

**Forest Conservation, Mining and Local
Responses: Drawing the Boundaries in Batang
Gadis National Park, North Sumatra, Indonesia.**

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Abstract

After more than 32 years under centralized government, Indonesia underwent a process of political decentralization starting in 1999. However, the management and control of natural resources, particularly in the forestry and mining sectors, is still largely under the authority of central government. At the same time, global calls for conservation and sustainable development that require state territorialization have also influenced policy and practice at the local and national levels. They have encouraged a process of state territorialization that has had a distinct affect on the land-based institutions that form the customary sense of territoriality of rural villagers.

Within this overall context, this thesis starts by introducing an international conservation project that led to confrontation involving local government and a mining company. The thesis focuses on the establishment of Batang Gadis National Park in North Sumatra, the drawing of forest conservation boundaries and the impact this had on the mining company and in particular on the rural villagers and their customary territoriality. Through interviews and analysis of documents and media, this work discusses conflict over competing land claims by conservation and development forces and their entanglement with the customary institutions of territoriality.

My findings lead me to argue firstly that the process of state territorialization engenders elite conflict over land and resources and that this usually undermines the interest of local villagers and their customary territoriality. Secondly, local government can switch its allegiance – in this case, from conservation to development – without accounting for this change either to central government or in particular to rural villagers. Thirdly, customary territoriality has the potential to be the basis for the formation of cogent demands for accountability of powerful actors.

In reflecting these findings, this study concludes that, in the context of a decentralized Indonesia, it is important that the state territorialization process recognize and entertain a dialogue with the institutions of customary territoriality, which it sees as best placed to protect the interests of local people and the environment from external and elite intervention.

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Abbreviations

APL	<i>Alokasi Penggunaan Lain</i> , or 'other purpose allocation'
BGNP	Batang Gadis National Park
BGPC	Batang Pungkut Green Conservation
BPKH	Forest Area Designation Bureau
CEPF	Critical Ecosystem Partnership Fund
CI	Conservation International
CII	Conservation International Indonesia
MoEMR	Ministry of Energy and Mineral Resources
MoF	Ministry of Forestry
PCO	People's Conservation Organization
SMC	Sorikmas Mining Company
TFCA	Tropical Forestry Conservation Association

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Chapter 1 -- Introduction: Agendas for Conservation and Development

1.1 Background

As in many global south countries, natural resource politics have garnered growing attention in Indonesia. This is closely related to the growth in natural resource-based development and the contemporaneous growth in conservation strategies in Indonesia since the implementation of local autonomy in 1999. As has also happened in many other global south countries, these development and conservation processes have, through public and private institutions (Bassett and Gautier, 2014), put pressure on villagers' land and caused conflicts with local villagers.

As local government has gained a greater ability to exercise control over local resources, so contestation over natural resources has grown, involving various actors with differing agendas at multiple scales from local to global. Since one of the reasons for the devolution of authority to local government is to shorten the distance between government and local citizens, alongside the issue of the effectiveness of government in supporting conservation and development programmes, the issue of social justice particularly for resource-dependent people has received greater attention.

Especially in the years since the inception of the local autonomy era, the term 'community' as well as other terms associated with people without power have appeared frequently in almost every resource-based development, sustainable development and conservation plan or programme. This has applied, for example, to various community-based natural-resource programmes, such as community forestry, community fishery, people's mining and community-based agro-forestry. In Indonesia, in the forestry sector alone, these terms have been employed for several pro-community project types: community forestry, people's plantation forests, village forestry and indigenous people's forestry.

However, this recognition, although it has been officially included in government programmes, is still considered by many to be an unsatisfactory means of empowering

villagers. As will be discussed in detail in section 2.3.4, section 5.5.3 and section 7.2, this is seen as unsatisfactory because these seemingly pro-empowerment programmes still treat villagers as actors who are given rights by government not as villagers who hold original rights. Further, as this state process only recognizes state and private property rights, the recognition of villagers does not embrace the original characteristics of common property and mixed property rights that exists in the villagers' daily lives.

Thus, overall, this process of empowering those without power -- community empowerment, the devolution of authority to local government and local communities, the legal recognition of communities in the management of resources -- cannot eventually provide a complete set of rights for local villagers. This lack of concordance is rooted in different systems of space and of territoriality resulting primarily from the fact that global south governments, so many of which rule over former colonies, have adopted an alien, western system of territoriality, a legacy of colonial power that does not concord with customary village systems.¹

Moreover, on top of these issues, the empowering processes undertaken by contemporary governments only afford rights through bureaucratic procedures and complex requirements that are by their nature difficult for villagers to undertake. This empowerment process leaves villagers in a susceptible position that is easily ignored by government. In many cases, although recognition statements are available in the legal system, villagers are unable to obtain legal recognition due to the bureaucratic and legal requirements stipulated by government regulations. As recognition is a dynamic political process villagers need, therefore, to be empowered to be able ensure that powerful actors, particularly the government, is accountable to them. The process that could lead to a true empowering of villagers in their demands for government accountability has to recognize the existing territoriality of local villagers.

¹ Throughout this thesis I use the term custom and its derivatives to translate the Indonesian word *adat*.

However, whether we look at work that focuses on natural resources or scholarship that focuses on public and social issues, the literature on accountability fails to recognize the condition of local village territoriality that exists in many rural areas of global south countries. The literature on accountability only recognizes community members as individual voters and groups of individual actors not as an integral system with their space. This limited portrait of individual existence within its spatial context limits the understanding of the lives of local people in rural areas.

The non-recognition of the territoriality of local people is a fundamental limitation in the western literature as it fails to recognize the integral nexus of people and land that exists or existed in many rural areas in Indonesia as well as elsewhere in global south countries. This in turn has affected negatively the empowering of local people through programmes in global south countries. So long as this approach to empowering those without power in natural resource-related development and conservation projects fails to recognize local people's customary territoriality, it will not result in people gaining sovereignty over their own land, and nor is it intended to.

Several scholars have admitted that the concept of territoriality is understudied if not neglected within political science, sociology and geography (Vandergeest and Peluso, 1995; Elden, 2010; Bassett and Gautier, 2014). My thesis adds to this sparse literature and contributes arguments concerning the nature of state territorialization and resistance from villagers seeking to establish recognition for claims to their own land based on their customary territoriality.

1.2 Overall Aim and Objectives of This Research

In order to understand the relationship between the state and local people's territoriality in Indonesia and the interaction between local government and local villagers in dealing with the politics of natural resource issues in the context of local autonomy, this thesis has one overall aim and several objectives. These guide me in my collection of data as well as in the framing of my empirical chapters.

My overall aim is to investigate the actors, arguments and processes of state territorialization as it plays itself out both for development and for conservation purposes in a local regency in Indonesia, examining the role both of the state and of villagers. In doing so, this research investigates the case of a conflict stemming from overlapping land claims resulting from a process of state territorialization that negatively impacted on local people's customary territoriality. This overlapping land claim case was contested between conservation interests represented here by the promoters of a national park, development interests in the form of a mining company and local villagers basing their claim on customary land rights.

In order to meet this aim, I develop several objectives discussed in the empirical chapters and brought together in the concluding chapter. The objectives of my study are:

1. To understand state and customary territoriality.

This objective is covered in Chapter 3. State territoriality in Indonesia is traced from a regulatory perspective using a historical lens. Customary territoriality that is still currently practiced in local people's daily lives is introduced from a historical standpoint.

2. To investigate the process of national park establishment as part of state territorialization together with the challenge represented by a mining company operating in part of the same land.

This objective is addressed in Chapter 5. I break this objective into several tasks:

- To relate the process of the setting up of the national park as part of state territorialization.
- To analyse the conflict between conservation and development interests in the state territorialization process involving national and local elites.
- To analyse the role of local elites in manipulating the conservation and development projects.

- To examine the role of international NGOs and their programme of community empowerment in conservation-related activities.

3. To research the technical implementation of forest boundary demarcation as part of state territorialization and to assess how customary territoriality differs from state territoriality.

This objective is addressed in Chapter 6 and can be divided into two tasks:

- To examine the problems and challenges within the government when dealing with the technical implementation of state territorialization through the process of forest boundary demarcation.
- To analyse the arguments for customary territoriality used by local villagers in repudiating this boundary-making process and how their territoriality differs from state territoriality.

4. To investigate various responses from local villagers to the process of state territorialization of their land and the role that customary territoriality plays in determining the villagers' response to this territorialization process.

This objective, covered in Chapter 7, is divided into two tasks:

- To understand the different responses from local villagers to the state territorialization process and the factors that lie behind those differences.
- To examine local territoriality conditions and determine why certain local areas are weak while others show strength in resisting external intervention on their land and demanding accountability.

To conduct this research with its aim of understanding government and rural village territoriality and the interaction between government and rural villagers, I need to have a relevant supporting case study. The following section briefly discusses why Mandailing-Natal Regency in Indonesia relates well to the central aim of my thesis.

1.3 Why Study Batang Gadis National Park and the Forest Boundary Issue?

There are a number of reasons why the events surrounding the establishment of Batang Gadis National Park (BGNP) and its aftermath and concomitant forest boundary issues in Mandailing-Natal Regency (hereinafter also referred to by its often abbreviated name of Mandailing) support the aim of this study. Overall, the establishment of the park provides several contrasting arguments between conflicting actors and between what is publicly known and divergent accounts from those 'on the ground'. At the same time, the forest boundary case provides an entry point for an examination of the differing points of view of government and villagers especially regarding territoriality. More specifically, this case is of interest and value for the following reasons.

Firstly, this case involves overlapping land claims from three parties: Batang Gadis National Park, Sorikmas Mining Company (SMC) and local villagers. Conservation interests and development interests both represented a threat to local people's customary land, and this case therefore provides a narrative of state territorialization from the standpoint of conservation concerns (BGNP), development interests (SMC) as well as the customary territoriality of local villagers. Moreover, since BGNP and SMC interests contradict each other, and each is supported by a different national ministry, this case also reveals a conflict of interest between government institutions in performing their respective roles in state territorialization.

Secondly, in clarifying the arguments over the overlapping land claims, I arrive at the issue of the forest (and land) boundary and dissect each actor's perspective and claims. My case study therefore uses the forest boundary issue to provide a deeper understanding of the difference between government and villagers' arguments in supporting their claims over land rights. The forest boundary entry point also allows for an examination of historical and legal arguments and claims.

Thirdly, BGNP, it was claimed, was the first national park in Indonesia established through a bottom-up initiative of local government. Most if not all national parks in Indonesia before 2004 were established through a top-down process led by central government. As forests are seen as a lucrative resource, it was very rare to have local government propose and support the national park proposal at a time of decentralized authority after the 1999 reforms that introduced greater local autonomy. It is of particular interest therefore to attempt to understand the reasons and arguments behind the option chosen by the local government to work for the establishment of the national park. This in turn presents an opportunity to examine the position of local government towards the state territorialization agenda as well as the villagers' aspirations regarding their customary territoriality.

The BGNP project was said to be, at least in the conservation community, a conservation role model in Indonesia. The executive vice chair of Conservation International was quoted as saying that the bottom-up process of the establishment of BGNP could be a precedent for the establishment of other national parks in Indonesia (Harahap, 2005). The inference was that the establishment process was built up through a widespread participatory process and won support from local people including rural villagers. This therefore leads me to explore the reasons behind and causes of this widespread popular participation, and how it was conducted.

Further, the BGNP project was strongly backed, supported and financed by several international conservation funders and conservation NGOs, to the tune of about US\$ 10 million (Saputra, 2014). This sum is much greater than the annual revenue of Mandailing regency government in 2015 (Pemkab, 2015). This generous funding shows the amount of attention and interest paid to the park by the international conservation community, and this in turn was liable to influence the motivation and interest of local government to work in accordance with this conservation agenda. The BGNP project was internationally funded, and supported by international, national and local NGOs, calling into question the priorities of conservation and its local, national and international proponents given the consequences for the land and livelihoods of local people.

Fourthly, the BGNP project involved the empowerment of local communities as one of its main stated aims. The team working on the establishment of BGNP involved several regional NGOs that worked on a regular basis over more than two years in 35 villages in 10 sub-districts in the regency. These NGOs conducted important empowerment programmes such as the establishment of a strong bottom-up inter-village-based conservation organization in the 35 villages, an economic and livelihood support programme in 10 villages, as well as an official agreement on conservation based on local conservation values in the same 10 villages. This therefore prompts an inquiry into the extent to which this empowerment programme was an effective and sustained means of supporting the conservation agenda but also, more importantly, of empowering and supporting local people and facilitating their aspirations and working towards solving their problems.

Finally, this case allows us to explore the villagers' responses and resistance. Although publicly stated and popularly known as a bottom-up initiative, the establishment of the national park was far from being universally popular among local villagers. Many villagers were opposed to the drawing of the BGNP boundaries. Moreover, the empowerment programmes had little impact in diminishing their resistance to the presence of the mining company, SMC. As I will argue in the pages that follow, customary territoriality played a more significant role than the empowerment programme in fuelling the villagers' resistance against both the demarcation of the forest boundary for BGNP and the activities of SMC. The contrasting tactics of villagers in various sub-districts provides a more nuanced view on this situation. Thus, this case study provides insights into the role of territoriality particularly in local villagers' responses to and resistance against state territorialization whether following a conservation agenda or a development one.

1.4 Thesis Outline

In order to pursue this central aim and its attendant objectives, the remaining chapters of the thesis are structured as follows.

Chapter 2 reviews the current relevant literature related to natural resource politics from various approaches. I divide these into legal and historical approaches, devolution of authority (decentralization), the commons and communities, community-based management, property rights, accountability and resistance. I argue that these approaches each have their own limitations when it comes to explaining issues of power and accountability since each of them works partially and is liable to exclude the others. I then suggest that these limitations can be overcome by using the more all-embracing concept of territoriality. In this chapter, I also differentiate between state territoriality and the customary territoriality experienced by local people and how the process of state territorialization can negatively affect customary territoriality. Finally, I argue that the grounded customary territoriality of local people can significantly facilitate demands for accountability.

Chapter 3 introduces the study area in the context of local and state territoriality. What I call local territoriality refers firstly to the customary social and spatial structure of Mandailing-Natal Regency. These customary practices are still a significant presence in villages particularly in areas located near to forest boundaries and in forest land, where they integrate the relationship between people and land. The customary social structure determines the spatial structure and vice versa. When the state attempts therefore to enforce its concept of territoriality onto people's customary territoriality through the redrawing of forest boundaries, many local villagers resist. For them, these boundaries are not only about land for livelihood but also about their customary social and spatial structures.

The chapter goes on to discuss the regulations that enforce state territorialization -- how the state uses its bureaucracy, regulations, rules and criteria to exercise control over people's land, and if we trace them historically, we find that these regulations are

mostly adopted from those of the colonial era. This chapter also recounts the process of forest gazettement (including forest designation and forest boundary demarcation). This process involves the technical implementation of state territorialization. In this chapter, I discuss the role that local government has taken on in the local autonomy era in relation to the boundary implementation process. Since forest boundary demarcation should be seen as part of state territorialization, this chapter is not only about the regulation of forest boundaries but also regulation as an arm of state territorialization.

The fourth chapter presents the methods used to undertake this research. It describes the way this research was designed and how I accessed the research location and research participants. It discusses the procedures and processes used in approaching problems, as well as in the collection of material and the processing, analysing and presentation of the data. The chapter also discusses how I selected actors to be interviewed so that they represented the institutions and communities relevant to my research. In the last section, I discuss the ethical issues I encountered and issues around personal positionality.

Chapter 5 is the first empirical chapter. It provides an investigation into the establishment of Batang Gadis National Park. In this chapter, I address the establishment of the park as a state territorialization process in the interests of conservation, a process that has conflicted with another state territorialization process, this one supporting development interests in the form of the mining company. Both the conflicting interests of conservation and development projects were supported and facilitated by national and local government and have negative implications on villagers and their land.

The chapter focuses on how the idea was first mooted and how the BGNP establishment team approached and mobilized villagers to support the park. It discusses the conflict that occurred between supporters of conservation and of the mining company at the local and national level. It highlights the fact that the regent of Mandailing-Natal switched his allegiance from the mining company to the national

park and wished to expel SMC from the region by proposing a map for the park to the Ministry of Forestry² that overlapped with SMC's concession.

In this chapter I discuss local government's strategies as well as the community empowerment process conducted by regional NGOs in support of the park's establishment. I then focus on the arguments and actions to prepare and support the idea of collaborative management once the park was officially opened. This process ended with the decision to centralize BGNP's management in Jakarta, a move that had not been intended by most of the park's founders just a few years previously. In the last section, I discuss the circumstances under which an international NGO that had been involved in BGNP and forest boundary issues alters its agenda and focuses on green capitalism in the form of agricultural products in Mandailing.

Chapter 6 explores the problems, challenges and implications in the implementation of forest boundary demarcation in Mandailing. The chapter provides a specific example of state territorialization through the implementation of the government policy on forest boundary demarcation. In this chapter I discuss problems in the implementation of forest boundary demarcation, problems that include a lack of willingness on the part of local government, institutional problems between local and central government offices relating to BGNP's forest boundaries, the failure to disseminate information, and what I see as the disrespectful treatment by government of villagers. The chapter also highlights several factors that are more fundamentally challenging for the implementation of forest boundaries -- the difference of boundary reference points and more importantly the divergent conceptions of territoriality held by government and villagers. Both these challenges have implications for the livelihood as well as the customary institutions of rural people.

Chapter 7 discusses the differing responses of villagers to state territorialization and its negative impact on their customary territoriality. I divide the discussion into four cases

² The Ministry of Forestry merged in 2014 with the Ministry of Environment to form the Ministry of Environment and Forestry. However, as most of the issues discussed in this thesis occurred before 2014, I refer throughout to the Ministry of Forestry – and, on occasion, to the Ministry of Environment.

from three sub-districts, each with its demands and rationales, internal group processes and external actions. I highlight that most of the villages that I studied tended to demand economic compensation from SMC in return for their customary land that was occupied by the company. When the compensation was not forthcoming, people from many of the villages chose to undertake violent action or directly and forcibly occupy and exploit the land without considering the environmental implications.

Villagers in one sub-district stood out. People in Ulupungkut sub-district did not ask for any compensation, did not perform acts of violence and did not exploit the land for gold. They consistently demanded the unconditional eviction of the mining company from their territory. Concerning BGNP, they pressed for a collaborative model of management with the park authorities. The Ulupungkut case shows a successful story of resistance to the mining company as well as a significant warning shot on the BGNP boundary. Ulupungkut were also able to take advantage of the NGO-driven conservation and development programme discussed in this chapter.

In this chapter I argue that the main factor behind the success in Ulupungkut is the strong basis of inter-village customary territoriality that is still practiced. On the other hand, one of the main factors behind the failure of the cases in other sub-districts were the ill-functioning village alliances underpinning customary territoriality. Therefore, in this chapter I argue that customary inter-village territoriality alliances can be effectively used as the basis for villagers' resistance toward state territorialization. Further, the role played by territoriality in stimulating resistance can also be seen as an extension of the concept of a citizen-driven informal process demanding accountability.

Chapter 8 summarizes and concludes the whole thesis. In this chapter, I reflect on several important points drawn from the empirical chapters and their implications for current theoretical debates. Overall, this chapter discusses how lucrative natural resources are contested by many actors locally, nationally and internationally. Moreover, I also discuss how national and local government are influenced by an

international 'natural-resources agenda' while at the same time villagers who live near the resources face difficulties when they are on the receiving end of these external agendas.

In this chapter, I start with a reflection on state territorialization of people's customary land for the purposes of conservation and development. Then I discuss how this territorialization has brought conflict between local elites over the land of local villagers. I argue that local elites have led this conservation and development process which has then entrapped them. Next, I discuss how community empowerment programmes have been used politically in the establishment of the national park as a mask behind which local people are co-opted into adapting to the agenda of local elites. I highlight the presence of differing customary and state territoriality and argue for mutual understanding between the two. These significant differences in conceptions of territoriality became one of the reasons why local people did not accept the land boundaries imposed by the government. Further, referring to my findings in Chapter 7, I explore the condition of a strong sub-district, Ulupungkut, that was able to protect its people and environment as part of its resistance to the strong external agendas because in no small part of its customary territoriality institutions. The experience in Ulupungkut shows that a confederation of self-organized structures that has absorbed the customary territoriality conception can be strong enough to counter strong external intervention. I argue, therefore, for the potential of customary territoriality to become the basis for protection of the commons and strong resistance by local people in demanding accountability from powerful actors.

Lastly, in this thesis I argue for the significant role played by the confederation of customary territoriality institutions in protecting villagers and their environment. I provide insights into how territoriality should be recognized in building and improving natural resource governance as well as in demanding downward accountability of powerful conservation and development actors in Indonesia. This argument is much more relevant to regions where indigenous people are located and collective ownership and management of natural resources is to a certain extent still practiced.

2. Literature Review: Researching Territoriality in (through) Natural Resource Politics

2.1 Introduction

This chapter discusses the literature relevant to my findings on overlapping land claims between national park, mining company and local people in Mandailing, Indonesia. To a certain extent, these overlapping land claims could be regarded as contestation between three main interests: conservation, development (both of them promoted and facilitated by the state) and local people. Despite the undoubted importance of conservation and development processes, both of which are usually facilitated by state territorialization, the main thrust of this literature review will be on research into the potential of local people's sense of territoriality as a basis for local people's demands for accountability. Moreover, demands for accountability promotes people's rights to access, use and control over natural resources as well as benefits from those resources McCarthy and Robinson (2016). Accountability works towards social justice so that natural resource policies not only serve the interests of powerful actors – the state, private companies and international NGOs -- but also less powerful actors such as rural villagers and indigenous people.³

Much of the relevant literature describes various approaches that are currently used in natural resource politics, such as legal aspects (including through historical inquiry), property rights, authority (including decentralization), community empowerment, accountability, and resistance. However, these approaches often fail to portray the complexity of the situation on the ground particularly when it relates to cases such as overlapping land claims between forest conservation, mining interests and local communities. Thus, in this chapter I point out some of the limitations of these approaches and offer a different approach that of territoriality and state territorialization -- which, I will argue, has several advantages. Although considered

³ Reflecting the literature, this chapter generally refers to indigenous people where the term is relevant. However, in later chapters I tend to use terms like local people, rural villagers and variants of these. This stems both from definitional difficulties with the term indigenous in the specific context of rural Sumatra – who is indigenous and who not? – and from the fact that for a number of reasons not least lack of space I have not discussed the burgeoning literature on indigeneity (see for example Radcliffe, 2017)

understudied (Bassett and Gautier, 2014), the territoriality approach, both state territorialization and customary territoriality, could embrace some (or all) of the approaches mentioned above, some of which are closely tied to the facilitation of a neo-liberal capitalist agenda (Turner, 2017). Issues thrown up by competing claims over land are better approached through an understanding of the process of state territorialization and local sense of territory.

This chapter is organized as follows. In the section 2.2, I provide a conceptual 'umbrella' for my research, namely political ecology. Since my case study examines contests over land among actors that are connected not only locally but also nationally and globally, I consider political ecology to be a useful umbrella concept for my study. Moreover, as actors involved in natural resource politics sometimes perform a 'non-political politics', I also briefly discuss the a-political perspective for this research. In the section 2.3, I discuss the current literature on natural resource politics and place them into several strands. The first of these is the legal and historical approach. Decentralization, the commons and community empowerment are then discussed, followed by research approaches that include accountability and resistance.

In section 2.4 I introduce the terms territory, territoriality and territorialization and the concepts that lie behind them. I then lay out my argument on why I consider the territoriality approach to be a more effective conceptual tool. This is followed by a discussion of state territoriality and territorialization in the form of enclosure of the commons. The chapter ends with a discussion of customary territoriality and its propensity for providing a better basis to facilitate people's demands for the accountability of powerful actors.

2.2 Brief Perspective: Political Ecology and A-political Ecology

My study focuses on contested and overlapping land claims among several actors. My perspective is one that sees land as an object that is politically contested by actors locally, nationally and internationally. As a consequence, a political ecology perspective is of relevance.

Political ecology clearly considers that ecology (as an understanding of the living environment) is something that is contested politically among many actors at several scales through various means and strategies. Power thus plays an important role in the interaction among actors. Environmental problems therefore are the consequence of situations caused by contestation of interest among several actors at various scales. Even soil erosion (Blaikie, 1985) and land degradation (Blaikie and Brookfield, 1987) in particular locations, for example, can be seen as the result of contestation between actors, not only at the very local level where the erosion occurred but also at the regional and even global scales. For a political ecologist, soil erosion and land degradation are not only a technical issue but also a manifestation of a social problem.

Political ecology studies can also be seen as a combination of political economy and ecology. As an expansion of political economy, political ecology helps to explain how ecological conditions occurring in a local context might be influenced by political economy interests at a national and international level. This is in line with Watts and Peet (1996) who consider political ecology as having its roots in the conjunction of ecological conditions and political economy principles. Several researchers came to see environmental issues such as floods and forest degradation as principally a political economy issue (Blaikie, 1985). Various writers have since built on this analysis, including Forsyth (2002) who adds that a political ecology analysis also needs to explore the connection between the development of capitalism and environmental degradation in order to arrive at an understanding of the connection between capitalism and oppressive state policies that lead to environmental destruction.

Political ecologists see environmental change -- whether it occurs as degradation or restoration -- as the product of political and economic policy that emerges from the struggle among various actors in the context of one state or between/among states as part of global capitalism (Bryant and Bailey, 1997; Afiff, 2009). Actors whether they are groups of people, civil organizations, governments or business groups cannot be seen as homogenous. Thus, struggle and contestation as well as collaboration and alliances exist between individuals and groups in categories as well as between actors. Further,

in relation to conservation, Bryant and Bailey (1997) argue that environmental conservation is rarely viewed as an effort of conservation itself but as the means to pursue economic and political agendas (Saputra, 2014). Peluso (1993) shows that conservation is not only planting and protecting trees but about the struggle and defence of political power. This is a theme that echoes through the pages of my thesis.

Bryant and Bailey (1997) in an argument later elaborated by Forsyth (2002) defined political ecology as a utilization of the environment for political purposes. Political ecology then attempts to understand the interaction between people and the environment at various scales in relation to the distribution of environmental degradation. This definition implies that environmental change cannot be understood only through an understanding of processes that occur in a local context. But, it needs also to integrate the various social, economic and political processes at the local and global scale that directly and indirectly affect access to and control over natural resources at particular locations (Blaikie, 1985).

Bryant and Bailey (1997) argue that political ecology has five sometimes overlapping general foci. Firstly, it focuses on the subject of specific environmental problems or issues, such as soil erosion or climate change. Secondly, it focuses on certain important environment-related concepts in the field of political ecology. Among many examples, this might include the issues of sustainable development or carbon trading. Thirdly, it focuses on the specific regions where the relationship between actors gives rise to political and ecological issues in the same location. Fourthly, it pays due attention to socio-economic characteristics such as class, gender and ethnicity. Lastly, it focuses on the actors that are involved in interactions that affect 'political ecology issues', especially their aims, interests and actions.

Afiff (2009) adds thoughts on the broad subject of the approach taken by political ecologists. Firstly, she looks into various social, economic and political processes at various analytical scales, from local to national to international, which directly or indirectly affect the process of, access to and control over resource utilization. Secondly, she examines the historical context to understand the economic and political

structure and various other processes that affect current conditions. Thirdly, she studies the relations and the dynamics of power that manifest themselves physically and symbolically and that affect access over the utilization and control of local natural resources. Lastly, she analyses various positions adopted by actors such as government, civil society, market institutions and institutions that control the allocation of access over natural resource utilization such as property rights institutions.

Access to natural resources is related to power. For the purposes of my research, I consider Bryant's definition of power (1997: 39) most relevant: "the ability of actors to control their own interaction with the environment and the interaction of other actors with the environment". Following on from this definition Bryant explains several ways actors control the environment of other actors -- through limiting their access to resources such as forest, land, water and minerals. The concept of territorialization, which is the process of exercising control over people and resources by controlling land through the making of land boundaries, is central to this understanding of power.

Although I primarily use political ecology in understanding the politics of natural resources, in my research, I am also aware that some scholars and institutions have argued for an a-political ecology approach, often in order to pursue a specific agenda towards the control over resources (Robbins, 2012). A-political ecology considers that the physical condition of the environment such as forest degradation or environmental change is caused by non-political factors. Although its proponents consider environmental change to be caused by the interaction of human factors (not by physical or 'natural' factors), they do not regard the human factors as political. Several of these arguments that follow a non-politicized ecology line adopt a Malthusian approach to population, poverty and technical, technological and managerial factors (Ravnborg, 2003; Jones and Carswell, 2004; Amechi, 2009; Robbins, 2012). They suggest that ecological problems in the global south need an introduction of western technology and know-how, an integration of enterprises and individuals in the global south to global markets and the provision of exclusive rights to control over natural resources (Robbins, 2012). Their understanding of the nature of these factors means

that they do not see the environment as an object contested by individuals and groups of actors.

In the specific terms of my research, a-political ecology is relevant in helping to understand the arguments and rationales employed by government officials and conservation NGO officers working in Indonesia on the establishment of the national park in Mandailing. The discussion below combine political and a-political perspectives in conveying an understanding of evolving ideas on the study of natural resource politics around issues of, for instance, property rights and collaborative management.

2.3 Research on Natural Resource Politics

This section discusses approaches and foci that have been brought to bear on natural resource politics. Some of the approaches use a political ecology perspective while others combine a-political and political perspectives. The approaches discussed in this section consist of several categories such as history and legal approaches, alongside approaches that foreground property rights (including the commons), authority (decentralization), community empowerment (including indigenous people), governance, management and accountability (including resistance). These categorizations are quite simplistic and are made for practical explanatory purposes only, while in actual research scholars usually combine two or more categories of approaches as their focus in researching and writing on natural resource politics. Obeng-Odoom (2016), for instance, in criticizing Ostrom's work, stresses the history of the possession of the commons and rights to the commons.

2.3.1 Legal and Historical Approaches

Historical inquiry into the legal and management aspect of natural resources, especially forest and land, has contributed in important ways to the study of resource governance. The legal approach focuses on the existence of a legal status for certain resource rights whether they are in the hands of state actors or others. The historical approach looks to the history of the management of resources. Historical inquiry is aware that the current state of natural resource arrangement is affected more or less

by past events. It recognizes the importance of the concept of path dependence. Moreover, the historical approach also recognizes the possibility that natural resources located in rural villages have a history of management undertaken by people living around the location of the resource.

When these perspectives are applied to the state context, particularly in formerly colonized countries, working alongside a historical inquiry, the legal approach traces the legal status of natural resources and land since colonial times. With this approach, it becomes clear that laws current in a formerly colonized country cannot be totally independent from regulations as they existed in the colonial period. This is true for Indonesia as it is elsewhere.

Writing on Indonesia, (Peluso, 1988; Peluso, 1990) dedicated her PhD research and many subsequent publications to the history of the legal foundation of land and forest control and management since the colonial era. Her research and publications have provided a strong foundation for other researchers who have taken the same direction, including in agrarian-based research. Many, indeed maybe most, Indonesian regulations on natural resources are, significantly, inherited from the colonial era. (Peluso (1988) clearly established the basis for a historical timeframe when studying land governance in Indonesia when she argued that the Dutch Agrarian Law of 1870, popularly known as *Domein Verklaring*, formed the basis for independent Indonesia's Law of Forestry, first promulgated in 1967, shortly after Suharto had taken power. A similar trajectory can be observed in other formerly colonized countries in Southeast Asia (Bryant, 1998)

When we consider rural areas, this approach also brings awareness of the history of natural resource possession and management on the ground. Rural villagers have controlled and managed village resources for a very long time. 'Their' lands are likely to have certain intimate meanings for villagers. As far as many rural villagers are concerned, land and its attendant institutions have been handed down from their ancestors over many generations. When the government introduces rules and regulations and claims land as government-owned, this flies in the face of the villagers'

customary claims. This was the case on the ground when McCarthy (2006) did his research on traditional institutions in several sub-districts in Aceh Province, Sumatra. Similar problems exist for rural villagers and indigenous people throughout Indonesia (Vandergeest and Peluso, 1995; Moniaga, 2007), as well as beyond, especially in once colonized countries.

2.3.2 Property Rights Approach: Between State, the Private Sector and the Commons

One of the more important issues in natural resource politics concerns property rights. Property rights are defined as a social institution used as a means to promote a claim for benefits or advantages (Stein and Edwards, 1999). These rights determine what type of actor can take what type of action over certain resources.

In the field of natural resources, there are four categories of property rights that are widely known, namely open access, state property, private property, and common property. The character or type of good that define these categories is determined by two factors based on the non-excludable and subtractive nature of the resources (Ostrom, 2003; Rout, 2010). Subtractiveness is related to the character of a good such that if it is consumed by someone that amount will be subtracted while excludability points to the character of a good that determines the degree to which someone can be prevented or excluded from consuming it (Ostrom, 2003).

The first category is open access, which is a no ownership rule, so that anyone can enter and exploit the natural resources (Hardin, 1968; Ostrom, 1990). The second is state property; natural resources are considered to be owned or controlled by the state. This right excludes elements other than the state from utilizing the resources. Goods included as state properties are characterized by the non-excludability and non-subtractiveness, which is considered typical of public goods. Examples are the utilization of street lights, which may not exclude other people and whose use does not reduce the amount of light (Rout, 2010). The third is private property, which is ownership by an individual, household or private company that usually gets the right

granted by the state to use a natural resource within a certain time limit. A characteristic of private property is its subtractiveness if seen as one excluding others from using it (Rout, 2010). An example is the ownership of a car, where one's ownership of the car eliminates the chance of someone else owning the car. In addition, the ownership of a car means that the number of cars available for everyone else is reduced. The fourth, common property, is sometimes positioned between private and state ownership, where shared use of resources can lead to a reduction of resource availability and it is impossible to prevent other people from jointly using it (Rout, 2010).

Natural resources such as fishery, water, meadows, forests and pasture are usually included in the fourth category and later often called common pool resources (Ostrom, 1990). There is a debate about the ownership of common pool resources. Some scholars argue that ownership best belongs to a certain group of people, for example the community (Ostrom, 1999; Agrawal and Ostrom, 2001; Agrawal, 2001), while others say it should be in the hands of the state (Hardin, 1968). The reason given for the need for state involvement is to overcome market failure in the community when there is a conflict in the management of natural resources in the community or a need to prevent someone from the community privatizing the common resources (Deo, 2005).

The nature of resource ownership has implications for the nature of property ownership and can have significant consequences for the conservation of resources as well as the economic efficiency with which resources that are utilized, protected and developed (Tisdell, 1991). A resource that does not have a clear status as property or as open access, usually a common resource (forest, lake, pasture, etc.), is popularly seen as leading to the "Tragedy of the Commons" (Hardin, 1968). For that reason, the status of property rights in relation to natural resources needs to be set.

Further, for those four rights categories, there are five central rights that are differently attached to different actors; these are the right of access, withdrawal, management, exclusion and alienation (Agrawal and Ostrom, 2001; Coleman and

Liebertz, 2014). The first two rights are regarded as operational rules while the other three rights are considered to be the result of collective choice. Actors who hold either one or all of the last three rights can change the right at the operational rule level (Schlager and Ostrom, 1992).

As clearly defined by Schlager and Ostrom (1992:250), the right to access means “the right to enter a defined physical property”, while withdrawal means “the right to obtain the product”, such as to catch fish and to harvest something from the resources. The first collective-level right is management, which means “the right to regulate the internal use pattern and transform the resource by making improvement” (Schlager and Ostrom (1992:250). The next right is exclusion, which is “the right to determine who will have the access right, and how that right might be transferred”. The last collective level right is alienation, which is “the right to sell or lease either or both of the above collective choice right”.

As mentioned earlier, collective choice action rights can change the operational level rights. Accordingly, the collective choice of management right, for instance, gives authorization to its proprietor to re-arrange the operational-level withdrawal rights in governing the resource. According to Schlager and Ostrom (1992:251), actors who hold the management right are in an authoritative position to determine “how, when, and where harvesting may occur”. Moreover, the exclusion right gives its holder the authority to determine and design the access right. For instance, actors who determine the requirement for fishermen to have access to certain fishing locations and fish are utilizing the exclusion right.

Among all central rights in natural resources, alienation might be the preeminent right given that proprietors have the authority to give “part or all of the collective-choice right to another individual group” Schlager and Ostrom (1992:251). Actors who hold this right can sell or lease either or all of the management, exclusion and withdrawal rights (Agrawal and Ostrom, 2001). As the most authoritative actors acting on behalf of all the people for social and environmental justice (McCarthy and Robinson, 2016), state actors have the authority to determine and grant the right they please to

whichever actors over whichever resources. National state actors might be the first actors to hold the alienation right, which then can lead to the transfer of other type of rights to other actors, such as to other state institutions, private companies or communities. States, with this authority, can establish rules and regulations in transferring the other rights to other actors.

However, in reality, the authorities have frequently abused their power over natural resources by obscuring the state's interests and people's interests (McCarthy and Robinson, 2016). Moreover, Bennett and Kontoleon (2009) argue that state ownership over land is itself the major cause of environmental degradation. The state has the right to control land but does not have sufficient capability to prevent such degradation. In certain cases, this is primarily due to the long time span of control over land (and forest) use, generally reaching 50 to 75 years. This is the case both in Indonesia and sub-Saharan Africa, where forests are in the first place controlled or owned by the state, which then gives away the right to private users for a long time period and for very large areas (hundreds of thousands of hectares), thereby causing tremendous damage to forests (Peluso, 1988; Peter Dauvergne, 1997; FWI, 2001; Namaalwa, 2008).

As national state actors are so often unable to be an effective steward for the environment and its resources and as other actors including local government attempt to get a share of rights over resources, to perform effectively national government needs to consider devolving some of its authority to local governments and local communities, as will be discussed in the following section.

2.3.3 Decentralization to Local Government and Recognition of a Community Approach

Decentralization is an approach to natural resource politics that is growing in popularity (Agrawal and Ribot, 1999; Larson and Ribot, 2005), especially as it feeds off the rivalry in controlling local resources between national and local government as well as local communities. Decentralization has been defined as a process of devolving

certain authorities over resources from central government to local government and communities (Larson and Ribot, 2005). With the implementation of decentralization local governments gain certain rights and authorities that they can use to parlay their position against the national government.

This process has recently become commonplace in various sectors in many countries in the world, especially for populous countries in Asia, Africa and Latin America (Larson and Ribot, 2005; Bardhan and Mookherjee, 2006). As also in Indonesia, at least 60 countries are now devolving some aspect of their natural resources authority from national to local government and local communities (Knox and Meinzen-Dick, 2001; Larson and Ribot, 2005; Wollenberg et al., 2007). It has been widely argued that the centralized state government often fails to understand the dynamics of communities at the local level, as well as delaying recognition and response to public needs which then causes incompatibility between local preferences and policy options (Bardhan and Mookherjee, 2006; Treisman, 2007).

However, only a small amount of power is usually devolved to local government and local communities because central government tends to hold onto most power over natural resources. Although national governments generally still hold greater powers, they are not the only significant players in natural resource governance. Since lucrative natural resources are the source of income for all economic actors, many actors, including local ones, have shown an interest in having a share of the rights and authorities over such resources

2.3.3.1 Decentralization: Local Elites v National Elites On Local Resources Exploitation

Another principal idea behind decentralization is to shorten the distance between local government and local people (Ribot, 2002). With closer relations, it is assumed that governments could provide better public services to their citizens, including in areas related to natural resources. Moreover, with greater local autonomy, it is expected that local people will have more opportunities to see through their aspirations as well as to exercise some degree of control over local government and the local representative assembly. For local governments it should be easier to hear and receive

inputs from local people. Thus decentralization could also mean democratization of government. If government's policies are in line with the wishes and preferences of the community, it would be a benefit to the welfare of the society (Faguet, 2013).

To make effective natural resource governance through decentralization, central government empowers local government by devolving certain authorities and giving incentives and discretion. Local government uses these authorities to gain and allocate resources and to have the power to organize regional development based on local preferences and needs (Bardhan and Mookherjee, 2006). In the Indonesian context, the empowerment of local government through the process of decentralization is mandated through Article 10 of Law 22/1999, which states that local government has authority over the management of national resources in local areas and for maintaining the sustainability of the environment. This law indirectly implies that some of the authority over natural resources and the environment, including water, fisheries, and mining as well as the forestry sector, lies at the regency and sub-district government levels. Many local government authorities in Indonesia are responsible for issuing recommendations concerning natural resource-related projects before projects are put forward for full approval by national government. This flexibility also brings initiative to local government in terms of innovation in looking for additional sources of local income through redistribution of income from taxation (Alisjahbana, 2005).

However, granting local autonomy over local resources has also provided opportunities and more power to local elites to control local resources. Local autonomy offers greater opportunities for national elites to make connections with local elites and contribute to the building of strong informal elites, power brokers and business networks at the local level. Indeed, Peluso (2007) and McCarthy (2001) consider decentralization as the transfer of power from elites at the centre to other elites at the local region, which might serve to weaken the bargaining position of rural communities. Peluso (2007) argues that there exist local elites who have been waiting for a long time to gain access to and control over local resources. These elites become very 'hungry' when decentralization is applied.

As will be shown in Chapter 5, local autonomy has provided a huge opportunity for several local elite groups to take control of local resources while on the other hand limiting or even eliminating access for resource-dependent people to those resources around which they live. This limiting process often engenders conflict (Peluso, 1993) In some cases, to prevent access to local resources local elites involve their supporters in the use of violent action, threatening or even expelling outsiders (Peluso, 2007).

Local government has on some occasions argued that the actions of local elites are designed to increase local income generation. Indeed, some local governments have provided greater access to the private sector than to local people for natural resources utilization. In the water resource sector, several studies set in different locations have revealed city leaders selling expensive licenses for groundwater exploitation to bottled water companies and hotel owners while limiting water access to local residents and creating thereby a critical water shortage (Endaryanta and Kurniawan, 2007; Cole, 2012). In the forestry sector, certain powers over forests have been in many places decentralized to local government, and this has led, in the view of some commentators, to poorly controlled forest exploitation (Wollenberg et al., 2009; Affandi, 2005). The implementation of decentralization in 1999, instead of reducing the deforestation rate in Indonesia, has – it is generally accepted -- made the problem much worse (Sunderlin and Resosudarmo, 1997; Pathony, 2007; FWI, 2011; FWI, 2014).

Further, in Indonesia's case, this tendency might to a certain degree be related to direct elections as part of political decentralization. By using satellite data conducted at intervals of eight years, Burgess et al. (2012) argue that deforestation takes place before, during and after local elections. Moreover, they and others show a correlation between bouts of forest concession, deforestation activity and election periods (Hidayat, 2009; Schiller, 2009; ICW, 2014; Walhi, 2014). These studies have shown that there is a pivotal relationship between political decentralization and natural resource exploitation. Thus, empowering communities emerges as an important alternative.

2.3.3.2 Recognizing Communities and the Challenges They Face

Since much evidence has shown the failure of a model of central management of natural resources as well as the unsuccessful role of local government in managing local resources, community-based management emerges as an alternative. The idea is to decentralize the management of forestry to the local community level. This strategy recognizes the ability of communities to manage and maintain forestry. In this model, in the case of forests, communities are involved not only in replanting forests that have been previously damaged (by the state and private sector), but also jointly in managing forests in collaboration with other actors such as NGOs, private and state actors (van Noordwijk et al., 2007). Social forestry programmes are intended to involve communities in protecting the forest from deforestation as well as benefitting forest-dependent people who live within and around the forest (Prasetyo, 2013).

Successful stories of this type of forest governance can be observed from the experience of joint forest management in India, community forestry in Nepal or CAMPFIRE in Zimbabwe (Ribot, 2002). These successful local practices of community-level institutions can potentially be used as models for up-scaling to the inter-regional level. There are many other reports of social forestry programmes in several other locations in Southeast Asia (Borlagdan, 1990; Mitchell et al., 1990; Gibbs et al., 1990; Hafner and Apichatvullop, 1990).

In Indonesia, the term community forestry was first recognized in national government documents in 1995. This was three years before the centralized system collapsed, marked by the releasing of a Ministry of Forestry (MoF) decree of 1998. This decree ruled that community forestry should be involved in replanting forests that had previously been damaged mostly by private companies operating under Suharto's Right of Forest Exploitation. The MoF decree of 1998 saw communities playing a major role in the use of forests with the government acting as a facilitator and programme evaluator. Later in 2007 and 2008, the MoF launched regulations concerning social forestry programmes under three main headings: community forestry (*hutan kemasyarakatan*), people planting forests (*hutan tanaman rakyat*) and village forests (*hutan desa*). All of these programmes were intended to protect forests from

deforestation as well as to increase economic opportunities for local people living within and around forests (Prasetyo, 2013).

According to Safitri (2006) with the 1998 decree the state had begun to recognize the right of communities to manage forests, unlike the previous regime of forest management which only recognized the individual's right to utilize portions of forest commodities. Moreover, the decree also allowed forest communities to form organizations and forest user groups. The central government formally recognized the role of local people in maintaining customary forests (*hutan adat*) through a revision of Law 1/1999 on Forestry issued through a ruling of the constitutional court (Petisi Mahkamah Konstitusi No. 35) in June 2013. This revision recognizes customary forests as forests located in a customary region and no longer as state forests (AMAN, 2013).

However, recognition of those various forest-related community institutions has not automatically translated into community rights over forests. There are still many challenges in obtaining these rights. The first obstacle is the length of the procedures and the amount of bureaucracy that has to be overcome in obtaining a license for community forestry. Based on the procedures, there are several steps for getting approval and recommendation from village to regent/governor and finally to minister. The minister creates a stipulation while regents/governors issue a permit license. Although it is stated that the licensing process period should not exceed 60 days, the experience in Muaraenim District, South Sumatra Province, shows that the licensing process can reach one year (Wijaya and Saturi, 2014).

The second obstacle is the difficulty of the requirements that apply to the community that seeks community forestry rights. To obtain these rights, applicants should be organized in the form of a homogenous organization -- in this instance, a cooperative -- which would appear to go against the principles of the diversity of institutions in society (Safitri, 2006). Furthermore, applicants have also to prepare a map with a scale of at least 1:50,000, not an easy task for them (Prasetyo, 2013). Villagers are also required to prepare a forest management plan, just as one would expect of a sophisticated urban institution. In preparing the plan, by regulation, the government is

required to give assistance, but in fact there has never been such facilitation by state officials. Assistance is usually provided by NGOs or donor agencies (Safitri, 2006).

These obstacles or challenges in obtaining resource management rights under social forestry programmes are typical of other so-called pro-community programmes for village or customary forests, and in other sectors such as in mining and fishery (Tobroni, 2012; Arisaputra, 2015; Sitorus, 2015; Prasetyo, 2013; HukumOnline, 2015). Although states are eager to give recognition to a community's right to manage natural resources, they still have the strategies to make the procedures quite complicated and difficult to fulfil. Thus, communities need another strategy, which is to build community capacity and capability to manage the resources without depending too much on state facilitation. To do so, communities need to establish institutions that guarantee that they can manage the resources.

2.3.4. The Commons, Community Empowerment and Natural Resource Management Approach

The other approach to natural resource politics is through the recognition of commons, the empowerment of communities and the management of resource approaches. These approaches are implemented mainly by increasing the capacity of communities to manage natural resources and to involve communities in joint collaborative management of resources with other actors. The community empowerment strategy is conducted by establishing rules and institutions in the communities to guide and ensure proper management, such as rules to prevent access to and over-exploitation of the resources either by outsiders or by community members. There is plenty of evidence that communities do have the capacity to manage resources in a way that supports this approach.

This approach is mainly influenced by the development of Elinor Ostrom's idea of the self-governing of common pool resources. Ostrom, the Nobel Laureate in Economics in 2009, has been very prominent in developing ideas of self-governing of the commons (land, forest, water, oil, etc.) in her challenge to the tragedy of the commons thesis

proposed by Hardin (1968). Unlike Hardin, who considered that the commons must be controlled by the state or private institutions thus promoting state and private property regimes in managing common pool resources, Ostrom argued that common pool resources can be managed through self-governing mechanisms. The governing of the commons is performed through the traditional institutions of the user community at the scale of the resource unit (Ostrom, 1998). In challenging the claims of Hardin that state and private property are the only possible, rational and efficient regimes in managing the commons and natural resources, she argued that common property regimes can be as good as or better, not least because they use local wisdom, local rules and local institutions. This idea later led to worldwide recognition of common property rights, as explained above.

