graveyards...Before the Dutch colonisation, we already had our villages here. Bahar was the oldest settlement of all.

(Pak Bebas August 2012)

In this statement, some of the frictions, fractions and contradictions in the construction of a local indigenous identity according to global criteria are revealed: Pak Bebas self-confidently dissociates himself from the "Kubu" they once were according to historical sources. He emphasises the SAD similarity with the sedentary majority population and the "appropriate" lives (in the government's sense of the term) their ancestors had led. Paradoxically, by doing so, he inadvertently erases the historical characteristics of being "Kubu" from which today's occupiers originally draw their legitimisation of claiming the once forested territory. This also means that the differences between the SAD and the non-SAD are eradicated and, therefore, the differences that would grant the SAD the privilege of the special others, the "indigenous", are negated.

For Pak Bebas, the social (re-)integration of the marginalised SAD in the national mainstream society and the acknowledgement of political sovereignty over land are another goal he wants to achieve. In this context, it does not matter whether the group's ancestral villages and settlements were established before, during or after

colonial rule. The SAD’s shared attitude towards the former colonisation when they resisted by fleeing into the forest seems to be more important. This resistance against colonisation also unites the SAD with the sedentary majority of the Jambinese population who actively opposed the Dutch. This explanation given by Pak Bebas also links the SAD to the nationalistic anti-colonisation rhetoric of the STN.

When I attended a community meeting in the central camp in August 2012, people were busy installing posters of the young (socialist) president Sukarno (who was forcibly succeeded by the rightist New Order regime in 1965). He was shown in military uniform; a slogan against colonialism and for the freedom of the Indonesian people was written across the picture; beneath was the text: “Let’s practice article 33 of the 1945 Indonesian constitution”. This article on the national economy and social welfare states in paragraph (3) that the land, the waters and the natural resources within shall be under the powers of the state and shall be used to the greatest benefit of the people. After the ceremonial opening of this meeting, the community was asked to stand up and sing the “*lagu darah juang*” (a political battle song challenging the Suharto regime) with raised left fists.

Anti-colonial rhetoric is an important element in claiming peasants’ rights. It is beyond the scope of this article to discuss in detail the category of the “peasant” used in this political context and to distinguish it from a “cultivator” (who, for example, practices shifting cultivation) or from a (rather entrepreneurial) “farmer”. Nevertheless, the nomadic Kubu once practiced shifting cultivation, a form of production that differentiated them from the sedentary peasants who practised intensive wet rice agriculture. This reclassification of the SAD’s economic activities, and the subsuming of different livelihood systems under the name of a single mode of production (“peasants”), facilitates the overcoming of (cultural) differences and the creation of a single political category – the peasant class. Here again, contradictory and conflicting versions of history are employed to create a unifying and powerful local identity.

The “peasant” is understood by the STN and in accord with the PRD as a pre-industrial social and economic category that suffered from various impacts of colonial oppression and capitalism. In the context of land occupation, being a peasant is associated with being part of a class struggle against unjust economic conditions. Later during the meeting, the head of the local STN branch commented on the importance of supporting the indigenous claims for customary land:

We have to evoke feelings – a feeling of ownership! This is what Pak Bebas said – this is *tanah adat uayahat*. In the moment we say this is our customary land, we are fighting for our customary land which was stolen by PT BDU in 1986 which then changed its name to PT Asiatic (Asiatic Persada). Today we continue to come back to our home villages of origin of which we are the heirs. This means, we say we are getting ready, we prepare ourselves, all we different groups or the members of the SAD. Because this land is our property (*milik kita*); we do not steal or rob it from Asiatic, but we will come back to our villages of origin. We will set up shelters and huts, and, in the near future, maybe we will build a nice meeting hall. We will invite all the peasants or SAD groups to set up guard posts...

By taking up Pak Bebas' statement, the STN's speaker also explicitly establishes a connection between the SAD and the non-indigenous population. The "different groups" mentioned by the speaker should unite in their struggle for access to land that was unrightfully taken from them. All the SAD are victims; victims of the Indonesian state. Pak Dedi (pseudonym), the STN's speaker, continued:

We do not only fight for our customary land but also for the self-confidence of the SAD. Ninety-nine per cent of the SAD are illiterate, but the government does not care, they do not care for the SAD. If the government does not care about the SAD it is not our fault, but the fault of the government. The SAD have always been peasants. They just did not have the right technology to become successful.

(Pak Dedi, STN Jambi)

Conclusion

Land tenure conflicts, such as the SAD 113 versus PT AP case, are the outcome of struggles over the acknowledgement and allocation of rights, local history, power, and ideologies; they lead to changing patterns of inequality (Peluso 2012) in respect of land access and economic welfare. The peculiarity of this case lies in the heterogeneous composition of the activists whose ideologies, political experience and strategies and, therefore, also their access to power originally differed. In the course of their fight for land, which brought these different groups – autochthonous people, landless immigrants, the STN (and also NGOs) – together, these groups merged, resulting in what they named as the SAD 113. Their common goal, which eclipsed cultural differences, is to get access to productive land and receive a tract of land, a plot of oil palm plantation, as land to allocate and manage according to their own will. Through the concept of indigeneity, as promoted by international conventions and subsequently by NGOs, their claims have gained attention and recognition. The Batin Sembilan, not least through their documented history in the contested area, as I have shown above, certainly fit the global category of indigenous peoples; they fulfil the criteria as described by the ILO convention 169 and others. It is the distinction of being "indigenous" in an international sense that makes them something "special". However, the Batin Sembilan are only one part of the SAD 113. Additionally, their marriage patterns (bilateral descent) which easily allow the integration of "foreigners" promote anything but boundedness and exclusivity. They allow the alliance with members of other communities, such as landless immigrants, and support from the STN. Therefore, other members of the SAD 113 are landless cultivators who sail under the flag of the peasant movement. These claimants argue on behalf of the national Indonesian constitution which states in article 33 "that the land, the waters and the natural resources within shall be under the powers of the state and shall be used to the

greatest benefit of the people”. They understand it as the national citizens’ and, therefore, everybody’s right to gain access to land for their own use. In the struggle for land, discourses of indigeneity argue with the distinctiveness of territorialised culture, often opposing the nation state. The landless peasants’ discourse refers to their rights as citizens as defined by the state. While applying these discourses of indigenous and peasant, both seem contradictory at first glance, especially when claiming the same piece of land, as in the Bahar region. However, these discourses or peasant and tribal allegories (Tsing 2003) are not necessarily filled by the local activists. The Batin Sembilan do not want to be indigenous tribal people different from others; they see themselves, nowadays, as sedentary farmers like others who are not Batin Sembilan, and as displaying an identical culture. They also expect to gain access to land which will mostly be planted with the boom crop – oil palms.

Taking into account the international discourses on human rights and indigenous peoples that acknowledge these minorities as subjects with rights that should be protected against the laws of the nation state, legal pluralism becomes another dimension in which customary law is defended against national law. By applying the global category of indigenous people, the SAD 113 group makes use of it for their economic empowerment and a strategic positioning. It legitimates not only the occupation of the plantation, but also the creation and occupation of a third space, one that is between discourses. The SAD 113 have developed a rhetoric of inclusion uniting territorialised culture and landless class by explicitly referring to common citizenship. This leaves room for manoeuvres that do not fit the categories of indigeneity or of landless peasants, but is an expression of strategies of unification: Peasants become indigenous and the indigenous are included in the peasant class. This new identity as a “class of indigenous peasants” makes the Bahar region a new frontier of land control where national notions and global discourses of land ownership and property tied to local identities are challenged.