Ostrom's ideas have encouraged scholars, governments and development agencies worldwide to propose the devolution of natural resource management to a small group of people in the community (Knox and Meinzen-Dick, 2001). Many factors need to be anticipated in building strong institutions in the communities to prepare them to be able in the long term to manage natural resources in a sustainable manner. These factors are related to both internal and external dynamics. Internal factors are strongly associated with institutional capability (Ostrom, 1990). Collective action (Nagendra, 2011; Agrawal, 1998) affects internal dynamics and is influenced by the size of the community and the level of diversity of its members (Poteete and Ostrom, 2004; Agrawal, 1998; Nagendra, 2011). External factors are related to the relationship among communities (Agrawal, 1992) and the network of community of users' associations (Colchester et al., 2003) as well as the relationship between the community and the political system that surrounds it.

The first internal factor is the characteristics of a community. The conception of what is referred to as community is not uniform. According to Agrawal and Gibson (1999), in general there are four basic factors that are generally used to determine the limits of the community which are based on (1) small spatial units, (2) homogeneity of social structure (whether it be ethnicity, religion, language or occupation that are shared), (3) similarity of interests and norms, and (4) the availability of institutions. This last factor

-- the availability of well established institutions -- is the best indicator in determining whether certain groups of people can successfully form a community (Agrawal and Gibson, 1999) . Therefore, in forming self-organized communities, much effort has to be directed towards the establishment of institutions to manage natural resources.

The second internal factor is the ability of a community to perform collective action, which, if it fails to be developed, can cause environmental damage (Poteete and Ostrom, 2004). Three levels of cost affect communities in establishing institutions in relation to collective action: (1) the costs of the search for ways of cooperating, (2) the costs of bargaining or the agreeing on rules of cooperation, and (3) the monitoring and enforcement of costs (Mearns, 1996).

The third factor is related to the collective action problem. The size of the group and the level of diversity within a community influences the collective action itself (Nagendra, 2011; Agrawal, 1998; Ostrom, 1999; Poteete and Ostrom, 2004). Both of these factors affect the ease or difficulty in building trust and cooperation in the community in establishing institutions. According to Olson (1974) larger group size would make it difficult for collective action. Meanwhile, according to Agrawal (1998) a larger group will succeed in taking protective actions, while a smaller group will find it difficult to prevent violations of the rules by others. In relation to heterogeneity, Baland and Platteau (1996) look at racial, ethnic and cultural divisions as well as the differences between economic interests. Velded (2000) examines divisions over heterogeneity in endowment, political heterogeneity, wealth and entitlement, cultural heterogeneity and economic interests. The more homogenous the community the easier to predict the chances of the formation of trust and cooperation, while greater heterogeneity can lead to conflict within the community (Poteete and Ostrom, 2004).

On the other hand, the external dynamics of community-based natural resource management are related to the dynamics between communities of users, and many of these dynamics have been the source of critiques of Ostrom's work. Although Ostrom's model is very popular, most of her early ideas only applied to one small community that used few units of resources. Several scholars consider that Ostrom's

conception and framework of commons property are not realistic in representing the complex property systems of local people, particularly in rural areas of the global south (McCarthy and Robinson, 2016; Turner, 2017). Property systems here often take a hybrid or mixed form of property institution, where private property and commons are mixed at the same location and same time (Vandergeest and Peluso, 1995; Turner, 2017). Several legal scholars refer to this phenomenon as legal pluralism and see it as existing in west Sumatra, Indonesia (von Benda-Beckmann and von Benda-Beckmann, 2013). Turner (2017) then expands on these critiques of Ostrom's framework, arguing that they do not contribute to an understanding of the hybrid nature of private-public property regimes.

Other critiques address the self-governance aspect of Ostrom's conception of community-based natural resource management and identify at least two limitations: first, internally, she examines only one resource unit and one user group, and second, externally, she pays little attention to external factors such as the political regime and the community's location (Steins and Edwards, 1999).

Steins and Edwards (1999) proposed an alternative conception of institutional development platform that is more complex, with several types of user group alongside the one resource unit, more complex because it reflects realities in the field with manifold systems of interrelated factors. Stein and Edwards develop a complex platform framework that deals with a complex system by combining concepts deriving from Wade, (1988), Ostrom, (1990), and Pinkerton and Weinstein (1995). In these complex systems different users use different property rights rules at the same time in one place. An example of multi-use cases are beaches, where commercial fishermen take in their catch of fish in common property rules, while a private company utilizes the water for recreational purposes along the coast, and the government designates it as a protected area so that everyone can enter the location. The idea of collaborative management, which is also often seen as a solution for the joint management of natural resources, is part of the development of the idea of the multi-uses (Steins and Edwards, 1999).

The other external dynamic is related to a community's interaction with larger ecological systems; and this is also an entry point into another critique of Ostrom's work. This critique points to the lesser applicability of her model to a large scale ecological system. To answer this critique, she put forward the polycentric governance model, the most important legacy of her husband and colleague at the University of Indiana, Vincent Ostrom (Wright and McGinnis, 2011). This model builds on voluntary and interdependent collaboration among diverse communities or organizations to work together in a complex relation of multi-level, multi-purpose, multi-sector and multi-functional units of governance under a general system of rules (Araral and Hartley, 2013). In this voluntary process, Ostrom gives less recognition to the equal rights of each member in the process of the joint collaborative management of common pool resources (Obeng-Odoom, 2016).

Moreover, in regard to external factors, Ostrom's polycentric model is also considered to give little attention to the issue of power particularly when several small self-governed communities must interact with strong external political and economic forces such as state and private governance institutions (Obeng-Odoom 2016; Turner, 2017). Berge and van Laerhoven (2011) critique Ostrom for paying very little attention to the role of the state. Ostrom (1999) was certainly aware that the development of self-organized communities cannot be separated from the larger (political) system to which they are attached. However, she tended to see the state as an institution that willingly supports communities. Normatively, government will (or at least 'can') provide facilitation for communities by inviting people to participate in development (Arnstein, 1969) by providing grassroots empowerment programmes (Patel, 2011) and by improving community capacity and skills in creating sustainable livelihoods (Farrington et al., 1999). The state can easily invite communities to participate in development activities and empower communities in fostering livelihood skills and knowledge, as well as in developing the institutional capacity in managing natural resources.

However, this can only happen if the national and local governments have the willingness to facilitate and cooperate with the community. State institutions might

not be eager voluntarily to facilitate the communities in managing natural resources. The state would be willing to cooperate only if it gains benefits from communities (Berge and van Laerhoven, 2011). The state could reject or terminate the group of user rights to manage natural resources if the group is considered to violate government regulations. Further, as explained in the previous section, although the state has recognized certain legal rights for communities to manage certain natural resources such as forests, the state can at the same time easily establish rules and procedures that are complicated and convoluted so that the recognition is not easily obtained by the community. Further, state officials might postpone responses or provide slow administrative services and even undermine some established network groups of users that wish to have the state recognize their rights over natural resources (Safitri, 2006; Upreti and Shrestha, 2000).

Turner (2017) is even sceptical as to whether Ostrom's framework is capable of resolving the challenges resulting from the expansion of neo-liberal forms of governance, which facilitate the "hybrid forms of property rights created by new enclosure of commonly-held resources without the elimination of more public rights" (Turner, 2017:796). The obstacles faced by communities and the commons framework imply a condition of lack of bargaining power of community-level institutions towards the government and neo-liberal governance institutions (Turner, 2017). Moreover, the pro-commons narrative that is usually regarded as consisting of arguments that challenge the rationales behind state and private resource enclosure then eventually intentionally (and unintentionally) becomes involved in supporting the expansion of neo-liberal governance (Turner, 2017). On the other hand, this also implies that when it comes to natural resource governance states are not equipped with proper rules that require them to fulfil decisions they have made. It seems that there is no risk for government in not implementing pro-community decisions properly. This view points to the lack of accountability and responsiveness in the government and governance of natural resources (Agrawal and Ribot, 1999; Biermann and Gupta, 2011). Government in forestry governance is not accountable, neither in a downward nor in an upward direction (Djogo and Syaf, 2004).

Thus, as part of the external dynamic interaction between communities and the state (and other powerful actors), communities of users should not just wait for facilitation from government but need to actively call for it. Action to call governments to do their job to support communities and to execute pro-community rules and regulations is part of a community's efforts to demand government accountability in undertaking affairs related to the public and the commons. The success of these demands is strongly associated with the conditions of existing power relations between communities and the government. Thus, the issue of government accountability plays an important part in the relationship between grassroots communities and the government on the management of natural resources as part of natural resources politics.

2.3.5 Accountability (in Decentralization) through a Natural Resource Object Approach

Accountability is about controlling power, authorities and powerful actors. The accountability of powerful actors has become one of the significant issues in environmental governance and natural resources politics (Agrawal and Ribot, 1999; Biermann and Gupta, 2011; McCarthy and Robinson, 2016; Kramarz and Park, 2017). As some of the authority over natural resources is transferred to local regions, the question of the accountability of local government and other powerful actors under decentralization has become a significant one. Questions on accountability are not only related to the accountability that is provided by powerful actors but also to the accountability that is demanded by local communities (Newell and Wheeler, 2006; Hickey and King, 2016; Hossain, 2010). Several scholars have attempted to discuss accountability in the ambit of decentralization (Larson and Ribot, 2005; Mohammed and Inoue, 2013)

Accountability has been very important to decentralization. One among many criticisms of decentralization is the lack of attention to important aspects of governance and in particular to responsiveness and accountability (Bennett, 2002; Treisman, 2007; Faguet, 2013). Following this criticism, Bardhan and Mookherjee

(2006:6), reveal a surprising finding that “the traditional fiscal federalism (and fiscal decentralization) theory is developed by assuming an absence of any accountability problem”. Thus, it is not surprising that later the issue of accountability appeared to be one of the most important aspects that needed to be considered particularly when decentralization was applied in developing countries (Litvack et al., 1998; Bardhan and Mookherjee, 2006).

Accountability can be seen as a mechanism to ensure that powerful actors are responsible to less powerful actors. It can also be viewed as a link between the results of a leader's words and actions with sanctions over the outcome of those actions. In a more public context, it can be seen as a society's ability to sue and threaten their leaders (Larson and Ribot, 2004). According to Mulgan (2003:8), accountability is referred to as “a general term for any mechanism that makes powerful institutions responsive to their particular publics”. To make accountability of local government operate successfully requires that the local community can provide sanction against their leaders or local authorities through a variety of mechanisms.

There are several elements to accountability. Koppell (2005) differentiates accountability into five different dimensions – transparency, liability, controllability, responsibility and responsiveness – each term with its own concepts. It relates to but is different from ‘responsiveness’ and ‘a sense of responsibility’ (Bovens, 2007) as well as ‘answerability’ (Haning, 2005). Responsiveness refers to the voluntary action of a public official in responding to the voice of the people. Responsibility means an ability or empowerment to act within a given authority. Answerability means the legal right to ask an official to answer questions regarding their actions with no sanction following their answer. Accountability encompasses them all (Koppell, 2005).

Generally there are three types of accountability, horizontal and vertical (Przeworski et al., 1999; O'Donnell, 1999) as well as diagonal (Bovens, 2007). Horizontal accountability is related to the division of power between institutions based on functions, while vertical accountability is divided into upward and downward accountability. The upward accountability is accountability to superiors, while

downward accountability is to subordinate institutions and the public or the people (Przeworski et al., 1999; O'Donnell, 1999). In the public domain, this accountability can also be categorized by the source of the initiative, whether it is supplied by the government, usually called supply-side accountability, or driven by the citizen, usually called demand-side accountability (Hickey and King, 2016).

Among those of several scholars (Przeworski et al., 1999; O'Donnell, 1999; Bovens, 2007; Brinkerhoff, 2001), the explanation given by Bovens (2007) provides a clearer understanding on accountability. Bovens (2007) considers accountability as a social relation between actor and forum, or between agent and principle. According to Bovens (2007), the 'actor-forum' relationship is categorized in three stages: information sharing, debating and consequences. Furthermore, actors have an obligation to provide information on and justifications for their past and future actions to their principle or 'forum'. The forum has the right to question the actor on her/his information and justifications. In the third stage, the 'forum' has the right to decide whether the performance of actors (actors' behaviour and actions) is appropriate, referring to certain standards (norms or criteria). The 'forum' may pass judgement on an actor's actions, and impose consequences of sanction (dismissal) or incentive (promotion). Boven's conceptualization will be used later to address a significant problem in organizing collective action to perform accountability in decentralization as addressed by Treisman (2007).

Regarding accountability in decentralization, Treisman (2007) and Faguet (2013) argue that citizens have a problem in collectively organizing their voice and delivering their aspirations effectively. Beside this collective action problem, the other important issue is the condition of asymmetrical information faced by the citizen and the impossibility of building a complete social contract at the local population level (Treisman, 2007; Faguet, 2013). This collective action problem brings with it a great challenge in establishing a robust (Mahdi et al., 2017) and downwardly accountable (Ribot, 2005) local institution that is a prerequisite for the successful implementation of the power transfer that is decentralization

Since accountability is about controlling authority and power, the success of the process depends on the collective action taken by the forum in controlling powerful actors. According to Ostrom (2003), collective action could be determined by the types of goods, based on the character of its subtractability and excludability. Goods like forests or land as common pool resources prompt greater collective action among people compared to roads and other infrastructure such as public goods. Similarly, Kaimowitz and Ribot,(2002) argue that natural resources can reveal a better understanding of power relations among rival actors compared to public service such as health and education or infrastructure such as roads and water provision. This is the case because natural resources are a source of income while the other two are a source of expenditure (Kaimowitz and Ribot, 2002).

Since natural resources are a source of income, more actors will fight to control this type of good, compared to infrastructure and social services. For example, local communities made up of resource-dependent people will be prepared to fight collectively to prevent their land from external occupation and will be less willing to fight collectively for certain public or infrastructure services. The former unlike the latter represents the basic economic source that supports their life. Following this line of argument, I assume that for rural villagers their sense of belonging to natural resources -- land or forest -- would be greater compared to education and roads.

Among many researchers on accountability and decentralization who use natural resources as their evidence base, Agrawal and Ribot (1999) can be considered as pioneering and influential advocates of these ideas (Mohammed and Inoue, 2014). The framework they established popularly known as the Actor-Power-Accountability Framework (APAF) has been used widely in the African (Mohammed and Inoue, 2013) and Asian contexts (Xu and Ribot, 2005). While criticizing international funders and NGOs as well as customary institutions, they argue that development would be better if all the actors involved in the decentralization of natural resources were accountable to local elected actors.

Although used widely, this APAF framework has been criticized by (Mohammed and Inoue, 2014) for three shortcomings, the limited attention it pays: to the property rights regime of natural resources (Schlager and Ostrom, 1992), to the consequences of decentralization on social and environmental outcomes (Bazaara, 2003) and to contextual factors such as biophysical, social and historical conditions. (Mohammed and Inoue, 2014) propose their alternative framework, which they call MAPAF (Modified Actor Power Accountability Framework).

In MAPAF, Mohammed and Inoue (2014) have filled several gaps they found in APAF. Besides building in property rights regimes and historical factors, the authors expand the types and directions of accountability, in terms not only of horizontal but more importantly also of vertical accountability, upwards and downwards. These Japan-based scholars give attention to both the supply and demand side of downward accountability (Mohammed and Inoue, 2014). By citing the work of (Yilmaz et al., 2008), they provide several examples of the demand side of downward accountability as a social accountability mechanism in their framework such as public meetings, citizen juries, forums for various social groups, active public debate and activism by NGOs (Mohammed and Inoue, 2014).

However, the MAPAF framework neglects the issue proposed by Treisman (2007) and Faguet (2013) on the problems faced by citizens in organizing collective action to demand downward accountability of local government under decentralization. This might be answered through the conception developed by Tilley (2014) and Moncrieffe (2011) of what they call relational accountability. Tilley argues that the APAF and MAPAF frameworks rely too much on procedural and formal processes, while Moncrieffe argues that they fail to pay attention to the conditions behind formal relations such as meaning, culture and history. The concept of relational accountability is more informal, and relies on the collective action of structural variables that relate to a “triangle of trust, reciprocity and reputation” that has a considerable impact on the level of cooperation among actors (Tilley, 2014: 26). A relational approach to accountability is also supported by Rao (2013), for whom collective action is needed in making interventions affecting accountability.

While the importance of collective action, meaning and history is acknowledged by proponents of a relational accountability approach, the examples used in support are not drawn from natural resources but from social issues. As Kaimowitz and Ribot (2002) have argued, natural resources can provide a clear understanding of power relations among contested actors; thus, the relational accountability perspective might appear not to be sufficiently strong to portray power relations between an unorganized forum and the actors involved. Moreover, as 'unorganized people' in the process of accountability, local populations are one of the main issues overlooked in decentralization studies, and the use of natural resources as case studies might help resolve the problem (Koppel, 2005; Boven, 2007; Treisman, 2007; Faguet, 2013). Following Ostrom's argument on the type of goods that can affect collective action (Ostrom, 2003) and the relational accountability perspective that recognizes collective action and history, the use of natural resources as case studies to address the problems that Treisman (2007) and Faguet (2013) raise could potentially provide different results. The characteristics of these goods could bring a clearer boundary between resources and resource users, which then could create a stronger base for an understanding of how people organize. This idea then could lead to a clearer view of how to analyse how people organize in demanding accountability of powerful actors. In its examination of villagers' resistance to encroachments on their customary land by the state and private sector, this thesis adds evidence to answer the problem of 'unorganized people' raised by these writers.

At least one scholar Nuesiri (2016) has attempted to take this path by paying attention to demand-side accountability by using environmental issues as case studies. Similar to Tilley (2014) and Moncrieffe (2011), Nuesiri (2016: 5) sees the processes of demanding accountability as not only being conducted through formal procedures but also through an informal citizen-driven approach. This approach, which Hickey and King (2016) call Social Accountability Initiatives, has three forms of action: calls for transparency, contentious actions and participatory governance. Among the three, contentious action provides a more informal path to demands for accountability. This approach also involves accountability as an alternative action when formal procedures

are not in place (Hossain, 2010). Similarly, Newell and Wheeler (2006) also argue that grassroots groups often claim accountability of powerful actors from below. Thus, to some extent, resistance by grassroots actors can be considered an informal form of action in demanding accountability from powerful actors.

2.3.6. The Local Communities Approach: From Adaptation to Resistance

Resistance from grassroots communities is one form of response by local communities as a demand for an accountability process for actions undertaken by powerful external actors. In the case of natural resources, the external powerful forces usually occupy farm land or forest land that is considered by local communities as having been theirs for generations. As forest-dependent people, such enclosure of their livelihood resources has evinced various responses by local communities in different times and places. Some grassroots actors have responded by adapting to these unwanted conditions while others have chosen to react by undertaking acts of resistance, either through hidden action or open strikes.

For those who decide to choose an adaptation strategy, they need, according to Bryant and Bailey (1997) to consider how to minimize any negative effect while at the same time keeping away from confrontation with powerful actors. For example, powerless actors may adjust to a demarcated land situation by spending more time pursuing livelihood needs. Further, Bryant and Bailey (1997) argue that another adjustment response involves utilizing various social and economic resolution strategies (for example by modifying economic practices) which may derive from 'traditional' or cultural responses to natural environmental processes. If other strategies do not work, the last potential strategy taken by grassroots actors involves moving or migrating communally with all those others whose life is dependent on the same livelihood resources (Bryant and Bailey, 1997).

Many grassroots actors, however, tend to choose to struggle to defend their land. They consciously choose to oppose more powerful actors. In the context of Southeast

Asia, for example in Malaysia in the 1980s, the nature of the struggle of the poor in rural villages is presented in the research conducted by Scott (1985) with what he called 'everyday forms' of resistance. This kind of resistance has characteristics that are typically different from those generally discussed by western scholars or by urban-oriented commentators or even by many on the left (acknowledging the overlap in these categories). The grassroots resistance portrayed by Scott (1985) has no certain solid ideology or vision for changing social structures or dismantling state structures. They do not believe in revolution. Many villagers rely on the state for various matters. Besides, they often undertake their struggle with no formal organization, move with unorganized grassroots actors and lack of coordination. Instead of having an open confrontation with state authorities, their individual actions are hidden and take the form of "foot-dragging, desertion, pilfering, false-compliance, feigned-ignorance, slander and sabotage" (Scott 1985:xvi). This low profile action can be effective, matching well the villagers' settlement pattern and social structure in a rural agricultural village where their dwellings are scattered across the land, making them, in Scott's view more suitable for guerrilla styles of struggle.

Peluso (1988: 123) reports other modes of resistance in Indonesia in the colonial era: "They cut teak despite Dutch efforts to guard the forest. They refused to pay taxes, refused to pay fines, refused to accept wages, refused to leave rented or communal land when their leases expired, refused to participate in ritual village reciprocity. Some piled stones in the road they had been ordered to build." These types of resistance are similar to those noted by Li (2007) when she did her research on the establishment of Lore Lindu National Park in Sulawesi. By using Gramsci's concept of hegemony and Foucault's of governmentality, Li (2007) found that the grassroots struggle surrounding the park was not undertaken in pursuit of revolution or total structural change. The struggle had no counter-hegemony intent or even 'war of position' as preparation conducted by the organic intellectual (Moen, 1998). Many grassroots peasant campaigners paid their taxes and did not display anti-government sentiments.

But unlike when Scott (1985) was writing, the case discussed by Li (2007) occurred in the 21st century when many environmental NGOs were also involved in local struggles,

which was not necessarily the case in the 1980s. One important instance of involvement by an environmental NGO in so-called soft villagers' resistance is in the process of counter-territory mapping in Kalimantan, as reported by Peluso (1995). This counter action by grassroots actors is different from the 'counter-territorialization' in Thailand, where villagers attempted to plant many trees by appropriating the symbols of the Thai king and a celebrated Buddhist monk to drive their cause powerfully home to the government (Isager and Ivarsson, 2002). Just as in the case discussed by Li (2007), this grassroots struggle in Thailand was supported by environmental NGOs which to a certain degree had their own agenda, one that was not totally in accord with that of the grassroots actors (Isager and Ivarsson, 2002).

2.4. Territory and Territoriality

In this section, I discuss approaches to territoriality and introduce a new approach that offers promising new insights into an understanding of enclosure of the commons as state territorialization and that develops ideas concerning demand for accountability. I will argue that the concept of territoriality is important in understanding changing conditions in former colonies such as Indonesia.

The limited nature of real structural change post independence can be seen in the process of territorialization, a process that was started in the colonial era and continues in the post-colonial era (Bryant, 1998). This continuing process to some degree can be called a process of internal colonialization under which people and resources are controlled by the government using similar rules and regulations to those applied by the former colonizer. Laudjeng (no date:1) describes this condition as "colonial rule in the independent country". It can even be argued that the governments of former colonial states have extended their powers compared to the former colonial state itself. Indonesia is a case in point; the colonial state implemented 'territorialization rule' only on Java and Madura before 1945, while the Indonesian government after 1967 implemented a similar type of rule for the whole of the country (Peluso, 1990). For ex-colonized countries like Indonesia, the investigation of this territorialization process is very important in order to clearly understand the historical

and current process of natural resource exploitation and marginalization of local people either by international private institutions or by the state and local government.

Unfortunately, this approach has been largely understudied in the field of geography (Bassett and Gautier, 2014; Elden, 2010). With the important exception of work by Bryant (1998), Vandergeest and Peluso (1995), and Isager and Ivarsson (2002), there has been little research on this in Southeast Asia. In Indonesia, it seems that only one Indonesian scholar, Pramono (2014) has incorporated this term into his work. However, the situation is beginning to change. In the last ten years, Elden (2010), Peluso and Lund (2011), Sassen (2013) and Bassett and Gautier (2014) have started to raise awareness of the issues raised by a territoriality approach. This process has been encouraged by the launch in 2013 of the journal *Territory, Politics and Governance* as part of the Regional Studies Association.

This thesis recognizes the importance of a territoriality approach in understanding and helping to provide an alternative perspective in resource politics. It applies this approach to a case study in Sumatra, conceptualizing this both in terms of top down state territorialization (from a national park and a mining company) and of bottom-up customary territoriality (in the form of local resistance).

Before discussing territoriality and state territorialization, however, it is necessary first to discuss the concept of territory and several others related terms.

2.4.1 Introduction to Territory, Territoriality and Territorialization

Territory is defined as a socially constructed space characterized by its historical, cultural, technical and political-economic origins (Bassett and Gautier, 2014). Territories have their “discrete, distinctive, bounded, measurable, communicable spaces”; and all are set up to achieve certain social goals (Murphy, 2012: 164). Based on these definitions, it is clear that territory has its unique characteristics and goals. Moreover, it is also context dependent, where each territory has its own context of

history, cultural, technical and political-economic characteristics, and these characteristics can be communicable to its own members to achieve their own specific social goals.

When one group uses its concept and context of territory in an attempt to occupy and control another group's territory, this action then relates to the term territoriality. Territoriality, as it is defined by Sack (1986: 19) is "the attempt by an individual or a group to affect, influence, or control people, phenomena, and relationships, by delimiting and asserting control over a geographic area" (see also Vandergeest and Peluso, 1995; Bassett and Gautier, 2014; Pramono, 2014). This concept is an active process of effort to control certain geographic locations. Regarding state actors specifically, Sassen (2013: 21) argues that territoriality is "a set of legal constructs that mark the state's exclusive authority over its territory". According to Pramono (2014) this definition of territoriality implies several inter-related purposes. Firstly, it is a strategy that covers forms of classification based on territory, which is a declaration that certain individuals or groups claim certain geographic areas. Second, it is a form of communication that sends a message about a claim through the concept of boundary. Third, an enforcement and monitoring mechanism is needed to allow or forbid other actors access to resources inside the claimed area.

Territoriality therefore refers to a legal strategy to control people and access resources in a certain territory while territorialization refers to the process of implementing it. In its implementation, territoriality involves concepts, rules, organizations and technical instruments. The concept is mainly about the drawing of boundaries around and the classification of territory. In its implementation, territoriality involves supporting instruments such as maps, mapping technology and cartography (Peluso, 1995; Elden, 2010; Pramono, 2014). In addition to maps, censuses and museums are also involved in this process (Pramono, 2014; Bryant, 1998). As a form of communication, the strategy of territoriality must send a clear message to everyone, particularly those who are related to and excluded from the territory. For enforcement and monitoring, it needs rules and organizations from the centre to the ground.

According to Scott (1985), the purpose of territorialization is usually to control people and resources within and around the territory. The process of control can be enforced ruthlessly as in the forced expatriation of people from their customary lands (Bryant and Bailey, 1997). Similar conditions of coercive force of conservation might also have occurred in the process of state territorialization (Peluso, 1993). The massive 'green grabbing' process in Africa, Latin America, and Asia as described by (Fairhead et al., 2012) as 'a new appropriation of nature' is also state territorialization, but for the purpose of an economic approach to conservation.

Territorialization is about determining who to include and who to exclude from the territory and to include only those with permission or letters of concession (Vandergeest and Peluso, 1995). On the ground, as this concept serves to limit the movement of people and goods to and from the territory, the concept of boundary becomes very important. Besides, the maintenance of boundaries becomes important to allow inhabitants and users of the territory to access and utilize resources in the territory (Pramono, 2014).

Power relations in the territorialization process can also be clearly recognized through the use of technological instruments including maps, mapping technology and cartography. Elden (2010: 799) describes this condition as "political technology" over the territory. Mapping technology has become a tool to undermine and control territory, resources and the people living in a certain territory. As also described in section 2.3.3, the difficult challenges faced by local communities (mostly grassroots people) as a result of their lack of access to the standards and indicators of map quality (usually defined by state governments) has undermined people's livelihoods and their sense of what is common justice in their territory (Vandergeest and Peluso, 1995).

According to Casimir (1992), there are two ways to maintain boundaries: through social boundaries and spatial-physical boundaries. A social boundary is created through social and group relations that determine the land boundary. On the other hand, a spatial boundary is established by creating external (physical) boundaries for the territory. Having this spatial boundary means that people from outside this group

will be sanctioned when taking resources from the territory without permission. Spatial-physical boundaries are established systematically through land-boundary-related regulations, bureaucracies, standards and criteria as well as technical and technological developments. Chapter 6 discusses their implementation in local autonomy context in detail.

2.4.2 The Promise of A Territoriality Approach

In understanding natural resource politics, the territoriality approach has several advantages compared to approaches described in the previous sub-sections (sections 2.3.1 to 2.3.6). The advantage of this approach is that it can encompass most, if not all, of the others. The previously discussed approaches tend to focus partially on one or two specific aspects -- history, rules, property rights, the commons, accountability, community, management, or decentralization of natural resource politics. On the other hand, a territoriality approach can be used to understand all those aspects more comprehensively as it brings them all together. The other advantage is that the other approaches tend to analyse cases in one sector only (forest, land or mining) while territoriality can embrace many sectors together at the same time.

Since territoriality is about controlling territory, it can also be seen as a process of controlling all aspects in the territory, including the way people interact with each other in relation to local resources. The territoriality lens enables us to see how controlling people's relations to local resources can also mean controlling the system of local institutions in the management and politics of resources. As a territoriality approach is closely related to an understanding of the history of the territory, the history of natural resource politics as explored in Peluso (1988) should also be included in the territoriality approach.

When territorialization is performed by the state -- usually called state territorialization -- the state normally uses legal and local institutions to prevent local people from exploiting resources. Thus, the process of decentralization of authority and its legal aspects can be encompassed within the critical purview of a territoriality approach. So

too can property rights. The critical application of territoriality can embrace and analyse power relations over property rights exercised as part of natural resource politics. According to Pramono (2014), states that implement territorialization strategies usually only promote and facilitate private and state property over other claims. Since territorialization is a process that produces certain property rights or a bundle of rights (Ribot and Peluso, 2003) and power as well as mechanisms for restricting access to resources, this process is actually a manifestation of power relations through property rights that are “written on lands” (Peluso and Lund, 2011: 673). At the same time, when doing so, the state undermines common property rights over lands that already existed before the existence of the state. Thus, by understanding that conflicts over property rights are caused by state territorialization, this territoriality approach encompasses the issue of property rights as well as the commons.

In relation specifically to the commons, I would argue that the state territoriality approach works well as a conceptual tool for a critique of the idea of self-organization and management of common pool resources proposed by Ostrom. Ostrom’s work has been criticized because her concept of self-organized community is unclear when dealing with a larger political realm. The communities and institutions in her concept might not survive when they interact with the “tragedy of the public domain” of a larger region and more powerful institutions (Berge and van Laerhoven, 2011: 166) such as may result from state territorialization and neo-liberal governance institutions (Turner, 2017). The concept of territoriality addresses the limitation of Ostrom’s approach in its failure to address the possibility of intervention by larger and more powerful actors that can affect the condition of small-scale social ecological systems.

Although Ostrom has provided an argument concerning the types of goods that can affect collective action, she tends to analyse the role of collective action in building institutions to manage natural resources rather than in defending local people’s land from intervention by external and more powerful actors. By applying a territoriality approach, the role of collective action can be expanded from managing resources to

defending land – territory -- from more powerful actors whose intervention is facilitated by the state territorialization process.

Another line of critique is that Ostrom's conception has no historical analysis of the possession of the commons (Obeng-Odoom, 2016). Despite its popularity, the community approach is limited in that it does not provide space for the bounded relation between people and land which is so much a part of the life of rural people in Sumatra, as in most other parts of Indonesia. The community approach fails to acknowledge that land is part of the social structure of local people. These conceptual problems can be resolved by adopting a territoriality approach.

As the concept of territoriality is very close to that of ownership of resources, this means that the politics of natural resource management is affected by the controversy between the customary rights embraced by villagers and individual (and state) property supported and promoted by the state. This means it can also encompass the conflict between private and state property rights promoted by state territorialization and customary rights that exist in the customary territoriality of local people. This becomes one of, if not, the central theme of this thesis, as developed in each of the empirical chapters, but especially in Chapters 6 and 7.

A further advantage of applying the concept of territoriality lies in relation to accountability. The territoriality approach, along with the concept of the commons, also responds to the APAF, MAPAF and relational accountability frameworks discussed in Section 2.3.5. As indicated above, APAF and MAPAF are considered to be too procedural and not sufficiently comprehensive to allow for the development of an understanding of the complexity of human relations to natural resources. These gaps in some part can be filled by the relational accountability that provides a much more comprehensive understanding of human history, meaning and collective action (Tilley, 2014; Moncrieffe, 2011). However, since the perspective of relational accountability in Tilley (2014) and Moncrieffe (2011) applies in relations between non-humans and natural resources, this perspective on accountability has limitations in laying the ground for an understanding of people-land relations. On the other hand, since issues

involving the commons, its history and community institutions are part of territoriality, the gap found in relational accountability (as well as in APAF and MAPAF) can be resolved by applying the concept of territoriality.

Territoriality has the potential to address the collective action problem in the community approach, and this then can lead to addressing the problems involved in demanding accountability. Although Ostrom has provided an argument on the type of goods that can affect collective action, she tends to analyse the role of collective action in building institutions to manage natural resources not in defending local people's land from intervention by external and more powerful actors. Applying a territoriality approach makes it clearer how the role of collective action can be expanded not only to manage resources but also to defend villagers' land (their territory) from more powerful actors who are privileged by state territorialisation processes. The defence of villagers' land is equates to the resistance process that is part of the process of demanding accountability. Thus, by applying a territoriality approach, local people can see how collective action can be expanded into a demand for accountability. This understanding of collective action in natural resource politics can potentially fill the problem of the gap in collective action -- raised by (Treisman, 2007) -- as a means of organizing people's voice and demanding accountability of local government.

To sum up, it is the comprehensive nature of the concept of territoriality (and state territorialisation), embracing other approaches and concepts, that makes it so valuable. In this sense, the spatial nature of territoriality (and state territorialisation) allows it to bring together history, legal, the commons, property regimes, devolving authority, accountability, communities and collective action. But we have so far discussed territoriality primarily as an undifferentiated concept. Now we make a distinction between state territoriality and customary territoriality. The next two sections discuss these categories of territoriality.

2.4.3 State Territoriality and Commons Enclosure as State Territorialization

State territoriality is a set of spatial rationales, rules and regulations established by the state to facilitate the process of state territorialization. This territorialization is often performed through making boundaries around or through the commons to control the resources that for some actors are considered as commons while for other more powerful actors as private or state-owned resources. This enclosure is a common phenomenon, particularly in forest regions in rural areas of ex-colonial countries.

According to Pramono (2014), the character of modern state territoriality is very much institutionalized, centralized and restricted to the spatial because it is based on regulations introduced by the nation-state. Sack (1986: 33-34) argues that three factors stand out in this modern territoriality. The first is the abstraction process and the attempt to search for “emptiable space”. Emptiable space is a space that is considered to have no artefact or social and economic value and is thus targeted as available for control for commodification purposes. Secondly, the state establishes a bureaucracy to manage the territory. Thirdly, the state uses its control over territory to obscure its source of power because territory is the basis from which the state supplies goods and public services.

The abstraction process that was performed by the colonial powers and is still practiced by the nation-state is the process of commodification of space (Soja, 1989). According to Vandergeest and Peluso, 1995: 415) the latter process over land relates to the processes of territorialisation: the creation and mapping of land boundaries, the allocation of land rights to so-called private actors and the designation of specific resource uses (including land) by both state and private actors according to territorial criteria.

As Sack (1986) argued, the territoriality of the state is based on what is called abstract space (Peluso, 1995; Vandergeest and Peluso, 1995). Technically, mapping makes abstract space homogenous and uniform within any given territory. As such, any unit

within the map can be compared and made equivalent to any another unit through the use of spatial categories. It becomes possible to determine certain locations nested in a larger abstract space (Vandergeest and Peluso, 1995).

Thus, mapping resources such as forests is actually a political process. A forest map becomes political because it highlights valuable resources for the map initiator (the state) and it can imply the exclusion of local people. State control over resources is increased and made more effective by utilizing the map as the technical tool for territorialization to the exclusion of local people. Maps have also facilitated several larger international conservation institutions in their support for conservation agendas (Peluso, 1995).

Enclosure of territory allows states to implement monitoring over the territory (Pramono, 2014). According to (Hakli, 1994), there are two main strategies for this enclosure: system integration and national integration. The first strategy involves consolidating state power through centralization of authority over territory; and the second involves the use of factors to foster spatial homogenization in the territory through a series of standardization and rationalization processes, including the imposition of uniform law (Hakli, 1994: 41). Thus, through this process state territorialization is not only about centralization of authority but also about the transformation of territory into a single spatial model under a uniform law. This process is important for the state in building the basis for the commodification process and thus for exploitation of the territory as well. For this purpose, spatial abstraction is needed, a process that is only possible through mapping technology.

Bryant (1998) argues that there are two kinds of modern territoriality that are usually implemented by the state: external territoriality and internal territoriality (see also Pramono, 2014). External territoriality operates through the control of rigid borders with other states so that the owner state can extract natural resources from its territory easily and surely. Internal territoriality allows the state to control people and natural resources in its territory by conducting population statistics and resource

inventories as part of an effort to promote control over political and economic activities (Bryant, 1998: 35).

There are two stages of internal territorialization. This involves first fixing the territory based on modern spatial rationales. As also discussed in Pramono (2014), using the example of European colonization in Egypt, Mitchell (1988) argues that this is conducted through a process of fixing people and the environment. Fixing people is done by ensuring that indigenous people do not mobilize or move to a different location thereby making them easier to control. Fixing of the environment is conducted firstly by managing the landscape according to scientific European principles to enhance efficiency of movement and to control popular mobilization. Secondly, it involves controlling the mobility of people in the territory that will be exploited by the state. In this regard, Vandergeest (1996) defines territorialization as a process undertaken by the state to control people and their actions by drawing boundary lines around certain geographical spaces to prohibit certain categories of people entering the boundary and allowing or disallowing certain events inside the territory.

By using historical analysis of territorial control of forests in a Thailand that was heavily influenced by Britain at the end of 19th century, Vandergeest divides territorialization into three stages. First, the state declares that all 'unknown' land belongs to the state. At this stage the state is expected to get income from resource extraction. Second, the boundaries of state-owned land are drawn in order to affirm state territorial control over natural resources. After the boundaries are determined, access to the territory is forbidden, especially when the territory is rich in resources; only those holding certain permits or concessions from the state are allowed to enter. Third, the state launches a programme of 'functional territorialization'. By following the land stewardship model in the USA, this process divides forests into several functions based on scientific criteria such as slope of land, rainfall and soil type. The main output of this programme is territorial zoning, which stipulates an arrangement of types of activities permitted in each zone.

Thus, territorialization, according to Pramono (2014), is a spatial strategy to remove people from their original space. Further, referring to Gregory (1994)'s term, Pramono (2014) considers this a process of dispossession through spatialization, particularly since this process appears as a rationalization and totalization of state intervention.

In Southeast Asia, state territorialization started in the colonial era. As stated by Peluso (1988), in Indonesia the process started in 1870, when the Agrarian Law was issued for implementation in Java and Madura. In Thailand, Vandergeest and Peluso (1995) argue that the land code was started in 1901. In Aceh, this process was started in 1904 after the Dutch colonialists seized the region (McCarthy, 2006). Those processes of territorialization were often followed by the use of coercive action. The Dutch colonial state used legal, political and coercive means to wrest control over these prized forests from local people, but in doing so set off a process of resistance that included various 'criminal' acts, notably illegal extraction and general non-cooperation with state officials (Peluso, 1993). By exercising its power in this way, the state not only controls the land but also at the same time ignores or can even destroy the communal system of customary territoriality on the ground.

2.4.4 Customary Territoriality and Its Potential to Facilitate Demands for Accountability

Before the state drew boundaries around people's land, people of course already had a sense of territoriality. Even before the colonial powers conducted their territorialization project, local people in former colonies such as Southeast Asian countries already had their own customary territoriality (Bryant, 1998).

Interestingly, unlike state territoriality, the boundary in local people's customary territoriality in Southeast Asia is generally not fixed but rather can be very flexible. Boundaries can be expanded to new locations following people as they migrate to new territories. Boundaries can also move by following the migrating people (Vandergeest and Peluso, 1995). Bryant (1998) adds that land boundaries between political groups of local people were originally fuzzy, inexact and in flux. Later, customary territoriality

was modified from a fuzzy to a more exact boundary, supported by international sanctions which were developed by European countries (Bryant, 1998).

Following Bryant (1998), Moniaga (2007) and Pramono (2014) maintain that there are significant differences between the customary territoriality of people 'on the ground' and state territoriality. Sack (1986) argues that customary territoriality existed to support people's social organization and was influenced by natural events and mostly followed the seasons. Natural events in line with the seasons would determine people's activities, such as the time to plant, to harvest and to hunt. Shifting cultivation is another example of the influence of seasonal events. Thus, the utilization of space follows natural events. This implies that customary territoriality is flexible and boundaries are often not bounded by space or time (Pramono, 2014).

Further, according to Pramono (2014), customary property rights are not a homogenous system. Private property and communal property rights can exist alongside each other and be applied at the same time. A person who has opened a piece of land would have the right to claim to own the land. But this land could also be used by other people with permission. Several types of property right could even be applied at the same time. This is in line with (Peluso, 1995)'s reference to how property ownership of trees by different people can also exist at the same time yet be different from property ownership of the land.

Local people usually have natural signs to determine land boundaries. These can be rivers, valleys or certain trees, whatever is generally agreed (McCarthy, 2005). Although the property boundaries are clear to local people, the boundaries themselves are not fixed but rather are flexible and permeable (Pramono, 2014). Their territoriality tends to be local – "locally classified, locally communicated and especially, locally enforced" (Vandergeest and Peluso, 1995: 394), and local communities at the neighbourhood level generally support the strengthening of the local notion of territoriality (McCarthy, 2005). To manage these rules on rights to access and use of resources, they have special local institutions to guarantee and enforce the rules (Pramono, 2014).

Moreover, different from the urban people, some lands for indigenous people are important for their spiritual meaning as sacred spaces, and often this reflects a sense of cosmological space (Dickie, 2005; Grim, 1998). Similarly, MacKay (2004: 16-17) argues that:

“For Indigenous peoples, secure land and resource rights are essential for the maintenance of their worldviews and spirituality and, in short, to their very survival as viable territorial and distinct cultural collectivities. The close ties of Indigenous people with the land must be recognized and understood as the fundamental basis of their cultures, their spiritual life, their integrity, and their economic survival. For Indigenous communities, relations to the land are not merely a matter of possession and production but a material and spiritual element that they must fully enjoy, even to preserve their cultural legacy and transmit it to future generations. Land and culture, development, spiritual values and knowledge are as one. To fail to recognize one is to fail on all.”

The discussion above has shown that local people’s customary territoriality is significantly different from state territoriality. This difference is rarely admitted and recognized by both parties. Lack of recognition of the other party’s territoriality especially on the part of the state towards local people often brings on conflict. If state actors really work for the people, the existence of territoriality for local people will be recognized before the state establishes any programme of development or conservation.

In current conditions of widespread enclosure of the commons where local people’s territory is being enclosed by state territorialization, I show through the empirical discussion in Chapter 7 that customary territoriality has the potential to strongly challenge such enclosure processes. This potential emerges because people’s territoriality provides a strong basis for collective action in demanding state accountability. Finally, local customary territoriality can potentially strongly support demands for accountability from those who implement state territorialization processes.

2.5. Conclusion

In this chapter, I have discussed the literature on the diverse approaches in natural resource politics currently employed predominantly by scholars but also by governments and development agencies. These approaches and conceptualizations tend to come from a particular standpoint, one that emphasizes legal institutions, property rights, decentralization, community, accountability or resistance. They have limitations in that they fail to present a comprehensive picture of the complex problems in natural resources politics. I have presented here the concept of territoriality and suggested that it has advantages over the aforementioned approaches in that it presents a much more complete understanding of natural resource politics.

The approaches most frequently called on to interpret natural resource politics tend to see problems unilaterally and omit other viewpoints. Territoriality, on the other hand, is an all-encompassing concept that embraces other approaches in one perspective. In the paragraphs above I have argued that a number of approaches associated with Elinor Ostrom – in particular, the community and common pool approaches – have various problems which the concept of territoriality helps resolve because of its more comprehensive nature. Thus, as mentioned above, the community approach fails fully to consider the issue of people's relationship to land and their propensity for undertaking collective action to defend their land both through resistance and through demands for accountability from government. The common pool resources approach tends to ignore the condition that one small social and ecological system is part of a larger social-political and ecological system.

The territoriality approach has shaped my research as discussed in my empirical chapters. This can be seen in my discussion in Chapter 3 on the regulation of state territorialization, Chapter 5 and Chapter 6 on the implementation of state territorialization regulations and Chapter 6 and Chapter 7 on the role of customary territoriality in their resistance to state territorialization.

In Chapter 3, I develop the discussion along two lines: customary territoriality and state territoriality. I discuss these two types of territoriality as the context for my study. I discuss local (Mandailing) territoriality through the lens of the integrated social and spatial arrangements of local Mandailing people through a customary perspective. I discuss this customary territoriality through a historical and contemporary perspective. In this chapter I use a historical perspective to discuss the legal aspect of state territorialization. I also discuss some of the detail behind the implementation of regulations particularly in the forestry sector, including the four stages of forest gazettement as state strategy to legally control people's land and territoriality. One among several purposes of this gazettement process is to determine the 'property rights' status of such land, whether it be owned by the state, the private sector or communities.

In Chapter 5, I raise issues relating to the implementation of state territorialization in the form of conservation – the establishment of a national park -- that were contradicted by a process of state territorialization in support of development interests – a mining company. Both processes occurred in the same local regency – Mandailing-Natal -- in the context of decentralization, a context in which local government has certain authority over the processes and, I argue, tends to use the interests of local people to aid its own interests. In this chapter I also examine collaborative management and community empowerment, seeing them as part of the state's strategy of territorialization.

In Chapter 6, I investigate some of the technical details around the implementation of state territorialization as it relates to forest boundaries. Through this issue I examine how the rules of forest gazettement imposed by national and local government were implemented, how government communicated (or failed to communicate) these regulations to local villagers and how these rules impacted on local people's territoriality. I also contrast empirically state territoriality and customary territoriality.

In Chapter 7, I discuss the role of customary territoriality in determining the character of response and resistance of local villagers against state territorialization. I address the question of how the different characteristics of local territoriality affected the way in which local communities organized themselves and undertook collective action to demand accountability of powerful actors. These different characteristics resulted in different responses and resistance.

Finally, the discussion in this chapter also shapes my conclusion in the last chapter, especially as regards how local government in the context of decentralization behaves in responding to state territorialization as well as to customary territoriality. I also argue here that customary territoriality offers more promise in facilitating demands for accountability from local people.

Chapter 3. Mandailing-Natal Regency, Territoriality and Forestry Regulations

3.1 Introduction

This chapter discusses the context of my study, which includes its location (Mandailing-Natal Regency), the context of customary territoriality and state regulation on forest gazettement (including forest boundary demarcation) as part of state territorialization. This chapter provides the basis that informs my empirical chapters, particularly Chapter 6. The sections on customary territoriality and state territorialization build on the theoretical discussions in Chapter 2 (section 2.4).

The chapter is structured as follows. It starts with a brief introduction to conditions in Mandailing-Natal Regency and how this regency is affected by the state territoriality system. The chapter then discusses the history of the three sub-districts that make up the contrasted case studies examined in Chapter 7. This discussion suggests the status of immigrant villagers significantly affects the cohesion of the villages. Moreover, it also affects the capacity of villagers to respond to external intervention over their land, as will be discussed in Chapter 7.

The chapter moves on to explore Mandailing-Natal through the customary territorialities that include the social and spatial structures and how they are integrated. The chapter then discusses the natural resource governance system and customary land tenure system in Mandailing. The next section (section 3.6) consists of a discussion of state territorialization from a legal and historical perspective. It is analysed particularly in its technical implementation in the forestry sector through the gazettement of forestland and the forest boundary demarcation legal system as well as the legal criteria for land ownership.

3.2 Mandailing–Natal Regency: A Brief Introduction

Mandailing-Natal Regency is one of the more recent regencies of North Sumatra Province, Indonesia, established in March 1999. It was established around one year

after Suharto stepped down and the country started on its reformation and local autonomy road. As in many provinces in Indonesia, the establishment of this regency was a response to this new chapter and major changes in Indonesia's politics and administration, from central to decentralized government. Mandailing is located about 500 kilometres to the south of Medan, the capital city of North Sumatra Province (Figure 3.1). It takes about 12 hours to reach Panyabungan, Mandailing's capital town, by bus from Medan. Prior to 1999, Mandailing was part of South Tapanuli Regency, which is located on the north side of Mandailing.

In terms of education, fewer than 50% of Mandailing's inhabitants have completed secondary school even though there is at least one senior high school in each sub-district (BPS, 2017). Mandailing has only two institutions of higher-level education, one specializing in religious studies and the other in public health. Religious education holds pride of place in the regency, 95% of whose population are Muslim. Secular schools focusing on science, engineering and other western rational perspectives in the social and natural sciences exist but are less popular.

Regarding people's livelihoods, over 80% of the population are farmers using traditional methods to farm paddy, cocoa, rubber, sugar palm, coffee and cinnamon (BPS, 2017). Rubber is the main commodity in the regency. As was found by McCarthy (2006) in his study of Aceh, if the selling price of rubber in the local market falls, Mandailing's economy suffers (Interview, HTP, June 2015). Additionally, in terms of securing a livelihood, the forests that cover most of Mandailing are of great importance to the regency's rural inhabitants.

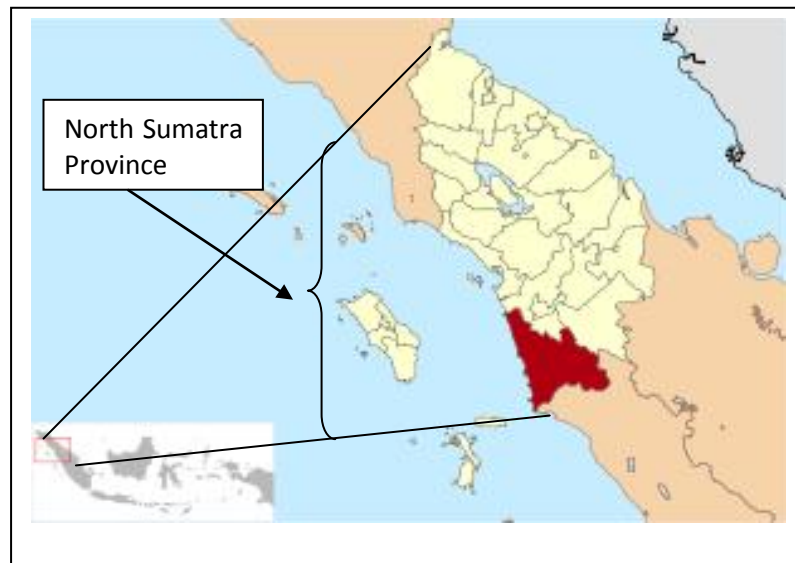


Figure 3.1: Location of Mandailing-Natal Regency (dark red color) in North Sumatra Province, Indonesia

The majority of people who live in Mandailing's rural villages spend most of their time interacting inside their village or with neighbors from adjacent villages. Few people – mainly those who live along the provincial road -- have travel regularly to Panyabungan. According to one farmer living in a remote village, only a few of his fellow villagers visit Panyabungan, and that on a twice-yearly visit. There are even fewer people who have been to Medan or to Jakarta (Interviews, RN, October 2015; HTP, June, 2015; HH, November 2015). Figure 3.2 helps to illustrate the condition of many rural villages located on the main road. This photograph shows a landscape typical of rural villages in Mandailing, while some others that are located within the BGNP boundaries can only be reached by walking or by a motorcycle drive off the main road. It is important to remember this limited interaction with the outside world when considering the villagers' response to the incursions of the mining company and the establishment of the national park.

As for the Mandailing-Natal Regency, in 2015, it had an annual income and spending budget of 1.17 trillion rupiah (GBP 68.8 million), 94% of which was money allocated

from central government with the rest coming from local resources.⁴ The regency's GDP was dominated by the agricultural sector (including plantation and forestry), which gave the highest contribution, 48%, of which more than 50% was from plantation crops, especially rubber indicating the susceptibility of regency's economy to variations in the price of rubber (BPS, 2015).



Figure 3.2: Sopotinjak village, a remote rural village in Batang Natal sub-district located adjacent to forest land (Source: HH).

In terms of its physical infrastructure, Mandailing-Natal still lacks both roads and telecommunication facilities. About 1407 kilometres, 79% of its roads, are in a poor condition, and 64% are still dirt tracks (BPS, 2015). The only asphalt roads are the provincial road that connects Medan to Padang, the capital of West Sumatra Province, and a few side roads in Panyabungan. There are a significant number of villages that can only be reached on foot or by motorcycle. In terms of telecommunications, mobile phone signals only cover sub-district centres and some surrounding villages. This

⁴ Mandailing-Natal local regulation No.1/2015 on income and expenditure of Mandailing-Natal Regency.

makes it almost impossible to get an internet connection in much of the regency except using certain mobile network providers and certain types of mobile phone. Internet cafes can only be found in the regency's two most important towns: Panyabungan and Kotanopan.

Demographically, the Mandailing-Natal Regency has a population of just over 403,000 people who belong to more than 10 different ethnicities, with almost 80% being of Mandailing ethnicity (BPS, 2017). These figures indicate that there are relatively few inward migrants from other regencies living in Mandailing. It also indicates that the population is ethnically quite homogenous. Mandailing is the language most commonly used, both at home and in public, although people of other ethnicities use their own language. The Indonesian language is only used in schools and government offices. This is a fairly common pattern throughout much of Indonesia.

3.3 Mandailing–Natal and State Territoriality

The Mandailing-Natal Regency (*kabupaten*) covers 6621 square kilometres. It has 23 sub-districts (*kecamatan*), 27 urban settlements (*kelurahan*) and 380 rural villages (*desa*) (Madina, 2014). Sub-districts are the administrative level below regency that manage villages and in Mandailing are comprised of from 7 to 39 villages (BPS, 2017). Urban settlements in Mandailing for the most part form the capital township of each sub-district, while rural villages are traditional villages mostly located near forest boundaries. More than 30% of the villages in this regency are located inside protected forests (Dahlan, 2008). The condition of villages located inside designated forests is affected by the state's concept of territory as it applies to forests and villages, as discussed later in this chapter, chapter 6 and chapter 7.

The form and structure of villages in Mandailing, as in other regencies in Indonesia, are shaped by several laws, particularly the laws issued in 1965 after the takeover by the New Order regime⁵ and in 1999 and 2004, shortly after the start of the reform era.⁶ These laws have strictly determined that the form and structure of villages in Indonesia

⁵ Law No 5/1974 on local government, and Law No. 5/1979 on villages.

⁶ Law No 22/1999 and Law No 32/2004, both on local government.

must follow the form taken of the Java model. As the nature of the village form and structure are different from province to province, villages in Mandailing faced significant changes and challenges in order to conform with this model, as did villages in other Indonesian islands (Lubis, 2005; Simanjuntak, 2015). One among other important consequences is the elimination of a customary chief's authority over their customary land. The implementation of these laws has caused a transformation in political structure at the village level. As the customary social structure of rural villages in Mandailing was embedded in the customary spatial structure, the introduction of a homogenous village structure has also changed the formal land structure (Lubis, 2005; Simanjuntak, 2015). I argue in this thesis that the change of spatial arrangement through the introduction of these laws can directly or indirectly enhance the speed of state territorialization over local people's land.

The latest law on local government and villages was issued in 2014.⁷ This law has brought in a substantial change in that it provides villagers with the chance to choose the form of their village, whether to follow the previous 'Java village' model or to change to a form that matches the nature of their customary village. If villagers choose the Java model, national government has made a commitment bound by law that their village would get a sum of money in the region of one billion rupiah. But this sum would not be given to villages that re-adopt their customary form (Simanjuntak, 2015). In Mandailing, most villages are still using the Java model, mainly because information about the choice outlined in the new law was not effectively disseminated at the village level. In some cases, the financial reward provided by national government proved to be a strong incentive (Simanjuntak, 2015).

Many rural villages in remote areas are currently strung along the roadside and the villagers' land stretches back behind their houses to the forest. Rural village settlements are generally located between 200 metres and several kilometres one from the other, with the roadside land in between being used for growing rice where it

⁷ Law No. 6/2014 on Villages and Law No 23/2014 on local government.

is not forested. Figure 3.2 provides an example of how a rural village in Mandailing looks.

In 2005, there were thought to be 120 villages in Mandailing, one third of the total, located inside or on the boundary of a designated forest.⁸⁹ In 2014, according to government criteria, about 100 of these villages were excluded from protected forest¹⁰. However, according to KLHS document¹¹, there are still 70 settlements located in various forest regions in Mandailing, and they are spread across Mandailing in conservation forests, production forests as well as protected forests (Madina, 2014). Figure 3.3 illustrates the spread of these settlements.

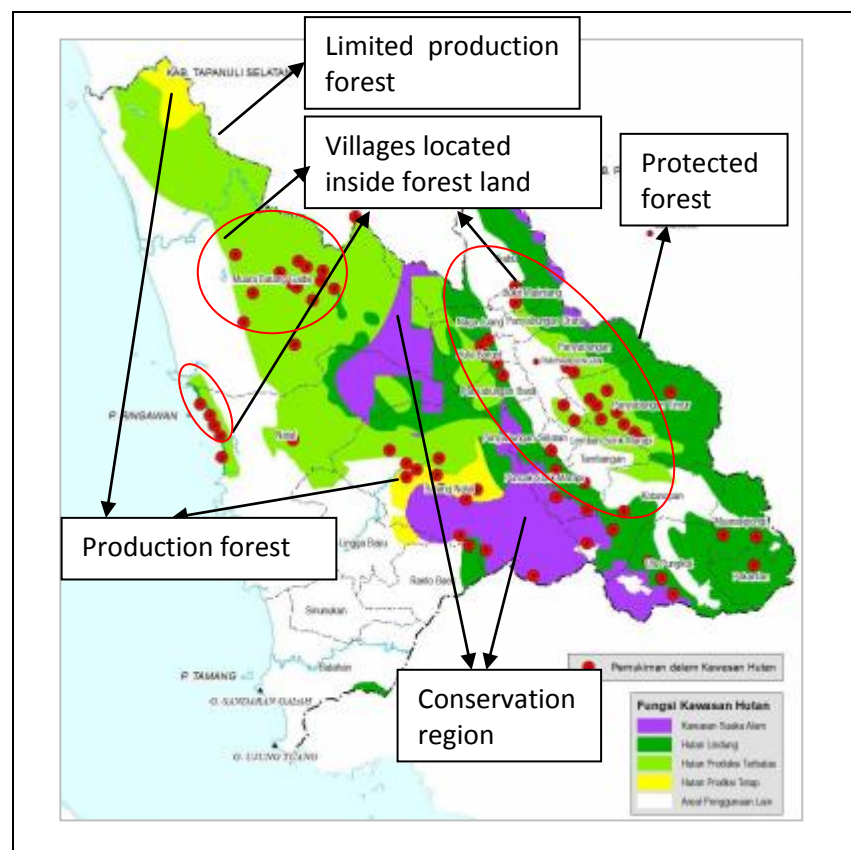


Figure 3.3: Villages located inside forest land (Source: Madina, 2014: 155).

⁸ <https://kabmadina.wordpress.com/2008/08/14/120-desa-di-madina-masuk-hutan-lindung/>

⁹ <https://tobadreams.wordpress.com/2008/07/26/sepertiga-desa-di-madina-dicaplok-hutan-lindung/>

¹⁰ <http://www.mandailingonline.com/100-desa-di-madina-keluar-dari-cengkraman-sk-44/>

¹¹ KLHS stands for *Kajian Lingkungan Hidup Strategis*, usually translated as Strategic Environmental Assessment. This assessment is a formal strategic assessment of any government policy that potentially has environmental implications when implemented. The document that I refer to here is the KLHS on spatial planning policy of Mandailing-Natal local government.

Mandailing is, according to the government’s reckoning based on its understanding of territoriality, the regency in North Sumatra with the largest extent of forest cover. Out of a total land area of 6621 hectares, 48% (3178 hectares) is state-owned forest, 10.2% (678 hectares) is plantation (mostly oil palm), 21% (1449 hectares) is agriculture and swamp, 6.37% (422 hectares) is privately held forest, and only 2% (143 hectares) is taken up by settlements and villagers’ land for the 403,000 inhabitants of the regency (Saputra, 2014). The state-designated forest land is comprised of production and conservation forest, some of which land has been legally allocated for gold mining.¹²

According to a different source (Madina, 2014) around 61% of the regency is designated as forest land, 14% is covered by oil palm plantations and 22% is open to mineral exploitation (see Table 3.1). Details of companies and institutions that hold permits to exploit the land for minerals, timber and oil palm are provided in Appendix A. Table 3.1 and the appendix show the implications of state territoriality in Mandailing-Natal Regency, where land has been distributed mostly for forest exploitation and plantation, activities mostly controlled by private companies owned by a few powerful people. The appendix also indicates that only a small portion of the land is controlled and owned by Mandailing people while a large portion of the land is controlled by central government and distributed to its chosen allies.

Table 3.1: Land allocation in Mandailing-Natal (Source: Madina, 2014).

No	Allocation	Area (ha)	Percentage (%)
1	Forest (conservation, protected and production)	404,299	61.07
2	Oil palm pantation	93,164	14.07
3	Mineral	148,440	22.42
4	Non-natural resources (settlements)	16,167	2.44
5	Total area of Mandailing	662,070	100.00

The very small proportion of land for human habitation and household fields clearly indicates deep structural inequalities. The data show the extent to which the interests

¹²Mining for gold in Mandailing is not a new phenomenon. This region has long been known for its gold, even before the Dutch colonialists came to Mandailing. One popular local song *Tano Sere* (Tanah Emas in Indonesian, or Gold Land) describes this condition.

of private companies and state institutions dominate the local commons, making it clear how effective the process of state territorialization has been in Mandailing-Natal Regency.

3.4 Historical Context of the Sub-districts under Study: Siabu, Nagajuang and Ulupungkut

The village perspective forms an important part of this research; this section discusses the context of the sub-districts that provide the setting for the discussion in the empirical chapters -- 5, 6 and 7. The following two sections are based on the premise that an understanding of the historical -- that is to say, in this context, customary -- context of the villages is important in order to understand the villagers' relationship to the land. Moreover, this perspective also contributes significantly to an understanding of the different responses of villagers to the external state territorialization represented by the interventions of BGNP and SMC into their land.

In order to better understand the situation of the sub-districts and villages under study particularly in their relation to land, it is important to address their history and that of the villagers. The status of the villagers, whether they are mostly native or moved in from different sub-districts or regencies, has the potential to affect their cohesion, their relationship with their traditional institutions and their relationship with neighbouring villagers as well as with the land. Particularly in relation to mining issues, the question of whether villagers have migrated in from elsewhere needs to be addressed, as also pointed out in studies by Peluso (2016) and Robinson (2016). Further, this section relates closely to the discussion on villagers' responses to external intervention in Chapter 7.

The three sub-districts chosen for this study are located on land subject to overlapping claims by SMC, BGNP and the villagers themselves. This thesis discusses the overlapping claims over land in three sub-districts: Nagajuang, Siabu and Ulupungkut.

These locations have quite different histories, and this has implications on the differences in the villagers' responses and resistance in these sub-districts.

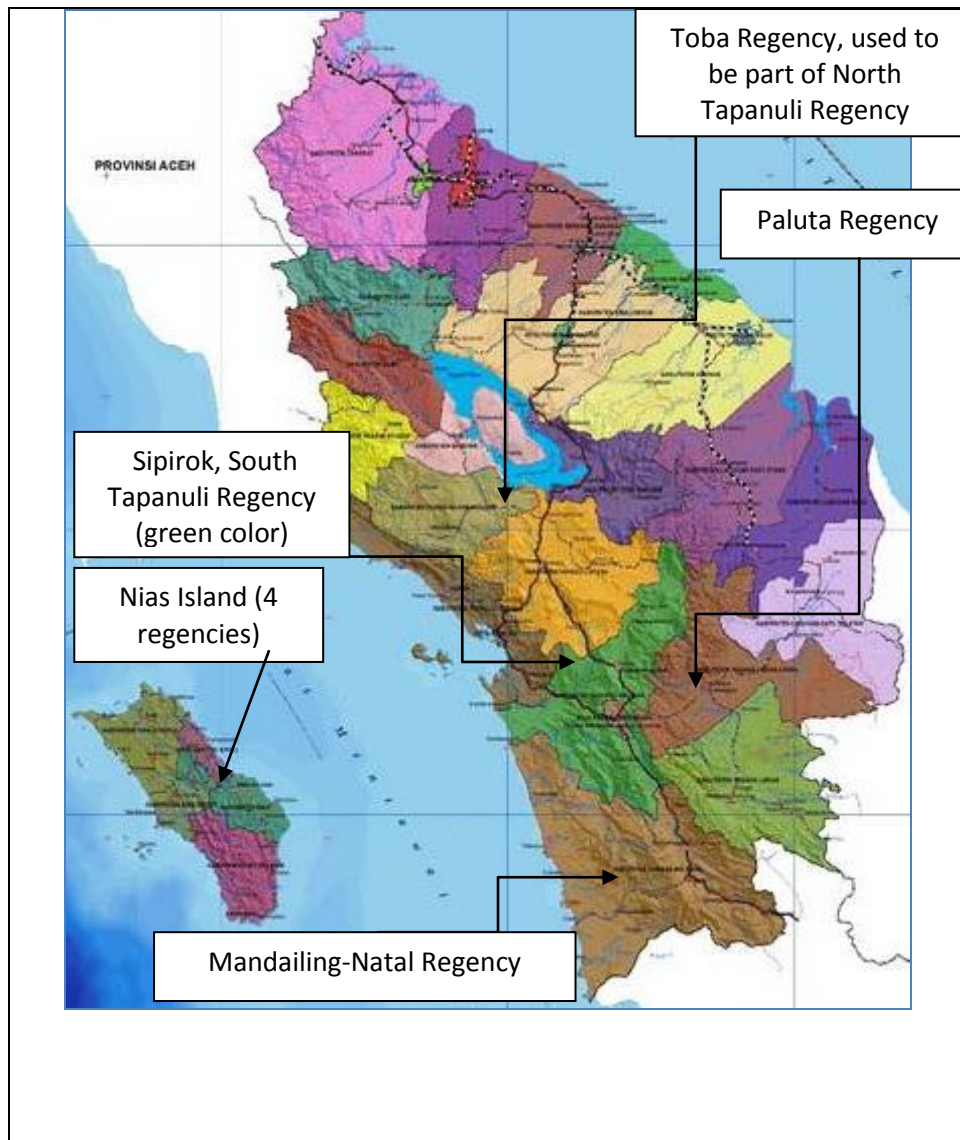


Figure 3.4: Map of North Sumatra Province showing regencies mentioned in the text.

Historically, most villagers in Nagajuang and Siabu sub-districts were not originally from the village where they now live or from the surrounding area. The majority of people today living in Nagajuang, for instance, did not originally even come from the Mandailing-Natal Regency but from three different regencies. Among the seven villages in Nagajuang sub-district, people in five of them came mostly from the Sipirok

and Paluta regencies, which are located around three hours to the north and east respectively by bus from Panyabungan. The inhabitants of the two other villages were mostly coming from Toba Regency, which is located about six hours to the north by bus (see Figure 3.4 and Table 3.2).

Table 3.2: The origin of villagers in Nagajuang sub-district (Source: ASM, 2015).

Nagajuang sub-district		
	Name of village	The origin village of most villagers
1	Banua Rakyat	Sipirok or Paluta regencies
2	Banua Simanosor	
3	Sayur Matua	
4	Tambiski	
5	Tambiski Nauli	
6	Humbang 1	Toba or North Tapanuli regencies
7	Tarutung Panjang	

Although their social structures have similar patterns, villagers from Sipirok and Paluta have different family names from most Mandailing people (Interview, ZBL, June 2015). The villagers from Toba have a totally different social structure compared with those from Sipirok, Paluta and Mandailing (see Figure 3.4), and this means that the way they ‘connect’ to land is quite different from the others. These villages have therefore a history that has given them a different point of reference to the land and brought about difficulties in terms of creating a solidly organized voice, as we shall see in Chapter 7.



Figure 3.5: Map of Mandailing-Natal Regency showing sub-districts mentioned in the text.

Similarly, people in Siabu sub-district came mostly not from villages in Siabu but from different sub-districts in Mandailing-Natal Regency (Muara Batang Gadis and Ulupungkut sub-district) and from Nias and North Tapanuli regencies (see Figure 3.5 and Table 3.3). This is a pattern that was replicated elsewhere with other villages. There were in addition six villages (out of 22) and four hamlets in Siabu sub-district that stood on land within the boundaries both of the national park and of the site of the mining company’s operations (see Table 3.3). The people in these hamlets came from Toba Regency and Nias Island off the west Sumatran coast. According to a study conducted by Conservation International, these villagers did not recognize the hamlets’ traditional forest boundaries and had no traditional connection with the other villages around them (Lubis, 2009).

Table 3.3: The origins of villagers in Siabu (Source: Interview, ASM, 2015).

Siabu sub-district		
	Name of village	The origin village of most villagers
1	Muara Batang Angkola	Muara Batang Gadis (different sub-district)
2	Hutagodang Muda	Hutagodang, Alahankae, Hutapadang, Habincaran villages in Ulupungkut sub-district (different sub-district)
3	Tanjung Sialang	
4	Tangga Bosi 1	Most of the villagers came from Ulupungkut but the village founder was from a different regency
5	Tangga Bosi 2	
6	Tangga Bosi	
Name of hamlet		
1	Tor Guo	Nias Island (different regency)
2	Tor Pulo	
3	Aek Garut	Toba, North Tapanuli (different regency)
4	Banjar Dolok	

In contrast to Siabu and Nagajuang, most of the villagers who live in Ulupungkut sub-district were born in villages in this sub-district. Only a few of them are migrants from different villages. The sense of a traditional and historical legacy from their ancestors has strengthened their feeling of connection to their land and to their neighbouring villages (Interviews, AHM, August 2015; IsM, September 2015) Some traditions, particularly those related to people’s connections to the land and to other villages are still practiced today.

Table 3.4: Huta and Banua in Ulupungkut Sub-district, Mandailing. (Source: Interview, AHM, 2015)

Ulupungkut sub-district			
No.	Village /Huta	Colonial era Banua/Kuria	Previous Banua/Kuria
1	Hutagodang	Hutagodang (5 <i>taporan</i> villages)	Manambin
2	Alahankae		
3	Habincaran		
4	Hutapadang		
5	Simpang Duhu Dolok		
6	Muara Saladi	Muarasaladi (4 <i>taporan</i> villages)	
7	Patahajang		
8	Simpang Duhu Lombang		
9	Simpang Pining		
10	Simpang Tolang	Manambin	
11	Hutarimbaru	Hutapungkut	Tamiang
12	Simpang Banyak Julu	Pakantan	
13	Simpang Banyak Jae		

Since the customary chiefs of each of *taporan huta*¹³ (or ‘branch villages’) in Ulupungkut sub district mostly originated from the same villages (Hutagodang village and Muarasaladi village that both originated from Manambin village), which means the same ancestor, and they have inherited the same family name, they see themselves as brothers and sisters (Interview, SA, November 2015), (see Table 3.4). Further, since the chief of each village inherits and uses his traditional title, recognizing the structure of inter-village relations becomes easier. The title Chief Junjungan¹⁴ Lubis, for instance, has passed from Chief Junjungan 1 to the sixth generation. Currently the title Chief Junjungan Lubis is held by Mr. J. Lubis. All these factors have served to build strong connections among these five villages, and this has provided a strong basis for the consolidation of Ulupungkut (Interviews, IsM, September 2015; JL, October 2015). As I discuss in more detail in Chapter 7, this has affected the struggle of the Ulupungkut villagers against SMC and BGNP.

¹³ *Taporan huta* or *taporan* village is the traditional term to denote a group of villages that originally came from the same ‘father’ village. This term is based on family name and history of the village founder. This *taporan* concept is significantly useful in explaining the empirical chapter in section 7.4.

¹⁴ Junjungan is a noble title for Lubis family-name in Hutagodang village, Ulupungkut

3.5 Mandailing-Natal through the Perspective of Customary Practices

3.5.1 Spatial Arrangements and Their Embeddedness within Social Structures

There are a number of special features to the social structure of Mandailing people. Local people belong to one of several clans that have inherited their family name from their ancestors, at least since the mid 16th century (PCMN, 2011).¹⁵ In almost all villages in Mandailing, people are grouped firstly and traditionally according to their family name, or *ripe* in the Mandailing language, equivalent to the Indonesian term *marga*¹⁶ (Lubis, 1988; Lubis, 2005). Being part of a *ripe* (something akin to a clan) is important for Mandailing people to give meaning to their social existence especially in rites of passage like marriage and funerals. Most Mandailing people, including those who live in Panyabungan, fear being excluded from their connections to traditional customs. Most villages in Mandailing, known as *huta*, particularly those located near the forest and far from the main road, still perform practices associated with their *ripe* (Interview, ART, September 2015).

According to (Lubis, 1988; Lubis, 2005) there are three important traditional spatial conceptions in Mandailing: *janjian*, *banua* and *huta*. First, *janjian* is a territorial (not a political) unit comprising several interdependent *banua*. Secondly, *banua* is a territorial unit comprising several *huta*. The last term, *huta*, refers to a territorial unit that comprises three lower levels of traditional settlement -- *banjar*, *pagaran* and *lumban* -- each of which has fewer than 40 families.¹⁷ Figure 3.6 illustrates this traditional spatial arrangement. The *huta* has customary entitlement to control cultivated land to secure village livelihoods and to form a basis for its authority.

¹⁵ Like most other ethnic groups in North Sumatra Province, Mandailing people inherit their family name through their father. Among the clans in Mandailing, Nasution and Lubis are the first and second largest clans (Nasution, 1994).

¹⁶ Each *ripe* has its own leader, called *raja sioban ripe*. If the number people in a clan is too great, they separate the clan into two *ripe*. If the number of people are too few to form one *ripe*, more than one clan can be joined together or one clan can join a larger clan and form a *ripe*.

¹⁷ In order to understand the spatial scale involved, *lumban* and *pagaran* are more or less equal to a hamlet, *huta* to a village, *banua* to a sub-district and *janjian* to the whole regency of Mandailing.

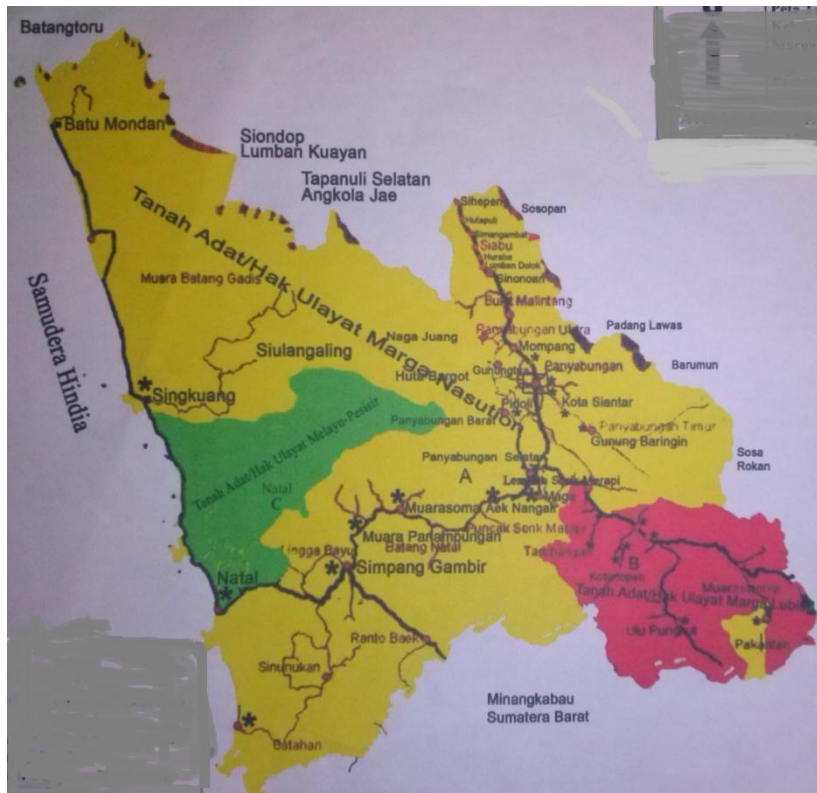


Figure 3.6: Map of Mandailing-Natal based on customary territory at *janjian* level (Source: (PCMN, 2012). The *janjian* headed by the Nasution, Lubis and Pesisir clan chiefs are shown respectively in yellow, red and green. This presents an interesting contrast to the state concept of territory at sub-district level, which is shown in Figure 3.7.

As a *huta* grows and develops, some of its inhabitants, usually the offspring of the *huta's* chief, lead an expansion of the territory to surrounding areas by building another small settlement, which then later becomes another *huta*. The new *huta* has its own autonomy to manage and control its people and a territory. Once the number of *huta* has grown, they usually unite themselves into a confederation of villages called a *banua* led by the chief of the original *huta*, who thus has two roles, as *huta* and *banua* chief¹⁸ (Lubis, 1988; Lubis, 2005). While the *huta* chief's authority extends over paddy fields and other cultivation land in the village, the chief of a *banua* has authority over water catchments, forests, rivers and grazing land. Several *banua* together form a larger territorial unit called a *janjian*. Mandailing-Natal Regency is currently divided into four traditional *janjian*, three of which are mostly inhabited by people of

¹⁸ The chief of *banua* is traditionally called as *chief panusunan* while chief of *huta* is called as *chief pamusuk*.

Mandailing ethnicity. The largest, coloured yellow on the map in Figure 3.6, is headed by a chief from the Nasution family-name clan.



Figure 3.7: Map of Mandailing-Natal Regency based on the state concept of territory at sub-district level.

3.5.2 Customary Approaches to Natural Resources Governance

Natural resource governance, according to Lubis (2005), can be explained through a traditional Mandailing phrase '*ganop-ganop banua martano rura*' or 'every *banua* has its own land and water resources'. This implies that every *banua* has its own territorial ownership and conception as well as authorization over the natural resources in it (Lubis, 2005; Nasution, 2010). Lubis (2005) argues that this phrase also indicates that the *banua* is a spatial conception that extends over a wider territory. It implies that the *banua* chief has the authority to manage not only agricultural and plantation activities but also forestry work (Interview, ARN, August 2015). Every *banua* has its *harangan-rarangan*, or forbidden forest (Lubis, 2005; Interview, IsM, September 2015).

As part of their traditional tenure and territoriality, Mandailing people have several classifications for forests, water courses and land. Forests are classified as *kobun*, *auma*, *gas-gas*, *harangan*, *tombak* and *rubaton*, which can be approximately translated as farm, cultivated land, grove, forest, deep forest and jungle respectively (Lubis, 2005); Interview, UG, August 2015). These classifications are still effective in many rural villages in Mandailing (Interviews, HTP, June 2015; UG, August 2015; NSL, September 2015).

In order to mark the ownership and boundaries of individual pieces of land (paddy field, plantation, etc.), similar to what has been found by Pramono (2014) in rural villages in Kalimantan and by Vandergeest and Peluso (1995) in rural villages in Thailand, villagers in Mandailing still practice the traditional system of using certain types of plants (Interviews UG, August 2015; NSL, September 2015). Further, to determine whether a certain piece of land still belongs to a previous owner or not, they check to see whether a type of long-living tree known as *pohon ingul* or *ingul* is standing there (Interview, NSL, September 2015; SA, November 2015). The secretary of a village in Mandailing told me that it is even possible to have a tree planted on a piece of land but for the ownership of the tree to be different from the ownership of the land (Interview, NSL, September 2015). This characteristic is in line with Turner (2017), when he argues that a mix of property rights can exist at the same location and at the same time. A villager from Ulupungkut sub-district explained to me that, "No one will dare to occupy a piece of land as long as an *ingul* tree stands on it" (Interview, UG, August 2015)

At the level of the *huta*, land boundaries between *huta* are usually marked by natural signs such as mounds, water courses or certain types of plant or tree (Lubis, 2005; Interview, IsM, September 2015). The *huta* chief has the authority to allocate farms, cultivated land, groves and forests, while the chief of a *banua* has the authority to allocate deep forest and jungle (Interview, IsM, September 2015). All *banua* have their own customary land over which they see themselves as having ownership of plantations and animals. Each *banua* chief regards himself as having the autonomy to allocate land and the resources on it to his own people (Interviews, PN, June 2015;

ARN, August 2015). The banua chief is the chief for all his *taporan huta* (Interview, IsM, September 2015; SLR, November, 2015).

Anyone who intends to clear a piece of land for agriculture would have a full right of access to the forest as long as the forest is located in the *banua's* jurisdiction. Similar rules apply to the utilization of animals that live in the forest or to timber in the forest. For villagers, under customary law these resources are communal property (Interview, IsM, September 2015). The determination of boundaries between *janjian* tends to be less clear-cut and more conceptual, even overlapping in places or separated by unclaimed virgin forest land (Lubis, 2005).

3.5.3 Customary Territoriality and the Tenure System

Claims over customary land do not necessarily overlap with cultivated land in certain *huta*. According to Lubis (2005), tenure is a concept more relevant to claims over cultivated land than territory. In Mandailing, the *banua* and *huta* land under tenure is the area that has been affected by human intervention. It is usually cultivated and managed by *huta* communities for their economic interest and livelihood support (Interview, HTP, June 2015). Such land is usually immediately adjacent to human settlements such as paddy fields, other cultivated land and land for grazing. Forest that has been cleared for fields and plantations and any part of the forest that has already been penetrated by humans to support their livelihoods by, for example, collecting wood, resin or lime are also part of this tenure regime. With the exception of those types of forest land that are claimed by a *banua*, as long as no one person or group has ever worked the area, the land is excluded from the tenure concept and is treated as part of the territoriality regime (Interview, NSL, September 2015).

Figure 3.8, which is based on the work of Lubis (2005) illustrates the concept of settlement, tenure and territoriality in respect of *huta*, *banua* and *janjian*. The figure shows four *huta* (1, 2, 3 and 4); each *huta* settlement has its own land tenure. The settlements are marked by boxes A1, A2, A3 and A4, and the tenure land by B1 to B4 and C1 to C4. This land includes paddy fields and other cultivated areas as well as

those parts of the forest in which humans have intervened, for example to form groves. The wider territory is marked by D1 to D4 and E1 to E4. Forests and other areas that have not been interfered with by humans – for example, deep forest and jungle -- and are located between two or more *banua* are part of the territory of the *janjian*, or confederation of two *banua* (Lubis, 2005).

The ellipses denoted by black dashes in Figure 3.8 show that Huta 1 and Huta 2 belong to one *banua*, Banua X while Huta 3 and Huta 4 belong to another one, Banua Y. The red-dash ellipse groups together both *banua* into *Janjian Z*. The area in A1, B1 and C1 comes under the authority of the chief of Huta 1, and similarly for Huta 2. The *huta* chiefs, however, do not have authority over territory D and E while the two *banua* chiefs do. Any areas that are not covered by Banua X and Banua Y will then be covered by *Janjian Z*. Thus, as can be seen in the illustration, there is no area that is not accounted for under customary law. In this system, especially in view of the extent of the ground covered by the concepts of *banua* and *janjian*, there is no open access in the whole of the Mandailing-Natal Regency.

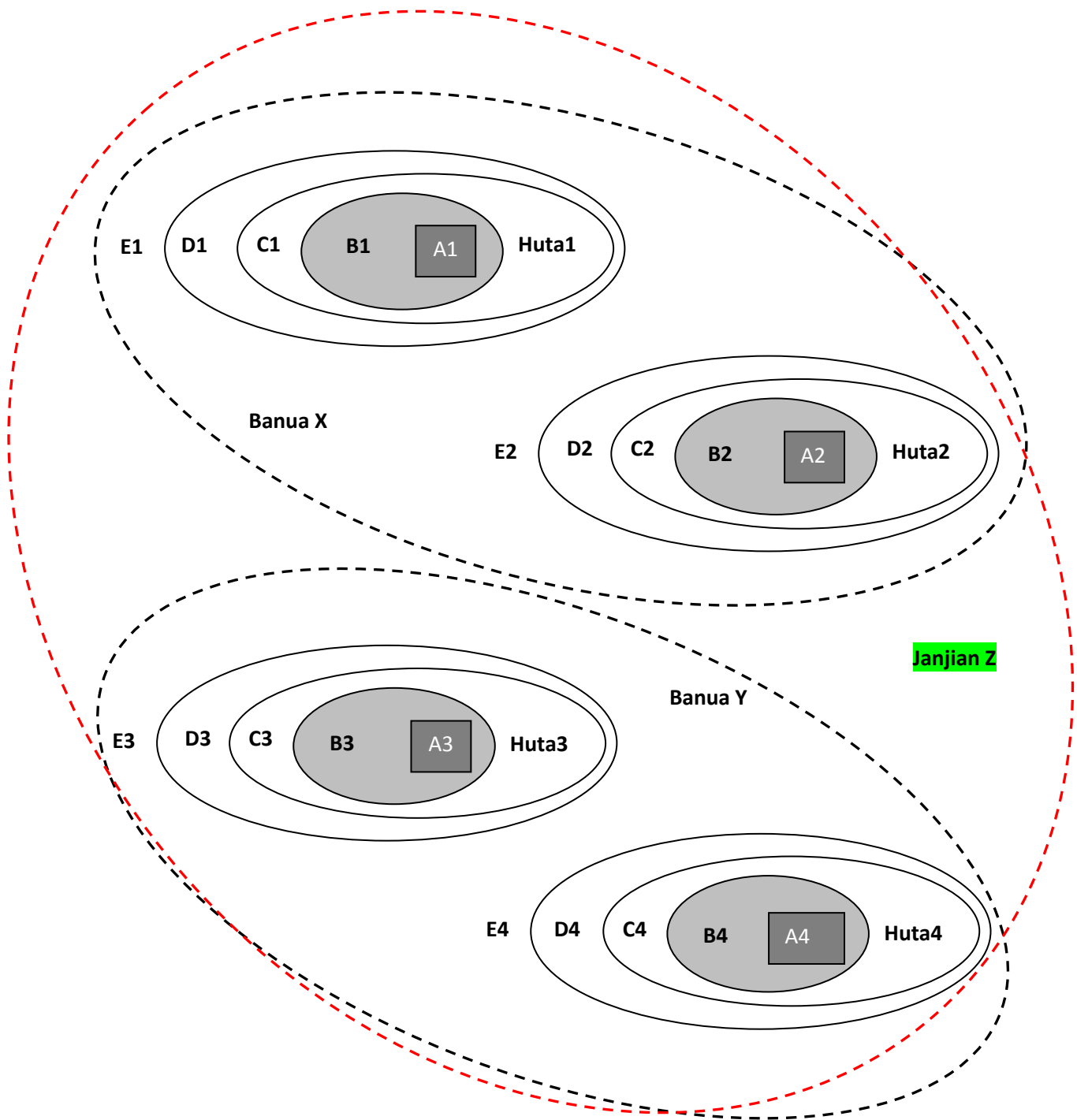


Figure 3. 8: Illustration of tenure and territory within *huta*, *banua* and *janjian* (developed from Z.B. Lubis, 2005).

3.5.4 State Territorialization under the Dutch Colonial Authorities and the Indonesian Government

Since 1906, when the Dutch extended their colonial authority over Mandailing until Indonesia proclaimed independence in 1945, the Dutch government's administrative structure consisted of seven hierarchical levels (Nasution, 2014; McCarthy, 2006). The Dutch colonial government introduced the terms *kuria* and *kampung* at the lowest level to replace the traditional terms *banua* and *huta* respectively (Lubis, 2005; Interview, PN, June 2015). Moreover, the Dutch colonial authorities simply made the *banua* chief as the head of the *kuria*, and the *huta* chief as head of *kampung*, or rural village, thereby integrating the customary system with the colonial hierarchy of authority. (Interviews, PN, June 2015; Interview, ARN, August 2015; Lubis, 2005). In other condition, the Dutch also made chief *banua* as the chief of *huta* while chief of *huta* as the head of *kuria*¹⁹ (Interviews, PN, June 2015; Interview, ARN, August 2015). Similar to what happened to *mukim* in Aceh (McCarthy, 2006) and *nagari* in West Sumatra (von Benda-Beckmann and von Benda-Beckmann, 2013), this strategy both disrupted the traditional structure in Mandailing in a potentially conflictual way but also placed the customary institutions under Dutch colonial control (Interview, PN, June 2015). The Dutch also merged several *huta* into one *kuria* and separated other *huta* that previously came under the same *banua* in classic divide and rule fashion, disrupting the customary spatial arrangements in Mandailing (Interview, PN, June 2015; Interview, IsM, September 2015).

The Indonesian government continued the tactics employed by the Dutch colonial authorities towards the customary institutions after independence. When Suharto took power in 1965, the national government implemented a national legal system that regulated the administrative boundaries of villages, sub-districts and regencies in a way that had significant implications on customary spatial patterns and governance. Law No 5/1974 on the Principles of Regional Government and Law No. 5/1979 on

¹⁹ Currently at the village level, customary chiefs (the chief *huta*) are still existed in Mandailing and the persons are different from the village head. The customary chief is chosen based on descendent background and usually came from the family-name of village founder. On the other hand, the village heads are elected by villagers. Then the customary chiefs hold their roles mostly for a lifetime, while the village heads hold the position for a 6-year term.

Village Government changed fundamentally the regional institutional structure in Mandailing, as it did in other parts of Indonesia (Lubis, 2005; McCarthy, 2006; Simanjuntak, 2015; von Benda-Beckmann and von Benda-Beckmann, 2013). Consequently, the structure of *huta*, *banua* and *janjian* lost all of its legal authority, and customary practices and institutions have become largely ceremonial (Lubis, 2005; Interview, UG, August 2015).

However, in relation to land, the inhabitants of most rural villages still recognized their land boundary as determined by the agreement of their chief of *banua* or *kuria* during the colonial period, and they abide by the customary spatial arrangements today (Interviews, NSL September 2015; IsM, September, 2015). As a result of the law of 1974, all villages were given the generic name of *desa*, a standardized term deriving from Sanskrit and used in Java. These *desa* were to come under the administrative authority of a sub-district. Sub-districts were grouped together into regencies headed by a regent (*bupati*), although, as we have seen the Mandailing-Natal Regency was a later creation.

As far as this research is concerned, the key point to note is that the area of newly created *desa* villages in the Mandailing-Natal Regency tended to be smaller than the tenure boundaries of the *huta*, indicating that the village's administrative area encompassed only cultivated land (Interview, UG, July 2015). Since the *banua* and *janjian* were no longer legally recognized, the land that used to fall within the territory of *banua* and *janjian* became a no man's land. Law No. 5/1960 on Basic Agraria stated that uncultivated areas are classified as state land, and the state has the authority to regulate the utilization of this land (Lubis, 2005). The clear consequence was that villagers lost their legal authority to manage their ancestral lands (Lubis, 2005). The state now controlled access by designating land as production forest, plantation, conservation forest and national park and issuing permits to use the resources as it saw fit. Therefore, the area within which villagers could operate and harvest products was greatly reduced when compared with the territorial boundaries of the customary *banua*. The importance of this will become clear in Chapter 6.

3.6 Forest Gazettement: A Regulatory Framework

3.6.1 Introduction

The issue of forest boundaries has been one of the main causes of conflict in the forestry sector in Indonesia (Wulan et al., 2004). Conflicts over forest boundaries can happen in almost any forest, particularly in national parks (Interview, AHL, October 2015). To better understand the causes of such conflicts, it is important to understand the regulations related to forestry boundaries, their history and related issues. Understanding the regulations can help us see how forest boundaries are managed by the government and implemented on the ground. Such boundaries are managed mainly through forest gazettelement regulations.

Ideally, according to Muhajir and Abimanyu (2014), forest gazettelement is the major process that needs to be conducted before government can perform other forestry procedures such as the issuing of forest licenses. The process of forest gazettelement comprises sequential and interconnected stages: forest designation, demarcation of forest boundaries, forest mapping and the assigning of forests. The purpose of this gazettelement process is to provide legal certainty of status, location, boundaries and area of forest (Muhajir and Abimanyu, 2014).

This section provides a brief explanation of the regulation of the forest gazettelement procedure that is a part of the state territorialization process in Indonesia, the concepts behind which have been introduced in Chapter 2. Specifically, this section covers the implementation process of these concepts mainly through the drawing of forest boundaries and prepares the ground for the discussion in Chapter 6 of the Batang Gadis National Park boundary demarcation process.

I will argue here that the regulation of forest boundary demarcation and forest gazettelement procedures in Indonesia are part of state territorialization (Vandergeest and Peluso, 1995; Bassett and Gautier, 2014), in the sense that those regulations are used to control people and resources through the control of land. Moreover, the regulations were very much influenced by and related to the legacy of Dutch colonial

rules, which were continued and expanded by the post-colonial independent government of Indonesia (Peluso, 1988; Laudjeng, n.d.). The process of establishing and implementing these regulations has been systematically constructed through the state bureaucracy and technological instruments. As a result of this process, governments can legally claim to control people's land and territory. However, several legal reforms introduced in 2012 have led to a situation in which indigenous people can revise government legal claims (Safitri, 2017). This 'turning point' came after more than 150 years during which people's customary claims in Indonesia were ignored and their land taken from them first by the colonial state and then by the Indonesian state.²⁰ Yet, these revised rules still face challenges from state and local government.

This section firstly discusses factors and procedures that relate to the forest gazette procedure and its regulation and implementation, viewed as part of the process to facilitate the state's claim to and control over territory, in other words, state territorialization. It will then discuss the current procedure for the changing of forest status and a counter procedure where villagers can reclaim their forest land even though it has already been legally claimed by the state.

3.6.2 Rules and Regulations Supporting State Territorialization

3.6.2.1 *The Colonial Legacy and Current Indonesian Forest Laws*

Contemporary forestry regulation in Indonesia is still strongly influenced by the legacy of Dutch colonial regulation. This influence has been acknowledged by several Indonesianist scholars. Peluso (1988) argues that the last forest law designed by the Dutch government, drawn up in the 1920s, continues to govern current Indonesian forestry. Moreover, McCarthy (2006: 8) argues that "in constructing regulation order for resource extraction, the New Order regime followed the colonial example and overlaid the indigenous notions of tenure and territoriality with the concept and regulatory institutions of state property regime". Other scholars illustrate this influence; Laudjeng (no date: 4) states that: "Even though it cannot be clearly

²⁰ <http://www.downtoearth-indonesia.org/story/turning-point-indonesia-s-indigenous-peoples>

identified because of the several changes it has undergone, the colonial legacy still characterizes current forestry regulation in Indonesia)".

These influences can be traced through several similarities in forestry-related regulation between the Dutch colonial and Indonesian governments. Several scholars (Peluso, 1988: 15; Peluso, 1990; McCarthy, 2006; Interview, PN, June 2015) have argued that the colonial agrarian law of 1870 popularly known as *Domein Verklaring* was of primary importance. This law clearly stated that: "All land that could not be proven to be owned (individually and communally) by villagers (i.e., land that was not currently under tillage or that had lain fallow for more than three years) was the property of the state " (Laudjeng, no date: 4). For Laudjeng (no date) the *Domein Verklaring* of 1870 made it clear that "all land for which ownership evidence as an *eigendom* right (a European-based rule) could not be provided would be owned by the state".

Since all land controlled by villagers was controlled through customary rules (not *eigendom* rules), and since the colonial state did not provide *eigendom* rules for customary land, then all villagers' land was automatically legally claimed as state land.

Current Indonesian law shares many characteristics with the *Domein Verklaring* colonial law. The situation today is structured by strong legal statements, firstly in the Indonesian Constitution of 1945 and secondly in the Forestry Law of 1967. The basic arguments for the state's right to claim land and forests is stated in the Indonesia Constitution, Article 33, Paragraph 3. The Constitution states that: "Land, water and the natural wealth contained in them are controlled by the state and used to maximize people's welfare" (Indonesia Constitution, 1945). This means that the state has the right to pre-determine, control and allocate resources²¹.

This basic argument in the constitution is then supported by Law No 5/1967 on the Basic Provision of Forestry, which states in Article No. 2: "State Forest refers to a forest

²¹ This basic constitution is used to justify state supreme control over land, forest, gold and other lucrative natural resources

land and forests grown on untitled land” (Law No. 5/1967). The colonial regulation of 1870 and the Indonesian Law 5/1967 both facilitate the state’s claim over people’s land. “Untitled land” in Law 5/1967 has a similar function to *eigendom* in *Domein Verklaring* 1870, and that is to emphasize the only type of ‘title’ recognized by the state. Both regulations clearly imply that land with evidence of title other than the state’s version of evidence will be considered to be owned or controlled by the state. Both regulations imply the monopoly of the state in the definition and issuance of legal requirements for ownership of land. Besides, both the colonial and independent state ignore or fail to recognize the various types of evidence that are valid and have applied among local people for generations, in other words, customary regulations. This has an important bearing on later discussions in this thesis, especially on issues raised in Chapter 6.

These characteristics with their colonial legacy remained in place not only in forest control but also in the process of forest allocation. According to the Forest Law No. 41/1999, the authorities divide forest regions into several forest land allocation types: protection forest, conversion forest, production forest, limited production forest and conservation forest. This kind of state right to control and allocate forest land in Law No. 41/1999 is a continuation of the state regime of control that was earlier laid out in Law No. 5/1967 in the New Order era, though the former law was issued to replace the earlier one.

An important point in common between these two laws is that they are both used as the basis for land and forest allocations. The laws have given the state authority to allocate territory and the authority to determine the status and function of certain pieces of land, whether as forest or non-forest land. If it is designated as forest land, then the state can allocate the land for forest conservation, forest production or other function. If it is a non-forest function, the state can allocate the land for agriculture, mining, human settlement or other type of use. Allocation tends to be driven by economic and development motives.²²

²² Before 2012, this claim of control as well as allocation of the land needed no confirmation from villagers living near the forest area, as we shall see later.

In the process of land and forest allocation, another similarity between the colonial and Indonesian laws is that allocation for forest exploitation and production is usually given for a long period of time. In the colonial era, the *Domein Verklaring* decreed land leases of 75 years, while under the Indonesian state, the permit for forest production lasts for 60 years, 55 years, 35 years and 20 years depending on the type of forest production (see Table 3.5). Since the motivation behind this allocation is for economic development, allocations are usually made to private entrepreneurs. Both states (colonial and post-colonial) have utilized similar regulations to maximize resource extraction for economic development purposes.

The fact that only certain forms of written evidence are recognized when challenging the state’s claim over land based on the *Domein Verklaring* and Law 6/1967 have shown that both regulations share another similar characteristic. Both of these regulations imply the undermining of indigenous people and their customary land. The similarities of the old and current regulations are described by Laudjeng (no date: 1) as “colonial law in an independent country”. These laws and regulations are still used and influence most of the interactions between state and villagers associated with land and forests in Indonesia. Table 3.5 provides a clearer description of the several similarities between regulations in colonial and post-colonial Indonesia.

Table 3.5: Dutch colonial law and current Indonesian law compared.

Themes	Dutch colonial law	Indonesian law/regulation
Name of Law / Regulation	<i>Domein Verklaring</i> , Agrarian Law, 1870	Constitution 33/1945; Law 5/1967; Law 41/1999
State ‘ownership’ or control of land	State owns the land	State controls the land (as state holds power given by the people)
Property rights basis	Only <i>eigendom</i> rights (individual and private rights)	Only recognizes individual and private rights
Third party rights recognition	No indigenous rights	Communal rights virtually unrecognized
Consequences on land registration	Only <i>eigendom</i> rights (European type of rights) are recognized	For the most part only written evidence is recognized. Non-written evidence is also recognized but needs long and complicated procedure to be fulfilled.

Themes	Dutch colonial law	Indonesian law/regulation
Consequences on land access control	Indigenous people who do not have <i>eigendom</i> rights do not have access to forest land	Indigenous people who do not have written evidence (land certificate) have no/very limited access to forest land
Land allocation	This law paves the way for 75-year leasing of 'wasteland' to private entrepreneurs for plantation development	Gives permits of land allocation for forest production/exploitation for 60 years, 55 years, 35 years and 20 years depending on the type of use

Thus, in the colonial era with the *Domein Verklaring*, the Dutch had completed their shift in status from that of 'tenants' to 'landlords' who controlled forest lands and forest access (Peluso, 1988). Similarly, in the current Indonesian context, by using similar regulations to the *Domein Verklaring*, the central state government (and local government) can control villagers' land as well as access to forest resources. In controlling access to forest resources, the Indonesian government has used forestry regulation -- the forest designation procedure -- to claim forest control merely by 'affirming' the land as state forest without the need for confirmation on the ground. This authoritarian regulation will be discussed briefly in the following sub-section.

3.6.2.2 The forest designation procedure

Indonesia's forestry laws -- Law No.5/1967 (during Suharto's New Order regime) and Law 41/1999 (in the post-Suharto reform era) -- have become regulations to implement the state's effort to control resources and people by controlling the land, as part of the state's territorialization project. The implementation can be clearly seen through the state's use of those laws to determine the basic definition of what forest land is. In Article 81 of Law 41/1999, the Indonesian government defines forest land as, "a certain area that is designated and/or assigned by government to be maintained as permanent forest" (AMAN, 2014).

This regulation implies that certain areas can be defined as forest land and then claimed by government only through the procedure of 'designating' and/or 'assigning'. With this 'and/or' logical statement in the definition, it seems that the state has attempted to smoothly use flexibility of definition to its advantage. Both the

‘designated’ and ‘assigned’ are part of the four stages of the forest gazettement legal procedure, where ‘designating’ is the first stage and ‘assigning’ is the fourth and final stage.

Forest designation is a formal process to validate the real status and function of forest land. According to Law 41/1999 on Forestry, specifically Article 15 Paragraph 1, there are four stages of gazettement of forest land, namely: the designation of forest land, the demarcation of forest boundaries, forest mapping and the assigning of forests. Thus, forest designation is the first stage of forest gazettement (see Table 3.6).

In the Ministry of Forestry (MoF) regulations for the gazettement of forest land (MoF No. 62/2013), it is stated that the procedure for ‘designating’ forest land is simply a preliminary procedure in the whole forest gazettement process, which ends when the area is assigned. Since this process is a preliminary procedure, the process of designation needs no confirmation on the ground from a third party. Given that it is only a preparatory phase, it should not be used to justify claims for control of land by government. But simply by designating certain regions, forest land can be assigned without approval from villagers; government can legally claim to control people’s land.

These regulations have caused problems and conflicts with local governments and villagers, especially indigenous people, who have been living inside and on the borders of state-designated forest land. These problems were generally not made public during the centralized authoritarian Suharto regime. But, after Suharto stepped down in 1998 and the era of decentralization and a more democratic regime began, the problem and conflicts started to appear.

Eventually, in 2011, groups of local governments and organizations representing indigenous people attempted to revise the law by filing a lawsuit to the Constitutional Court in 2011. The lawsuit was submitted by five regents²³ and a businessperson in

²³The regents involved were: (1) Muhammad Mawardi (regent of Kapuas); (2) Duwel Rawing (regent of Katingan); (3) H. Zain Alkim (regent of Barito Timur); (4) H. Ahmad Dirman (regent of Sukamara); (5) Hambit Bintih (regent of Gunung Mas); and Akhmad Taufika (local businessman).

Central Kalimantan Province to Indonesia's Constitutional Court²⁴ (Arizona, 2012). They challenged Paragraph 3 Article 1 of Law 41/1999 because through that paragraph, the central government could claim to control certain areas located in one or more regencies only through a process of designation, a process which, as we have seen, needs no agreement on the ground from villagers or regents.

The lawsuit was accepted and the court ruled that Law 41/1999 should be revised by omitting the reference to designation. The original reading was:

Forest land is a certain area that is designated and/or assigned by government to be maintained permanently as a forest.

The revised reading is as follows:

Forest land is a certain area assigned by government to be maintained permanently as a forest.

Forests now need to be demarcated first before eventually finalizing their status in the assigning stage. This revision opened more 'space' for regents and villagers to establish a bargaining position against central government over forest land. This was a historical decision because it marked the first time in Indonesia's history that indigenous people had the legal basis to be recognized as legal subjects and to claim their forests back.

However, in 2013, two years after the verdict of the Constitutional Court was issued, the MoF issued a controversial regulation on forest gazettelement (MoF No. 62/2013). According to AMAN²⁵, the Indigenous People's Alliance, this regulation ignored the Constitutional Court's verdict by ruling that forest lands designated before the court's verdict was issued in 2011 remained valid (AMAN, 2014). The Alliance sees that as an example of the ministry's reluctance to release some of its authority, which, the Alliance believes, has been used to facilitate its claim to people's land. In their official

²⁴ Yance Arizona (Law Manager of Huma) argues that the lawsuit was submitted because the regents had already given many plantation concessions to local businessmen on land claimed by central government as forest land. Arizona adds, "The lawsuit was a battle of two big elephants", with local villagers squeezed between those big elephants.

²⁵ AMAN, is the largest indigenous people's organization in Indonesia (and maybe in the world) with at least 2272 ethnic community members representing 17 million people all over Indonesia).

statement in response, the Indigenous People's Alliance (AMAN, 2014) objected to Article 1 Paragraph 17 and Article 1 Paragraph 18 of the ministry's regulation. In Paragraph 17, it is stated that "the process of identifying and making an inventory of third party rights involves the collecting of data of ownership and control over land held by individuals or legal entities". In Paragraph 18, it is stated that "third party rights or right over land is the right owned by individuals or legal entities".

These paragraphs clearly do not mention indigenous people as legal subjects. This regulation has also indirectly limited the access of indigenous people to make a legal claim for their land in the forest gazettement process. For the Indigenous People's Alliance, this statement was a disavowal of the Constitutional Court verdict No. 35/2012 that revised Law 41/1999. The verdict had clearly stated that individuals, legal entities and 'indigenous people' are legal subjects who have the right to forest land.

Besides indicating the government's lack of concern for indigenous people, from a legal perspective the omission of indigenous people as legal subjects in the regulations on forest gazettement has meant that the ministry's regulation contradicts the decision of a higher institution. According to Indonesia's legal and constitutional hierarchy, it is illegal for the MoF to overrule a ruling of the Constitutional Court. This shows the tenacity of the executive in its efforts of state territorialization to legally control people's land.

3.6.2.3 Forest Boundary Demarcation

Forest boundary demarcation is the second stage of the legal forest gazettement procedure that provides a procedure for third parties to challenge the central state's claims. In the MoF Regulation No. 62/2013 on Forest Land Gazettement, forest boundary demarcation involves several processes that provide space for interaction between central government, local government and villagers. These processes involve ground checks to ensure the validation of forest boundaries. They are conducted by the forest boundary committee and provide a space for local government and villagers to present a bargaining position to central government.

According to MoF regulation No. 47/2010 on forest boundary committees, the membership of these committees consists of central government officials, local government officials and (in certain cases) also village heads. The local regent acts as chair of the committee, while the head of the local Forestry District Office acts as secretary. These positions have given local government a certain amount of legal authority over forests in their area. Besides, this regulation gives villagers the potential to make their voice heard as they are formally and legally involved as members of the committee. Yet the involvement of the village head, which in itself does not guarantee villagers full representation, is only for discussion on external boundaries not the functional boundaries, a distinction that is explained in the following pages.

In Article 1 Paragraph 5 of MoF Regulation No. 62/2013 on forest gazettement, it is stated that the forest boundary demarcation process involves a full sequence of events that starts with mapmaking and ends with the signing of the minutes of the final meeting of the forest boundary committee. The complete sequence of procedures only applies to the demarcation procedure for external boundaries, while for the case of functional boundaries some of these procedures are dispensed with (see next section for the differences between functional and external boundaries). To get a clearer illustration on the sequence of procedures, see Tables 3.6 and 3.7.

However, this regulation has been revised by MoF Regulation No. 25/2014, where, in Article 4, it is stated that the committee is no longer to be chaired by the regent but by a central government official, the head of the Forest Area Designation Bureau, known by its acronym BPKH in Indonesia.²⁶ Besides, the same regulation also stipulates that villagers are not involved any longer in the committee. This change in the forestry boundary committee regulation means that the committee's deliberations are distanced from the villagers because the Forest Area Designation Bureau is a central government agency with no offices at the regency scale, and villagers have no direct access to the committee.

²⁶ This bureau is a national agency acting for the Technical Implementation Unit; one of its main tasks is to implement the process of forest boundary demarcation.

However, this revision only applies retrospectively to forest lands established in the year before the regulation was issued. In the context that concerns us here, that of Mandailing-Natal, the location of my fieldwork, since the current forestry boundary committee in Mandailing is based on the previous regulation, the forest boundary demarcation process implemented is based on the previous regulation. Thus, villagers are still involved in the forest boundary committee and the regent is committee chair.

Villagers in the case in Mandailing-Natal regency examined here were able to interact with the committee inside and outside the meeting forum. Outside committee meetings, villagers could interact with the Forest Area Designation Bureau staff who installed the forest boundary markers, both for temporary and final boundary demarcation. In the meeting forum, village heads as members of the committee could involve themselves in validating formal documents by giving them authority to put their signatures to the minutes of demarcation meetings as well as on the resulting demarcation map, again both for the temporary and the final boundary demarcation. This process only applied when considering external boundaries, while for functional boundaries villagers were excluded from the committee.

3.6.2.4 Functional Boundaries and External Boundaries

In MoF Regulation No. 44/2012 on Forest Land Designation, Article 14 Paragraph 3, governments recognize three types of forest boundary: external boundary, functional boundary and conservation maritime boundary. Each type of forestry boundary brings different consequences to the stages of the process of demarcation. The type of forest boundary also determines who will be a member of the forest boundary committee that decides the forest demarcation process.

According to the regulation, not all forest demarcation processes need the involvement of villagers. Only those villages that are determined by government as located inside or on a forest boundary can be involved in the demarcation committee. Government defines this kind of boundary as *batas luar* or 'external forest boundary', which means the boundary between forest land and non-forest land, such as that between a protected forest and an APL (*Alokasi Penggunaan Lain* or 'other purpose

allocation’).²⁷ Other kinds of boundary, the *batas fungsi* or ‘functional boundary’, are defined as the boundary between different types of forest land, such as between protected forest and production forest or between conservation forest and limited production forest.²⁸

In terms of the process of forest demarcation, the procedure for establishing an external border is a long one, with around eight stages requiring meetings to discuss temporary boundary markers and temporary demarcation. These temporary stages are required because of the need for checks on the ground with third parties usually including villagers. On the other hand, the procedure for establishing functional boundaries is shorter as there is no need for temporary demarcation stages.

In the case of Batang Gadis National Park (as conservation forest) in Mandailing, the central government considers that almost the entire boundary of the national park lies in a position which is not adjacent to villages but is adjacent to protected forest. For this reason the government determined that the BGNP boundary was a functional boundary. Since villagers are only involved in external boundary demarcation, in the case of BGNP, government officials argued that by law there was no legal obligation to involve village heads in the demarcation process (Interview, MSBP, September, 2015). Since for villagers the BGNP boundary lies not in protected forest but in their customary land, villagers considered that they should be involved in deciding the boundary. This difference of opinion meant that the process of demarcating the boundaries of BGNP became controversial. Chapter 6 discusses this controversy in more detail.

3.6.2.5 *The Criteria for Land Ownership*

The forest boundary demarcation committee has a legal obligation to conduct ground checks to validate and set government boundary data against villagers’ property rights;

²⁷ APL is the term for non-forest lands as determined by the MoF. Village settlements are one example of APL.

²⁸ The members of forest boundary demarcation committee for functional boundaries are the regent, officers from the District Forestry Office and the Forest Area Designation Bureau, and officers from the District Planning Agency and Provincial Forestry Office.

it does this through the process of boundary marker installation. In this forum, through the process of inventorying, identifying and solving problems related to third party rights, the committee has the power to recommend the removal of certain forests from state forest land. This exclusion can be implemented as long as third parties have enough evidence to prove their ownership of such forest land.²⁹

However, the government has made and applied exclusive criteria for what is to be considered legal proof of land ownership. In the relevant regulation,³⁰ the state only recognizes a small number of written documents as evidence of land ownership.³¹ The written proof can evidence ownership rights, cultivation rights, building rights, use rights and management rights.³²

In 2013, non-written evidence was also included in a new regulation.³³ The non-written evidence, according to Paragraph 6 Article 24, can take several forms. Firstly, it can be in the form of human settlement, social facilities, or public facilities that existed before the designation of the forest land. Secondly, those settlements and public and social facilities that existed after the designation of the forest land can be excluded from the forest land only if they are already determined by local regulation³⁴, recorded or registered in the village or sub-district statistics, have a population of over ten families and houses, and are not located in a province in which forest land covers less than 30% of the terrain. Thirdly, evidence of the existence of the settlement and public and social facilities should be supported by remote sensing imagery with middle to high resolution and be part of and inseparable from forest boundary committee meeting notes.

²⁹ It is not clear whether this forum can exclude forests because of their status or their function or both.

³⁰ MoF decree No 50/2011 Article 22.

³¹ According to Article 1, Paragraph 18, in MoF regulation No. 62/2014, third party rights are rights over land that is owned by individuals or legal entities and that shows ownership or mastery over land in line with the relevant regulations.

³² Beside these five types of evidence, there are thirteen other categories that can be used to prove third party rights. Some of them are related to legal evidence used in the colonial era.

³³ MoF decree No. 62/2013 (revising MoF No. 50/2011) in Article 23.

³⁴ Local regulation or *Peraturan Daerah* is the regulation made together by both the local government and local assembly.

Further, in Article 24A, it is stated that the existence of indigenous people needs to be determined by local regulation (at either the provincial or regency level) and must state the location and boundary of indigenous land and present this in a map. If indigenous people can provide this evidence to the committee, indigenous land should automatically be excluded from forest state land.

On the other hand, paragraph 4 of Article 24 and Article 24A have brought problems to indigenous people. Firstly, as concerns the written evidence, this is because indigenous lands do not belong to individuals or legal entities but are held communally. To have their communal land recognized, they must get recognition first from local government and then from central government. The maps that they need to provide must be drawn at a technological standard determined by the state, which for many indigenous groups is difficult to accomplish. Secondly, for the non-written evidence, the criteria determined by the state tend only to cover settlements and public or social facilities. These criteria do not include land that has been farmed and cultivated by villagers for years or decades.

Even with those limitations, villagers still have the chance to influence the decisions of forest boundary committees especially when the committee conducts a meeting at which villagers can make their voices heard. Moreover, villagers can also strike a bargain with government officials when their signatures are required by the committee as evidence that the meeting was held. Their signatures can also determine the validity and legality of decisions taken at the meeting. But, as we have seen, villagers are only involved in forest boundary committees for external boundaries and not for functional boundaries.

Table 3.6: The stages and actors in forest gazettement procedures.

	Stages of Forest Gazettement				
	forest designation	forest demarcation, conducted by forest boundary committee		forest mapping	forest determination
		external boundary	functional boundary		
actors involved	proposed/ recommended by local government and approved by central government (MoF)	in addition to central, provincial and local government, villagers are also involved (MoF regulation No. 47/2010) villagers no longer involved as a result of MoF regulation No. 25/2014	no villagers on the committee	central government	central government
headed by	Ministry of Forestry	chaired by the regent (MoF regulation No. 47/2010) then by the head of the Forest Area Designation Bureau after MoF regulation No. 25/2014		Forest Area Designation Bureau	Ministry of Forestry

Table 3.7: The stages and actors in the forest demarcation process.

	Forest Demarcation Process										
	external boundary							functional boundary			
	stages of process	Trajectory boundary mapmaking	temporary boundary marker installation	announcement of temporary boundary marker installation	inventorying, identifying and solving problems of third parties' rights	signing of temporary demarcation minutes and maps	final boundary marker installation	signing of final demarcation minutes and maps	trajectory functional boundary mapmaking	boundary marker installation	signing of final demarcation minutes and maps
actors involved	Forest Area Designation Bureau	BPKH	conducted altogether at the same time in the forest boundary committee meeting, where in addition to central, provincial and local government officials, villagers are also involved (MoF No. 47/2010)				Forest Area Designation Bureau	villagers involved in the final forest boundary committee meeting	no villagers on the committee		

3.7 The Procedure for Villagers Wishing to Change Forest Function and Status

The process for the changing of designated forest depends on three factors: its function, status and the procedures involved. Function relates to the type of forest land: conservation forest, production forest, protected forest or APL. Status refers to the actors who have the right to control the forest land: state, private (individual) or customary. The procedures are the steps needed to be taken to win a change of function and status of forest land.

Government has provided several channels for the changing of designated forest land, either in regard to its function or status. Its function, according to regulation,³⁵ can only change between and within types of forestry.³⁶ For the change of forest function, the process is undertaken by the relevant department of the MoF. For a change of function from forest to non-forest, the process needs non-forest sector involvement from institutions such as the National Land Agency and other relevant government departments. The procedure in the forest boundary demarcation committee is part of this channel with National Land Agency staff involved as members of the forest boundary committee.

Concerning a change of forestry status, a significant achievement has been chalked up as a result in particular of the efforts of several NGOs –the Indigenous People’s Alliance, Episteme and Huma -- in pressing for a revision of the Forestry Law No. 41/1999, efforts that took shape with the issuance of Constitutional Court verdict No. 35/2012. The important achievement is the recognition of indigenous people as legal subjects and of customary forest as separate from state forest.

³⁵ MoF regulation No 34/2010, which was then revised by MoF regulation No 29/2014 on the procedure for the changing of forest land functions.

³⁶ ‘Between’ forestry functions might be from conservation forest to protected forest or from protected forest to production forest and vice versa. The other possibilities are from conservation forest to production forest, such as from national park to great forest park or from limited production forest to production forest, and vice versa.

Although their legal rights over customary forests have been recognized, the procedure for indigenous people to win their customary rights is in practice complicated. In order to gain full recognition by the MoF for their customary forest, indigenous people and their customary land have first to be recognized in regulations enacted by their local government. In the regulation, it is formally stated that in order to get approval for a proposal for 'a people's forest', the villagers must undertake forest planning, produce a modern technologically sophisticated map, gain supporting letters from the regent and collaborating institutions and draw up rational planning documents. For a customary village it is necessary first to receive acknowledgement in the form of a regional regulation. Regional regulations are regulations enacted by the local representative assembly together with the regent. To obtain this kind of regulation is not an easy task, mainly because of the inevitable limitations that constrain villagers' abilities to make their case as well as the constraints they face when dealing with local assembly members, many of whom are likely to lack information about the case.

According to research conducted by several NGOs (Huma, Episteme and Indigenous People's Alliance), the process of forest boundary demarcation involving the forest boundary committee does not work effectively, and they recommend that government provide new alternative channels for the process of changing forest land status (Muhajir and Abimanyu, 2014; Safitri, 2016). They found several obstacles in local government bureaucracy and between local and central government as well as poor synchronization of policy and regulation between and within government ministries.

One important advance in the change of national government policy related to overlapping land claims came in 2013 when the NGOs together with the Corruption Eradication Commission (*Komisi Pemberantasan Korupsi*) successfully directed 12 ministries³⁷ to agree on a memorandum of understanding that was designed to

³⁷ The 12 ministries and offices that were involved in drafting the memorandum of understanding for accelerating forest land designation are: the Ministry of Internal Affairs, Ministry of Law and Human Rights, Ministry of Finance, Ministry of Energy and Mineral Resources, Ministry of Agriculture, Ministry of Forestry, Ministry of Public Works, Ministry of Environment, Ministry of Planning, National Land Agency, Geospatial Information Office and Human Rights Commission.

accelerate the gazettement process of forest land. To do this, these ministries drew up three action plans, one of which included technical and procedural simplifications.³⁸

Further, following the memorandum of understanding and action plans, on October 2014, four of the 12 ministries agreed to draft a joint regulation on procedures for the settlement of land tenure issues in forest areas.³⁹ This joint regulation was then followed by the publication in January 2015 of technical guidance for a team to be set up to investigate the control, ownership, use and exploitation of land. The team was led by the head of the National Land Agency and drawn from officials at national, provincial and regency levels.

Through this technical guidance, central government attempted to be more pro-active and more concerned about the (lack of) willingness of local government to overcome people-forest-related problems at the regency level. Central government understood how forest land has been a very lucrative resource enabling regents to increase their income. This guidance attempted to synchronize national regulation as well to cut several bureaucratic chains in local government by ensuring that village heads were involved in the inventory process. The guidance is the most recent and the most advanced government regulation regarding the effort to overcome problems related to land tenure conflict in Indonesia.

3.8 Conclusion

The chapter has discussed the context for this study: the location (Mandailing-Natal Regency), the context of customary territoriality and the legal aspects surrounding state territoriality, particularly in the forestry sector both as they affect Mandailing but also other regencies in Indonesia.

From the discussion above it can be concluded that in Mandailing-Natal Regency local territoriality still has purchase in many villages particularly those located near forests.

³⁸ These involved harmonization of policies and regulations, harmonization of technical issues and procedures, and conflict resolution.

³⁹ This is a joint regulation of four ministries: the Ministry of Internal Affairs, Ministry of Forestry, Ministry of Public Works and National Land Agency.

Customary territoriality refers to the customary spatial structure that is embedded within the customary social structure, and both are strongly based on family name and clan. This territoriality also includes customary concepts of natural resource governance that are connected to the traditional spatial arrangement of *huta*, *banua* and *janjian*.

The discussion above has described several elements in current forestry regulation that were created to influence and support the implementation of the process of forest gazettement as part of state territorialization. Based on the discussion above, in relation to state territorialization, it can be concluded, firstly, that one of the most important points is the continuing strong influence of the Dutch colonial legacy on Indonesia's forest (and land) regulation (McCarthy, 2006; Peluso, 1990). The Indonesian government has continued to utilize the same approach as the colonial authorities had done in order successfully to lay claim to legal control over land.

Secondly, since the state has control over certain particular types of land in Indonesia, it has the authority to allocate such lands. The purpose of this allocation is usually economic development either through exploitation or conservation projects. These characteristics of authority and the direction of development are common to the colonial regime and the current government.

Thirdly, land that is designated as forest land or is adjacent to forest land must have legal forest boundaries drawn under the legal procedure of forest region gazettement (*pengukuhan kawasan hutan*). This procedure comprises several actions to determine whether a certain piece of land belongs to the state or to other parties, and it is then given formalized legal status. Since 2011, the forest gazettement procedure has stronger powers to validate whether a certain piece of land belongs to the state or not through the forest boundary demarcation stage. The forest boundary demarcation process is conducted by a committee called the forest boundary committee that consists of officials from central, provincial and local government, and in certain cases also involves villagers. This committee can be regarded as a forum in which villagers can voice their views to government about overlapping land claims. Village heads are

only allowed to be on the committee if the forest boundary categorization is defined by the state as an external boundary. If the boundary is categorized as a functional boundary -- a boundary between two types of forest land, such as between protected forest and production forest -- villagers are not allowed to sit on the committee. This government approach to the categorization of boundaries has had and continues to have a significant consequence on the way forest boundary making is conducted, with or without local villagers.

This chapter has discussed two important but different territoriality perspectives: the local customary perspective and state territoriality. It has been important to address both perspectives in this chapter since the two perspectives are actually applied in the same location at the same time by both groups. In relation to this research, state territoriality is used – as we shall see in later chapters -- by government institutions, both at national and regional level, and also by international conservation NGOs as well as and a private company to carry out their conservation and development projects and agenda through the control of specific areas of land in the regency. On the other hand, many rural villagers who mostly live near to the forest land use the customary approach to the land. The difference between these views of territoriality is significant for this study since it affects to the overlapping land claim between Sorikmas Mining Company, Batang Gadis National Park and the villagers, the issue that lies at the heart of the discussion in Chapters 5, 6 and 7. But before embarking on the discussion that stems from my findings, I introduce in the next chapter a number of issues that shaped my research and the methods that I employed.

4. Research Design and Methodology

4.1 Introduction

This chapter discusses the methodology employed in this research. More specifically, I discuss here the way this research was designed, how I accessed my research locations and participants, how I collected, managed and analysed the relevant data and what the ethical issues were that I had to contend with including my own positionality during the research process.

Overall, the methodology used in this thesis is designed to respond to the gaps found in Chapter 2 relating to contrasting views of territoriality on the part of the state on the one hand and villagers on the other in the context of natural resources-related research in Indonesia. This research aims to investigate the process of state territorialization through conservation and development and how villagers used different characterizations of territoriality to contest it (see Chapter 1). This thesis is therefore an attempt to understand the interaction between government and villagers through the lens of territoriality. With this in mind, a case study approach built on a qualitative methodology is considered the most relevant.

In discussing my overall methodology, I have structured this chapter in the following way. I start with the research design with a particular focus on the reasons for choosing qualitative and case study research (section 4.2). Then section 4.2.2 discusses the justification for selecting Mandailing-Natal as the site for my research and explains the way the conflictual situation around which my thesis is built -- the overlapping land claims -- emerged from the fieldwork. In section 4.3, I discuss the process of my fieldwork research, the timeline and how I accessed the research locations and participants. After that, I describe the process of data collection and analysis in section 4.4. In section 4.5, I discuss ethical issues and reflect on my positionality during the research.

4.2 Research Design

4.2.1 The Use of Qualitative and Case Study Methods

As stated in Chapter 1, this research is intended to provide a deep understanding of the power relations between the state and villagers. To meet this aim, and in order to provide a thick description of these relations, the most appropriate approach in designing this type of study is through a case study approach (Creswell, 2014). Thus, in this study I use a qualitative approach with in-depth exploration through a case study. The case study relates to the various conflicts that arose as a result of the establishment of Batang Gadis National Park in North Sumatra Province.

The case study approach is chosen for at least two reasons. Firstly, it is chosen because this research attempts to understand relations between the state and villagers through the prism of a specific set of issues that arose out of overlapping land issues in order to understand better state-villager relations at a more general level. The process of analysing phenomena or cases in a specific context to explain a wider context is the principal characteristic of the case study approach (Gerring, 2007; Baxter, 2010). Secondly, it is chosen because this research is intended to provide a detailed discussion of relations between the state and villagers. An intensive description and analysis of a specific case is another characteristic of the case study approach (Gerring, 2007; Baxter, 2010). However, within this single case study approach, I also provide a sub-set of multiple cases that shed light on relations between the state and villagers in order to facilitate a discussion that bears on similarities and differences and allows for comparison (Gustafsson, 2017; Zartman, 2005). In this study, the multiple case approach is used in Chapter 7, where I refer to three sub-districts for comparative purposes. The three locations are chosen in order to convey three types of villager experiences of overlapping land claims.

In order to capture the scalar complexity of the issues introduced in the thesis, the research is conducted at three scales: the 'normative regulation scale' (Chapter 3), the regency or regional scale (Chapters 5 and 6) and the village scale (Chapter 7). These three scales are connected and integrated into the one case study.

The normative regulation scale helps us understand why government conducts certain official land boundary events as part of the state territorialization process that affects the villagers' land in their daily life. This also helps us understand the regulatory constraints faced by villagers when they attempt to reclaim their land. Alongside this, the government-villager relations approach is discussed moving from the general to the more detailed, from the establishment of BGNP, discussed in Chapter 5, to the more detailed case of forest boundary implementation, as discussed in Chapter 6.

In approaching the case study, this research attempts to present an integrated approach to relations between (local) government and villagers, relaying both the perspectives of government to villagers and vice versa, thereby providing a more complete picture of the relationship between a variety of actors. However, I make it clear that the voices of government and villagers are far from being uniform. The use and misuse of natural resources provides the context within which these power relationships are examined, and the overlapping land claims provides the more specific focus (Kaimowitz and Ribot, 2002).

In examining these relationships with a primary focus on the actions and rationales of government, I analyse the implementation of government policy and regulations that affect villagers' land. I build this around the controversies associated with the establishment of the national park (Chapter 5) and forest boundary demarcation (Chapter 6). In examining these issues as seen by villagers, I investigate the response by villagers to government policy that severely affected their relationship with their land (Chapter 7). The three empirical chapters thus provide a multi-faceted representation of perspectives on the controversial issues at play here.

4.2.2 Choosing the Case Study Site

Mandailing-Natal Regency in North Sumatra Province was chosen as the research site for a number of reasons. Firstly, at least in research related to natural resource governance, this location has been very much less exposed to scrutiny from the

international community of Indonesianist scholars. Scholars working on natural resource politics issues have tended to concentrate their efforts in Java and Kalimantan (Peluso, 2016; Bakker, 2009), in Sulawesi (Li, 2007; Acciaioli, 2009; Robinson, 2016), and in Java (Peluso, 1988; Schiller and Fauzan, 2009). As for research in Sumatra, several scholars have been active, notably McCarthy in Aceh (2005, 2006), in Jambi (McCarthy, 2009), and in West Sumatra (von Benda-Beckmann and von Benda-Beckmann, 2013). Substantive academic research on North Sumatra and Mandailing-Natal Regency is, however, missing to the best of my knowledge.

Secondly, the location provides a particularly insightful set of issues around the overlapping land claims of BGNP (for forestry), SMC (mining) and the customary villagers (land for their livelihoods). This research is thus able to speak to a complex issue. My research led me first to an investigation of the manner and impact of the establishment of the national park (forest-related issues). I then moved on to look at issues coming out of SMC's mining operations (which overlapped with forest issues), and then researched how these issues 'combined' as overlapping land claims to affect the land and livelihoods of local villagers. This research then highlights the differences in government conceptions of land, which are used by the conservation and mining sectors and the villagers' conception of land, which follows customary practice.

My approach of inquiring into issues as they emerged is influenced by the perspectives adopted by several prominent Indonesianists such as Peluso, writing on the history of forest management in Indonesia (1990) and territoriality in Thailand (1995), Li on conservation and development in Sulawesi (2007), McCarthy on traditional institutions in Aceh (2005; 2006), and Robinson on indigenous people and their sovereignty (2016). These themes have also been analysed by Indonesian scholars such as Safitri (2014) on customary rights, Pramono (2014) on local territoriality, and Afiff (2009) on the political ecology of competition for natural resources. While influenced by these scholars, the direction and approach of my research is different in that I combine these perspectives and apply them to portray the relationship between government and villagers and their respective perspectives in the context of local autonomy.

Thirdly, this location was chosen because I have relatively easy to access it. I have ethnic, family and friendship connections to the region. On the ethnic side, I have 'Nasution' in my family name -- Nasution is the most common family name in Mandailing. My family name helped me become more quickly accepted by local people. It has proven very effective in opening channels for informal communication with local people in town centres and more importantly in rural villages in remote areas. Further, as I can understand most of the Mandailing language they use in daily conversation, it was relatively easy for me to adapt to local people.

Mandailing-Natal Regency is my father's ancestral home, and I regularly visited various places in the regency during my childhood and school years. I still have aunts, uncles and many cousins living in Mandailing-Natal. This family network connection was really helpful in providing access to new contacts. Thus, I did not experience significant obstacles in making contacts who could help me enter the location of my fieldwork, at least in the larger settlements.

I have two friends who work on forestry issues in Mandailing who have opened networks for me. With their high profile positions, it was relatively easy for me to get important information, to contact several important participants and to gain the trust of many of my participants. One of these friends work in government and the other for an internationally funded NGO.

My study is located in a number of sub-districts – primarily Siabu, Nagajuang and Ulupungkut but also Batang Natal. They are chosen since some of the villages in these sub-districts include customary land that overlaps with land within the boundaries of BGNP and the SMC concession land. The villagers in the sub-districts have responded differently to these overlapping land claims. The different responses were interesting as one sub-district was quite effective in protecting its land from external and internal degradation and intervention while the other two locations were less effective. These two sub-districts tended to oppose external intervention in order to exploit the land themselves, even without proper environmental considerations. The different response of villagers in the sub-districts is closely related to people's connections with

their land, which in turn is strongly linked to the history of the villages and the villagers. These various responses provided significant insights for comparative study and can hopefully contribute to current debates on territoriality, natural resource governance and local government accountability.

4.3 Fieldwork Timeline and Accessing the Location and Participants

Six months of fieldwork were conducted for this research, starting in the last week of May 2015. The research was preceded by analysis of policy documents related to forest governance and local government. This reading and analysis of policy documents was conducted in March and April 2015 in Leeds.⁴⁰ The general timeline of my fieldwork is shown in Table 4.1.

Table 4.1: General research fieldwork timeline.

No.	Activities	Time	Duration
1	Policy documents study	March – April	2 months
2	Arrived in Medan from Leeds; settled in and simultaneously made first phone contacts.	End of May	1 week
3	Initial enquiries as to where to live in Panyabungan and how to access the villages. Search for contacts in government, NGOs and villages. Early stage research into forestry problems in Mandailing.	Early June	1 week
4	Settling in in Panyabungan, Mandailing; fixing accommodation and transportation.	Mid June	1 week
5	2 nd stage: make initial contact with important actors from various institutions in Panyabungan and rural villages.	Mid June – end June	2 weeks
6	3 rd stage: exploring/ identifying issues	Early July – end July	1 month
7	4 th stage: detailing issues and collecting documents from various sources in Mandailing	Early August – end September	2 months
8	5 th stage: finalizing issues, and collecting documents.	Early October – end October	1 month
9	Preparation for return to Leeds	Mid November	1 week

⁴⁰ This preliminary reading of documents was designed to provide me with general information useful for preparing and conducting interviews. As fieldwork findings brought new insights, further policy documents were collected and used during and after the fieldwork in the analysis of findings. Later, these policy documents were extended to land governance and regulatory issues.

When I first arrived in Medan, I began by contacting my friends and those of my family connections who could help me with my research. I contacted them for their support in searching for appropriate places to stay, both in Mandailing's capital, Panyabungan, and in remote village areas. At this stage, I also traced several personal contacts who could later be called on in the interview process. Simultaneously, I looked for general updated information about local forestry issues.

About a week after my arrival in Medan, I met my friend, who is the director of Sumatra Rainforest Institute, a regional conservation NGO, and who has been involved in forestry conservation in Mandailing since 2013. He updated me on forestry issues in Mandailing, and suggested potential locations where these issues could be explored and potential contacts among villagers in remote areas. Sumatra Rainforest Institute has been involved in forest boundary issues in Mandailing for a couple of years and the NGO has good contacts with government officials and village leaders. I was able to obtain through the institute several contacts in BGNP offices, forestry offices and among villagers in two sub-districts.

My friend later offered me the opportunity to visit remote village locations with his staff using his office vehicle during their regular visits. This offer was very important because visiting villages in such remote areas without a trusted colleague can make acceptance among villagers difficult. This is an important matter since I really did need somewhere to stay in these remote villages, and without an introduction this would have been difficult.

During this period, I contacted the other of my two friends mentioned above. This friend works in the National Forestry Agency office in Sidempuan, two hours by car from Panyabungan. His wife works in the BGNP office. He has good connections with BGNP staff, national forestry office staff in Mandailing, as well as NGO staff working in Sidempuan and Panyabungan. When I met him at a forestry issue meeting sponsored by Conservation International Indonesia (CII, an international NGO that was behind the establishment of BGNP) in a hotel in Sidempuan, he introduced me to a member of

CII's staff who works on BGNP-related issues. The day the meeting in Sidempuan finished, he gave me a lift to Panyabungan and brought me to the BGNP office and introduced me to BGNP officers and managers.⁴¹ Despite the brief and informal nature of this discussion, I understood clearly that BGNP and its forest boundary are the main issues in much of Mandailing.

In order to gain access to the traditional leader and regent of Mandailing-Natal, I used my family connections. One of my cousins introduced me to several traditional chiefs of the Nasution clan (see Chapter 3) in Panyabungan, and from them I was introduced to other Nasution traditional chiefs. Regarding access to the regent, my aunt's husband has family connections to the regency secretary or *Sekretaris daerah* (Sekda) of Mandailing-Natal, who is the highest ranking local government official in the regency. With my relatives I then visited the Sekda in his office to introduce my purpose and my desire to interview the Regent. The Sekda then agreed to facilitate my interview with the Regent. Visiting Sekda and the Regent was important to ensure that I could get an official permit to conduct research in Mandailing. When I told them that I was studying in the UK, I got the impression that they were happy to know that one of the Nasutions could study in the UK, while on the other hand, they were also quite suspicious of my research and the possibility it raised of issues being opened up to the gaze of western academic communities.

Concerning accommodation, after searching for several options from family contacts, the best option that I had was to stay in an empty house that belongs to my father's cousin. My transportation situation was resolved when I was lent a motorcycle belonging to my cousin.

The next phase was to get initial access to remote village areas. I joined Sumatra Rainforest Institute staff on their visits to remote locations in their off-road car. Based on my discussions with the institute's director, I found that villages in Batang Natal and Ulupungkut sub-districts were where opposition to the forest-boundary demarcation

⁴¹ One year after I returned to Leeds from my field work, this friend was promoted to the second most senior post in the BGNP office. This enabled me to obtain further information about BGNP directly.

process was strongest. Thus, I decided to visit two villages in Batang Natal and one in Ulupungkut. The travel time from Panyabungan to Batang Natal and Ulupungkut is about 2.5 hours and 1.5 hours respectively by car; the institute officers planned therefore to visit several villages in one three-day visit, with overnight village stays. They introduced me to the people they were working most closely with, heads and secretaries of villages in the Batang Natal sub-district, informing them of my research topic as well as my need of a place to stay. After an informal chat, these village leaders were happy to support me and allow me to stay in their house. A similar process occurred for my visit to a village in Ulupungkut about a week later, where institute staff introduced me to village leaders and local activists of several villages in the sub-district. Thus at this stage, I had no significant barrier in my access to villagers in these remote areas. I had relatively easy to access the villages and was able to talk about sensitive issues as a result of the introduction from institute staff.

It was a different story, however, when I planned to visit the sub-districts of Siabu and Nagajuang. As these two sub-districts had experienced conflicts with SMC, and there was tension among villagers between those who were for the company and those who were opposed to it. For safety reason, institute staff warned me against a visit. To understand the illegal small-scale mining activities, I visited the location only once with members of my family, and we observed the mining activities from a coffee shop usually patronized by miners. Thus, in the case of these two sub-district, I did not make direct contact with villagers in their villages.

These connections via family and friends helped me access participants from various institutions and locations including the Regent and government staff, NGO staff, and traditional leaders as well as local villagers in remote rural villages. These connections also secured for me the initial trust of my interlocutors, some of whom shared their opinion on sensitive issues and willingly shared their data and documents. One participant in Ulupungkut openly stated to me that he trusted me because I was introduced by a person whom he also trusted. This was important given the ongoing state of conflict with BGNP and SMC.

Gaining their trust then gave me more access to other important people and documents. Some documents were collected in Mandailing, while others had to be collected from other important actors who moved to different regencies after the establishment of BGNP. I was able to obtain documents pertaining to the establishment of BGNP by tracing connections from several actors who live in Medan and Sidempuan.

4.4 Data Collection and Analysis

The source of my data, as is usual when using qualitative methods, can generally be categorized as document-based, discourse-based and field research-based. In this research, I employed several methods that fit my case study: interviews, policy document analysis, analysis of local media and observation. These various sources have been useful in obtaining meaningful and high quality data as required by the triangulation process in order to ensure the reliability and validity of the research (Long and Johnson, 2000). During my research process particularly when I was in the field, I have tried to triangulate evidences wherever possible. For the most part, I was successful in this task, but occasionally I have had to rely on the testimony of the only source I could obtain. In those cases, I have used other means to ensure the reliability of my informant.

4.4.1 Semi-structured Interviews

Interviews provided my main source of data. The interview process was conducted in a semi-structured way, as is appropriate in developing an environment in which a participant feels willing to share and discuss their experiences and opinion in informal, easy-flowing and open-ended discussion (Baxter and Eyles, 1997). To get an in-depth description from various perspectives, I conducted 1 to 1.5 hour interviews with one, two or three persons representing a single institution. On some occasions, these interviews were held more than once. Interviews were tape-recorded in most cases. Notes were taken of all interviews.

Three stages of contact with participants were undertaken, ending up generally with face-to-face meetings. First contact was an initial communication to introduce myself and explain the purpose and procedure of the interview and set a date and time. The second was the interview itself. The third contact was a second interview, conducted for confirmation purposes. The third contact was optional, only applied if deemed necessary. Interviewing a person more than once was intended to clarify previous comments made by the participant or to confirm and occasionally challenge my interviewee's arguments on certain issues.

When interviewing actors at the sub-district level, most of the interviewing process was conducted in their office or other mutually convenient place in an informal setting. When interviewing ordinary villagers in remote settlements, the interview was held in their home or at the local food stall or other places. This informality in the choice of meeting place is an important element in building a comfortable atmosphere between participant and researcher in order to collect a good quality of information and data. Most of the interviews were conducted in Mandailing (Panyabungan and several remote villages); some interviews were conducted in Sidempuan, just to the north of Mandailing, and in Medan.

The interview process was mostly conducted through face-to-face communication. A few interviews were conducted online after my return to Leeds, using Facebook Messenger. These latter interviews were conducted in order to ask questions mainly about Nagajuang and Siabu sub-districts. A few additional online interviews were held with people in Ulupungkut sub-district and the BGNP office to ask supplementary questions. Participants who live and work in Panyabungan were mostly interviewed in their office or in other locations chosen by them. Those who live in rural villages were mostly interviewed in their homes, at local roadside stalls or by their fields.

The language used in the interview depended on the interviewee. Many of the participants who were interviewed in Panyabungan, especially those from NGOs and government offices, preferred to be interviewed in the Indonesian language. Other

participants, mainly rural villagers in remote areas preferred to use Mandailing. I am a native speaker of both these languages.

The actors and institutions involved in the interviews have strong connections with state territorialization issues and activities in Mandailing. Most of them were in some way related to the establishment of BGNP, the forest boundary re-mapping process and the resistance of villagers to state-endorsed land claims. Interviews were drawn from the following institutional categories: government, NGOs, civil society organizations (other than NGOs), elected members of the regency representative assembly and various customary institutions. Government officials interviewed were drawn from the National Forest Agency (National Park Bureau), the Regency Forestry Office and various other regency offices. The NGOs included international NGOs (primarily Conservation International) and regional and local NGOs (in particular the Sumatra Rainforest Institute and Bitra Consortium). I have classified others as civil society organizations; these included Batang Pungkut Green Conservation. The numbers of participants drawn from each institution involved in the interview process are provided in Table 4.2 below. [see Appendix B for the complete list of interviewees and Appendix C for the example of transcript interview].

Table 4.2: Institutions and the number of interviewees.

No.	Category	Name of Institutions	Number of Interviewees
1	National government agencies	BGNP (6) and BPKH (1)	7
2	Local Government	Regent (1), Regency Staff (3), Sub district staff (1)	5
3	Local Assembly	Local Assembly member	2
4	Private sector	SMC (2) and Ex-SMC (1)	3
5	Conservation NGO	SRI (3), CII (2), Ex-CII (1), Ex-Bitra Consortium (3)	9
6	Customary Chiefs	Regency level (1), Banua level (2), huta level (1), ripe level (1).	5
7	Civil Society Organization (CSO)	BPGC (2), PCO (1), Ex-PCO (1), Jatam-Madina (1)	5
8	Village officials	Village head (1), ex-village head (1), village secretary (2)	4

No.	Category	Name of Institutions	Number of Interviewees
9	Local farmer and trader		1
10	Laypeople		2
11	Scholars	University of Sumatra Utara, Ikanas	3
Total			<u>46</u>

Since I conducted semi-structured interviews, the questions I asked were set in a certain direction with a bit of flexibility in order to anticipate new important information. The major questions generally started with inquiries about the most problematic issues in the forestry sector either for villagers or for government. These questions then mostly led to questions about overlapping land claims. This gave me greater insight into how government (primarily BGNP) and the private sector (in this case SMC) perform their claims over land in Mandailing as well as the way villagers do the same and how they rationalize their actions.

4.4.2 Participant Observation Research

Besides employing interviews, I also relied on observation to get a more complete picture of the nature of the issues behind my research. Observation is important in order to make sense of a situation or environment and actors and events (Marshall and Rossman, 1989). By participating through experiencing, the observation can be useful to add and confirm information and data gathered from other sources such as interviews or documents as part of the triangulation process (Dewalt and Dewalt, 2011). Through participant observation, the researcher has advantages in clarifying the discourse and practice of actors (Van Maanen, 1988).

Instead of just employing observation in collecting data, I undertook participatory observation research for this study in order to provide a closer connection between myself and the participants. This approach was intended to encourage participants to act more openly and naturally, allowing me to get a better sense of their situation. One important strategy here was to live with villagers for several weeks. During the research, I was involved in participant observation of some important events that

directly or indirectly related to overlapping land claims, either with government or NGO officials or more importantly with rural villagers.

One event in which I participated first hand helped me understand the critical issues that came to occupy centre place in my research. When I first met my contact who works in the National Forestry Agency, I attended an event in Sidempuan held by CII. The event was attended by many forest guards, among whom were BGNP office staff. At the event, CII introduced censored camera traps that can be used to automatically capture photos of animals and other moving objects.

In a special follow-up meeting for BGNP officers held in Panyabungan, to which I was also invited by CII staff as an observer, I saw how these cameras were to be placed at several points inside BGNP. In this meeting CII experts also showed how the data from the camera traps would be beneficial for analysing animal distribution inside the area. The CII expert team prepared and financed the project, which involved travelling into the BGNP forest area. During the discussion on how to 'dispatch' forest guards to the camera locations, it became clear that this would involve entering the national park from a specific direction via a number of villages. However, one member of the BGNP management interceded at this point and said, "You cannot take that road. Those villages are hot zones. You must make a detour through other villages."

This statement confirmed to me that there were still unresolved problems of forest boundary between the BGNP office and villagers. Moreover, the discussion that followed that statement also suggested to me that CII, the international NGO that had initiated the establishment of BGNP, was not paying attention to forest boundary issues. CII, it seemed to me, had shifted its focus to other programs before problems linked to BGNP had been resolved. These issues are discussed in Chapter 5.

Another observation I made that had an important bearing on my research occurred when I went with a villager from Ulupungkut into his fields, which were located about one kilometre from the centre of the village. We walked up a hill through the bushes for about 40 minutes. Once we had arrived at his fields, before we had lunch together

in his little hut, he showed me several plants and vegetables that he had planted and the boundary of his land with that of fields belonging to other villagers. He also showed me a nearby 'forbidden forest' that could never be cleared by anyone for conservation reasons. He told me that he or his wife went there every day accompanied by their dog. This opened my eyes to villagers' sense of belonging to the land. The claim made by the government that villagers' land only stretches 500 metres back from a river or about 400 metres from a main street is not based on a proper process of verification. This observation also showed me that villagers have a clear sense of the boundaries of their land because they go there every day and they know whose land borders theirs. Since villagers interact almost every afternoon in the local *lopo*, or roadside stall, to drink coffee after they have finished working on their land, and meet again during Magrib prayers in the village mosque, it became clear to me that land disputes among villagers would not easily happen even though they had no formal certificate of land ownership. This observation gave me an important perspective in engaging with the issues discussed in Chapters 6 and 7 in respect of villagers' land claims.

I also observed traditional wedding and fraternity events in Batang Natal sub-district. In the wedding, I noticed that the village secretary had a traditional role holding the groom's ritual umbrella; this was based on family-name relation to the family who was holding the wedding. During the discussion among the elders, I saw how a special carpet was allocated to the traditional chief of the village, who, as the direct descendant of the village founder, was the only person allowed to sit on it. The same treatment occurred for fraternity events, when an outsider wanted to have 'brotherhood' by joining a village clan (see Chapter 3 and Chapter 7 for a discussion of customary institutions).

One important aspect that I observed from these events is that traditional, customary institutions of Mandailing people based on family name still exist and have significance in people's lives. Recognition of the family name of the village founder still existed. This could be easily sensed from the way villagers treated the clan leader during the events. One of the local leaders of a village in Ulupungkut expressed the view to me

that although these events are not directly related to land issues, the recognition that villagers show to the clan leader and descendant of the village founder demonstrate that the customary social structure still exists (Interview, UG, July 2015). He added that the nature of these ceremonies imply that the institutions are still there and the traditional structure of people-land relations can be used in wider contexts. This observation also gave me more data for my discussion in Chapters 6 and 7.

4.4.3 Other Data Sources

I also relied on several other data sources for this research. They ranged from policy documents, project documents, maps and research reports through to local newspaper articles, websites and social media. The policy documents used in this study were documents that related to the regulation of state territorialization and counter-state territorialization. Documents containing regulations affecting local autonomy and forest governance that were officially referred as the legal basis for the establishment of BGNP were also part of the study. The documents took the form of laws, government regulations in lieu of laws, known as Perppu, ministerial decrees and local government regulations. Most of these documents, especially the national-level documents, are available online and I was able to collect and read some of them before beginning my fieldwork.

Project documents were collected from actors and institutions mainly when tracing the process of establishment of the national park. As the establishment process was completed in 2007, almost ten years before this study was undertaken, several documents such as project reports, meeting notes and several monthly reports of Bitra Consortium were collected from one of the community organizers who lives in Sidempuan. Government and CII had only limited supplies of these documents, data from which were really helpful in building up the findings in Chapters 5 and 6.

Local newspapers, websites and social media were also utilized to supplement the data sources mentioned above. I only used a limited amount of data from a small local

paper that had just come into existence, while many other bigger newspapers paid little or no attention to issues relevant to my research. On the other hand, websites provided much helpful information on past developments such as the BGNP establishment and the forest boundary conflict that occurred several years after CII ended its involvement in BGNP. Moreover, as already mentioned, social media sources, especially Facebook, were used to obtain up-to-date information on forest boundary issues, especially from Ulupungkut villagers. I also used Facebook Messenger while still in Indonesia to interview several villagers in Ulupungkut and Nagajuang regarding their resistance to BGNP and SMC claims over their land. These data helped me understand the forest boundary conflict and the issues behind villagers' resistance as discussed in Chapter 7.

4.4.4 Data Management and Analysis

Data management includes data collection and data organizing. As mentioned previously, data collection occurred mostly through the interview process, but also through observation and critical analysis of policy documents and local websites. Data were recorded during the interview process through audio recording and note-taking. After the fieldwork, all the data were organized in four stages: data preparation, familiarization, indexing and analysis (Lyons and Coyle, 2007) and stored into a matrix of cases and themes. Data preparation includes the making of a summary of the interviews and field notes, while familiarization is the process of understanding all the data by carefully reading the data, listening to the recorded interviews and in particular recognizing emergent themes. The next stage, the indexing step was undertaken by means of an inductive approach where themes (in their categories and sub-categories) were developed directly from the data. The emergent themes and the relevant text were then coded and stored into a matrix of 'cases and themes' to obtain a framework for the themes. Finally, through the framework analysis, I identified the patterns and connections among themes, and compared as well as contrasted the themes.

As this study also examines multiple cases within the overarching case study, the analysis process was performed both within and across cases, as well as involving various relevant literatures associated with the emergent themes. Following Cassel (2012), to guide the process of analysing the data, at least four criteria were used, namely: comprehension (learning about the setting), synthesizing (identifying patterns in the data), theorizing (finding explanations that fit the data), and re-contextualizing (abstracting emergent theory to new settings and relating it to established knowledge).

4.5 Ethical Issues and Positionality in this Research

I was very careful to give full consideration to ethical questions in this research. This ethical aspect includes formal government permission, informed consent, withdrawal, confidentiality, reflexivity and positionality. Concerning the obtaining of a permit from the district government, although I had met and interviewed the Mandailing Regent, I still needed to get official permission from the local government office. I finally got the permission after waiting for almost one month. The process was a lot easier after I had introduced myself as a relative of a local business person who was known to one of the office managers.

No interview was conducted without the informed consent of the participants. Prior to obtaining informed consent, a research information sheet was given to participants describing the research process and purpose. This was to ensure that the participants were well informed and understood the process, procedures and purpose of the research. It was also to ensure that I could get the participants' formal agreement to participate in the research without any coercion. Important aspects in the informed consent are the statement that the participant can withdraw from the research process at any time. This is to make sure that participants feel free to decide whether to participate or not during the interview process.

Another important aspect is the confidentiality of the informant. I ensured that participants understood that their names would not be used and their views used only

for this research (including any publications coming out of it) and would be stored in a safe place that could not be accessed by anyone except me. In view of this, in this research, all names were anonymised -- except where, with the consent of the relevant person, it was decided that it was more appropriate to give a name.

As an outsider with some family links to local people, I was aware of this particular position of mine, and I conducted regular reflexive thinking throughout the research process. I had to be sensitive to my outsider-insider status since this could affect my judgment towards the data that I gathered. I had to be clear in separating what came from participants and what came from my own views and interpretation. With this in mind, I made a maximum effort to be as 'rural' as I could, to break the gap and minimize the social-psychological distance between me and the villagers. I was aware that I come from a different place compared with my participants in terms of aspects such as life experiences, social status, and educational background, and this could weigh on my research (Sultana, 2007).

To be as close as possible to my participants, I tried to act as they do, including in the way I spoke, the clothes I wore and the way I joined their cultural and religious events in the villages. This informality in a very short time successfully built a cohesive connection at least in their perception that I was a close outsider friend, not a stranger any more. On the other hand, besides those differences, I also have some aspects of similarity with most of the participants, particularly in terms of religion and ethnicity. As this regency is the original home of my family, and ethnic sentiment remains very important, I found this very beneficial.

Because I stayed in local residences when doing my research in remote villages, I was aware that by renting a room from local people, this affected local people's perception towards me including the way they spoke to me. I was in this way able to break any psychological barrier between me and the participants in my research, and the consequent closeness successfully led to trust building and finally to openness in the telling of their stories during interview sessions.

4.6 Summary

In this chapter I have discussed several important methodological aspects of this thesis, such as the reason behind my choice of case study design, the way I accessed field study locations and participants and how I conducted participatory observation research. Moreover, I also discussed the way I conducted the interview process, how I collected and analysed the data as well as the ethical issues and questions of positionality during the research process.

As my thesis is about overlapping land claims and conflicts over land claims between government, a private company and villagers, the way I entered my field study locations and accessed participants was very sensitive. I am sure that, at least in my case, my Mandailing ethnic identity made it 'relatively easy' to access the location and participants. If I were not Mandailing like the majority of the population, it would have been much less likely that the participants would have been willing to be interviewed and observed undertaking their normal activities. It would have been difficult to gain their trust and discuss sensitive issues during a conflictual situation.

At the same time, researching in an area of shared ethnicity made me realize that my ethnic background also affected my motivation to pursue my research as far as it would take me. I became more motivated to know the root causes of the conflict in an area with which I had personal connections. In this case, my positionality as a researcher and the experience I had during my fieldwork influenced me in ways that affected the outcome of my thesis. On the other hand, researching and writing this thesis also helped me comprehend my own background as well as the problems faced by villagers over conflicting claims to what they saw as their land conflict and possible solutions to their problems.

Chapter 5. The Establishment of Batang Gadis National Park and the Controversy over Collaborative Management

5.1 Introduction

This chapter discusses the establishment of the Batang Gadis National Park (BGNP) in Mandailing-Natal Regency, North Sumatra. In particular, this chapter seeks to explore issues that arose between government and international NGOs as well as villagers in the establishment of BGNP. In addition, this chapter also provides a general understanding of the implementation process of state territorialization (as introduced in Chapter 3) in the form of conservation -- establishment of the national park -- and development -- the activities of Sorikmas Mining Company (SMC) -- and their conflict over overlapping land claims. I argue that this conservation and development project not only reflects the agenda of state territorialization in the regency but is also part of a national and international agenda related to the control of natural resources. To this end, governments at local and national level developed various alliances and were engaged in conflicts either with international conservation NGOs or with the extractive company. At the same time, they often either mobilized or ignored local villagers who had managed the resources for many generations.

This chapter is structured as follows. Firstly, I provide the context and actors in the setting up of BGNP. In this section I explain the global context of BGNP that involves several international conservation NGOs and funders with global agendas as well as projects in Indonesia. I describe the actors involved and their roles in the park's establishment before moving on to an introduction to the mining company whose activities clashed with the park. In section 5.3, I discuss the elite conflict at the national and local levels regarding the opposing interests between development (the mining company) and conservation (the national park) in exercising control over land in the same location. After that, in section 5.4, I start to discuss the preparation and the declaration of BGNP (2003-2005). In this section I discuss the history of the birth of the idea of BGNP. Another important point that I address here relates to the changes in the location of BGNP to accommodate the wishes of a businessperson from Medan.

Section 5.5 looks at the evolution of the BGNP team after the MoF officially approved the park's establishment. The discussion in this section is mainly about the efforts in the years 2005 to 2007 to establish collaborative forms of managing BGNP. This is followed in section 5.6 by a recounting of the events that followed the eventual establishment of the park in the years from 2007 to 2012, not as expected in the form of collaborative management but as a national implementation unit working through a top-down model of management. In this section I discuss the causes behind the unexpected selection of this form of management for the park and the consequence of this top-down model of management on the park's performance particularly in relation to certain tasks that needed coordination with local government and villagers such as the forest boundary issue. In section 5.7, I discuss the conservation-related issues in Mandailing after the issuance of the MoF decree to revise BGNP's boundaries as a response to the Supreme Court verdict in support of SMC's claim over the overlapping land. This covers the period from 2012 onwards. One important point that I address in this section is the changing orientation of the international NGO from support for BGNP to abandonment of the BGNP boundary issue and a move to the promotion of green capitalism. Table 5.1 below summarises important events in these periods.

5.2 Context and Related-Actors During the BGNP Establishment

5.2.1 The Global Context of BGNP

The establishment of BGNP is part of a global conservation agenda pursued by an international NGO, Conservation International (CI), whose Indonesian activities are centred in the northern part of Sumatra. The park was established under the Critical Ecosystem Partnership Fund (CEPF), managed by a group of seven multinational funding institutions.⁴² In its global project, CI promoted the project mainly based on intensive research conducted by British biodiversity specialist Norman Myers. Expanding the research of the biodiversity specialist, CI has determined global projects

⁴²The seven organizations involved in the joint CEPF initiative are: l'Agence Française de Développement, Conservation International, the European Union, the Global Environment Facility, the government of Japan, the MacArthur Foundation and the World Bank.

in 18 central biodiversity 'hotspots', and Indonesia is part of the project (Group, 2007). Work in the west of Indonesia began in 2002, while activities commenced in the east ten years later, in 2012.

The projects in the western part of the country, most notably Sumatra, focus on four priority locations which create an ecosystem corridor crossing five provinces. These conservation projects are led by three leading international conservation NGOs, namely the Wildlife Conservation Society (South Bukit Barisan project in Bengkulu and Lampung), World Wide Conservation (the Teso Nillo-Bukit Tiga Puluh project in Jambi), and CI (Siberut Island in West Sumatra and the Seulawah-Leuser-Angkola project in Aceh and North Sumatra). The establishment of BGNP is part of the Seulawah-Leuser-Angkola project. The Angkola project is located in the South Tapanuli Regency, close to the northern border of Mandailing-Natal Regency (CEPF, 2001; Saputra, 2014).

CI is a leading international conservation NGO established in 1987. It has offices and branches in 30 countries and runs projects in more than 40 countries. CI's headquarters are located in Washington, DC. CI-Indonesia (CII) is the Indonesian branch of CI, officially operating in Indonesia since 1990 and working in 19 locations in the country. CII has chosen the locations as the main priority for biodiversity in Indonesia. The establishment of BGNP in Mandailing was as an extension of the Angkola project to be part of CI's bigger project of a Sumatra Island Corridor. Overall, as part of the CEPF projects \$10 million were allocated to 64 bodies. The main purpose of this project is to foster and strengthen the role of civil society in the conservation programme (CEPF, 2001; Saputra, 2014).

5.2.2 Funders and 'Pseudo' Initiators

Actors involved in establishing the BGNP project can be divided into three categories: the funder, the initiators and the implementation actors. The funders are those organizations that provide most (or all) of the funding for the project. In the case of BGNP, most of the funders were from the international conservation community. The initiators were the local and national government of Indonesia while the

implementation actors were the national, regional and local NGOs in Indonesia as well as the civil society organizations in Mandailing-Natal Regency.

There are two main funding periods involved in the BGNP project, first involving the CEPF from 2003 to 2007 and then Tropical Forest Conservation Association (TFCA)-Sumatra from 2007 onwards (Saputra, 2014). During the CEPF period, the project was funded by the seven global organizations mentioned above. TFCA-Sumatra was a new funding conservation project released after the CEPF investment project ended in Sumatra in 2007 (Saputra, 2014; Interview, RDS, June 2015). The TFCA-Sumatra project was supported and funded by CI together with the KEHATI Foundation (an Indonesia-based foundation founded and led by a former Indonesian environment minister), the US government and the government of Indonesia (Interview, RDS, 2015). This funding project is a 'debt to nature swap' project swapping the Indonesian government's debt to the US government for nature-related projects undertaken by conservation NGOs as agreed between the government of Indonesia, international conservation NGOs and the US government (Saputra, 2014; Interview, RDS, June 2015). Thus, during both the CEPF and TFCA-Sumatra periods, the conservation project in Mandailing was totally funded by international sources.

The initiator is the Mandailing-Natal Regency government supported by the North Sumatra provincial government, the national MoF, and several national agencies of the MoF located in various regencies in North Sumatra Province. Although formally led by the local governments, the significant point here is that the establishment of BGNP took place under the tutelage and direction of the international funding institutions. Thus, the regency government was not the real initiator of BGNP but can be considered to be a 'pseudo' or nominal initiator. The local government officially initiated the project to ensure that the process followed legal procedures according to Indonesian regulations, according to which a project of this nature must be officially initiated and proposed by a government institution. The real initiator was the international NGO that provided ideas, impetus and funds for the establishment process. CI, the real initiator, supported and funded almost the whole process.

5.2.3 NGO Participants

The international grouping behind the CEPF-appointed CII and Bitra Consortium, a consortium of five regional NGOs in North Sumatra funded by CI and working towards the national park's foundation (Interview, EI, October 2015). Bitra Consortium consists of Bitra Indonesia, Walhi of North Sumatra (the provincial branch of Walhi-Indonesia,⁴³ a leading national conservation NGO), Pusaka Foundation and Samudera Foundation. Bitra is used as the name for the consortium since Bitra has more experience, resources and responsibility than the other members in the consortium when it comes to national parks. Bitra Indonesia is the oldest NGO in North Sumatra and has worked with local people in the province since the late 1980s (Bitra, 2012).

According to one of the leaders of the Bitra Consortium, CII and the Bitra Consortium were the main players in the early stages of the BGNP project both in the process of getting ministry approval for the park's establishment (2003-2005) and in the effort to form the BGNP office as a collaborative management governance office (2005-2007) (Interview, EI, October 2015). Both organizations prepared the proposal of and road map for the BGNP project together, and they divided the workload based on their expertise. CII was responsible for scientific research on biodiversity and economic valuation of BGNP as well as environmental education activities. Bitra Indonesia worked to empower rural people living close to BGNP. Pusaka Foundation, as its core interest is in the legal system, took its part in the advocacy of the establishment of the national park at the regional and national level, as well as building a legal consensus among villagers for conservation at the village level (Interview, EI, October 2015).

The environmental NGO Walhi campaigned locally as well as nationally to communicate its belief in the environmental justification for BGNP. Samudera Indonesia, a small NGO, supported the work of Bitra Indonesia. As the link to the rural villagers, Bitra Indonesia established and funded the People's Conservation Organization (PCO), a bottom-up civil society organization established at the village,

⁴³ Walhi stands for *Wahana Lingkungan Hidup*, or Indonesian Forum for the Environment.

sub-district and regency level. PCO existed in 35 out of 68 villages in close proximity to BGNP (Interview, YY, October 2015).

Other NGOs that were involved in the early stages were Batang Gadis Foundation, Harapan Madina Foundation and Gemmpar (*Gerakan Masyarakat Madina Pemantau Aparatur Negara*, or Mandailing-Natal People's Movement to Monitor Government Officials). Batang Gadis Foundation was established only for the purpose of participating in and influencing the process of establishing BGNP in a way that suited the interests of its founder, who wanted to ensure that the final location of BGNP did not overlap with the geographical expanse of his business interests (Saputra, 2014; see section 5.3.1 for more details).

Harapan Madina Foundation and Gemmpar were established by local elites with close connections to local politicians and businesspeople to facilitate meetings with local people and mobilize local support for BGNP. All these processes were conducted with financial support from CII. The involvement of the two local NGOs served to facilitate approaches to local elites and local people as well as to expedite the establishment of BGNP (Saputra, 2014).

In addition to these NGOs which mostly participated in BGNP issues up till 2007, there is another NGO that has been mainly involved in the years since 2013. This regional NGO is Sumatra Rainforest Institute, the only NGO in Mandailing that has focused on forest boundary issues since the end of the CEPF term in 2007. SRI carried out the boundary project as part of the TFCA-Sumatra programme. This Medan-based NGO carried out a bottom-up process of forest boundary demarcation that is referred to as Socialization, Verification, and Correcting Proposal of Forest Boundaries in BGNP (see section 5.6.2).

The regional Medan-based NGOs are likely to be more professional than the local NGOs in Mandailing since they have more experience in conducting projects in various cities and regencies in North Sumatra. Most of the regional NGOs have their main

office in Medan. The local NGOs, on the other hand, were established before the BGNP idea had emerged and had experience only in limited programmes in Mandailing.

Several civil society organizations have also been involved in the BGNP process. The Bitra Consortium has played a significant role in directly and indirectly fostering the establishment of civil society organizations such as PCO and Batang Pungkut Green Conservation, an Ulupungkut-based civil society organization. PCO was directly created and funded by Bitra Consortium while Batang Pungkut Green Conservation was indirectly established through the influence of Bitra Consortium, the leaders of both organizations having previously been leaders of the PCO in the period of its decline, in 2005-2007. Later after 2007, these two civil society organizations, particularly the Batang Pungkut Green Conservation, played a significant role in organizing resistance among villagers over forest boundary issues.

5.2.4 Sorikmas Mining Company

Sorikmas Mining Company is an international joint venture mining company operating in Mandailing-Natal. 75% of the shareholding is owned by Sihayo Gold Ltd., a private Australian company, while Aneka Tambang Ltd, an Indonesian state-owned mining company, has the other 25%. Sihayo Gold also operates in Malawi, India and its home base, Australia. According to its own research, SMC believes that its Sihayo-Pungkut Gold Project in Mandailing has about 1.4 million ounces of gold and 554.000 ounces of ore reserves to exploit. The company asserts that its operation in Mandailing now is at the stage of feasibility study, which includes receiving clearance through a social and environmental impact assessment document from national government that should first have been compiled by local government and local people. After the feasibility study is finished, the next stage would involve construction over several years followed by the full operational stage lasting about 30 years.

SMC is one among 72 companies that hold the seventh generation of *kontrak karya*, or working contract (Saputra, 2014). This type of contract can be considered the highest level of 'legal tenure' given by the Indonesian government to a contract holder in the

mining sector (Robinson, 2016). The first generation of this type of contract was awarded to Freeport, one of largest mining companies in the world; Freeport has been operating in Papua since 1967, two years after Suharto took power (Robinson, 2016) Under this contract, according to Law 11/1967 on the Basic Regulation of Mining, the foreign investor gets many privileges such as a guarantee of security of tenure from exploration to the production stage, long leases that can be renegotiated and stable rates of royalty (Gandataruna and Haymon, 2011).

Compared to other types of contracts for the extraction of gas and oil, this type of contract guarantees that no rule change related to the contract will be made whatever the changes in Indonesian law. This scheme was very attractive to foreign investors because of the benefits it could provide to investors (Sangaji, 2002). When this type of contract was first applied to Freeport Company, the Indonesian government lacked experience in international mining-related negotiations and was accused in many quarters of giving too much freedom to the company to write the contract as it wished with terms that supported its interests (Devi and Prayogo, 2013). During the New Order regime, companies operating under this type of contract were obliged but can ignore to perform environmental assessment or to give an indemnity to local communities (Robinson, 2016).

When SMC came to Mandailing, it believed that the contract it had drawn up put it in a strong bargaining position with local people and local government (Interview, AHM, 2015). However, SMC arrived in Mandailing at a time when local government started to gain considerably more power over local resources after the fall of the New Order government. This was also a time when local people were beginning to feel more confident in voicing critical opinions. This was the context that greeted SMC when it came to Mandailing in the early years after the start of the period of local autonomy.

SMC was first given permission to mine an area of 2,106 square kilometres (equal to one third of Mandailing-Natal regency); this was twice cut, to 1,551 square kilometres in 1999 and 662 square kilometres in 2000 (Interview, ASS, October 2015; SMC, 2015). With this second reduction, SMC's area of operation was split into two blocks: Block A

(north) with an area of 419 square kilometres and Block B (south) with an area of 243 square kilometres. Block A overlaps with parts of several sub-districts: Siabu, Nagajuang, Panyabungan Selatan and Batang Natal, while the location of Block B overlaps with parts of several other sub-districts: Kotanopan, Ulupungkut, Muara Sipongi and Pakantan (Saputra, 2014).

SMC claims that it has given significant attention and care to local people, particularly to those living around its operational sites. In its official website, the company claims to have supported various activities for local people, spending 1.7 billion rupiah (GBP 100,000) on a range of programmes. Moreover, again according to its official website, of its 276 local employees more than 75% are from Mandailing. Among these 207 are residents of Siabu sub-district, while Nagajuang sub-district has the highest number of workers in SMC at 70 persons, but Ulupungkut only has 1 person (Danny, 2012). These numbers reflect the response of villagers to SMC's activities, as we shall see in Chapter 7.

In 2004, after the MoF had approved the establishment of the national park, the land given to SMC for mining operations was divided into two categories: active and postponed blocks, each of which had an area of around 325 square kilometres. The postponed block consisted of areas of SMC land where exploration had to be postponed because the newly established BGPN had boundaries that included this land (Saputra, 2014). As a result, SMC took out a lawsuit and appealed to the Supreme Court against MoF Decree No. 126/2004 on the establishment of the national park. SMC considered the MoF Decree to be not in accordance with the higher level Government Regulation in Lieu of Law (known in Indonesian as Perppu) 1/2004 and Presidential Decree No. 1/2004. In the Presidential Decree, it is mentioned that the Indonesian government has given the right to 13 companies (including SMC) to carry out mining operations inside forest land. The Supreme Court ruled in favour of SMC ordering the MoF to revise its decree and reduce the area of the national park. Although the Supreme Court ruling was issued in 2008, the MoF did not revise the forest boundaries until 2012. It was only then that SMC could legally restart its operations in Mandailing.

However, during its conflict at the national level, before the MoF revised its decree in 2012, SMC was already confronting a problematic issue in Mandailing. In 2011, the Mandailing-Natal Regency, in an attempt to show that it supported the sentiments of local people, issued a letter asking SMC to stop totally its exploration in the region (Sah, 2011; Rangkuti, 2011b). The local government argued that the SMC Borrow-and-Use Permit (or *Izin Pinjam Pakai*) from the MoF had already expired in 2010.⁴⁴ Similarly, the local authority stated that the SMC exploration permit had also expired in the same year. According to Law No. 4/2009 on Mining and Government Regulation No. 23/2010 on Mining Business Activities, a Mining Business Licence needs to be issued by local government before operations can begin. Thus the local government asked the mining company to stop its exploration activities.

Although I was not able to ascertain exactly when the license was subsequently granted by the local government, in December 2016 SMC underwent an environmental impact assessment from national government. Among the recommendations required in order to support the issuing of the impact assessment approval was a recommendation on behalf of local government and local people concerning the mining activities (Sihayo, 2015; Interview, ASM, October 2016). However, the document in question actually implied that the local government had issued the mining license without the knowledge of local people. I was told that they therefore presumed that local government had used its power to withhold the mining licence to put pressure on the mining company and gain certain exclusive benefits (Interview, ASM, October 2016).

Although SMC had been able to resume full legal operations again in 2012, it could not easily perform its work on the ground. As we shall see in Chapter 7, the villagers who had been mobilized by local government to repudiate SMC during the period of the

⁴⁴ The Borrow-and-Use Permit is an official permit issued by the MoF for any non-forest-related activities that are legally permitted in forest land issued by MoF. This permit is stated in the Law on Forestry and MoF decrees. Activities in the mineral sector operated in forest regions usually need this kind of permit. For development purposes, the government (MoF) tends to ease or shorten the procedure for obtaining this permit.

establishment of the national park had started taking action over the land in some SMC sites while SMC was concentrating its energies on legal issues at the Supreme Court. The actions involved taking over control of certain parts of SMC sites in the north block, particularly in Nagajuang, Siabu and Ulupungkut sub-districts. These areas are located very close to the boundary of BGNP, which meant that the legal status of the land was unclear until 2012. In several parts of SMC sites in these sub-districts, some of the villagers occupied the land and practiced small-scale illegal gold mining.

Table 5.1: Important events related to conservation issues in Mandailing since 2003.

No.	Actors	Important activities/Incidents/issues		
		2000 -2007	2007-2012	2012-2016
1	CEPF (funder)	Funded BGNP establishment	Funding terminated	-
2	TFCA-Sumatra (funder)	-	Funded CII for other project until 2010. No funding between 2010-2013	Funded CII (for Sustainable Landscape Partnershi[]) and Sumatra Rainforest Institute (for Forest boundary issue)
3	Mandailing-Natal Local Government	Support collaborative BGNP	Support SMC	Little attention to BGNP
4	Batang Gadis National Park Office	BGNP establishment, preparation of collaborative BGNP management	The end of collaborative management and start of centralized BGNP management	Centralized BGNP with new staff who had limited information about BGNP history
5	Sorikmas Mining Company	Occupied by BGNP and approached national government	Filed lawsuit to Supreme Court and won favourable court verdict	Fought with villagers at its north site (Nagajuang) and could not operate at its south site (Ulupungkut)
6	Conservation International – Indonesia	Collaboration on BGNP	Working on biodiversity issue	Sustainable Landscape Project
7	Bitra Consortium	Empowering villagers, created PCO for collaboration on BGNP	No activities in Mandailing due to funding termination by CEPF	-
8	MoF	Approved BGNP covering 108.000 ha, rejected complaint from MoEMR	Issued BGNP for 72.150 ha.	-
9	Ministry of Energy and Mineral Resources (MoEMR)	Complained to MoF regarding the location of SMC inside BGNP	Complained to MoF regarding the location of SMC	-

No.	Actors	Important activities/Incidents/issues		
		2000 -2007	2007-2012	2012-2016
			inside BGNP	
10	Rural villagers (Batang Natal sub-district and Ulupungkut sub-district)	Mobilized for BGNP declaration. 116 villages located inside forest regions.	Ulupungkut: resist having their land taken. Batang Natal: rejected BGNP forest boundary.	Rejected BGNP boundary. 100 villages excluded from forest area, 16 villages still in limbo.
11	Forest boundary issues	Collaborative forest boundary committee established	No forest boundary issue appeared in any regulation	Forest Area Designation Bureau and Sumatra Rainforest Institute have taken up this issue but nothing has been achieved yet

As shown in Kalimantan (Peluso, 2016) and Sulawesi (Robinson, 2016), this illegal practice is very difficult to regulate as so many actors are involved in the process, including allegedly the government, police and military (Interview, RDS, August 2015). Moreover, in addition to the local people with their claims to be landholders, expert gold diggers and miners arrived from other parts of the country (mainly from Banten and West Java), funded by local and regional merchants and allegedly guarded by police, military and local government staff (Interview, RDS, August 2015). The gold mining in Nagajuang was probably the best organized, down to the amount of money that would be given to all the people in the whole sub-district (Interview, ASM, October 2016). SMC staff admitted that those practices were very disruptive for its operations. A fuller story is provided in Chapter 7.

5.3 Conflict between the National Park and the Mining Company over Overlapping Land

Forest boundary demarcation, anywhere in Indonesia, particularly the boundary of conservation forests usually occasions conflict, not only with villagers but also with local government (Interview, AHL 2015).

This section analyses the multi-level elite conflict over the overlapping land claims between the conservation interests as represented by BGNP and development interests in the form of Sorikmas Mining Company. The conflict is related to an overlapping legal claim between BGNP and SMC over a particular area within BGNP (see Figure 5.1). In this section I show how government bureaucracies contradicted one another to support the interests of international entities while at the same time undermining the interests of local villagers.

Around 55,000 ha of BGNP consist of lands designated by SMC as an exploration zone. SMC refers to its Working Contract, received in 1998 from President Suharto several months before his demise. BGNP proponents, in contrast, point to Article 38 of Law 41/1999. According to this, open pit mining operations are not allowed within protected forests.

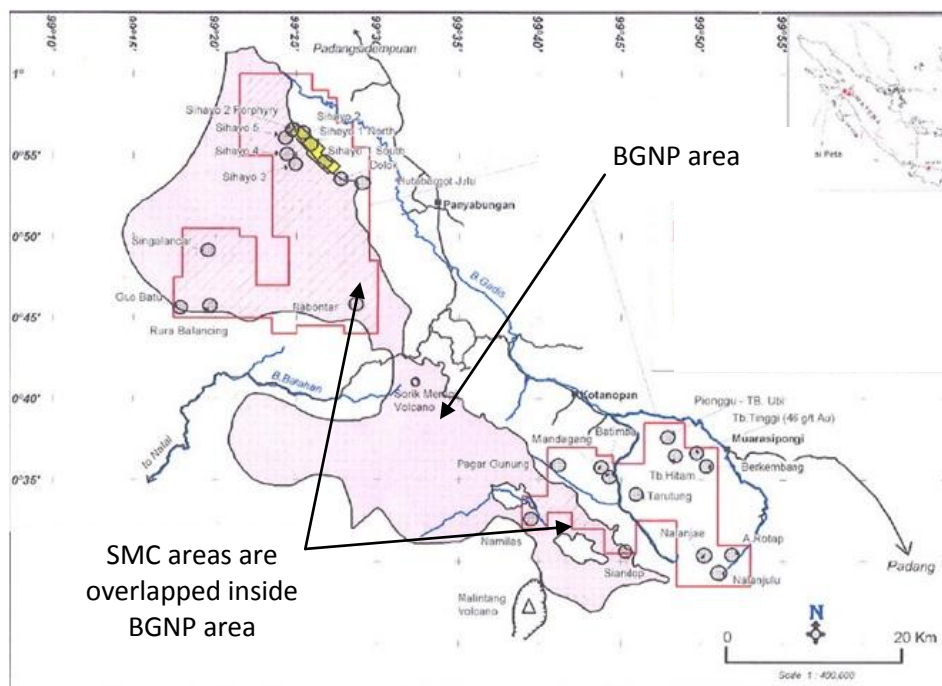


Figure 5.1: Overlapping land claims between BGNP and SMC.

This elite conflict occurred both at the local and the national level. At the local level, the conflict emerged between local governments, supported by some civil society organizations, and the mining company. At the national level, the conflict involved an intense disagreement between the MoF and the Ministry of Energy and Natural

Resources (MoEMR). President Megawati Sukarnoputri was also involved in this conflict as she issued Perppu in support of the mining interests.⁴⁵

The conflict between the national park and the mining company had direct implications for the villagers. Villagers in some areas feared being displaced from their homes. They were also afraid of the environmental implications of mining operations (Interview, IsM, August 2015). Several villages were either totally or partially located inside both the national park and the mining concession (Interview, HTP, June 2015). This situation had a significant effect on their livelihood and other issues. Besides, some parts of the overlapping land were included in the villagers' customary land. Thus, overall, for villagers both the national and international agenda and the conservation (BGNP) and the development (SMC) interests had negative implications for their customary land and territory. These issues are further developed in Chapter 6.

5.3.1 Elite Conflict at the Local Level

This conflict was conducted between SMC and the BGNP establishment team located in Mandailing. In the conflict, each party used legal and scientific arguments to support their claim. These arguments were supported, in the case of the BGNP, by an open statement opposing the mining company's plans.

In 1997, one year before President Suharto stepped down, SMC signed a contract with the national government to begin mining operations in Mandailing. With this contract SMC obtained a working area of 2017 square kilometres (around 30% of the area of Mandailing-Natal Regency), which comprised 807 square kilometres inside the protected forest area, 607 square kilometres inside the production forest area and 602 square kilometres in a non-forest area. After two rounds of reduction, in 1999 and in 2000, SMC found itself with 662 square kilometres (SMC, 2015). SMC had won this contract in a period when the national government still had considerable power over local resources and local government. However, in 1999 Indonesia introduced provisions related to local autonomy, providing local governments degrees of authority

⁴⁵ This kind of regulation is issued very rarely. It is issued usually only in emergency situations.

over natural resources within their jurisdiction. The regent of Mandailing utilized this new authority to approach SMC and asked it for a share in the company. According to my source, SMC did not reply properly to the regent's request and was therefore considered as politically 'impolite' incurring the displeasure of the regent (Interview, RDS, June 2015).

At the same time, CII, which had already conducted its Angkola conservation project located near Mandailing, met the regent of Mandailing-Natal to present and offer the regent the possibility of participation in the conservation project in the regency (Interview, RDS, 2015).⁴⁶ In this meeting, CII offered the regent the opportunity to be involved in the collaborative management of BGNP, providing the regent with the opportunity to share authority over the BGNP office with national government. If the collaborative management model could be applied, the Mandailing-Natal government was told it could obtain a budget allocation from national government to carry out its role in the BGNP office (Interview, EI, October 2015). CII assured the regent, according to my interviewee, that if the process were successful, it would give the regent national and international recognition as a leader who supported conservation projects (Interview, EI, October 2015).

The regent transferred his allegiance from SMC to the conservation project. He identified Forestry Law No. 41/1999, which prohibits the operation of open pit mining in protected forests. The open mining exploration of SMC inside a protected forest was therefore illegal according to Article 38 Paragraph 4 of the law. According to my interviewees and other sources, the regent used this law as an instrument to attempt to expel SMC from Mandailing (Interviews, BI, October 2015; RDS, June 2015). To this end, the regent provided the MoF with a map that highlighted BGNP territories that overlapped with SMC's mining area. Meanwhile, when the Mandailing-Natal regency government sent proposals to establish BGNP, it also pushed for the eviction of SMC from the regency. This signalled the start of the conflict between conservation and

⁴⁶ CII was operating in Angkola, near Mandailing-Natal Regency, in South Tapanuli Regency as part of the Angkola Landscape project, which was part of the Sumatra island conservation corridor project.

development in the form of resource extraction in Mandailing and at the national level.

Besides the legal argument, economic and scientific justifications were also used to support arguments in the conflict between SMC and BGNP. From an economic point of view, SMC predicted that within its operation area, the potential gold content would be around 30 tons. Moreover, the other potential mining content that could be extracted from this area were, the company claimed, 200 million tons of precious metals as well as the 10 million tons of base metals (TTG, 2005b). However, according to a conservation scientist, the extractive development model (gold mining and timber extraction) could only provide an economic benefit of up to 121.3 billion rupiah per year for the regency, while on the other hand the conservation model development could provide more than twice as much, around 265.5 billion rupiah per year (Perbatakusuma et al., 2010).⁴⁷

Further, on March 11th, 2004, one and a half months before MoF issued its approval for the establishment of BGNP, the regent together with a section of local people and local leaders openly declared their support for the national park. In this declaration, they also announced their objection to the presence of SMC in Mandailing, publicly declaring their objection to the open pit mining operations. One day after that, on March 12th, 2004, the regent of Mandailing-Natal sent a letter to the MoF to affirm his objection to SMC.⁴⁸ (Appendix D provides more detail about the conflict at the local level.)

5.3.2 Elite Conflict at the National Level

The involvement of the Mandailing-Natal regent in the establishment of BGNP presented SMC with a difficult situation. In response, SMC together with 12 other international mining companies attempted to lobby national government. The group

⁴⁷ In the prediction, the conservation development model used various direct and indirect values deriving from the existence of BGNP, such as watershed value, carbon stock value, biodiversity value as well as the value in saving and preventing a potential disaster if an extractive development model were chosen.

⁴⁸ Letter of Regent of Mandailing to the MoF No 522/401/Dishut/2004, March 12th, 2004.

of mining companies warned the Indonesian national government to bring this controversial case to the International Court of Arbitration if the case was not resolved to their satisfaction (Perbatakusuma et al., 2006; Interview, AHL, October 2015). As a result, President Sukarnoputri, on March 11th, 2004, issued the presidential regulation referred to above to revise Law 41/1999. This regulation was issued on the same day as the second open declaration concerning BGNP in Mandailing-Natal regency, a statement that publicly repudiated SMC in Mandailing. The president's Perppu regulation was issued to amend Article 38 of the Law on Forestry (No.41/1999) by adding Articles 38A and 38B to the law. Article 38A of the Perppu stated that:

“All permits or agreements of mining in forest regions that existed before Law 41/1999 on Forestry was applied shall remain valid until they end as mentioned in the permits or agreements.”

Although the Perppu regulation issued by the president was designed to support SMC, one day later the regent of Mandailing-Natal used his recently won local autonomy to repudiate SMC and sent a letter to MoF to reaffirm his objection to SMC and propose BGNP in Mandailing. Although SMC was backed by the Perppu, the MoF, backed by CI and with the support of the regent of Mandailing-Natal and the governor of North Sumatra Province, finally decided on April 29th, 2004, to keep issuing its decree to support the establishment of the national park .

At this stage, the MoF and regent of Mandailing-Natal openly announced their difference of opinion and position with President Sukarnoputri on the SMC issue. In the face of these opposing reactions from MoF and the regent of Mandailing-Natal less than two weeks after the Perppu was issued, the president also issued a Presidential Decree (No. 41/2004) on May 12th, 2004, to support the Perppu. This decree clearly gave permits to SMC and the other 12 mining companies to operate within the protected forest. An important consideration mentioned in issuing the Perppu was that the Indonesian government wished to provide a supportive and conducive business climate in the energy sector (Perppu, 2004).

After the presidential decree was issued, the conflict then became more intense within the national government, mainly between the MoF and MoEMR. This conflict manifested itself in the emergence of several reciprocal protest letters between the MoF and MoEMR. With the support of the president, less than one week later, on May 18th, 2004, officials at the MoEMR sent a letter to the MoF asking them to exclude SMC from the mining ban in BGNP. The MoF replied by reaffirming its support for BGNP and for the exclusion of SMC from BGNP. This ministerial level conflict extended to lower levels of the bureaucracy, involving reciprocal protest letters exchanged between each directorate general in the MoF and MoEMR (see Appendix E).

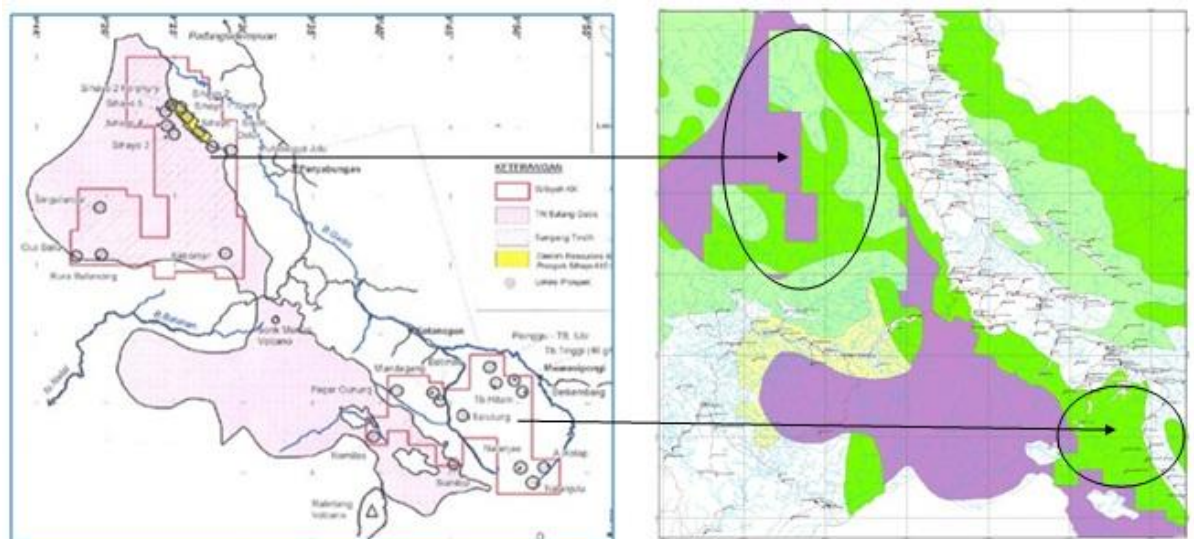


Figure 5.2: Map of two overlapping SMC sites inside the BGNP boundaries (violet colour) caused the park to be separated into three ‘purple’ locations.

This legal dispute reached its peak in April 2009 when the Supreme Court issued its verdict accepting the case made in SMC’s lawsuit.⁴⁹ The court instructed the MoF to revoke its regulation on BGNP. The Forestry Minister, however, did not comply with the court verdict and delayed his response until his term ended. The legal controversy was finally terminated in 2012 when eventually a new minister took office, agreed to accept the Supreme Court decision and issued a new decree revising the borders of

⁴⁹ Supreme Court Decision No. 29/P/Hum/2008.

BGNP. By issuing Decree No. 121/2012, MoF reduced the extent of BGNP from 1080 square kilometres to 721 square kilometres.⁵⁰

After this new decree was implemented, there were two overlapping areas within the boundaries of BNGP and the SMC mining concession (in both north and south sites). The area of BGNP itself was separated into three separate territories, making BGNP the first national park to be separated into three different locations (Interview, RDS, June 2015; AFL, October 2015). This is a serious issue for conservation because it has led to animals being trapped within the three territories and unable to cross between them (Figure 5.2).

5.4 The Preparation and Declaration of BGNP (2003-2005)

5.4.1 The Birth of BGNP and Changes to BGNP's Boundaries

As discussed in section 5.3, the birth of BGNP cannot be separated from the controversy between SMC and the regent of Mandailing-Natal. In a meeting with CII staff in his office, the regent agreed with them on the establishment of collaborative management for BGNP. After several meetings with CII, NGO leaders, the regent informally approved CII leadership on BGNP, and the preparation process for the establishment of the national park began. The work of establishing BGNP, while officially initiated by the local government of Mandailing-Natal (and supported by North Sumatra Province) and later approved by MoF in Jakarta, was mostly prepared by regional NGOs: Bitra Consortium and CII. Both groups prepared and sent a project proposal for funding from CEPF (Interview, EI, October 2015). The BGNP proposal was strongly supported and approved by the funder, the commitment leading to the process of BGNP establishment (2003-2007). This support was designed also to have an impact at the national level. To ensure the process of establishment of the park, CII even hired several MoF staff to work for them in influencing government policy to support the conservation project (Interview, RDS, June 2015).

⁵⁰ MoF decree No. 121/2012 to revise MoF decree No. 126/2004 that reduced the BGNP region from 108.000 ha to 72.150 ha.

Only Bitra Consortium and CII were intensely involved in designing the plan to establish BGNP. There were no local government actors, members of the local representative assembly or local villagers involved in the process (Interview, EI, October 2015). Local government was, however, involved in implementing the programme and supplying documents needed by Bitra Consortium and CII. The draft plan was then disseminated to some local assembly members, local government staff and several heads of villages in a 'plan exposure' activity at the regent's office held by CII and Bitra Consortium (Interview, EI, October 2015).

While not formally involved in designing the plan, informally the head of the local assembly and the regent had a significant influence on determining the park's location. The regent directed that the location of BGNP should overlap with the mining company's site. Besides, the head of the local assembly, who was also a prominent businessman in Mandailing, exerted his influence to ensure that the park should not be located in Muara Batang Gadis sub-district (the location that was firstly proposed for BGNP) but in Batang Natal sub-district. This was in order to avoid impinging on property owned by his business partner located in Muara Batang Gadis sub-district. According to the head of Bitra Consortium, the initial unofficial map of BGNP included an area of near virgin forest land in which swifts' nests (used in soups) were located in Muara Batang Gadis sub-district, but this land was later excluded (Interview, EI, October 2015; ZSBG, October 2015).⁵¹ Oddly, the final park borders included former production forests in Batang Natal sub-district (Interview, MHN, July 2015; MYNS, July 2015; BND, October 2015).

My informants told me that this change was effected in order to accommodate the wishes of Mr. X, an influential businessman in Medan, who also a friend of the regent of Mandailing-Natal as well as a business associate of the head of the local assembly (Interviews, BND, October 2015; BI, October 2015)⁵². Mr. X owned the land on which the swifts nests were located as well as and hunting grounds in Muara Batang Gadis sub-district. To ensure that the location of the national park did not negatively affect

⁵¹ The swifts nest business is very lucrative, especially for the export market.

⁵² Mr. X was related through marriage to senior members of central government.

his business interests in Muara Batang Gadis, Mr. X created Batang Gadis Foundation to participate formally in the BGNP establishment process (Interviews, BND, October 2015; EI, October 2015). The foundation successfully influenced the BGNP governance process and ensured that Mr. X's lucrative resource businesses located in Batang Gadis sub-district were excluded from the final BGNP map.

Besides, there is another connection between Muara Batang Gadis sub-district, Mr. X and the regent, which influenced the BGNP establishment process. According to one local assembly member, Mr. X allegedly provided a considerable sum of money to support the regent for the direct election in 2005, the first direct election to be held in Mandailing-Natal. The assembly member claimed that it was Mr. X's money that was used by the regent's campaign team to buy people's votes (Interview, BND, October 2015).⁵³ As the regent then won the election in 2005 (one year after BGNP was approved), in return Mr. X received more than 40 square kilometres of land in Muara Batang Gadis sub-district for an oil palm plantation, thereby explaining Mr. X's desire to ensure that Muara Batang Gadis did not fall within the park boundary (Interview, BND, October 2015). This type of deal was widely reported in the early days of decentralization in Indonesia (Hidayat, 2009; Schiller, 2009; Burgess et al., 2012).⁵⁴

5.4.2 Justifying the Establishment of BGNP

To get the support and approval by the MoF for the establishment of BGNP, several strategies were prepared by CII and Bitra Consortium in collaboration with Mandailing-Natal regency government. A number of rationales were advanced for the park, in terms of biodiversity, economic benefit and support among both local elites and local people. With this in mind, several studies on biodiversity were conducted by CII. Further, Pusaka Indonesia Foundation also conducted an initial study in ten villages around the BGNP boundary to assess rural people's perceptions towards the idea of

⁵³ Regarding the practice of buying votes, the assembly member later commented that, "if only the KPK [corruption eradication commission] has already existed at that time, there would be so many people in Mandailing that would have been arrested during the election. The practice of money politics for buying votes was shown very openly by all candidates in the election in 2005, where each voter could get around 100,000 rupiah [GBP 5] from each candidate."

⁵⁴ The year 2005 was the first time Mandailing people experienced money politics openly.

the national park. During this initial study, the issue of forest boundary appeared as a potential problem that needed to be tackled. In the early years, this issue of forest boundary was not as significant as it became later particularly after the official BGNP administration was established (Interview, AHL, October 2015).

To get approval for the national park, the regent and his partners needed support from the provincial governor and most importantly from the MoF. To do so, a formal letter and proposal were sent by the regent on April 15th, 2003,⁵⁵ to the MoF and twice to the governor of North Sumatra on September 16th and October 29th, 2003.⁵⁶ To the letter were attached several supporting documents and studies justifying the arguments in the proposal.

In a response to the proposal, the national government deployed an integrated team consisting of officials from the MoF, the Indonesian Science and Knowledge Council, the Ministry of Environment and CII to study the feasibility of the proposal in July 2003. The governor of North Sumatra also sent a team in October. On December 8th, 2003, the governor of North Sumatra issued a public statement in support of the park's establishment.⁵⁷ Support for the park grew stronger after the local assembly gave its approval on November 20th, 2003.⁵⁸ According to one assembly member, the head of the local assembly was a very close friend of the regent so it was no surprise when the regent received a letter of support from the head, even without discussion among representatives. As the national park issue was related to state land, so, according to the assembly member, by regulation it should have been discussed and decided in a plenary session. Although assembly members knew about the correct procedures, my informant told me that no assembly member dared complain (Interview, BND, October 2015).

⁵⁵ No. 522/982/Dishut/2003.

⁵⁶ No. 522/1837/Dishut/2003 and No. 522/2036/Dishut/2003.

⁵⁷ Letter of Governor of North Sumatra, No. 050/1116/2004.

⁵⁸ Letter of Representative Assembly No. 170/1145/2003.

5.4.3 Declarations and Bottom-up Initiatives in Support of BGNP Establishment

After receiving support from the Mandailing local assembly and the governor of North Sumatra, and with the visit from the integrated team from national government behind him, the regent organized a large-scale meeting in order to show that the plan benefitted from widespread local support. Seventy village heads and heads of village assemblies located in the surrounds of BGNP were invited formally to attend and sign a declaration of support (Saputra, 2014). Three such support meetings were held between December 2003 and February 2005 (Perbatakusuma et al., 2005). Hundreds of people representing many elements attended these meetings and signed the declarations: members of the regional people's representative assembly, religious leaders, local journalists, local police officers, village heads and other local government leaders (Harahap, 2005; Saputra, 2014). The meetings and declarations were very useful in creating a good impression with local, national and international audiences. Through these declarations the Mandailing-Natal government and CII were able to position the park as a 'bottom-up initiative' and one that was massively supported by local people. CII used this image in their campaign to garner more international attention and support. Indeed, BGNP became known in the national government and international conservation community as one the first of Indonesia's 72 national park to be established through the initiative of local government with overwhelming support from local people.

Eventually, on April 29th, 2004, the Mandailing-Natal regency government's efforts to establish BGNP, supported by CII, were formally approved by the MoF, an event marked by the issuance of an MoF decree that allocated 1080 square kilometres of forest in Mandailing for BGNP. The minister inaugurated the park on February 15th, 2005 (Saputra, 2014).⁵⁹

⁵⁹ MoF Decree No. 126/Menhut-II/2004, April 29th, 2004.

5.4.4 Manipulating the Process of 'Bottom-up' Declarations

There is, however, a different way of interpreting this process -- as an elitist manipulation of popular opinion (Interviews, BND, October 2015; MYNS, July 2015; ARN, August 2015). According to this view, villagers were pressurized to show their support for the park. A number of my interviewees argued that some local NGOs -- primarily *Gemmpar* and *Harapan Madina* Foundation -- were charged to organize public meetings and mobilize people to support the declaration. These two local NGOs were established by members of the local elite who had a close relationship with the regent, and, according to the same sources, CII and the local government utilized their social networks in Mandailing to gain support for the park. One local assembly member claimed that the mobilization of village heads was not difficult since village heads could be directed by sub-district heads, who were directly under the authority of the regent (Interview, BND, October 2015).

In order to get the support of villagers and their approval for the establishment of the park, and in particular in order to mobilize them to attend the declaration meetings, local government officials were also involved in approaching rural villagers (TTG, 2005; Interview, BND, October 2015). Forestry and agriculture officials of the Mandailing-Natal regency approached rural villagers and village heads with information about agricultural and livestock aid packages that would be provided if the BGNP project went ahead. Officials distributed aid package request forms to be filled in by village heads (TTG, 2005a). Many villagers then filled in the forms and requested various agricultural and livestock packages such as calves and lambs, seeds and fertilizers (TTG, 2005; Interview, BND, October 2015). The head of one village, for instance, later revealed that he wrote a request for 1500 buffalos. The head of another village responded similarly requesting 3000 buffalos for the people in his villages. A third village head was promised 50 kg per family of potato seed but only received 5.8 kg per family (TTG, 2005a). Most requests were not realized (Interview, BND, October 2015).

Both normal participants and village heads felt that there was a strong element of manipulation in the process. In the invitation letter, it was written that they were invited for a public statement of 'commitment to hard work'. There was no mention made of the process of declaring in favour of the park. As a result, only 24 out of 70 village heads gave their support by signing the declaration; the rest refused to do so (Piccala-IV, 2005).

5.5 Establishing Rationales for Collaborative BGNP Management (2005-2007)

The establishment of a new practice of collaborative management of a national park required several rationales to be fulfilled. In the case of the collaborative management of BGNP, the rationales needed to be political, academic and legal in terms of practical guidance and legitimacy for rural villagers. Politically, the BGNP team and the collaborative management concept that the team proposed needed support from local and national government. Academically, there needed to be justification for something new, for a collaborative management model that had been successfully proven elsewhere. In terms of legality, the concept needed a strong legal basis in Indonesian rules and regulations. Further, the availability of practical management guidance was important to provide a future 'image' of how management would look like. Lastly, the legitimacy of the park among rural villagers was also crucial. This would not only be determined by the support of villagers but would also depend on their capability to work together with other actors in a collaborative work environment.

5.5.1 Rationales to Support Collaborative BGNP Management

After successfully initiating and inaugurating BGNP as the first national park established through a bottom-up process, CII was eager to attain another national park 'first' in Indonesia through the BGNP project: the first collaborative national park in Indonesia (Interview, AHL, 2016; Perbatakusuma, et al., 2005). At that time (2002 and 2003), all national parks in Indonesia were managed centrally by the national government through its subordinate office -- the technical implementation unit office - - located in each regency.

Collaborative management of BGNP was a proposal offered by CII that was agreed and accepted by the Mandailing regent (Saputra, 2014). If national government managed BGNP centrally, local government would have had only limited authority over the national park. If managed through collaborative management, at least as portrayed by CII, local government would have had more authority over the park. Moreover, local government would also receive a certain amount of funding from the national budget for its role with the park.

Further, the Law on Fiscal Balance between national and local government (Law No. 25/1999) brought additional legal arguments in favour of the idea of collaborative management (Saputra, 2014). The law, which followed on the heels of the Law on Local Government (Law No. 22/1999), staked out a degree of political and economic autonomy for local government, implementing the principle of devolution of power to local government. More importantly, the issuance of MoF Decree No. 19/2004 on Collaborative Forest Management gave a more practical foundation for the establishment of collaborative management of BGNP.

Politically, CII made it clear to the regent that he would be put forward for national and international recognition for achievements in conservation. Indeed, the regent was invited by the National Conservation Funder Partnership to accept a conservation award. The award was publicized widely in national and international media. The regent was even promised by CII that he would receive his award directly at the CI headquarters in Washington, DC. Nevertheless, he never received an invitation. This unfulfilled promise is said to have made the regent very disappointed with CII (Interview, EI, October 2015).

In academic terms, one of the arguments for the collaborative management idea was presented by empirical studies suggesting that 'monopolistic management' of national parks in Indonesia had failed (Perbatakusuma et al., 2005). On a normative basis, as discussed in Chapter 3, the forest is considered to be owned by the state where the state is assumed to be a 'pro-people' institution which can distribute resources

effectively to the people. In fact, however, in many villages surrounding national parks, rural villagers appeared to benefit little. State-only management was considered ineffective in delivering benefits through conservation and enhancing economic well-being. Thus, innovative management practice other than state-only management was needed to overcome that failure.

Further, in a BGNP policy paper (Perbatakusuma et al., 2005), it was stated that many innovative management ideas were obtained from international experience. Ideas of collaborative management was informed by the World Conservation Union meeting held in 2003 in Durban and the Convention of Biological Diversity in 2004 in Kuala Lumpur. Morally, the Indonesian government was under obligation to implement the Co-Managed Protected Areas (CMPA) approach to management since it had ratified the convention. Consequently, to fulfil its obligation, the MoF released a decree on collaborative forest management on October 19th, 2004.⁶⁰ It is through this decree that the collaborative management of national parks became legally possible. This regulation was issued only three months after the MoF approved the proposal to establish the BGNP. One informant argued that the issuance of this regulation was a result of the lobbying efforts of CII staff to give a legal underpinning to their collaborative project (Interview, AHL, October 2015).

5.5.2 Practical Guidance for Collaborative BGNP Governance

On June 17th, 2004, one and a half months after receiving the MoF approval letter for the establishment of the BGNP, an early initiative for collaborative management was made through a jointly signed Letter of Intent for Biodiversity Conservation and Sustainable Development in BGNP (Perbatakusuma et al., 2005). The historic signing of the letter was performed by leaders of all the parties involved in establishing the park, including the secretary of the Directorate General of Forest Protection and Natural Conservation at the MoF, the regent of Mandailing-Natal, and the vice president of CII. Article 2 of the Letter of Intent contains an important follow-up point for the implementation of collaborative management:

⁶⁰ MoF Decree No. P.19/Menhut/II/2004 on Collaborative Forest Management.

“The parties agreed to collaborate in the development activities of co-management or collaborative management with the aim of ensuring that the management of Batang Gadis National Park can be carried out effectively.”

This was followed by the issuance of a letter⁶¹ from the MoF’s director of regional conservation to create an Initiator Team for Collaborative Management of BGNP.⁶² To show the government’s strong commitment, the minister of forestry declared the establishment of a Collaborative Forum for Managing the Ecosystem of BGNP during a working visit to Mandailing in February 2005 (Perbatakusuma et al., 2005). Even though the initiator team and the collaborative forum were formally appointed and announced by the government, their work was supported and funded from non-government sources, the Global Conservation Fund and the CEPF.

One of the tasks of the initiator team was to draft a policy paper to be utilized as practical guidance in establishing collaborative management of BGNP. This handbook covered many aspects of the collaboration, including the legal foundation and references, the potential funding sources, human resources, institutional and organization structure and arrangements as well as the mechanism and protocol for collaborative management.

Before the contents of the handbook were finalized, the draft prepared by the initiator team was put out to three rounds of consultation with the main stakeholders in Medan. In Mandailing’s capital, Panyabungan, consultations were also held with religious leaders on August 22nd, 2004, and the representatives of 70 villages surrounding BGNP on January 7-10th, 2005. The consultation process was extended to several NGOs in Medan on February 20th, 2005. The process then was finalized with a Great Deliberation Forum on BGNP Governance on June 15-19th, 2005 (Perbatakusuma

⁶¹ No. 1/Kpts/IV/2005 on The Establishment of Initiator Team for Collaborative Management of BGNP.

⁶² The Initiator team members consisted of: the Forestry Office of North Sumatra Province, the Forestry Office of Mandailing-Natal Regency, the Natural Resources Conservation Office, Conservation International – Indonesia, Batang Gadis Foundation and Bitra Consortium.

et al., 2005). Table 5.2 provides the sequential dates for the preparation of the collaborative management process.

Table 5.2: Important dates in the preparation of collaborative management of BGNP.

No.	Dates	Events
1	April 29 th , 2004	MoF Decree formally approving BGNP.
2	June 17 th , 2004	Letter of Intent of Collaborative Team signed.
3	August 22 nd , 2004	Public consultation on collaboration idea put to religious leaders in Mandailing-Natal.
4	October 19 th , 2004	MoF decree No.19/2004 on Collaborative Forest Management issued.
5	7-10 th January, 2005	Public Consultation on collaboration idea put to representatives of 70 villages located around the BGNP boundary in Mandailing.
6	February 20 th , 2005	Public Consultation on collaboration idea put to NGOs in Medan.
7	February 11 th , 2005	Initiator Team for Collaborative Management of BGNP established.
8	June, 2005	The initiator team produced a policy paper for BGNP collaborative management.
9	June 15-19 th , 2005	Great Deliberation Forum on BGNP governance.

In June 2005, the initiator team published its 170-page handbook in which it recommended the collaboration of various parties in the management of BGNP (Perbatakusuma et al., 2005).⁶³ The initiator team recommended that the BGNP's collaborative management come under the Collaborative Forum for Managing the Ecosystem of BGNP. This forum was expected to accommodate stakeholders including national government, local government, international and local NGOs, the academic community and local people living near the park.

⁶³ The initiator team for BGNP Collaborative Management consisted of: the head of the Nature Conservation Office North Sumatra (Chair), NSC Manager CII (secretary and member), Programme Subdivision Head at North Sumatra Forestry Office (member), the head of Conservation Section, Nature Conservation Office North Sumatra (member), the head of Bitra Consortium (member), the chair of Batang Gadis Foundation (member), a policy expert at NSC-CII (member).

5.5.3 Building Empirical Evidence in Preparing the Collaborative BGNP Forum

The collaborative team also prepared an empirical rationale and justification for establishing collaborative management of BGNP. Although the collaborative team was officially led by the the Natural Resources Conservation Office, a national government agency under the MoF, the preparation and implementation of the programme were conducted by NGOs involved in the team, CII and Bitra Consortium. Government actors were also involved in the process but were more likely to be acting as partners of the NGOs. NGOs had much more active roles in the project both in the planning and implementation phase.

The consortium, together with CII, was the backbone for implementing the preparation of collaborative management. The NGOs divided the working project among them based on their expertise. CII had a greater role in the scientific research on biodiversity and economic valuation and led the international campaign to bring recognition to BGNP. Bitra Indonesia (one of the members of Bitra Consortium), supported by the Samudra Foundation, had responsibility for community empowerment. As Pusaka Indonesia had legal expertise, it took the leading role in the preparation of legal grounds for village-level conservation regulations and local-level legal advocacy (Interview, EI, October 2015).

Of all the institutions involved in the collaborative BGNP project, Bitra Indonesia is the most important institution to connect local-level discourse to village-level understanding. According to several Bitra Consortium internal reports (2005), based on their preliminary research, there were several agendas that needed to be implemented in the villages regarding the BGNP implementation: acceptance of the park, empowerment of villagers, conservation and economic development. Although forest boundary and forest land ownership issues were raised in preliminary research, neither of these issues formed part of their empowerment programme (Interview, EI, 2015).

The agenda to empower villagers was realized through the establishment of People's Conservation Forests in 35 villages. The BGNP acceptance agenda was delivered by disseminating information on rules and regulation related to BGNP, while the economic development agenda was conducted through the introduction of alternative economic activities for the villagers. Conservation at the village level was to be pursued through agreements with villagers and the establishing of village-level regulations to protect forests and natural resources in their villages.

The support for alternative economic activities was intended to dissuade villagers from undertaking forest-based economic activities and encourage them to switch to more agriculture-based economic activities. This was important as under national park legislation it is forbidden for villagers to enter into parks without permission. Since most of the villagers' daily economic activities were based in the forest, alternative economic opportunities were needed. It was important for Bitra Consortium that the park's forests near villages went undisturbed by villagers (Interview, YY, October 2015).

5.5.3.1 Scientific Research by Conservation International – Indonesia (CII)

CII produced a number of academic studies on biodiversity in BGNP. The arguments they produced became the main source for all parties involved in campaigning for the national park. These arguments were founded on BGNP's rich biodiversity and the existence there of rare species of flora as well as a number of protected animal species. Indeed CII argued that BGNP was one of the richest biodiversity sites in the world.⁶⁴

CII had the main academic input into the BGNP project. Their scientific findings were usually disseminated through scientific meetings and to a limited number of key persons on the collaborative forum. The findings formed the basic argumentation used by local, national and international actors to justify the BGNP project. Some of these

⁶⁴ CII based this claim on a biodiversity research site on a 200 square metre sample area (in Aek Nangali village) which was found to have 222 types of flora. This number was the highest in the world for the same method of investigation (Perbatakusuma et al., 2010; Interview, DHN, 2014). This finding even exceeded the biodiversity level in Tesso Tilo National Park in Riau Province that previously held the highest number (215 types).

scientific findings were also delivered to selected rural villagers at gatherings designed to convey a general understanding of the BGNP project.

Further, when later it came to a conflict between BGNP and SMC, CII's arguments, particularly concerning the economic value of the project, were used to counter SMC's arguments for the benefits of extractive development. CII also produced several papers to counter the argument that mining would bring economic benefits (Perbatakusuma et al., 2010).

5.5.3.2 Villagers' Organizations for Future Collaborative Management

The BGNP collaborative team set up a village-based organization to represent the interests of villagers as community empowerment programme for the collaborative BGNP management⁶⁵. It then established the People's Conservation Organization (PCO) as a conservation-based organization for local people that would represent the voice of local villagers in the collaborative management of BGNP. Bitra Consortium established the PCO in half the villages (around 35 in number) surrounding the park. The organization was established at village, sub-district and regency level and was one of the most important people-oriented efforts undertaken by Bitra Consortium to win the support of villagers in the park's surrounding areas.

Bitra Consortium appointed five community organizers and two community development officers whose job was to make sure its agendas could be implemented in the villages as scheduled (Interview, HH, November 2015). These officers were expected to interact directly or even stay with villagers at least twice a month. The community organizers were responsible for organizing and mobilizing the villagers in terms of organization and mobility while the community development officers were more focused on alternative economic development strategies for villagers.

According to Bitra Consortium's leader, these villagers' organizations were needed because the local villagers in Mandailing had no organizations capable of regency-level

⁶⁵ The effectiveness of the community empowerment programme discussed in section 5.5.3.2 as well as the programme discussed in section 5.5.3.3 is discussed in section 7.2.

bargaining with other stakeholders. PCO soon became the biggest conservation civil society organization in Mandailing-Natal Regency as well as in North Sumatra Province (Interview, YY, October 2015). In order to help the organization's members adopt independent positions, Bitra Consortium provided it with knowledge and skill in several areas including conservation, political, organization and movement as well as in economic development activities. Further, to enhance its organizational capability, Bitra Consortium provided PCO with organizational and administration training, rules for the recruitment of members, knowledge of organizational charters and the draft of the organization's statute and regulations. In terms of conservation and political issues, Bitra Consortium organized several workshops and training on conservation issues and conservation-related regulations for village-level PCO leaders (Hasibuan, 2005).

Moreover, Bitra Consortium set the PCO up as a cooperative with an initial capital layout of around 100 million rupiah (GBP 5000) in order to make it financially independent. This provided for funds for PCO members in the villages and was controlled by the PCO through the community organizers and community development officers. Beside the financial support, Bitra Consortium also provided several agricultural products (seeds and fertilizers), production and marketing knowledge, and the skills and tools to advance alternative economic development strategies for the rural villagers (Nasution, 2005). It was assumed that the PCO would later raise the villagers' standard of living by shifting their economic activity from forest-based to agriculture-based farming (Interview, YY, October 2015).

5.5.3.3 Community Conservation Agreement

As Pusaka Indonesia had the legal expertise, it was tasked with establishing a community conservation agreement. The rationale behind the agreement was that rural villagers needed an understanding and awareness of national political and conservation-related rules and regulations, especially as they affected forests. In terms of political and government-related regulations, villagers needed to understand the opportunities afforded by the implementation of local autonomy and the village autonomy law (Pusaka, 2006)

At the same time, it was understood that the villagers already had the local wisdom that could contribute to the conservation effort. The combination of traditional and indigenous institutions and modern conservation principles could then be used to revitalize village-level regulations and agreements. This combination of internal values and external regulation was moulded through a participative process. With new regulations in place, it was assumed that villagers could help protect the forest from internal and external 'intruders' (Pusaka, 2006; Interview, EI, October 2015)

The Community Conservation Agreement was established in ten selected villages; it covered rules as well as sanctions. The villages were selected on the basis of acceptance by villagers, the availability of traditional institutions, the nature of village-level politics as well as the extent of illegal logging in that village (Pusaka, 2006)

5.6 The End of Collaboration and the Advent of Centralized BGNP Management (2007-2011)

5.6.1 Causes Behind the End of Collaborative Management of BGNP

Although many institutions were involved and considerable financial support was given for the establishment of collaborative BGNP management and despite the great efforts and the many promises that had supported the plan for collaborative management of BGNP, in the end it could not be implemented. The Mandailing regent had even provided an office for the collaborative team in Panyabungan, but this office was never used for its intended purpose (Interview, AHL, October 2015).

All the efforts of the actors, all documents that has been made, published and disseminated arguing for collaborative management and even the official Letter of Intent signed by leaders of the participant parties still failed to lead to the implementation of the collaborative management of BGNP. Not even the creation of the formal collaborative team by the director of regional conservation at the MoF or the MoF's Declaration of the BGNP Collaborative Forum in 2005 could prevent the new

minister of forestry from cancelling collaborative BGNP management and establishing a centralized BGNP office in 2007.

Reacting later to the minister's decision, two BGNP staff members argued that the problem for collaborative management was related to what they suggested was the unsuitable legal basis of its foundation (Interviews, HBG, October; BNBG, February 2016). They argued that the collaborative team, particularly CII, had interpreted the legal basis for collaborative management too freely. One of them argued that CII sometimes thought it could interpret and direct government policies as it wished (Interview, BNBG, February 2016). The inference was that CI (and other international NGOs) over-estimated their influence on the MoF. National government officials had a different interpretation of the decree setting up the national park. They claimed that collaboration should be interpreted as collaboratively working together with the ministry's national park office in managing the park. This interpretation located the MoF's national park office as the source of authority and major player in managing the park. For the collaborative management team and the local government, however, the term 'collaboration' meant that all participant actors should work together with an equal level of authority over the decision-making, including the central MoF national park office and the local villagers (Interviews, HBG, October 2015; BNBG, February 2016).

According to a former senior conservationist of CII, national government was unable properly to manage conservation forests centrally. This, he maintained, was usually seen as being a result of national government resource limitations in terms of financial and human capacity. Further, the conservationist argued that evidence from centrally managed conservation forests in Indonesia suggested that central conservation officers often found themselves facing conflictual situations with rural villagers and sometimes with local government. However, although national government had admitted its difficulties, the CII conservationist claimed that the MoF still did not want to give up control over forest regions (Interview, AHL, October 2015).

5.6.2 BGNP as a Central Government Project

Since all the effort to secure collaborative management for BGNP came to nought with the establishment of the centralized BGNP office in 2007, the funding from the Critical Ecosystem Partnership Fund for a collaborative BGNP scheme was also terminated. Subsequently, all projects in Mandailing-Natal funded by the CEPF were also terminated. The partnership fund was transferred to the TFCA-Sumatra funding scheme.

Under this scheme, Bitra Consortium's contract was terminated, along with its provision of funding for PCO, placing the organization's future in jeopardy. PCO became, in the words of an interviewee, like a 'chicken that had lost its mother' (Interview, EI, October 2015). Several Bitra Consortium members felt a moral responsibility, having been involved in its establishment, to keep guiding the organization even without the funds from the Critical Ecosystem Partnership Fund, but they were ultimately unsuccessful (Interview, YY, October 2015). PCO's performance declined significantly after 2007, and it faced internal conflicts and problems. Although not as strong as before, it was however able to help in the establishment of several civil society organizations in villages in Mandailing.

The BGNP Office from then on was run from and by the MoF's national park office with a central government perspective. It therefore worked to implement national government policy and had only limited freedom of action. As the BGNP office's new staff were parachuted in from national government, they had limited understanding and experience of the history of the BGNP project, and they failed to coordinate their work properly with local government and local people. Many of them had little contact with the people involved in the early process of establishment of the park. Consequently, the spirit of collaboration declined significantly (Interview, AHL, October 2015)

For the Mandailing-Natal regency government, this represented a severe setback as it now had no direct authority in the management of the BGNP and no budget from

national government for management of the park (Saputra, 2014). The regent blamed CII for the failure in the establishment of a co-managed BGNP. He claimed that CII had failed to follow closely enough the proposal's passage through the minister's office. CII, as the main initiator of BGNP, replied by stating that its status as an international NGO had prevented it from intervening too openly in the government's deliberations (Saputra, 2014).

Since the BGNP office no longer operated on the basis of collaborative management but as a national government agency, local government had far less incentive to collaborate or even to coordinate with the BGNP office. Equally, BGNP staff showed a similarly unresponsive attitude to local government, and after 2007, the BGNP office was operated without proper support from and coordination with the local government. Work related to BGNP that needed to be coordinated or involved collaboration between the BGNP office and the Mandailing government, such as the forest boundary issue, was not handled properly.

The BGNP forest boundary, for instance, was one crucial issue that needed to be decided collaboratively with the regent, who was *ex officio* chair of the forest boundary committee. The boundary had yet to be properly decided even after the establishment of the park in 2007. The lack of dialogue between BGNP (as a national government agency) and local government meant that the forest boundary issue was neglected for years. For example, MoF decree No. 44/2005 on forest region designation placed 116 villages inside several forest regions in Mandailing, but the decree was not finally revised until 2014, almost ten years later. Details on the forest boundary are discussed in Chapter 6.

Interestingly, the regent of Mandailing-Natal, who had attempted to expel SMC from Mandailing by using the establishment of BGNP as a strategy, finally turned back towards SMC when the BGNP management was taken over by central government. His preference for SMC was even stronger when he found that the mining company had finally won its lawsuit at the Supreme Court in 2009 (Saputra, 2014). In justifying his *volte-face* he argued that SMC had shown its commitment to Mandailing by employing

350 local people in the company. He even issued a formal letter in which he attempted to limit population movements near the SMC sites to ensure that the company would not be disturbed in its work by villagers (Saputra, 2014; Madina, 2010).⁶⁶ This meant relocating a number of local villagers. The regent asked for a 10% share holding in SMC, with 5% to go as income to the regency and the other 5% to be allocated for the development of villages surrounding SMC concessions (Saputra, 2014). A full discussion of the relationship between local government, SMC and villagers is to be found in Chapter 7.

5.7 Conservation Issues in Mandailing-Natal since 2012

5.7.1 Local Government and the Changing Orientation of an International NGO

Following the issuance of the Supreme Court verdict in April 2009 accepting the lawsuit from SMC against the ban on its activities in the BGNP area (see section 5.3), the Supreme Court sent a letter to the MoF in 2010 annulling the MoF's previous decree regarding BGNP. The incumbent forestry minister apparently postponed executing the Supreme Court order during his term of office. It was the next minister (of a new national government) who agreed in 2011 to revise the BGNP's boundaries by issuing MoF decree No. 121/2012.

After that the legal status of BGNP became clearer and parties interested in BGNP issues such as NGOs could get down to work. The international funding agency TFCA-Sumatra restored their interest in BGNP and the Mandailing-Natal Regency through the intermediaries of CII and the Sumatra Rainforest Institute. However, despite having been the protagonist in the park's establishment, CII no longer considered BGNP as an important part of its programme of activities, which were focused on a new programme called Sustainable Landscape Partnership (Interview, LSC, July, 2015). Moreover, most CII staff were new and had no previous experience of BGNP (Interview, AHL, October 2015). BGNP played only a small part of its Sustainable Landscape Partnership activities in Mandailing-Natal, and most of its other activities

⁶⁶ Regent of Mandailing Decree No. 300/470/K/2010.

were designed to support the local government. According to a Memorandum of Understanding between the regent of Mandailing-Natal and the executive director of CII signed on July 8th, 2012, there were five areas of cooperation, namely: creating a low carbon development model, increasing private sector participation, developing habitat and biodiversity conservation, improving local government's capacity and empowering people's capacity through alternative economic programmes (Pemkab-Madina, 2012).

According to a former CII staff member, the 'new' CII officers created the Sustainable Landscape Partnership without considering the previous evaluation of BGNP, in which they had participated. He argued that the Sustainable Landscape Partnership failed to consolidate on previous work, and added that it appeared to be staff in the national office in Jakarta who decided on the programme and not staff in Medan or Mandailing (Interview, AHL, October 2015).

BGNP was not the focus of the Sustainable Landscape Partnership; as a result CII's attempts to support BGNP applied only in so far as they accorded with the partnership. These involved providing training for the use of GPS, GIS and SMART software. This training was then followed by the installation of animal trap cameras in the BGNP region with CII providing the camera and finances and the forest police, the personnel. Having provided the tools, CII had access to the data caught on camera, which it could then use for future purposes (Interviews, LSC, July, 2015; HBG, October 2015; BNBG, February 2016). As part of its programme of cooperation with the local government, CII supported the Mandailing government in preparing forestry and spatial planning strategies, which it needed in order to access certain funds from national government. CII also flew two senior government officials (one of them the regent's secretary) to Australia for a study trip to see how national parks are managed in Australia (Interview, DHN, October 2015; MSL, October 2015).

In order to foster people's empowerment through alternative economic activities, CII involved PCO, the local civil society organization established by Bitra Consortium in August 2005, as its partner to organize and train rubber and coffee farmers. CII

appointed one of its staff, an expert in coffee, to use his expertise to train several PCO staff who could then train the farmers. According to a local activist, the CII staff member spent much of his time not with PCO or farmers but with a coffee plantation owner in Simpang Banyak village, Ulupungkut, Mandailing-Natal (Interview, AHM, August 2015).⁶⁷ A number of interviewees told me that the CII officer approached this local businessman and politician with an offer to form a local group of coffee traders (Interview, AHM, 2015).⁶⁸ My sources claimed that he helped the businessman take over a cooperative formed by a group of small coffee farmers to get Geographical Indication recognition for Mandailing coffee (Interview, AHM, August 2015).

CII's approach clearly displeased local coffee farmers. According to one coffee farmer and trader in a neighbouring regency, under the Sustainable Landscape Partnership CII staff attempted to force coffee farmers to join cooperatives led by CII partners. According to this farmer, when he had planned to organize farmers into a cooperative and send the ministry a proposal for Geographical Indication recognition, CII staff removed their support, saying that all proposals must go through them (Interview, MYH, November 2015). According to an activist in Mandailing, CII has worked together with Starbucks in approaching local coffee farmers elsewhere in North Sumatra (Interview, AHM, August 2015). Indeed, according to other sources, Starbucks actually has worked jointly together with CI worldwide for more than 15 years with an investment of at least US\$25 million (Kabarhi, 2016)

Under the Sustainable Landscape Partnership, as part of its mission to improve private sector participation, CII organized a meeting in the distant provincial capital of Medan. Under the title of "Green Business Partnership: Challenges and Opportunities", the meeting discussed the challenges and opportunities of rubber, coffee and cacao growing in North Sumatra. Taking part in the meeting were 34 representatives of companies and governments at the province and regency level (Chalid, 2014). There were no representatives from Mandailing civil society organizations or farmers or

⁶⁷ The plantation owner was also the deputy head of the local representative assembly and owner of the biggest hotel in Panyabungan.

⁶⁸ Personnel communication with local coffee farmer.

traders present at this forum. Not even PCO, despite being a partner of CII in Mandailing, was invited to the meeting. Three out of the five invited speakers at the meeting were from a business background. Without the participation of PCO or local farmers, this appeared an empty attempt to provide space for participation by stakeholders and open consultation for sustainable green business (Chalid, 2014).

5.7.2 Local Civil Society Organizations and the Forest Boundary Issue

PCO, the local civil society organization that had been a strong player in 2005, lost its influence with the end of the collaborative approach to BGNP. Although it had been allocated 100 million rupiah and agricultural facilities by Bitra Consortium and had prepared several training sessions with well-established organizations, it still could not survive as an independent entity. Later, PCO became CII's local partner in the farmers' empowerment programme (Interview, TMC, July, 2015; EML, September, 2015). However, some of those who took part reported that CII seemed to be using PCO to justify its villagers' empowerment programme (Interviews, AHM, August 2015; UG, August 2015). I myself witnessed how PCO held a one-day rubber tapping training session that only lasted two hours, after which it was given a small amount of money to distribute to the farmers.

PCO was no longer a critical voice on conservation issues in Mandailing. It did not complain when CII failed to involve any villagers' representatives in the strategic Sustainable Landscape Partnership business meeting in Medan mentioned above. This was despite the fact that the meeting discussed coffee, rubber and cacao value chains, commodities that PCO usually discussed with villagers. Further, although PCO had sounded a critical note on the forest boundary issue during the establishment of BGNP, in the period after 2012, its members never talked officially on the issue of forest boundaries (Interview, UG, August, 2015; AHM, September 2015).

The BGNP forest boundary issue has never been resolved, as I shall discuss in more detail in Chapter 6. CII preferred not to include the issue in its programme. It was the Sumatra Rainforest Institute, the regional conservation NGO also funded by the TFCA, that has been trying to map out a forest boundary for BGNP. Through its initial

research in 11 villages, the Sumatra Rainforest Institute's director told me that they had found that many villagers had been deceived by government when they had agreed to the park's establishment (Interview, RDS, June 2015).

The Sumatra Rainforest Institute, for whom 'indigenous land' should be recognized when dealing with forest boundary issues, formed an official 'integrated team' working on collaboration with a local civil society organization and indigenous leaders as well as village heads. The idea of forming an integrated team was officially launched at a workshop held by the institute on October 23rd, 2014, opened by the regent and involving the head and staff of the BGNP office along with villagers and other stakeholders. Although the regent opened the workshop, his involvement appeared to be lukewarm at best. According to a local activist, the regent finally signed the formal document bringing into being the integrated team in April 2016, one and a half years after the workshop (Interview, AHM, August 2016).

The team was formally constituted through the signature of the regent as leader of the Forest Boundary Demarcation Committee. Despite the official inauguration, the institute team was not part of the official forest boundary demarcation committee that finished working on the BGNP forest boundary based on government plans in 2013. This will be discussed in more detail in the following chapter.

5.8 Summary and Conclusion

What can we take from this story? Firstly, the establishment of BGNP was initiated by the Indonesian branch of an international conservation NGO, CI, in pursuit of its agenda with the strategic involvement of the national and local government. In setting up the park, CII, CI's Indonesian branch, involved regional and local NGOs as its local partners. Strategically, local government appeared as what I have called here the pseudo initiator of the project while the international NGO took the role of partner of government. The evidence I have presented in this chapter suggests that this strategy was chosen to persuade the public that this was a local rather than an international intervention project.

Secondly, in the context of local autonomy, local and national government were either cooperating or locked in conflict in pursuit of their interests in controlling the natural resources (both forests and mines) that had been managed by local villagers for generations. As they did so, both governments tended to undermine the rights of villagers to control these resources. In the case of forests, CII had introduced collaborative management to facilitate the rights of local government and local villagers to be involved in the decision-making process. However, the national government was not willing to give up its control over forest resources. It preferred that BGNP be managed through a centralized model of governance, just like other national parks in Indonesia.

Thirdly, until central government decided to flex its muscles and take over management, the regent and the local representative assembly of Mandailing were the main players in taking decisions over conservation and mining issues. The regent found no problem justifying first his support for BGNP as against SMC during the years from 2003 to 2007 and then changing face and deciding to support SMC after 2007. He was able simply to mobilize villagers and the local elite for three mass meetings with accompanying open declarations which he then stated publicly represented a process of massive participation. He was even able to work with the head of the local assembly to obtain the assembly's approval for BGNP without one single plenary session being held. Further, they were able together to push the agenda of their business partner, Mr. X, who had a swifts nest business located in a nearby sub-district and wanted the park to be moved away from its initial proposed location in an area that might have damaged his business. This suggests that local autonomy has made local elites so powerful (and less accountable) that they could exercise their interests and undermine the interest of villagers.

Fourthly, CII played a very significant and 'flexible' role both before and after the establishment of BGNP. It could approach governments as a champion of a collaborative management approach in the period leading up to the establishment of BGNP and come back again five years later after the park's establishment with very

different programmes. Villagers, civil society organizations, the local assembly and even local government (not to mention its donors) appear to have had little if any influence over its agenda and programmes. Further, with the Sustainable Landscape Partnership, CII, so it was alleged, was guilty of taking sides, albeit indirectly, and becoming a business vehicle for the international green economy. Whatever people's position on CII's role, it was clear to all that CII played a significant role in organizing local farmers and traders on the Geographical Indication issue while at the same time organizing a partnership with governments and plantation companies.

Fifthly, the dependence on funding from international donors for the conservation sector appears to be very significant, not only for local government but also for local NGOs (Bitra Consortium) and civil society organizations (PCO). This dependence then could lead to international donors (through international NGOs) having undue influence on governance processes. CII's changing role and influence can be seen as a case in point.

Sixthly, and contrary to the picture painted above, strong attempts were made by the team preparing for collaborative management to empower local villagers by facilitating awareness, commitment, livelihood and organization programmes. In the awareness and commitment programme, the BGNP team produced a community and conservation agreement that combined rules and regulations with local knowledge in ten villages. For the livelihood programme, the team supported villagers with agriculture production training projects and facilities. In the organization programme, the team empowered villagers with community conservation agreements and the establishment of PCO, the largest conservation civil society organization in Mandailing. This civil society organization was built through a bottom-up process based in 35 villages in the areas surrounding BGNP. The BGNP team had even provided PCO with financial, economic and organizational support. The purpose of all of this support was to prepare PCO as an organization that could represent villagers' interests in the collaborative management of BGNP. Although finally collaborative management was not implemented and PCO lost its influence, the empowerment process did at least inspire several local activists who then established their own civil society organization

independently from external funding sources, particularly in Batang Natal and Ulupungkut sub-districts.

Finally, despite the consciousness-raising that occurred during the preparations for collaborative management, in the end many forest-dependent people found their low bargaining position unchanged in their dealings with local government, national government and even NGOs. Villagers were mobilized by local political elites from the NGO and local government sectors to support the BGNP declaration and were promised by local government staff that they would receive aid for their agricultural production if they agreed and supported the establishment of the national park. Later villagers found that government had failed to keep its promises. Further, the BGNP boundary infringed on their village cultivated land. It took more than nine years, from 2005 to 2014, to change the MoF decree associated with the forest boundary. Many villagers finally rejected the BGNP boundary due to the unclear information they had received, as will be discussed in Chapter 6. Despite many prohibitions, villagers have continued to enter their collective forest land in order to secure their own livelihood. They even sometimes prevent BGNP staff from entering the forest through their villages as we shall see in the following chapter.

Chapter 6. Problems in the Implementation of Forest Gazettement in Mandailing

6.1 Introduction

The establishment of BGNP in Mandailing-Natal Regency has brought many problems to villagers. In the process of establishment, demarcation of the forest boundary has been one of the main problems, and it remains unresolved to this day (2017). This unresolved boundary demarcation is not only bad for villagers but also for government. As for BGNP so for many other conservation forests -- forest boundary issues have tended to cause problems to villagers, mostly because of the strict regulations governing the type of forest (Interview, AHL, 2015). In Indonesia, according to one comprehensive study, the forest boundary issue has become one of the main causes of forestry conflict (Wulan et al., 2004).

This chapter examines specifically the forest boundary problem in Mandailing. In the context of forest boundary-related regulation as set out in Chapter 3, this chapter looks at how forest boundary-related policies were implemented on the ground, what the main obstacles were and how this issue affected people in Mandailing. According to certain perspectives introduced in Chapter 3, this boundary demarcation process can be interpreted as the technical and managerial implementation of state territorialization in the forestry sector. Working within this perspective, this chapter can be seen as an effort to understand problems and implications in the implementation of state territorialization in Mandailing, North Sumatra.

In the course of this chapter, I discuss several factors that caused problems in the implementation of forest boundary demarcation in Mandailing. The discussion of these problems is designed to reveal how national and local governments interact with local villagers on issues related to their basic livelihood. Moreover, this discussion also investigates what happens when state territoriality meets customary territoriality.

The 'unmanaged' forest boundary issue came to the fore when it was decided that the BGNP office should not work as expected through collaborative management but through a national agency operating in a 'top-down' style of management. This decision excluded the regent and other local forces from potential involvement in the management. One important consequence discussed here is that the regent became unwilling to be involved in any BGNP issues, including the forest boundary issue. The next issue addressed in this chapter (section 6.3) concerns the institutional conflicts between several inter-related government offices in relation to forest boundaries. These difficulties can be attributed to the problems embedded in the responsibilities and working rules of the BGNP office, the Forest Area Designation Bureau as well as the forest boundary demarcation committee. This condition is worsened by positions taken by the regent as the head of the forest boundary demarcation process.

Section 6.4 addresses the problem caused by the fact that there were no clear rules about who was in charge of information dissemination related to forest boundary issues. Information dissemination has become even more important particularly in relation to the difference between boundary references and concept of territoriality between state and villagers. Alongside this, in section 6.5 I discuss what I see as a lack of coherent government approach in its treatment of villagers and a tendency to use them as actors to fulfil government's tasks while withholding important information from them.

Above all, there are two factors, fundamental to this chapter and to my argument in this thesis, that are related to the difference in the way government and villagers perceive the forest boundary and surrounding spaces. These are discussed in the last two substantive sections: the difference of boundary reference (section 6.6) and concept of territoriality between government and local villagers (section 6.7). These differences are deep-lying and cannot be resolved only through a managerial approach. Responding to this difference, I argue for the need for mutual understanding between the two parties.

6.2 The Initial Causes: The 'Unmanaged' Forest Boundary Issue

After the effort to establish BGNP was successfully approved by the MoF in 2005, the regent of Mandailing-Natal set up a forest boundary committee in the following year. Since the BGNP forest boundary is located inside a protected forest, according to government regulation the boundary of the national park needs to be adjacent to the protected forest.⁶⁹ In government terms, this kind of boundary is called a 'functional boundary', that is, a boundary between two types of functional forest, such as between protected forest and conservation forest (see section 3.6.2.4). Since it was a functional boundary, according to the regulation there was no legal obligation for government to involve village heads in this forest boundary committee.

In view of this regulation, the regent did not involve the village heads and customary leaders in the committee that he formed by decree. His decree provoked disquiet on the part of CII, PCO and Bitra Consortium, and these NGOs asked the regent to involve villager leaders in the team. The regent then changed his mind and agreed to involve customary leaders and village heads alongside representatives of CII, PCO and Bitra Consortium on the committee, issuing a new regulation in October 2006 (Interview, HH, November 2015).⁷⁰

As stated in the previous chapter (section 5.6), the decision in early 2007 to establish the BGNP office as a central government agency and not as a collaborative management office led to CI withdrawing its support from the project in Mandailing.⁷¹ This decision disappointed the regent of Mandailing, who lost interest in BGNP and the forest boundary issues. On the other hand, the BGNP office started its work in Mandailing with mainly new staff -- not with the staff that had previously been involved -- and thus faced a difficult situation. The BGNP office failed to get support from local government and was confronted with protests from many villagers. The protests mainly occurred when BGNP staff needed to make their way through villages located near the park, particularly when they needed to enter the park.

⁶⁹ The regulation on forest boundary rules is stated in the MoF decree on Forest region Gazettement.

⁷⁰ The regent of Mandailing-Natal Regulation No. 522/959/k/2006 on Forest Boundary Committee.

⁷¹ CI decided in 2007 not to participate, and resumed work in the regency in 2011 with a different project.

As BGNP was established as a national agency in which the regent had no authority and villagers' customary land rights were disregarded, the regent of Mandailing, who was a law expert and university lecturer, issued a circular letter in May 2007 in anticipation of potential resistance on the part of villagers.⁷² This important letter stated clearly that there was no registered customary land in Mandailing-Natal. The letter was intended to legally prevent potential land claims by customary leaders when they finally realized that their lands were located inside the national park (Syam, 2016)(Interviews, UG, August 2015; BND, October 2015; Syam, 2016). The letter can also be considered as a formal effort to legally reject the very existence of customary land in Mandailing. For villagers, this letter was the initial and important cause of the tension and conflict regarding the forest boundary that arose subsequently (Interviews, MHN, July 2015; UG, August 2015).

Since in 2007 after almost every important actor had 'given up' on BGNP, the forest boundary issue became unmanageable and was no longer prioritized in Mandailing. The regent let the forest boundary issue remain unresolved right through to the end of his second term in 2010. Besides, when CII returned to Mandailing in 2012, it came with a different agenda, and the forest boundary was not one of its concerns. On the other hand, the BGNP office could not effectively manage the park as the forest boundary issue always disturbed its work (Interview, HBG, October 2015), and it could not itself resolve the problem as this was not part of its brief. The forest boundary issue belongs to the Forest Area Designation Bureau, the other national implementation unit office. The Designation Bureau and BGNP office have not been able to effectively coordinate their work on the forest boundary issue since both offices are trapped in institutional problems resulting from their centralized nature.

⁷² Circular Letter No. 522/991/Dishut/2007, issued via the regency forestry office.

6.3 Institutional Problems in Forest Boundary Issues: BGNP Office, Forest Boundary Demarcation Bureau and the Forest Boundary Demarcation Committee

Several government institutions are directly and indirectly related to the BGNP forest boundary issue in Mandailing-Natal: central government (through the Forest Area Designation Bureau and BGNP office), the local government of Mandailing-Natal (the regent and the district forestry office) and forest boundary committee (see section 3.6.2.3 for details). The forest boundary committee is comprised of members from central, provincial and local level governments as well as villagers.⁷³

The BGNP office is a central government agency (under the MoF) responsible for managing BGNP. The Forest Area Designation Bureau is another central government agency (also under the MoF) responsible for implementing forest boundary demarcation stages and processes in the field. According to the structure of the government bureaucracy, although under the same ministerial roof, the Forest Area Designation Bureau and BGNP belong under different directorate generals. As both of these central government agencies are working to a central mandate as Technical Implementation Units (*unit pelaksana teknis*), their structure under different directorate generals makes it difficult for them to coordinate their work. Even when they are working on a project in the same province or district, they usually work to implement a central and national programme that is created centrally by each of their directorate generals.

The BGNP office is a national-technical implementation unit under the MoF that is responsible for managing BGNP in the Mandailing-Natal Regency. This office is responsible only for the management of the area inside the forest such as zoning and activities inside the zones.⁷⁴ Through its decisions on zoning the BGNP office can

⁷³ As we have seen, the involvement of villagers is only in cases of 'external boundaries' while for 'functional boundaries', villagers are not involved in the committee.

⁷⁴ According to MoF decree No. 56/2006, national parks have several zones: core zone, deep forest zone, utilization zone, traditional zone, rehabilitation zone, religious zone and special zone. Villagers

permit villagers to utilize certain zones usually located just inside the boundary of the national park. According to the head of the BGNP office, the office is not responsible for forest boundary issues (Interview, BHBG, October 2015). Meanwhile, BGNP office staff admit that the park's boundary is one of their main problems in managing the park. As well as the problems they face walking through villages located near the park, BGNP office staff said that whatever kind of programmes and activities they have made that involve villagers, they are always asked by villagers about the forest boundary even though there is little they can do to solve this problematic issue (Interview, HBG, October 2015).

On the other hand, the Forest Area Designation Bureau is responsible for forest boundary issues, and specifically for implementing technical issues in the demarcation process of the forest boundary in all types of forest region.⁷⁵ The designation bureau that deals with Mandailing-Natal Regency is the Forest Area Designation Bureau 1, which is located in the distant provincial capital, Medan. During the years from 2005 to 2010, this office covered many districts in four provinces in the northern part of Sumatra: Aceh, North Sumatra, Riau and West Sumatra.⁷⁶ The small number of officers employed in the office and the geographical distance between the main office in Medan and the various field locations have led to significant limitations in the way officers can conduct their work. It was only in 2011 when two similar offices were established in Riau and Aceh that the Medan office was better able to deal with forest boundary issues in its working area, including in Mandailing. In 2013, the Medan office started the forest boundary demarcation process in stages in Mandailing-Natal, both for protected forests as well as for the national park boundaries.

In conducting forest demarcation processes, the Forest Area Designation Bureau is responsible for conducting a range of forest boundary technical implementation

(and other third parties) are legally permitted to be involved in various activities in all these zones except for the first two: core zone and deep forest zone.

⁷⁵ The Forest Area Designation Bureau is responsible for the demarcation of any type of forest region such as conservation forest (in national parks), protected forest, production forest and others forestry types.

⁷⁶ In terms of regencies, this office is responsible for more than 80 regencies besides Mandailing-Natal. To give a sense of comparison, the area covered by Forest Area Designation Bureau 1 in the four provinces is 260,200 square kilometres, which is almost six times the size of the Netherlands.

fieldwork including field measurement, field mapping and boundary marker installation. Given these technical responsibilities, and referring back to the discussion of territorialization in Chapter 2 (section 2.4), it can be seen that the designation bureau plays the role of technical implementation unit of bureaucracy to implement the state's territorialization agenda (Vandergeest and Peluso, 1995; Bryant, 1998).

In its work, particularly as it relates to government-owned forest regions, the Forest Area Designation Bureau is usually involved as a technical team to directly support the forest boundary demarcation committee (see section 3.6.2.3 for more detail on this committee). The membership of this committee consists of officials from various multi-level government offices (national, provincial and regency sometimes together with village heads). All members of the committee must approve the forest boundary demarcation process prepared by the Forest Area Designation Bureau. According to regulation, this committee can also function as a forum for third parties (villagers or private actors) to lodge complaints on issues regarding forest boundaries and forest property rights in certain forest regions that have not yet been finally determined by the MoF.

According to the management of the Forest Area Designation Bureau, although the bureau has a significant role in the forest demarcation process with bureau members sitting on the boundary committee, it does not have the legal authority to change the status of a regency-level forest region. A change in forest region status can only be decided by the boundary committee as a whole, after which it must be signed off by the committee chair and secretary (Interview, MSBP, September 2015). In the case of BGNP in Mandailing, the demarcation committee is headed by the regent, while for other cases, particularly after the issuance of a new MoF regulation in 2014, the boundary committee is chaired by the head of the Forest Area Designation Bureau.⁷⁷ The bureau official I interviewed added that although he personally might want to accommodate requests from local people for changes in the location of the forest

⁷⁷ The forest boundary committee in Mandailing is still headed by the regent not by the head of the Forest Area Designation Bureau because the previous BGNP forest boundary committee was created using MoF regulation No. 47/2010, while the new committee is created by referring to the new regulation on forest boundary committees: MoF regulation No. 25/2014.

boundary, as a member of the bureau he has no authority on the matter (Interview, MSBP, September 2015).

According to the management of the Forest Area Designation Bureau, there are two ways to remove areas from forest regions: through the use of legal certificates and through letters issued by the forest boundary committee (Interview, MSBP, September 2015). Although the boundary committee has the authority to re-classify a forest region, it is not an easy process for the committee to undertake. According to my source in the bureau management, in line with the relevant regulations,⁷⁸ the legal certificates should be among the types recognized in the Indonesian legal system; while the letter issued by the boundary committee should be supported by a regional regulation (*Perda* or *Peraturan Daerah*) covering customary land (*tanah ulayat*) or regional and spatial planning. The regulation needs to be issued with the agreement of the regent together with the district assembly.

In the case of the boundary committee, according to my source, in the meeting held on October 17th, 2013, the committee granted the Forest Area Designation Bureau permission to install boundary markers for the park and protected forest in Mandailing (Interview, BNBG, February 2016). This was almost ten years after the BGNP was established in 2004. This means that the legal status of the BGNP's forest boundary had remained unclear for all that time. Since the BGNP boundary was considered a functional boundary, the designation bureau directly installed permanent boundary markers without involving villagers in the process of demarcation.⁷⁹ In the case of the protected forest, however, since the boundary is considered an external boundary, the

⁷⁸ These are MK 35/2012 and Law 26/2007 on Spatial Planning. MK 35/2012 is the Supreme Court verdict to revise Article 6 of Law 41/1999 on Forestry that recognized customary forest as separate from state forest.

⁷⁹ They installed permanent boundary markers because for them as government officials the BGNP boundary is only related to the boundary between two types of forest function: protected forest and conservation forest. This kind of boundary does not need clarification from third parties. They call this kind of boundary a functional boundary. On the other hand, they installed temporary markers for protected forest because the forest boundary lies between protected forest and human settlement, and usually needs clarification from third parties such as the villagers who live near the forest. They call this boundary an external boundary. See Chapter 3 for more detail on functional and external boundaries.

designation bureau installed temporary markers in December 2013 (Rangkuti, 2013; Batubara, 2014).

Although the designation bureau had completed its work of boundary marker installation by February 2014 (Interview, MSBP, September 2015), their work was not regarded as administratively complete as they had yet to receive an invitation from Mandailing-Natal Government to report back to the forest boundary committee at one of its meetings. In this respect, local government still had a role to play as the committee chair and secretary were the regent and the head of the Regency Forestry Office respectively (Interviews, MSBP September 2015; HBG, October 2015).

The Forest Area Designation Bureau finally received an invitation from the Mandailing-Natal Regent (and Regency Forestry Office) for the boundary committee meeting on October 10th, 2015 (Interviews, AHM, October 2015; IrM, October 2015), almost two years after it had finished the boundary marker work. The delayed invitation was not without reason. According to several informants, the motivation to postpone the invitation came from the direct elections to be held for the post of regent in December 2015. The forestry office wanted to provide a 'pro-people' event for the regent because the meeting was to be attended by a number of village heads (Interviews, MHN, August 2015; HBG, October 2015).⁸⁰ This event would, it was hoped, work to the advantage of the regent in office, who was standing for re-election.

The committee meeting held on October 10th, 2015, was convened only for the protected forest boundary and not for the park boundary. According to my source in the demarcation bureau, since the BGNP boundary is a functional boundary, the bureau assumed that the process of boundary marker installation for the park in 2013 had reached a definitive status and did not need villagers' approval (Interview, MSBP, September 2015). For that reason, the bureau had sent the BGNP forest boundary

⁸⁰ Village heads were involved in the meeting because the boundary that they discussed was an external boundary between functional forest and human settlement.

documents directly to the MoF with the regent's signature and without the approval of the villagers.⁸¹

The same source explained that the signature and approval of the BGNP boundaries by the regent was not known by the public and very little known except among forestry officers. Even the Sumatra Rainforest Institute, the regional NGO that had been working on the BGNP forest boundary issue, came quite late to know that the park boundary had already been signed by the regent in 2014 (Interview, BNBG, February 2016). Institute officials came to know about this situation in 2016, almost two years after they had started work on BGNP boundary issues.

The Mandailing-Natal Regency government had once again used the BGNP boundary issue for its benefit by restricting information to a limited circle. By doing so, it kept BGNP boundary issues afloat and seemingly unfinished, and the local authority could channel villagers' dissatisfaction over problems related to the park boundary and also the boundary of protected and production forests to the BGNP office (Interviews, AHM, August 2015; BNBG, February 2016).

6.4 Undermining the Importance of Information Dissemination

One important aspect that is less recognized in the forest boundary demarcation and forest gazettement process is the dissemination of information. This important aspect seems to have been forgotten in the forest boundary demarcation process. Although mutual understanding between government and villagers is clearly one of the key issues in managing forest boundaries, it seems that there is no single institution responsible for handling the dissemination of information and no standard procedure for conducting this process.

⁸¹ According to the Forest Area Designation Bureau management, in the case of the BGNP forest boundary, the forest boundary committee consisted of the regent (chair), Regency Forestry Office head (secretary), Regency Planning Agency head, Province Forest Office head and Forest Area Designation Bureau officers as members.

Neither a senior official in the BGNP office nor a director of the Sumatra Rainforest Institute had a clear answer when asked about information dissemination, and this despite the institute's role in Mandailing. Both of these prominent officials argued that all government actors related to forest-boundary issues should have a certain degree of responsibility in the dissemination of information about forest boundary issues to villagers, but they seemed to be confused as to who should have responsibility for what (Interviews, RDS, August; 2015; BNBG February 2016).⁸² If this subject is improperly managed, then several unwanted consequences could affect the interaction between the government and villagers.

Officials of the BGNP office admitted that at almost every event that the office organized for villagers such as meetings to discuss forest zoning and forest fires, the main question that usually arose from villagers was still concerning the forest boundary issue (Interview, ZSBG, October 2015). The BGNP office staff also admitted that the failure to disseminate information could affect perceptions emerging among villagers. This, they claimed, could have unpredictable consequences. In one of the villages inside the park, they told me they had been accepted one week and rejected the next one (Interview, HBG, October, 2015). One BGNP officer referred to this as a *lopo* village, *lopo* being the stalls that are located every 250 metres or so one from the other along the main roads of every Mandailing settlement and where villagers (especially men) meet to drink coffee and chat (Interview, JBG, October 2015).

Officials in the BGNP office seemed uninterested in disseminating information on forest boundary related issues. In the words of one of them:

“Why don't the villagers communicate or confirm the information to us in this office? The BGNP office is the place where the BGNP data base is held, and information about BGNP is available here. Why don't they come here and ask for the right information? We can tell them the truth if they want it”. (Interview, DBG, October 2015)

⁸² There are several regulations related to forest boundary issues including MoF decree No. 62/2013 on Forest region gazettement and MoF decree No. 25/2014 on forest boundary committees.

Other officers criticized villagers for demonstrating in front of the BGNP office over the forest boundary and related issues (Interview, HBG, October 2015). The situation deteriorated to the point where BGNP officers were unable to fulfil their duties; as soon as they placed boundary markers, the markers were ripped up by irate villagers (Interviews, UG, August 2015 HTP, June 2015).⁸³

The BGNP office head admitted that the forest boundary issue was one of the main issues that his officers faced almost every time they undertook fieldwork; he did not see information dissemination as the office's responsibility, and he had no formal programme priority to tackle this issue. Moreover, he added that, "the BGNP office has very a limited budget for that purpose" (Interview, BHBG, October, 2015). As the forest boundary issue was not seen as their main task, all the office could do was to try to 'combine' its main activities with information dissemination. In the words of the secretary of the BGNP office, "We do forest-boundary socialization at the same time as our field staff meet villagers during their work in the forest region" (Interview, JBG, October 2015).

According to research jointly undertaken by SRI and University of Indonesia, villagers' lack of access to complete, clear and reliable information exacerbated the situation (Hasugian, 2014). The absence of information created an environment of suspicion towards BGNP staff and other forestry officers, and led to them missing out on certain benefits that could have been offered by the government (Hasugian, 2014; Interview, HBG, October 2015; BNBG, February, 2016). The absence of reliable information even affected a member of the local representative assembly, who thought that the BGNP office was an institution affiliated to the US government, not a part of the Indonesian government. The member did not even know how to differentiate between the national park and protected forest (Interview, MYND, October 2015).

The lack of effort to manage the traffic of forest boundary related information has made the BGNP office become the target of forest related complaints harboured by

⁸³ This happened in Aek Nangali village in Batang Natal sub-district, in Alahankae village in Ulupungkut sub-district and in Hatupangan village in Batang Natal sub-district in the national park.

villagers. Batang Natal and Ulupungkut sub-districts include several villages whose boundaries are adjacent to the BGNP and to protected forests, limited production forests and industrial plantation forests. Since villagers are not equipped with enough information and the forestry officers whom they encounter on the ground are BGNP officers, for the villagers all forestry related problems are taken to the BGNP office (Interview, BNBG, February, 2016). Crucially, villagers do not know the difference between the national park and protected forest and between the Forest Area Designation Bureau and the Regency Forestry Office, let alone the difference between a functional boundary and an external boundary.

According to one BGNP officer, local government has intentionally maintained people in the dark. This has enabled local government and several companies responsible respectively for the protected forest and the limited production forest to take advantage of the villagers' ignorance. The officer added that the local government could as a result indirectly blame any kind of forestry problem in Mandailing on the BGNP office while at the same time exploiting resources from the lucrative forest region without proper scrutiny from villagers (Interview, BNBG, February 2016).

6.5 Inappropriate Approach to Villagers

Another important factor that has caused the forest boundary issue to remain a controversy in Mandailing-Natal is that of inappropriate approaches to villagers. According to my sources, there are a number of stories circulating dating from meetings held in July 2013 and October 2015 of inappropriate offers and advances made to villagers by local government and NGOs.

First is the story of Forest Area Designation Bureau staff wanting to implement forest boundary committee decisions on protected forest boundaries by installing boundary markers in Batang Natal and Ulupungkut sub-districts. The bureau staff were turned back by villagers when they attempted to install the boundary markers. Since most of the bureau officers were not from Mandailing and spent most of their time in the very different setting of their main office in Medan or in other regencies in different

provinces, my informants felt that the officers did not really understand the culture of Mandailing villagers or their relationship with their land (Interview, UG, August 2015; NSL, September 2015).

With a formal 'letter of duty' in their hand, bureau officers approached village heads and explained their purpose. They thought that by delivering a formal legal letter by hand on behalf of the state apparatus, they could do their job smoothly. According to my informant, they did not think of asking permission from the village head and the traditional chief before conducting their work on the ground. They thought approval from the demarcation committee meeting, which was usually also attended by village heads, was tantamount to a green light to go ahead with boundary marker installation. Then, without conducting any public consultation, they thought they could install the boundary markers smoothly without any protest from village head and villagers (Interview, AHM, August, 2015; IsM, August 2015).

Villagers asked the bureau officers where they intended to stake their boundary posts. When they discovered that the national park boundaries would impinge on village land, they drove the officers from their village. In Ulupungkut, the officers were threatened by a village youth leader (Interviews, UG, July 2015; AHM, August 2015). In Hatupangan, the boundary markers were seized by villagers and removed to a 'safe place' in the village head's house (Interview, HTP, June, 2015).

Secondly, there is the story of a public consultation meeting held by the BGNP office together with CI to designate zones in BGNP on July 19th, 2013⁸⁴. Interview, AHM, August 2015). According to MoF regulation No. 56/2006, zoning in national parks consists of core zones, jungle zones, utilization zones and other special zones (see footnote xyz above). Zones are designated as area divisions inside the BGNP forest region based on their function, where some of the zones can be used by villagers while some others are only for research. Since several forest zones are located close to or

⁸⁴ BPGC secretary gave me the official invitation letter of the public consultation meeting.

inside villages, the BGNP office invited several village heads to the meeting to get their input regarding designation of the zones.

According to the invitation letter, this was to be a one-day meeting, starting at 10:00 (with an unclear end time). The meeting was held in a hotel in Panyabungan, the capital of Mandailing. Since many of the invited village heads lived far from the Panyabungan (many of them lived three or four hours by motorcycle from Panyabungan), participants were asked to come one day earlier and stay overnight in the hotel. In the invitation letter, it was also mentioned that the BGNP office would reimburse participants for the costs of transportation, accommodation, and subsistence. Thirty-six participants were invited: 2 district office heads (the head of the Regency Forestry Office and the head of the Regency Planning Office), 9 heads of sub-districts, 19 village heads, 4 officers from the BGNP office, and representatives of CII and Batang Pungkut Green Conservation, which was based in Ulupungkut sub-district (Interview, AHM, August 2015; UG, August, 2015).

According to one of the participants from Batang Pungkut Green Conservation, the meeting only lasted around four hours. From the start of the meeting, the atmosphere was tense because some of the village heads disagreed with the zoning proposal (Interview, AHM, August 2015). Aware that the atmosphere was growing ever more tense the committee chair from the BGNP office tried to prevent the village heads from leaving the meeting. Strangely, after having left the meeting to pray for 10-15 minutes, at around 13:00, when my informant the Batang Pungkut Green Conservation officer came back to the meeting room, he found that there was a draft of an agreement on the zoning area being displayed on screen (Interview, UG, August 2015). To my informant this suggested strongly that the draft had been prepared beforehand. What made him more surprised was that the name of his colleague who headed the Batang Pungkut Green Conservation was shown (together with those of several village heads) as potential signatories to the agreement. As he was opposed to statements in the agreement, he argued that the agreement should not be signed. He recalled to me that he told the meeting that the outer boundary of the BGNP needed to be finalized before any agreement could be reached on zones with the park.

At this point, he was approached by several village heads who were confused as to whether they should sign the agreement or not. Although it had not been approved by many participants, the agreement was in fact signed by some previously selected 'friendly' village heads. They had, my informant told me, been labelled by the BGNP office as representative of all village heads. The meeting was closed, and the agreement was regarded as being approved (Interview, AHM, August 2015).

There were a number of problems with this meeting. Firstly, the meeting was called a public consultation, but in fact it appeared to be designed to get participants to sign an agreement. Secondly, with 36 participants and only 4 hours of meeting, it seems the meeting was not an effective forum for public consultation, let alone for formal approval of a document. Thirdly the agreement had already been prepared by the BGNP office before the meeting started. Fourthly, several village heads considered more cooperative by the BGNP office were selected by the park office to 'represent' other village heads in signing the agreement. Finally, there was a sense among some of the participants that the reimbursement of expenses represented a bribe.

The third story reveals similar problems. This was a meeting held on October 10th, 2015⁸⁵. The meeting was conducted by the Regency Forestry Office together with the Forest Area Designation Bureau. It involved all the heads of villages located on the boundary of protected forests in Mandailing. My informant at this meeting was one of the participants from Habincaran villages, Ulupungkut (Interview, IrM, October 2015).

In the invitation letter signed by the Regency secretary, the meeting was scheduled to start at 9:00 with no clear statement of the end time.⁸⁶ It also stated in the letter that the purpose of the meeting was a discussion on forest region boundary demarcation. All village heads whose villages were considered to be located on the boundary of protected forests were invited to the meeting. As occurred with the BGNP zoning meeting, this meeting also had several problems, and according to my informant, most

⁸⁵ BPGC activist in Ulupungkut showed me the official invitation letter, and I took the photo of it.

⁸⁶ The Regency secretary is the highest ranking bureaucrat at the regency level.

of the village heads were disappointed with the meeting process and result (Interview, IrM, October 2015). Firstly, it was not clearly mentioned in the invitation letter what type of forest region the meeting would discuss. The letter did not clearly state whether it was about the boundary of protected forests or of conservation forests within the BGNP forest region. The letter only stated in general terms that the meeting was about the forest region boundary. With this way of communication by government to villagers, it seems that important information about the nature of the meeting was intentionally withheld.

Secondly, the meeting started very late at 14:30, more than five hours behind schedule, and it only lasted about two and a half hours. Secondly, at the start of the meeting several documents were distributed to village heads. The documents were about rules and regulations affecting forest boundaries, but, according to my informant, village heads were given no clear explanation about the documents. Thirdly, maps of each village showing the forest boundary were shown to each village head. Without clear explanation, the committee chair asked the village heads to approve the maps by signing them off. Some of them decided to sign while others decided not to (Interview, IrM, October 2015).

After the maps had been signed, they were collected again by the committee chair without any copy being left with the village heads. When some of the village heads tried to clarify matters concerning the boundary such as when it was drawn, they were asked to sign first and expect a visit from officials to their village later. As with the maps, the minutes of the meeting were given to the village heads to sign. Some did not agree with the contents of the minutes and refused to sign (Interviews, IrM, October 2015; NSL, October 2015; UG, October 2015).

The other infelicity concerned the blurred message of the title of the meeting. It was stated in the invitation letter that the meeting was to be a 'Discussion on Forest Region Boundary Demarcation'. It turned out, however, that the meeting, far from being an ordinary meeting to discuss certain forest boundary issues, was a formal and legally sanctioned meeting of the Forest Boundary Demarcation Committee (Interviews, IrM,

October 2015; UG, October 2015). The Regency secretary and the Forest Area Designation Bureau, who invited the village heads, had not revealed that this was to be a bureau meeting in which village heads would play a significant role as committee members rather than a simple discussion meeting. In the view of my informant, the local government and the bureau had intentionally concealed the original purpose of the meeting. The village heads were apparently unaware that they were legally appointed committee members.

A final point concerns the approach made by the committee chair to village heads who did not sign off on the map and minutes of the meeting. According to my informant, village heads from Batang Natal, the sub-district from which the regent comes, said that they added their signature because they saw the regent's letter heading (Interview, NSL, October 2015).⁸⁷ On the other hand, none of the village heads from Ulupungkut sub-district, including the sub-district head, signed. As the only village heads who decided not to sign off on the maps and the minutes, they said they wanted the forest boundary marking process to be conducted in the fields in front of the villagers.

When the meeting finished at 17:00, all the participants who supplied their signatures were given a transport allowance of about 500,000 rupiah (GBP 28), while the participants from Ulupungkut received nothing. They argued that they had signed on as present at the meeting and that they should also get the allowance, but the committee chair refused as long as they withheld their signature on the map (Interview, IrM, October 2015)..

At around 17:30, after the meeting had finished and most of the participants had set off for home, the village heads from Ulupungkut sub-district were still there hoping to receive the money from the committee but still refusing to sign the documents. According to my informant, the Habincaran village head, the committee then tried to

⁸⁷ One of the village heads from Batang Natal sub-district is the younger brother of the regent, and his colleague, another village head from Batang Natal sub-district, told my informant that they had decided to sign because of their proximity to the regent.

persuade the village heads from Ulupungkut by offering them more money -- they offered triple the previous amount – so long as they signed the documents. The village heads maintained their stance and went home without any money from the committee (Interview, IrM, October 2015).

This episode shows how government really needed the signature of village heads to fulfil its job. They claimed they did not have enough time to conduct field visits as requested by the village heads (Interview, IrM, October 2015). They chose not to provide village heads with proper information about the forest boundary procedure; rather they saw village heads as people who could be approached with money. This strategy was successfully applied to many other village heads in Mandailing but not to those who came from Ulupungkut sub-district.

Village heads from Ulupungkut were worried that they would not be accountable to their villagers if they signed without discussion (Interview, IrM-UP, October 2015). They were also asked not to do so by community leaders in Ulupungut (Interview, UG, October, 2015). I myself was present when one of the community leaders, the head of Batang Pungkut Green Conservation, phoned the Ulupungkut sub-district head to receive feedback from the meeting and warned the sub-district head not to ‘play’ with villager’s land.

6.6 The Difference in the Evidence Criteria and Boundary References

The different boundary references and evidence criteria might be some of the most fundamental causes of forest boundary disputes in Mandailing. Governments use the legal reference while the villagers’ argument is based on customary and historical references. According to the regional conservation head officer from the Sumatra Rainforest Institute, one of the main problems in the forestry boundary issue in Mandailing was the different reference used by each party. Villagers referred to the *bestwezen* boundary, agreed between the traditional chief of Mandailing with the

colonial Dutch administration. Almost all villagers in Mandailing particularly those located far from main road or near to forest areas would refer to the *bestwezen* boundary when I asked them about their village boundary and the boundary of their own land. Local governments, however, referred to MoF decree No. 579/2014, while the BGNP office still referred to MoF decree No. 121/2012 (Interviews, RDS, August 2015; BNBG, February 2016).⁸⁸ This difference implicates at least three different issues, the number of villages stated to be located inside the forest region (whether protected forest or conservation forest), the involvement or not of villagers in the Forest Boundary Demarcation Committee and the expanse of the villages.

Regarding the number of villages located inside the forest region, the difference in reference points has meant that the government had its own count while villagers had theirs. After the issuance of MoF Regulation No. 579/2014, when the local government claimed that around 99 villages had been excluded from the forest region and 15 remained inside, for villagers the tally was different.⁸⁹ In the process of excluding most of the villages from the forest region, the government used the legal reference based on the ownership evidence criteria as stated in regulations deriving from a 2013 decree. According to the regulation, the criteria used were: the availability of legal certificate, legal recognition by local regulation, the existence of public facilities (public infrastructure such as roads and electricity) and social facilities (school buildings, mosques or health centres).⁹⁰

These criteria do not include cultivation areas and plantation land that the villagers had had handed down from their ancestors and had used for decades. When the government criteria were applied on the ground, boundary markers were mostly

⁸⁸ MoF decree No. 121/2012 concerns the BGNP area reduction from 1080 to 721 square kilometres. This reduction was to respond the lawsuit from SMC. MoF decree No. 579/2014 concerns forest land in North Sumatra Province, including BGNP. Each of the decrees has its own attachment map, and each map allegedly shows different boundaries for the national park. See Chapter 5.

⁸⁹ This regulation was designed to revise MoF Regulation No. 44/2005 on forest regions in North Sumatra, which had resulted in 114 villages in Mandailing being located inside various forest regions such as protected forests, conservation forests (BGNP) and production forests. It took almost nine years to revise this regulation, that is, until the issuance of MoF Regulation No. 579/2014.

⁹⁰ These government criteria are stated in the MoF decree No. 62/2013 on forest region gazettelement in Article 24, Paragraph 6.

located less than 500 metres from rivers close to village settlements -- rivers and hills are used traditionally by villagers to determine the boundary between two or more adjacent villages (Interview, ZBL, July 2015). On the other hand, most of the villagers' land for cultivation was located more than 500 metres from the river (Interviews, NSL, August, 2015; UG, July 2015). Sometimes villagers even considered their village boundary as stretching much further than 500 metres from the river (Interviews, IsM, September, 2015; IrM, October 2015). (see Figure 6.1).

Figure 6.1 shows the participatory mapping (as counter mapping) of Habincaran Village undertaken by villagers.⁹¹ This mapping process was conducted by the Sumatra Rainforest Institute together with villagers (Interviews, RDS, August, 2015; IrM, October, 2015). The map shows quite clearly that the villagers had sufficient land to choose their paddy fields, cultivation areas, forest reserve and water springs. On top of that, they knew clearly the boundary of their village with neighbouring villages and the hilltop boundary. Since they had lived in the area for generations, and certainly since Indonesian independence, they had adapted to the environment in which they lived in their own way. The map shows that they already had their own conception of the size and location of their village property. According to villagers, they had owned these properties on a hereditary basis since long before Indonesia became independent in 1945 (Interviews, HTP, June 2015; UG, July; NSL, August 2015; IsM, September 2015; IrM, October 2015)

⁹¹ Habincaran Village (or *Desa* Habincaran or *Huta* Habincaran) is located in the Ulupungkung sub-district. Huta is the traditional conception of village. Even though not equally similar, because the Huta conception has spatial connection with land and other huta, while *Desa* (java island conception) which has totally different spatial conception (but applied throughout Indonesia), the *Desa* is still used in this chapter. More detail about the difference between Huta and *Desa* will be discussed in the next Chapter.

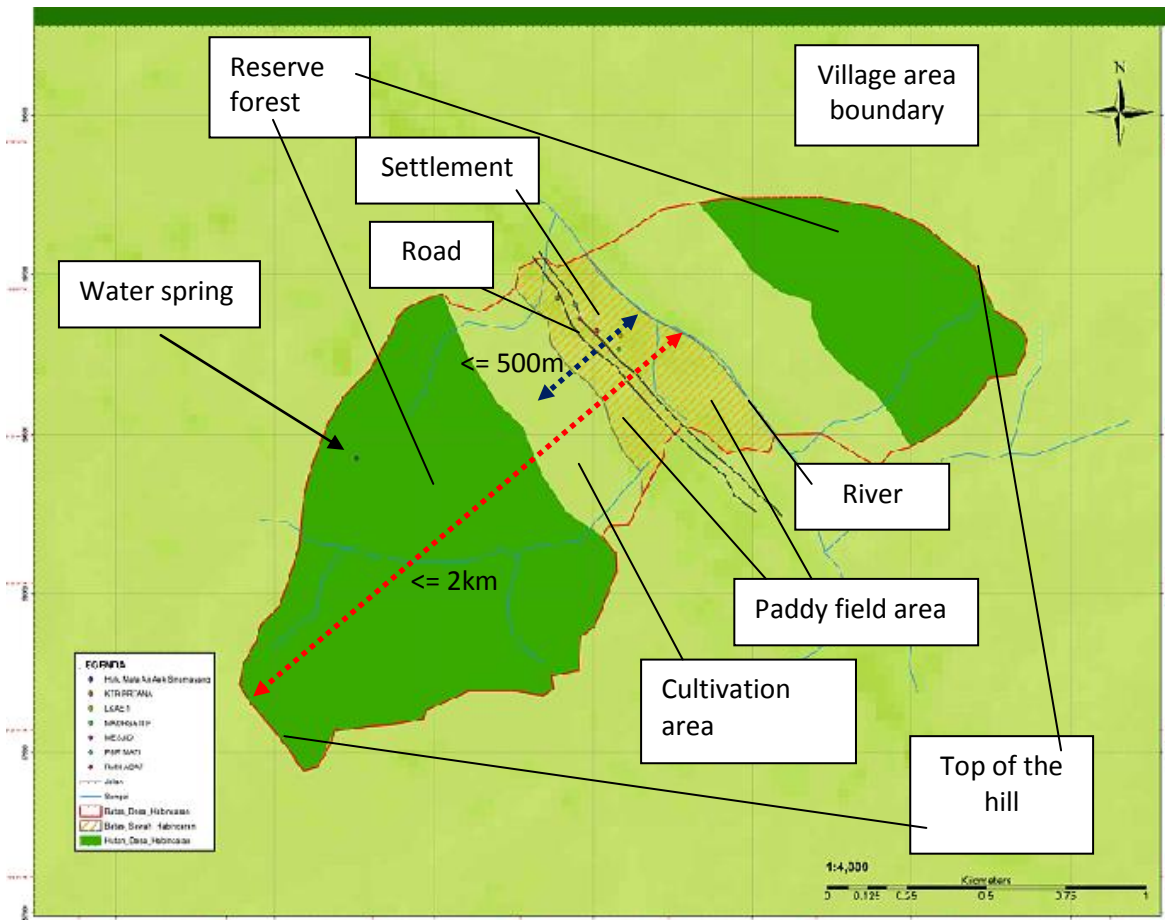


Figure 6.1: Participatory Map of Habincaran Village (Source: SRI).

If government criteria were applied on the ground, the cultivation area indicated in Figure 6.1 would be excluded from villagers' land and included in the forest region. Since the government criteria do not acknowledge the existence of cultivation areas, villages with cultivation land are included in the forest regions and excluded from villagers' land (Interviews, UG, August, 2015; ISM, September, 2015). If the number of villages located in the forest region is determined using customary criteria, the number is very different. Thus, for villagers the number of villages located inside the forest region is far more than the 15 villages stated by government.

The other implication is the question of whether to involve villagers in the Forest Boundary Demarcation Committee (Interview, MSBP, September, 2015). This issue is determined by the type of forest boundary that is relevant in the eyes of government. In the case of BGNP, governments considered that the park boundary is a functional boundary rather than an external boundary (see Chapter 3). However, applying these

two boundary types to the BGNP results in complexity and contradictions caused by the different reference points of government and villagers, as can be seen in Figure 6.2.

From Figure 6.2, we can see the external boundary (blue line), functional boundary (green line) and *beztwezen* boundary (black line). The blue and green lines are the references used by government while the black line is used by villagers. By using the government reference, from the figure we can also see that the protected forest area is located between the external boundary (blue line) and the functional boundary (green line), while the conservation forest (BGNP) is located between functional boundary and the top of the hill on the right hand side. Moreover, according to the government reference, the village area is located between the external boundary and the river to the left (Interview, MSBP, September, 2015).

According to the government reference, BGNP, as a conservation forest, has its boundary adjacent to a protected forest – a functional boundary -- and not to the village (Interview, MSBP, September, 2015; HBG, October, 2015; ZSBG, October, 2015). Consequently, when creating the forest boundary committee for the BGNP, since government uses the functional boundary rule as its legal reference, it was not considered necessary to involve villagers in the forest boundary committee. Again, according to the government reference, the village head would only be involved in the committee if the boundary lay between a forest region and the village area. As government considers the BGNP boundary as a functional boundary, there was no obligation for government to consult about the boundary with villagers (Interview, MSBP, September, 2015).

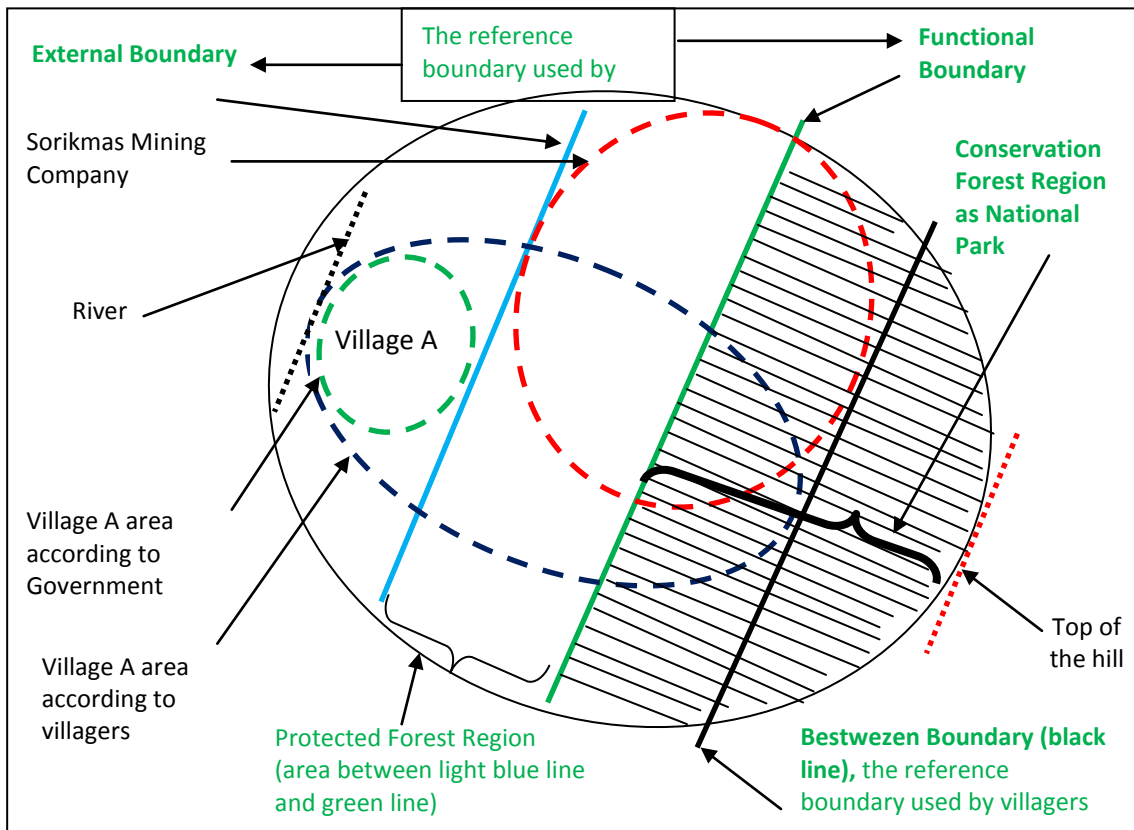


Figure 6.2: Illustration of the difference in boundary references between villagers and government.

On the other hand, as stated above, villagers refer to the village boundary based on the *bestwezen* boundary (Interviews, UG, August, 2015; IsM, September, 2015). As the map shows, they thus see the protected forest and several parts of the conservation forest as part of their village area. Thus, since they consider both the protected forest and the BGNP conservation forest as part of their land, they feel they should be involved in the forest boundary committee for protected forest.

As we can see, the difference of reference of boundary has had huge consequences on whether villagers could be involved in the BGNP forest boundary committee (Interview, MSBP, September, 2015). Since the government has stuck to its argument based on its own reference criteria, villagers have been kept off the committee. This has led to a situation in which villagers have no place to lodge complaints concerning the BGNP boundary. On the other hand, villagers saw their land as being taken away

from them by BGNP (Interview, HTP, June 2015). If government continues to apply strictly its criteria concerning the functional boundary as its basis for the BGNP forest boundary, it will create a dead-end process for the villagers, with no hope of ever participating in the forest boundary committee. Without an outlet for complaints, villagers have taken to showing their rejection of the park boundaries 'on the ground' with physical actions to prevent BGNP office staff from passing through the village (Interview, UG, August, 2015; NSL, September 2015) and from installing forest boundary markers either for the protected forest boundary or the BGNP forest boundary, as discussed in Chapter 7.

In addition, the difference of criteria and boundary reference would also result in determining the extent of village land. If governments use their legal criteria as outlined above and their boundary references are applied, then the cultivation area is excluded from village land. Thus, the village area becomes much smaller than the villagers expected (Interview, UG, August, 2015).

According to government, since it uses legal criteria in determining the area of a village, as for example Village A in Figure 6.2, the village land area is only as wide as the oblong zone marked by the green dash line on the map. (Interview, MSBP, September, 2015). For villagers, for whom the boundary of their land is based on their customary law, they use the *bestwezen* boundary with the result that Village A land fills the oblong lined with a blue dash line, a much larger expanse than the government's view of village land (Interviews, UG August, 2015; IsM, September, 2015; MSBP, September, 2015).

An ex-village head in Hutagodang village, Ulupungkut sub-district, illustrated this problem well in discussion with me. He said he had once been asked by a sub-district head to draw the map of Hutagodang village. He drew a map that was supported by a figure of 170 square kilometres for the village land. The sub-district head expressed astonishment that the village was so extensive but was told that the calculation was based on customary law and tradition. The sub-district official was a complete outsider, and he had expected that the village land would be no more than 200 to 250

hectares in expanse. This led to a prolonged and ultimately unresolved argument between the two (Interview, IsM, September 2015).

In summary, then, as the above vignette further testifies, the difference in the reference points and criteria between government and villagers that have led to the villagers 'losing' most of their customary land has become another reason why repudiation and rejection from villagers usually appears 'on the ground' as opposition to Forest Area Designation Bureau staff attempting to install forest boundary markers both for protection of forest boundaries as well as for purposes of demarcating the BGNP forest boundary.

6.7 Differences in Conception of Territory: Rural Villagers v Government

Following on from this discussion, one other important challenge to the implementation of forest boundaries is the different understanding of the concept of *territory* between government and villagers. This difference in the understanding of territory has actually worked to produce the difference in points of reference concerning the drawing of boundaries as discussed in the previous section. The difference reveals the incompatibility between the government's and villagers' understanding of territory, a concept which may include the traditional social structure, land ownership, natural resource management and governance of the territory (Interviews, UG, August, 2015; IsM, September 2015). The villagers' concept of territory is strongly embedded in the customary social, spatial and political structure of Mandailing people (Interviews, IsM, September 2015) as we saw in Chapter 3 (section 3.5).

This difference in the understanding of territory has brought more fundamental and deeper problems to government attempts to implement forest boundary demarcation (Interviews, UG, August, 2015; IsM, September 2015). The introduction of the government's conception of forest boundaries has affected not only the boundaries

themselves but more fundamentally the social structure of villagers and territorial arrangement of villages. Thus, if the government's concept of territory applied totally, for villagers it would mean a total change in their social structure (Interviews, UG, August, 2015; IsM, September 2015).

The customary understanding of territory is not, however, recognized by local and national government, which has instead introduced its own concept including that of national parks and boundaries of various kinds (Interview, MSBP, September 2015). The workings of the forest boundary committee, which only involve heads of village and not the traditional chief of *huta* or *banua*, are also part of state territorialization. Moreover, the implementation of the Javanese model of village (*desa*) to Mandailing and elsewhere in Indonesia through Law No. 5/1979 on Village Government has played a significant role in eliminating the customary structure and power of customary chiefs over people and particularly over territory (Lubis, 2005).⁹² This strategy can be seen as similar to that of the Dutch when they colonized the outer islands through indirect rule (McCarthy, 2006).

The traditional inter-village alliances that strongly connected people and territories have lost their significance since the centralized concept of village (*desa*) and village head (*kepala desa*) were introduced. As we saw in Chapter 3, customary areas in Mandailing were converted into government structures, with *huta* becoming *desa* and *banua* becoming *kecamatan*, or sub-districts (McCarthy, 2006; Lubis, 2005). Consequently, the head of a village and head of a sub-district are positioned in the local government hierarchy. Besides, these two officials have no authority over agricultural and forest land. This has been taken by central government, allowing government to allocate the land to private institutions or state agencies to do with it what they will. This state territorialization project has diminished or even eliminated the traditional sense of rural village territory.

⁹² As mentioned in Chapter 3.3 this law has been replaced by Law No. 6/2014. In this new law, villagers can freely choose between *desa dinas* (or regular village) or *desa adat* (or customary village) status.

Thus, the government's concept of territory, in Mandailing as elsewhere, affects not only villagers' access to the resources on which their livelihoods depend but also to the totality of their traditional spatial structure, social structure and natural resource management system (Interviews, UG, August, 2015; IsM, September 2015). This is the fundamental reason why many villagers repudiated the forest boundary process. This is why in certain villages like those in Ulupungkut sub-district villagers have demanded that local government recognize their customary system and later filed a lawsuit to protest against MoF regulation No. 579/2014 on Forestry in North Sumatra Province, as we shall see in Chapter 7 (Interview, AHM, November 2016).

6.8. Summary

This chapter has concerned itself with problems related to the implementation of government policy that affect villagers' livelihoods. In this case, the policy is about the gazetting of the forest boundary. The chapter also introduced a specific example of state territorialization at regency level. It set out to shed light on the relationship and interaction between (local) governments and villagers through the lens of state territorialization.

The first problem concerned the issue of unmanaged forest boundaries. The international NGO CII ceased to see forest boundaries as its priority project after BGNP was established as a centralized institution. Local government also lost interest in this issue. Soon after the centralized BGNP was established, the regent even published a letter in 2007 stating that there was no registered customary land in Mandailing. This notice was designed to prevent villagers from legally reclaiming the land that had already been 'occupied' by BGNP or protected forests in Mandailing. After the notice had been issued, it became much more difficult for villagers to claim legally their customary land.

A second problem is an institutional one related to the relationship between the following institutions: the BGNP office, the Forest Area Designation Bureau and the Forest Boundary Demarcation Committee. The BGNP office, although located in

Mandailing, is only responsible for managing the national park and not adjudicating on the park's boundary. On the other hand, the designation bureau is located in distant Medan and responsible for technical implementation of forest boundary demarcation: trajectory making, mapmaking and installing land markers. Although bureau staff want to resolve forest boundary problems, they need collective approval from the demarcation committee. For all decisions concerning forest land in Mandailing, including the national park, the demarcation committee is chaired by the regent. Thus, much rides on the willingness of the regent.

Thirdly is the undermining of information dissemination related to the forest boundary. It was found that no single institution related to the BGNP and forest boundaries is responsible specifically for the task of information dissemination. Several prominent people involved in BGNP issues argued that all actors should have certain moral obligations to disseminate the information. The BGNP head office claimed that it had a limited budget and that this was not its main responsibility. BGNP staff complained when several villagers confronted them in their office during demonstrations on the forest boundary issue and blamed the villagers for misdirected action, while BGNP staff did not educate the villagers properly by providing them with enough information. BGNP staff even blamed villagers by asking why they did not come and listen to explanations. The office staff made it clear to me that they preferred to be visited than to visit the villagers. "This office", one of them told me, "is the data bank for BGNP. They can get any information if they come here" (Interview, DBG, October 2015). It seems that they ignored the fact that most villages in the surroundings of BGNP in Mandailing live in forests, in remote areas and in areas with scattered dwellings. On the ground, there was much misunderstanding and misinformation about forestry and the national park among villagers.

Fourthly, this chapter has been about the inappropriate approaches and treatment of villagers by government. I introduced three cases or events: boundary marker installation on the ground, a BGNP meeting on zoning and a meeting of the Forest Boundary Demarcation Committee. In the first case, demarcation committee staff (as the technical implementation force for forest boundary demarcation) thought that

they could install the boundary markers simply by showing a letter and meeting the village head. They were forced to turn back by villagers not only because of disagreements over the boundary line but also because of their failure to recognize the customary leaders in the village. In the second case, instead of disseminating proper information to the heads of villages who were invited to a meeting, BGNP staff appeared to be using villagers merely for the purpose of fulfilling tasks. They approached village heads with money and payment for expenses. In the third case, the situation was quite similar to the previous one, if not more pronounced. The meeting of the Forest Boundary Demarcation Committee was started almost five hours late because of the late arrival of the regent. During the meeting, without proper explanation, committee officers distributed papers containing regulations, a forest boundary map for each village and minutes of the meeting and asked villagers to sign the documents. Although most village heads added their signature, they were not given copies of the map or the minutes. Those who refused to sign were told they would not receive the 500,000 rupiah for 'transportation'. The village heads from Ulupungkut sub-district decided not to sign, and were later offered triple the amount of money; but they still decided not to sign. They were the only village heads who did not sign the documents.

The other factor is the difference of boundary reference between villagers and government. Government uses functional and external boundaries while the villagers referred to the *bestwezen* boundary. The villagers have used their boundary since it was agreed between their customary leaders and the Dutch colonialists before Indonesian independence. This difference affects many other aspects: the number of villages located inside the forest region, whether villagers should be involved in the meetings of the Forest Boundary Demarcation Committee and the expanse of the villages.

Finally, this chapter has discussed the different ways in which the concept of territory is understood by villagers and government. Territory encompasses several factors: social structure, political structure, natural resource management and concepts of space. This is the most fundamental issue discussed in this chapter because it not only

involves the technical, managerial and legal domain of forest boundaries, but more fundamentally, the whole concept of territory. The issue of forest boundary is bound into this territorial factor. The villagers' concept of territory explains why they repudiated government's forest boundary reference. Thus, to solve this fundamental problem, mutual understanding and a smooth intermixture of the two conceptions is needed.

When mutual understanding and dialogue on the differences of the concept of territoriality between government and villagers do not exist, it results in conflict and acts of resistance from villagers against state territorialization of their land. These issues will be discussed in detail in the following chapter through an analysis of the different characteristics of villages in terms of their territoriality.

Chapter 7: Resistance and Responses to Mining Operations

7.1 Introduction

This chapter discusses the various responses from villagers towards conflict over natural resources conflict in the context of local autonomy. The conflict is related to the presence of overlapping land claims between Sorikmas Mining Company (SMC), Batang Gadis National Park (BGNP) and villagers. I take SMC here as standing for development interests while BGNP stands in this case study for the interests of conservation. On the other hand, for the villagers, their land represents a lot more, their whole livelihood.

This chapter focuses on the response by rural villagers including indigenous people to the process of state territorialization by the forces of conservation (BGNP) and development (SMC) and how the local people responded differently as a result of specific factors of customary territoriality. Local people with a different sense of territoriality (conception about space that determines the connection between people and the land and that also affects internal cohesion) produced different types of response and resistance capacity to the external incursions, as they saw it, of BGNP and SMC.

Customary territoriality as discussed in Chapter 2 is given its empirical basis in this chapter through the comparative discussion of differing approaches in three sub-districts. Through this discussion I aim to evidence the potential of territoriality to provide an all-encompassing understanding, as discussed in Chapter 2, of the commons, property rights, internal and external processes of collective action, the organizing of a people's voice, demands for accountability of powerful actors, resistance and the behaviour of local authorities under decentralization. The villagers' experiences can be traced through their various response and resistance strategies against external intervention.

More specifically, this chapter describes the response from three sub-districts in Mandailing towards the presence of SMC and BGNP; most of these villagers considered that the location of both the mining company's activities and the national park overlapped with their customary land. The three sub-districts concerned are Siabu, Nagajuang and Ulupungkut. Siabu is represented by two cases, namely Tangga Bosi with three villages and Hutagodang Muda with two villages. Figure 7.1 shows that Siabu and Nagajuang are both located in SMC's Block A mining concession (north site) while Ulupungkut is located in Block B mining concession (south site). Both Block A and B are exploration sites for SMC that overlap with BGNP and villagers' land. Figure 7.2 illustrates the SMC concession sites in detail.⁹³

Although the case study locations overlap with both SMC and BGNP, the discussion in this chapter focuses primarily on the villagers' response to SMC. This reflects the fact that villagers responded more vigorously to SMC than they did to BGNP. This is likely to have something to do with the fact that gold (SMC) is a more lucrative commodity than timber (BGNP). Besides, although small-scale illegal gold mining in Nagajuang and Siabu sub-districts was taking place only about 500 metres from the BGNP boundary, the issue of environmental degradation caused by the mining on the overlapping land got less attention from local government and BGNP (Interview, BND October 2015; BNBG, February 2016). The illegal gold mining has also brought uncertainty to SMC's operations in Mandailing (Interview, ASS, October 2015). Among the case-study locations, it is only in Ulupungkut sub-district that villagers have been concerned about both the issues of conservation and environmental degradation.

⁹³ The name Sihayo-Pungkut was taken from two names, Mount Sihayo in Siabu and Batang Pungkut (Pungkut River) in Ulupungkut. Sihayo covers the whole of the concession in Block A (Siabu and Nagajuang) while Pungkut covers the concession in Block B (Ulupungkut).

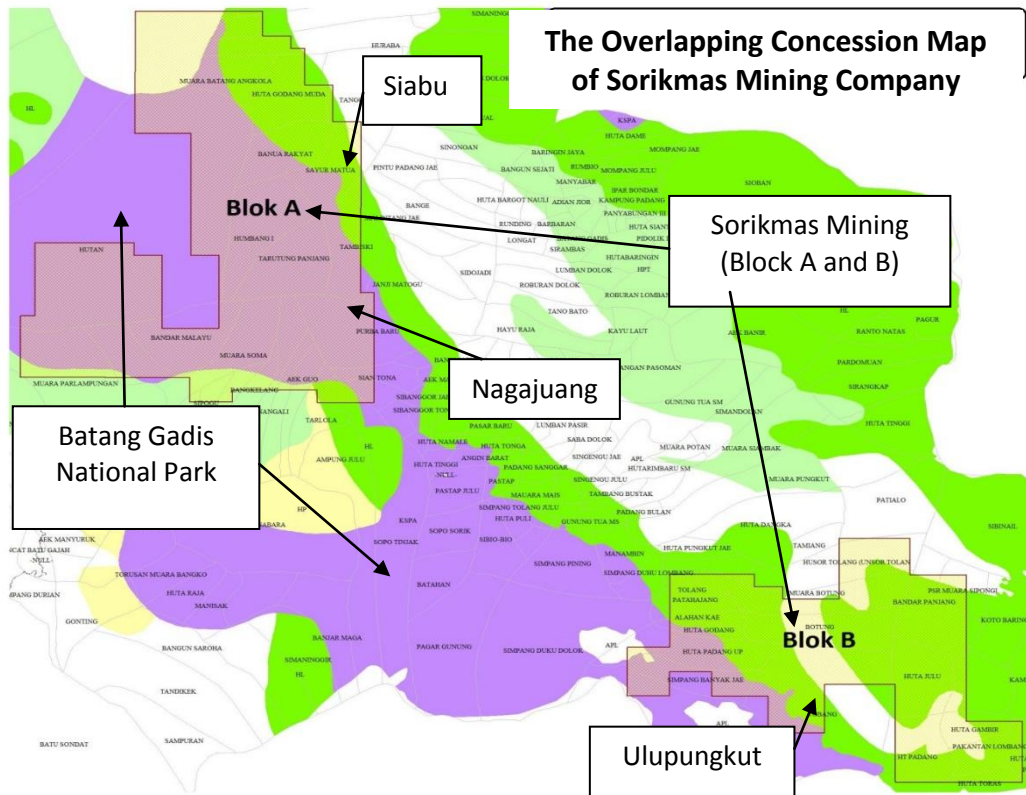


Figure 7.1: SMC’s Block A and B showing overlap with BGNP and several villages (Source: Jatam-Mandailing, n.d.) The green denotes protected forest and the purple denotes BGNP.

This chapter is structured as follows. The next section (7.2) discusses the empowerment programme prepared for villagers in several sub-districts during the establishment of the national park. The empowerment programme included livelihood and agriculture training, an economic development project, a conservation awareness project as well as guidance in the building and organizing of a conservation project to increase the collective political bargaining power of local villagers in the collaborative management of BGNP.

Section 7.3 examines the villagers’ demands and the rationales with which they justified these demands. Their demands were mostly for economic compensation (particularly in Siabu and Nagajuang sub-districts) while people in Ulupungkut pressed for the expulsion of the mining company from their land. The rationales behind their

demand were both their claim to customary land and the proximity of the resource sites. Section 7.4 discusses the way local villagers built core and supporting groups as their vehicle to deliver their demands. These groups had differing characteristics in each of the sub-districts. People in Nagajuang and Siabu built their groups based on community rather than on custom while people in Ulupungkut organized their core group around customary groupings based on family name connected to the founder of the villages.

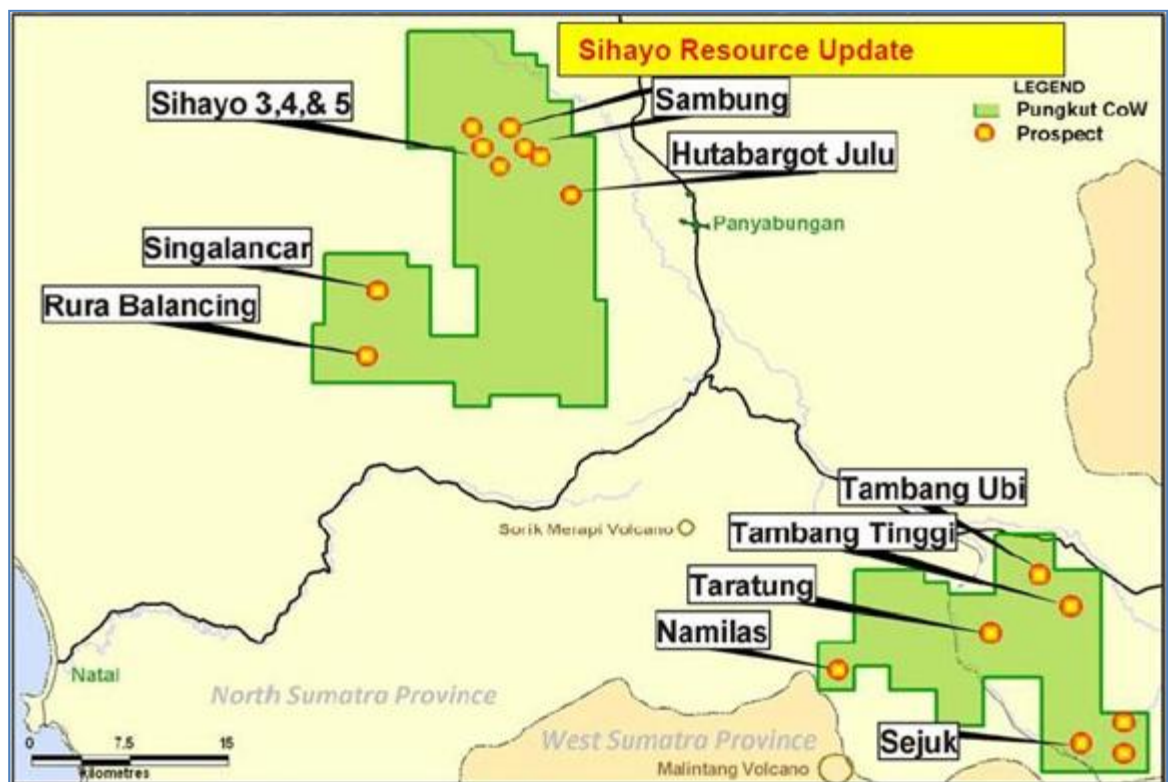


Figure 7.2: SMC's key prospecting sites, known as Sihayo-Pungkut sites⁹⁴. Source: Usir Sorikmas (Anti-Sorikmas) Mining website.⁹⁵

Section 7.5 relates the external action of villagers against SMC and BGNP. People in Nagajuang and Siabu tended to hold what I call external actions in the form of uncontrolled protests, which culminated in the burning of SMC offices close to the mining sites. In Ulupungkut, the protest was better planned; criminal actions were avoided, with the result that their protests lasted longer. Many Nagajuang and Siabu

⁹⁴ Sihayo is the name of a mountain, Pungkut that of a river

⁹⁵ <https://usirsorikmasmining.wordpress.com/2010/08/30/mengapa-orang-madina-wajib-mengusir-sorik-mas-mining/>

villagers were keen to exploit gold in areas with overlapping land claims while Ulupungkut villagers placed higher priority on environmental and health considerations and were not involved in any mining activities. They concentrated on their coffee crop and land conservation based on their customary resource management system. In section 7.6, I discussed reaction of local authorities (local government and local assembly) in responding to the villagers' protests against SMC. In this section, I describe how the local authorities used these protests to put pressure on SMC and gain economic benefit for themselves.

Overall, I argue that villagers who have stronger customary institutions – a stronger sense of territoriality -- can channel this into a firmer capacity to form a core group to lead resistance, and they tend to have a stronger capacity to protect their environment and resist interventions on their land. Please see Table 7.1 for the summary of villager's response to SMC intervention.

Table 7. 1: Summary of villagers' responses to SMC intervention.

	Sub-districts			
	Siabu		Nagajuang	Ulupungkut
	Tangga Bosi (three villages)	Hutagodang Muda (two villages)	7 villages	13 villages
Demands	Tendency to accept SMC with conditions	Acceptance of SMC with conditions and later changed to opposition to SMC	Opposition to SMC with demand that SMC release 30 ha of its land so that villagers can occupy the land and practice legal mining	Eviction of SMC
	Economic compensation	Economic compensation		
	Education and health fund, job opportunities, economic welfare programmes	Certificates for land, scholarship for students, construction of roads and bridges, medical contributions		
Rationale	Customary Land	Proximity to SMC site, and environmental degradation	Proximity to SMC site	Environmental degradation of customary land
Core group	1. Invalid customary group 2. Valid Customary elites	Villagers committee (ASMASY) as community + village heads	Villager alliance with no customary basis	Valid inter-village customary groups and villager heads alliance
Supporting group	Panyabungan Tonga traditional chief + PCMN (United Nasution Clan) in collaboration only with customary elites	Jatam Madina - Local Branch of National Anti-mining NGO SRI – Regional Forestry NGO, Funded by International Donor		BPGC – local NGO with no national affiliation SRI – Regional Forestry NGO, Funded by International Donor.
Supporting actor	Mandailing-born national activist who campaigned through his website, http://usirsorikmasmining.wordpress.com , to expel SMC			
Dynamic inside the villages	Villagers have been promised compensation but have yet to receive it (as of summer 2017)	ASMASY and village government issued warning to villagers who cooperate with SMC	Despite protests by villagers, 5 out of 7 village heads agreed to accept Regent's invitation to go on comparative study paid by SMC	1 village head agree to collaborate with SMC but he was dismissed by villagers
External action against SMC	Sent letter, held a meeting	Blocking street to prevent SMC logistics vehicles from passing, allegedly burnt SMC camp	Blocking street to prevent SMC logistics vehicles from passing, burnt facility, burnt SMC camp, occupied SMC site	Sent letter of protest
External action against local government and local assembly				Delivered demands to local government and assembly
External action on land issue (impact on the environment)	None (waiting for compensation)	Small-scale illegal and harmful mining practice (fewer than 25% of villagers involved)	Well organized small-scale illegal and harmful mining practice (almost 100% of villagers involved)	Planting coffee

7.2 Community Empowerment Programmes for Villagers

This section describes events similarly experienced by several villages in ten sub-districts of Mandailing, including the three sub-districts under study in this chapter. These events were part of empowerment programmes during the BGNP establishment project in the years 2004 to 2006 (see Section 5.5.3). The programme covered several themes such as conservation awareness, alternative livelihoods, conservation organization (and resistance) skills and village-level conservation agreement. The experience is important for this chapter because it demonstrates that the villagers were exposed by similar conservation-related programmes even though they later, between 2010 and 2016, adopted different responses and action against SMC.

Several villages in the three sub-districts under study were involved in the empowerment programme (Hasibuan, 2005; Nasution, 2005), (see Table 7.2). In Siabu, three villages were involved with PCO and one village in the conservation agreement and alternative livelihoods project. In Nagajuang, there were four villages involved with PCO and one village in the conservation agreement and alternative livelihoods project. In Ulupungkut, three villages were involved with PCO and one village in the conservation agreement and alternative livelihoods project. The conservation agreement and alternative livelihoods project were implemented over four months, from September to December 2005 (Pusaka, 2006), during which time villagers were involved in interaction with Bitra Consortium staff almost once every two weeks (Interview, HH, November, 2015; Hasibuan, 2005; Nasution, 2005).

During their work with PCO in these years villagers were intensively exposed to conservation-related intervention. In the PCO-led project, there were community organizers who were trained to influence village leaders. In the conservation agreement and alternative livelihoods project, villagers were exposed to conservation regulation methods and materials. Villagers interacted with community development officers who taught them how to undertake alternative agriculture practices (Interview, EI, October, 2015; YY, October, 2015; HH, November, 2015).

Table 7.2: Name of villages and sub-districts involved in the BGNP projects.

Sub District	Villages	Community Empowerment Programmes		
		People Conservation Organization (PCO)	Conservation Agreement (CA)	Economic Alternative (EA)
Siabu	Hutagodang Muda	✓		
	Tanjung Sialang	✓		
	Muara Batang gadis	✓	✓	✓
Ulupungkut	Hutagodang	✓		
	Hutapadang	✓		
	Simp. Duhu Dolok	✓	✓	✓
Bukit Malintang/ Nagajuang	Tarutung Panjang	✓		
	Humbang 1	✓	✓	✓
	Tambiski	✓		
	Banua Rakyat	✓		

With all experiences under their belt, it can be considered that all villagers in these villages had, at least in theory, the chance to acquire similar levels of exposure to conservation knowledge that could be used as a guide to making decisions on local conservation-related issues. With PCO active in so many villages, villagers were in a position to gain enough capacity to organize themselves on conservation issues. However, these considerations finally appear not to have been relevant when it came to small-scale illegal and environmentally harmful mining practices in Nagajuang and Hutagodang Muda. As will be discussed in detail in section 7.5.2, Siabu and particularly Nagajuang people exploit the gold in their region illegally without considering the conservation and environmental consequences.

7.3 The Villagers' Demands

7.3.1 Economic Compensation and Removal of SMC from Mandailing

My interviews and observations made it clear to me that most villagers tended to see the existence of SMC as an opportunity to get money. Thus, with various rationales, they asked for monetary and welfare compensation. Their reaction to the existence of BGNP was very different -- they tended to ignore it. On the other hand, the people of

Ulupungkut sub-district were not interested in monetary compensation as a result of the SMC presence in their region. In addition, they were the only people who expressed concern about issues related to the presence of BGNP in their area and the conservation issues it gave rise to.

Villagers in Siabu and Nagajuang sub-districts pressed for different types of compensation. Tangga Bosi villagers from Siabu sub-district, for instance, made similar demands, although they were divided into two groups. One group wanted compensation for use of customary land, or *pago-pago*, to use the traditional Mandailing term (Interview, ARN, August 2015). The other group made claims for health and education funding as well as job opportunities and economic welfare programmes; their claims were not based on the loss of customary land (Emawati, 2011; Interview, PNS, October 2015)

Residents of the two Hutagodang Muda villages in Siabu sub-district made more specific demands for compensation. They wanted two hectares of certified land per family, a monthly scholarship for every junior and senior school and university student, roads and bridges, 500 million rupiah in credit for farming, reimbursement of all of their medical expenses and a fund of 500 million rupiah every three months for training for human empowerment purposes (Ayn and Zul, 2011; D. Batubara, 2011). According to an SMC officer, these demands were very unrealistic. She said that it might be that the “villagers thought that our company has already mined gold, while we are actually now still at the stage of exploration”. Some villagers wondered how the company could pay her salary if it had not yet found gold. “It seems,” the official said, “that the villagers do not understand the investment scheme” (Interview, ASS, October, 2015).

People in Nagajuang had a different set of demands. Even though they did not ask for direct monetary compensation, they did want other forms of economic gain -- the release of land. However, the villagers only asked SMC to release a small part of SMC land, 30 hectares out of 42,100 of the SMC concession (Ardiansyah, 2013). Nagajuang

people claimed that area as their cultivation land (Interview, ASM, October 2016). It was actually land where villagers were already involved in small-scale illegal mining.

Since all the villagers in Siabu and Nagajuang sub-districts expected a direct economic gain from SMC, they never simply repudiated the company. The Hutagodang Muda villagers, for example, while initially accepting the activities of SMC, later objected to the presence of the company after their demands were rejected by SMC. This was also the case for the Nagajuang villagers, who also came out in opposition to SMC once it became clear that their demands would not be met.

While villagers in these locations tended to be driven by considerations of short-term economic gain, the Ulupungkut villagers approached the situation differently. They were concerned by the presence of both SMC and BGNP. A significant majority of their customary leaders decided not to approach SMC for compensation and did not show any interest in exploiting the gold in their land for economic gain. Further, the people of Ulupungkut showed more solid support for rejecting SMC or indeed any other form of mining company; they demanded the eviction of SMC from their land (Interviews, UG, August, 2015; IsM, September, 2015). Some differences of opinion existed among Ulupungkut people and their leaders, particularly since SMC staff exerted considerable effort to influence them, but the majority of the people and their customary leaders stood firm. The story of Patahajang village, told in section 7.5.1, in which the most gold deposits in Ulupungkut were to be found, is representative of reaction in Ulupungkut. As with mining issue, villagers in Ulupungkut held a position in regard to the forestry issue and BGNP that was different from elsewhere (Interview, UG, August, 2015). They stated their demand for a collaborative management of the national park, including the forest-boundary issue. They referred in their demands to the relevant MoF decree, No. 19/2004 (see section 5.5.1). They also said that if the forest boundary issue could not be resolved through collaborative processes, they would oppose the national park.

To summarize, most Mandailing people in the case-study area tended to press for measures that would lead to short-term economic gain. In the case of some Tangga Bosi villagers, claims were made on the basis of loss of customary land. Ulupungkut

villagers, however, expressed concern and took up their cudgels not only against SMC but also BGNP.

7.3.2 Rationales for the Demands: Customary Land and Proximity to Villagers

Generally, in the locations under study, there are two types of rationale used by villagers when putting forwards their demands in response to the presence of SMC and BGNP: as villagers who live near the site of tension and as villagers whose customary land inherited from their ancestors is being infringed. People in Tangga Bosi and Ulupungkut used the customary land as their rationale while Hutagodang Muda and Nagajuang villagers made their claims on the basis of their proximity to the SMC concession.

Interestingly, even with a similar rationale, the interpretation and implementation differed. Tangga Bosi villagers, for instance, were divided into two groups: 'rank and file' villagers and the customary elites.⁹⁶ The villagers considered they were entitled to the land (as compensation from SMC) because they had lived there for a long period. On the other hand, the traditional elites believed that they not their villagers should have ownership of the land. Since the traditional chief in Tangga Bosi had no significant support in his villages for his claims, he built alliances with the higher traditional elite from Panyabungan Tonga village. Panyabungan Tonga used to be the largest principality in Mandailing.

According to their customary rule, the three Tangga Bosi villages were founded or 'opened' by a member of the larger Panyabungan Tonga clan; the establishment of the Tangga Bosi villages was approved according to customary rites by the chief of the

⁹⁶ Most villagers in the three Tangga Bosi villages, as explained in Chapter 3, were not originally born in these villages but came from Ulupungkut sub-district. Their family name mostly is most likely to be Lubis, Pulungan or Batubara. On the other hand, the customary elites in this case are the traditional elites from the Nasution clan whose ancestors first opened the Tangga Bosi villages. However, since the Nasution are not in the majority in Tanggabosi villages, their voice is not significant. Both groups -- the Nasution customary elite -- and the Lubis, Pulungan and Batubara villagers base their various claims on custom. According to customary rules, villagers claims to decision-making authority are invalid since they are not from the founder's clan. On the other hand, the customary elite claim that while their voice in decision-making is valid, it tends to get drowned out because of their inferior numbers.

Panyabungan Tonga clan, who conferred traditional authority on the Tangga Bosi chief. The Tangga Bosi village chief, whose family name was Nasution, could therefore be considered the branch manager for the Panyabungan Tonga clan (Interview, ZBL, July, 2015). According to their customary rules, the land is owned by the Panyabungan Tonga clan but is managed by the chief of the Tangga Bosi villages. Based on this rationale, the traditional elite in the clan and village claimed that the Panyabungan Tonga owned 60,000 hectares of Mandailing land, including Tangga Bosi villages and the SMC operation sites at Mount Sihayo and Sambung (Interview, ARN, July 2015; PTC, July 2015), (see Figure 7.2). The chief supported his claim through reference to a traditional historical argument and several legal references, one of the most important of which was a letter issued by the regent of South Tapanuli on October 1984 that was signed by the regent and the heads of two sub-districts (Interview, ARN, July 2015; PTC, July 2015).

Ulupungkut villagers advanced a different interpretation in claiming their customary land. While they too recognized the relationship between their larger traditional clan and the village elite, they argued that their land was collectively owned by villagers but managed jointly by the higher traditional elites and the village elite (Interviews, UG, August, 2015; IsM, September, 2015)..

As we have seen, Ulupungkut villagers also used environmental considerations in their case against SMC. They argued that the destructive implication of SMC's operations as well as small-scale illegal mining would be much worse than the potential benefit they could gain if they accepted SMC or the illegal mining (Interviews, UG, August, 2015; IsM, September, 2015). They understood that SMC would be an open cast operation with significant consequences for their land. They estimated that the diameter of the open mine would be greater than the entire length of Ulupungkut sub-district.

On the other hand, residents of the two Hutagodang Muda villages in Siabu sub-district had rationales for their demands that did not appeal to customary rules. They advanced their demands on the basis of their proximity to the SMC sites, less than one kilometre away. For the villagers, the close distance between the SMC site and their

settlement put them in a situation of high risk in terms of the impacts of the mine (Interview, ASM, November 2016). They pointed out that the only road to the site led through their villages and made reference to the damage that could be caused by SMC vehicles passing through their villages and the dust that would be stirred up with its likely impact on their health (Karo-karo, 2011). Further, there were other factors they mentioned, such as environmental problems affecting the water catchment and water supply. Since the SMC site at Mount Sihayo is located at a higher altitude than the Hutagodang Muda settlement, the prospecting for and extracting of gold could badly affect the villagers' water supply (Jatam-Mandailing, n.d.). The villagers had no intention of moving out, so they demanded compensation (Interview, ASM, November 2015). The same rationale was used by people from Nagajuang sub-district.

While villagers tended to choose the rationales that fitted their condition, the recourse to customary rules was interpreted differently in different locations, as in the case of Tangga Bosi and Ulupungkut people. As we have seen, even within Tangga Bosi, residents were divided into two groups: villagers and the customary elite. Besides, similar rationales resulted in different demands. Recourse to customary rules, for instance, was used to gain economic benefit in Tangga Bosi, while for Ulupungkut people, it was used to attempt to evict SMC from their area. Environmental impact was used by Hutagodang Muda residents to claim economic compensation; the same reason was used by Ulupungkut people to repudiate SMC.

7.4 Villagers' Internal Processes: Core and Supporting Groups

The process of organizing the villagers' response to the presence of SMC and BGNP cannot be separated from the existence of a core group and a supporting group in delivering their demands. The core groups were formed by and for the villagers with their own capacity and their own institutions where members of the groups were themselves villagers. On the other hand, the supporting groups were groups or organizations from outside the villages that supported the demands of the villagers.

Conducting campaigns of resistance always needs a core group of campaigners. This was the case with the villagers in Mandailing. The typical characteristics of the core group were mostly determined by traditional institutions, that is to say the *ripe* (family-name group) in each village and the *taporan huta*, or traditional inter-village relationship in Mandailing, and groups formed around the family name. The forming of a core group around the family name existed in all villages except those in Nagajuang.

In this section, I provide an empirical basis to support the argument explained in the passages in Chapter 2.3.5 and 2.4.2 on effective collective action - for demanding accountability - around natural resources, particularly when based on territoriality. Solidarity building among villagers implies a significant collective action among villagers in organizing the people's voice. In the case of Mandailing, as the cases in this chapter show, collective action tends to be based on their relationship with their family name and its connection to their land, which derives from the family-name of the founder of the village. This factor influences significantly their ability and capacity to build collective action as the basis of a core group to build resistance and face external threats. The case of Ulupungkut strongly supports those thesis concerning effective collective action in building a core group based on customary family name and integrated territoriality, while the case of Nagajuang and Siabu sub-districts, particularly in Tangga Bosi, equally supports the contention that collective action not based on villagers' sense of an integrated territoriality is unlikely to be successful. As will be explained in section 7.5, this basis in a strong core basis is a more effective way of demanding accountability of external and strong powerful actors.

7.4.1. Nagajuang and Siabu Sub-districts

Villagers in Tangga Bosi who demanded monetary compensation initially based their claim on customary reasons. When their demands were thrown out, they changed the rationale for their claim to one that was no longer reliant on a non-customary basis. They pressed their customary claim at a forum of villagers with SMC staff. According to an SMC officer, the villagers who came were from various family-name groups, namely Lubis, Rangkuti, Matondang and Batubara (Interviews, PNS, October 2015; ASM,

November 2016). None of the villagers who came, however, was from the Nasution family name. The Tangga Bosi villages were founded by the Nasution family, and according to Mandailing customary rule, only villagers bearing the same family name as the founder have the right to represent the village in its discussions of customary affairs (Interviews, ZBL, July, 2015; ARN, August, 2015; PNS, October 2015). SMC staff were aware of this customary rule, and argued that the meeting had no legitimacy as there was no one with the name Nasution present. The meeting broke up. At that point, the villagers formed new groups and put forward their demands not on the basis of customary rule but as simple villagers of Tangga Bosi (Interview, PNS, October 2015).

As we have seen, the traditional chief of Tangga Bosi villages created a core group by building an alliance with a group of higher level traditional chiefs from the Panyabungan Tonga made up of the himself alongside the traditional chief of the Panyabungan Tonga clan and the United Nasution Clan grouping (PCMN, 2012); Interviews PTC, July 2015; Interview, ARN, July 2015). These three parties recognized the traditional relationship between Tangga Bosi and Panyabungan Tonga as a hierarchical one of lower and higher chief. The leader of the United Nasution Clan used his greater social capital – he had graduated from law school and had been a politician -- to engineer an agreement between the two chiefs to build an alliance of traditional forces to press demands against SMC based on customary rules.

In a similar way to the villagers of Tangga Bosi, the people of Hutagodang Muda also created a group to resist SMC based on family name (Asmasy, 2011). The group, called ASMASY, was formed to shape villagers' demands regarding the presence of SMC near their settlement. The group had the support of people drawn from each family name in Hutagodang Muda village. ASMASY, as the core group, was supported by the village head. ASMASY drew support from the neighbouring village, Tanjung Sialang (Interview, ASM, November 2016). Further support came from JATAM Madina, the regency-level branch of a national anti-mining NGO whose lead officer in Mandailing was also a villagers' representative for Hutagodang Muda.

7.4.2 Ulupungkut Sub-district

Unlike in the other locations, the core group of Ulupungkut people in responding to SMC and BGNP was formed mostly by the embedded traditional institutions that existed at village and inter-village level (Interviews, UG, August, 2015; IsM, September, 2015). These were the *ripe*, *taporan* and chief *panusunan* (chief of *banua*). *Ripe* is the smallest family-name grouping, where people in each village are attached through their family name to one head of family. The *taporan* is a traditional group of villages based on the common foundation and history of the villages. *Taporan* are determined by the family relationships of the founders of a group of villagers (Interview, IsM, September 2015). The founders of the villages in one *taporan* are brothers with the same father. These historical and family ties mean that people within a *taporan* have strong bonds one to another. Traditionally, Ulupungkut is made up of two *taporan* (Interview, AHM, August, 2015). The *panusunan* is the traditional chief at inter-*taporan* village level. These three groupings are still current and important in Ulupungkut.

In responding to SMC and BGNP, people in Ulupungkut utilized the *ripe*, *taporan* and chief *panusunan* to form a core group for their resistance. Every decision was discussed by these three institutions (Interviews, UG, August, 2015; IsM, September, 2015). After discussing important issues on SMC at a *ripe* meeting, every family-name chief in each village would ask a representative of each family in his group to sign a formal letter to support the eviction of SMC (Interviews, IsM, September, 2015; SB, October 2015). The village-level agreement would then be taken to a *taporan* meeting, where agreement would be sought. In the case of Ulupungkut, this *taporan* inter-village meeting brought together five villages. In a meeting of representatives from all of Ulupungkut's 13 villages, the backing from 5 of them strongly influenced the others to support the agreement (Interview, IsM, September 2015).

In addition to *taporan*, another important factor in making an effective agreement at the inter-village level in Ulupungkut was the chief, or *panusunan* (Interview, IsM, September, 2015). The *panusunan* is the traditional chief for several villages. He is considered the most respected person among traditional chiefs in each village in one

taporan. According to one Ulupungkut activist, an important moment in building the cohesion of Ulupungkut resistance was when in one inter-village meeting, the *chief panusunan* of Hutagodang, made the following statement: “If government and SMC do not listen to our voice, all the weapons from our *Bagas Godang* [traditional great house] will be taken out and we declare war on them!” (Interview, AHM, August 2015).

Overall, in their resistance, the core group of Ulupungkut people consisted of a multi-level traditional group formed naturally from below. In terms of the decision-making process, these multi-level groups followed a multi-level bottom-up representative decision-making process. This meant that decisions were regarded as legitimate and were strongly supported by almost all of the villagers (Interviews, IsM, September, 2015; HH, November 2015).

The core group was very effective in consolidating the villagers inside Ulupungkut, but was unable to prevent SMC from infiltrating Ulupungkut. The villagers soon realized, however, that although their 13-village strong group had made three joint statements to repudiate SMC since 2004, they were having no effect (Interviews, UG, July, 2015; AHM, August, 2015). Thus, the core group leaders -- the customary leaders -- decided they needed an improved array of forces not comprised of customary leaders and village heads but nevertheless representing the voice of the customary chiefs, village heads and villagers, a grouping which could move more flexibly and dynamically to help them build a movement strong enough to oppose SMC, at least locally. They started by establishing a supporting group to facilitate and deliver their views especially to outsiders. Since they understood that the resistance process would take a long time, they transformed the supporting group into a formal NGO named Batang Pungkut Green Conservation (BPGC) (Interview, AHM, August, 2015). This NGO was established with one of its main missions being to expel SMC from Ulupungkut (and Mandailing).

What makes this NGO more interesting is its independence. Unlike other NGOs established to get funds from national or international funders, BPGC clearly stated in its declaration letter that it would not distribute any funding to other organizations

(Interviews, UG, July, 2015; AHM, August, 2015, IsM, September 2015). It committed to being a self-funded organization. Even when several Ulupungkut-born people living in Medan and Jakarta asked them to open a bank account so that they could transfer money, they refused (Interview, UG, July, 2015; AHM, August, 2015). They preferred to fund the NGO themselves by allocating 5% to 10% of their monthly income to NGO operations so as to ensure that their agenda would not be directed by any people or organization but themselves (Interview, UG, July, 2015). They also did not want to impair group solidarity by accepting money from outsiders. Besides, their agenda was very fluid and flexible depending on the conditions on the ground in Ulupungkut or Mandailing. At the time of writing, this NGO still survives and is run along the same principles.

The other supporting group for Ulupungkut people is Sumatra Rainforest Institute, the internationally funded regional NGO already mentioned in previous chapters. This NGO supports Ulupungkut people on at least two issues: livelihood and forest boundary (Interview, RDS, July 2015). On the forest boundary issue, it involved BPGC in the Mandailing-level committee asking local government to revise the BGNP forest boundary. On livelihood issues, the Sumatra Rainforest Institute helped Ulupungkut people gain from the transfer of techniques and knowledge on coffee production. According to the head of BPGC, planting coffee for Ulupungkut people is not only important for their everyday livelihood but also for the defence of their customary land as part of their long-term resistance to SMC (Interview, UG, August 2015).

The other supporting factor that was important in building Mandailing people's resistance to SMC was the presence of a website devoted to the eviction of SMC from Mandailing.⁹⁷ The website was dedicated to ensuring that the opposition among Mandailing people to SMC could be heard beyond Mandailing, in places like Medan and Jakarta. By spreading relevant news, the website was able to keep Mandailing-born people living in Medan, Jakarta and elsewhere in Indonesia informed on events from an opposition standpoint. The website had originally been established to

⁹⁷ The purpose of the establishment of the website can be clearly understood through the website's url, <http://usirsorikmasmining.wordpress.com>. *Usir Sorikmas* mining means Expel Sorikmas Mining.

represent the voice of all villagers near the SMC site, but the man who set it up, who was born in Ulupungkut, had direct contact with BPGC activists in Ulupungkut and soon began to collaborate with them to share their data and make their resistance more effective (Interview, ASM, August, 2015; IsM, September 2015). Besides, as he had studied for a Masters and PhD in Europe, he also campaigned to bring the situation to an international audience, including on his website material on the negative effect of SMC on Mandailing people and the environment. BPGC activists told me that they thought this international campaign was very effective in presenting their understanding of the damage SMC would bring to an international audience (Interview, August UG, 2015). One Ulupungkut leader from Hutagodang village said that 60% of their “temporary” success in the resistance against SMC was determined by the fact of their collaboration with the online resistance campaign through the website (Interview, IsM, September 2015).

The experiences detailed above suggest that to perform strong resistance it is very important to build both a strong core group and an effective support group. My research and experience in the field makes it clear that the key institution in Mandailing society is the family-name grouping in each village. This basic grouping is to a certain degree effective in consolidating people at the village level across a number of villages. Developments in Tangga Bosi and Hutagodang Muda suggested strongly that a core group only supported by villagers in one or two villages could not be effective in building resistance. The *taporan* factor, which came into play only in Ulupungkut, indicated that inter-village consolidation that was built around this traditional institution could be effective in building solidarity among several villages and influencing events beyond. Finally, the role of the customary chief in Tangga Bosi and Ulupungkut implied that a village chief or an inter-village chief with the support of his villagers had greater capacity than one with less or no support from his villagers.

7.5 External Action

In this section I will discuss the dynamics behind the action taken by villagers (in their core and supporting groups) in their response and resistance towards BGNP and SMC. The section is divided into three sub-sections, which look first at action taken toward SMC and BGNP, then at relations with local government and finally at approaches toward the issue of overlapping land. Relations with local government bring in other actors in the context of local autonomy, including BGNP officers, police officers, regency attorneys and members of the local representative assembly.

7.5.1 Actions against SMC and BGNP

The dynamics of the relationship between villagers and SMC as well as BGNP tended to demonstrate the unequal nature of relations. SMC was generally successful in controlling the nature and flow of interactions, with villagers tending towards a relatively more subservient role. There were similarities in the pattern of action by villagers towards SMC. Likewise, there were also similarities in the type of action by SMC towards villagers in different locations. Ulupungkut, again, was the exception.

In Tangga Bosi, villagers organized several demonstrations after SMC had failed to fulfil a promise it made to pay *pago-pago* and fulfil the demand as compensation. The demonstration took the form of blocking the only street leading through Tangga Bosi to the SMC site. In November 2010, many villagers, including old men and women were involved, sitting down and lying in the street. The purpose of the action was to prevent SMC vehicles from passing through the three villages. After this demonstration, SMC promised to approve the compensation. After two months with no change in the situation, on January 13th, 2011, the villagers performed another type of protest action. This time the action took the form of detaining the pilot of an SMC helicopter for about 15 minutes and pressing him to stop flying food and logistic material for SMC staff at the camp at Mount Sihayo (Wan, 2011a). They released him after he promised not to fly to the camp but to deliver their messages to the SMC management. This successfully disrupted logistic supplies to the SMC office. Since supplies could only be delivered by car or helicopter, and both modes of

transportation had been disrupted by the villagers' action, SMC staff started to worry about their food supply.

This situation lasted for two days, after which SMC agreed to hold a meeting with villagers. At the meeting, which was facilitated by local government, having several times failed to fulfil its promises, SMC offered to pay compensation for livelihood damage and for the use of the villagers' customary land (Ayn and Zul, 2011). Compensation for the land was to be paid as long as land tenure was supported by legal evidence. The company offered 2 million rupiah per hectare while the villagers were looking for 15 million rupiah per hectare. For damage to livelihood, the company offered a total of 2 billion rupiah to all the 1300 families in the three villages or around 1.5 million rupiah per family, while the villagers were asking for 7.5 million per family, which would have totalled 9.8 billion rupiah (Ayn and Zul, 2011). Since there was no agreement between villagers and SMC about the amount of compensation, the money has yet to be paid at this time of writing (autumn 2017). This situation for the villagers represented an unattainable opportunity. In contrast, for SMC it could be read as just another strategy to make apparently reasonable promises that they have no intention of implementing.

The action taken by villagers in Tangga Bosi bears similarities to that taken in Hutagodang Muda and Nagajuang, particularly as villagers there too blocked the street in order to prevent supplies from reaching the SMC site. SMC responded similarly by agreeing to talk with villagers. The talks were facilitated by the head of the sub-district. The difference here was that after what the villagers saw as an unsatisfactory meeting, their action intensified; my informants told me that hundreds of villagers, mostly women, marched to the SMC site offices and burnt down the living quarters (Wan and Ann, 2011; Interview, ASM, October 2016). One villager was shot and injured and six others were arrested and jailed by police after the incident. According to one of the Hutagodang Muda leaders, it was not the villagers who burnt the camp. The camp had already been burnt when the clash happened. He claimed that the villagers were set up, and this was used by SMC and the police to arrest several villagers who they considered to be perpetrators of the arson (FB Interview, ASM, October 2016).

SMC then utilized these six jailed people as a tool to put pressure on other protesters in Hutagodang Muda village. To the police, SMC said they agreed to the release of the protestors but only if all villagers agreed to support SMC's operations, renege on their demands and revoke the sanctions against villagers who cooperated with SMC. Villagers, however, felt traumatized by the actions of SMC security staff and police officers towards them (FB Interview, ASM, October 2016). This condition absorbed much of their energy, and over the subsequent two years and more, the resistance from Hutagodang Muda decreased considerably.

People in Nagajuang sub-district took similar action to those in Hutagodang Muda people, which was to burn SMC camp, but with different stage of actions (Wan and Ann, 2011). After thousands of villagers from seven villages in Nagajuang had demonstrated in protest against SMC, local government reacted by inviting all village heads to a so-called 'comparative study meeting' at an established mining operation in Sulawesi paid for by SMC. Despite lack of consensus among the villagers, five of the seven village heads agreed to go on the study trip (Wan, 2011b; BS-026, 2011). After the study trip was over, SMC utilized its good relationship with the village heads by offering them several agricultural facilities to be used by villagers. These facilities were established in several villages, and were supported by farming, livestock and fishery training for farmers as well as a supply of good quality seeds, all of which was part of SMC's corporate social responsibility policy. To build a closer relationship to villagers, SMC employed a Mandailing-born graduate as its corporate social responsibility officer (Interview, WA, September, 2015).

These new facilities failed to satisfy the villagers. One of the agriculture seedling facilities in the Nagajuang village of Banua Simanosor was burnt down by unknown people. A week after that, hundreds of Nagajuang people went up to the SMC camp on Mount Sambung and attempted to seize the camp. Waiting for the villagers were SMC security staff and district police. Emotions started running high and the situation soon deteriorated. In the midst of chaotic scenes, some villagers burnt down the SMC camp. During this clash, one villager was shot and wounded and three others were wounded

by sharp weapons. Unlike in Hutagodang Muda, several of those arrested were released on receipt of a guarantee from the regent (Interviews, BND, October 2015; ASM, November, 2016).

Different from the cases above, the alliance of traditional elites in Tangga Bosi with Panyabungan Tonga, who had few (or no) villagers supporting them, performed their resistance to SMC mostly through negotiation and legal approaches (Interview, ARN, September 2015). Following an internal agreement among the alliance of traditional elites, a letter signed by the chief of Panyabungan Tonga was sent to the regent of Mandailing and to the management of SMC regarding the operation of SMC on the land that the traditional chief claimed as their customary land. According to the Panyabungan Tonga claim, its customary land covered about 600 square kilometres, and Block A of the SMC site was part of it (Interview, PTC, July, 2015; ARN, September 2015).

Responding to the letter, the SMC replied by stating that the company had no clear prior information about the existence of customary land in their operational site. The CEO of SMC, stated that, to show his positive intent, as long as the customary claim was in line with Indonesia's rules and regulations, the company was eager to talk more about the customary land issue along with the Mandailing regency government (PCMN, 2012). The regent also replied to the letter stating that SMC must solve its problems with the villagers around the mining sites as well as with the Panyabungan Tonga clan on the issue of customary land based on national rules and regulations (PCMN, 2012).

Knowing that his legal bargaining position needed to be stronger, the traditional chief asked the head of the regency attorney's office for a legal opinion on their demands. The chief attorney replied with a letter that supported the argument of the traditional chief, who took this as a sign of the strength of their legal position (PCMN, 2012). According SMC staff, the management of SMC later agreed to prepare some money as *pago-pago* and made arrangements for the compensation. However, to date, no allocation has been made (Interview, PNS, October 2015).

Ulupungkut people adopted a different approach to those described above. Their leaders were more measured in their actions and their resistance against SMC. They consciously attempted to prevent any situation developing that might lead to arrests (Interview, IsM, September,2015). Since very early in this train of events, in 2004, Ulupungkut people had made agreements among their 13 villages that they wanted the eviction of SMC from their area. Their statement was sent to the Mandailing regency government and to SMC. Also around 2004, Ulupungkut inhabitants warned SMC staff staying at a camp in Patahajang, a village in Ulupungkut, that if they did not move out soon, the villagers would burn the camp down. Later the company staff left the camp, which was left unharmed (Interview, AHM, September 2015).

However, although they had left the camp in Patahajang, SMC staff still visited the village in order to win over villagers and village leaders. Since Patahajang village is the location of the most gold deposits, SMC tried to influence several Patahajang village leaders. According to one Ulupungkut activist, the head of Patahajang village was brought to Jakarta by SMC and was promised a lot of money (Interview, AHM, September 2015). He was shown the amount of money he would be given if only he would convince the villagers to accept SMC. Nevertheless, the company was not successful in its mission. Once the village head arrived back home he faced an unexpected response from the villagers. They held a deliberative meeting at which it was decided to remove him from his position as village head (Interview, AHM, September 2015).

After 2004, there were at least two other moments, in 2006 and 2011, when Ulupungkut people made agreements repudiating SMC. Both times were critical moments in their resistance. 2006 was a time when the conflict between SMC and BGNP had emerged and attracted people's attention in Mandailing (Interview, IsM, September, 2015). It was at this juncture that villagers in Ulupungkut started resisting SMC as well as pressing for collaborative management of BGNP. In 2011, the moment came when a SMC helicopter performed a low flight above villages in Ulupungkut (Interview, UG, August 2015). In reaction, traditional leaders from Ulupungkut villages

held a meeting that led to the drafting of two letters. The first letter was a statement calling for the eviction of SMC. The second was a statement of strong protest on three issues: the utilization of a football field by SMC, the flight of the SMC helicopter above Ulupungkut, and SMC activities in Ulupungkut. The two letters were signed by around 50 people representing 13 villages in Ulupungkut (BPGC, 2014).

Village leaders also attempted to build an atmosphere of resistance in their villages by hanging up banners in public places throughout Ulupungkut. Interestingly, one of the banners, shown in Figure 7.3, quoted Abel Pacheco, former president of Costa Rica:

“Kami punya banyak alasan untuk membatalkan kontrak-kontrak tambang itu, seandainya perusahaan-perusahaan tambang itu menggugat kami untuk membayar kompensasi itu lebih murah daripada harus membayar kerugian Negara dan kehancuran lingkungan hidup (Presiden Kostarika Abel Pacheco pada Juli 2002). BERSATU USIR SORIKMAS MINING!”

Or

“We have so many reasons to cancel those mining contracts. Even if the mining companies take us to the international court and we have to pay compensation, it is still much cheaper than to pay for the deprivation and environmental degradation [they cause]. UNITE, TO EVICT SORIKMAS MINING!”

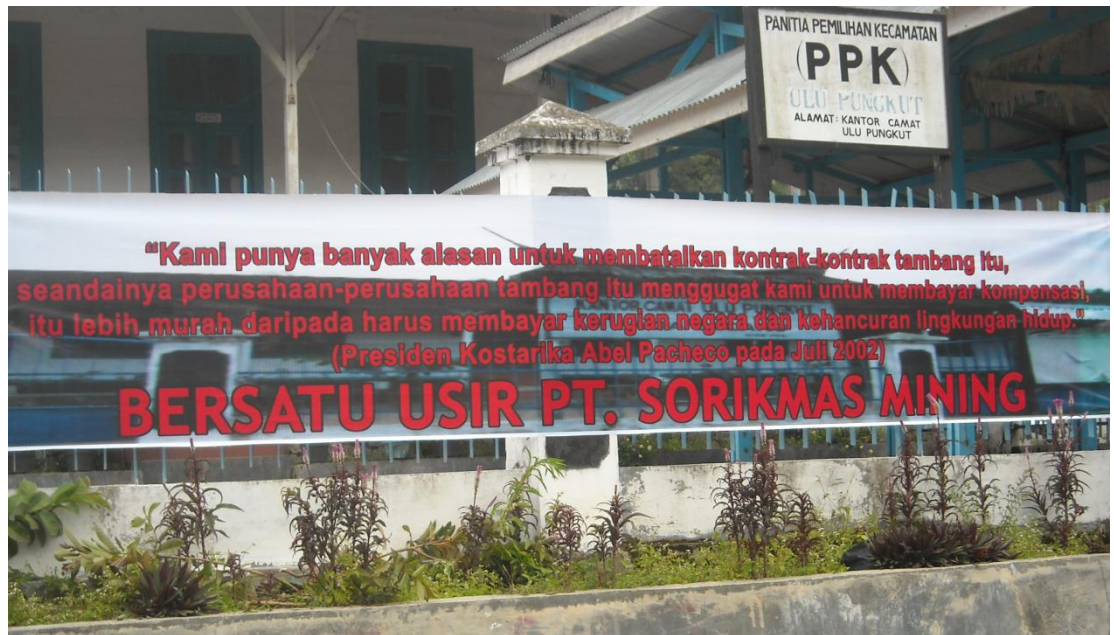


Figure 7. 3.: Banner hanging in Ulupungkut sub-district office quoting Abel Pacheco's words.

Another banner read:

"As the indigenous people who are heirs to this region, we are ready to defend our 21 hectares of forest. We are ready to evict Sorikmas Mining Company!"

The reference to Pacheco implies their awareness of the global issues of natural resource exploitation, particularly related to gold.

However, SMC had its own ways of attempting to influence Ulupungkut villagers. In 2012, an SMC employee took to sitting in a *lopo*, or traditional roadside stall, fraternizing with villagers and putting across the company point of view.⁹⁸ According to my informant, the officer spread a rumour that one of the leaders of the resistance against SMC had received money from SMC and used it to repair his roof. The rumour however gained little traction with villagers (Interview, AHM, September 2015).

⁹⁸ *Lopo* are roadside stalls where villagers (usually men) spend their time talking to each other and sipping coffee. Many villagers visit *lopo* two or three times a day.

7.5.2 Actions Related to the Land

Villages adopted different approaches to SMC and the overlapping land and faced different responses from SMC, and they also took different approaches to the land itself. In 2011 people in Nagajuang strongly demanded the release of about 30 hectares of SMC land, but SMC rejected their demand. Then, in 2012, some villagers started to occupy part of the SMC site, where they started undertaking small-scale illegal mining operations, known locally as PETI (*penambang emas tanpa izin*, or gold mining without a permit). This illegal mining practice happens without proper environmental assessment (Sulaiman, 2014). Illegal mining was taken by villagers as a 'way out' since they could see no chance of a solution through negotiation with SMC. Villagers felt it was better to get the gold for their benefit now before it was taken by SMC later (Interview, ASM, October 2016). This practice continues to this date.

This practice, over which there is no governmental control, has been becoming more common and better organized since 2012. The practice has however been legitimized at the village level as each village in Nagajuang chose three representatives to form a committee to oversee and coordinate the mining without a permit, with committee membership rotating every year. One Mandailing anti-mining activist told me that over the last three years every family in the sub-district with its seven villages has made somewhere in the region of two to three million rupiah per year from this practice. He expressed the view that 100% of villagers in Nagajuang (in all the seven villages) have been involved (Interview, ASM, October 2016).

Responding to the extent of this practice, one assembly member in Mandailing said that although he knows that it is illegal and environmentally harmful, he is neither willing nor able to do anything about it. He tends to see the practice as an alternative source of income generation for villagers (Interview, BND, October 2015). He added that he did not want to be considered by villagers to be preventing them from earning money. He told me that he feared that if he tried to prevent the villagers from mining for gold, they would consider him an agent of SMC (Interview, BND, October 2015). Thus, he did nothing on the issue.

Inhabitants of the two Hutagodang Muda villages have since 2013 been following in the footsteps of the Nagajuang villagers. Unlike in Nagajuang, however, the illegal miners in Hutagodang Muda are for the most part those who have expressed their support for the presence of SMC. According to an anti-mining activist from Hutagodang Muda, fewer than 25% of villagers are involved in illegal mining, which contrasts with the situation in Nagajuang (Interview, ASM, November, 2016).

In 2016, in supporting the livelihood programme of the Sumatra Rainforest Institute, the national anti-mining NGO Jatam Madina attempted to dissuade villagers from taking part in illegal mining activities in the sub-districts of Siabu, which includes Hutagodang Muda, and Nagajuang (Interviews, AHM, October, 2016; ASM, November, 2016). To do this, the NGO introduced an alternative livelihood strategy for villagers. It carried out two intervention strategies for villagers: to show the damage small-scale mining does to the environment and to introduce agro-forestry. The negative side was evidenced by showing a video of the damage done to the environment and human health by similar mining practices in different areas with emphasis on the dangers of using mercury and other chemicals (Interview, ASM, November, 2016). This intervention was targeted at youth groups in each village. Introducing agro-forestry was targeted at adults who were involved in small-scale mining. According to the head of Jatam Madina, good progress has been made in the two alternative economic interventions, and the participants were happy to share their opinion about the process (Interview, ASM, October 2016).

Different from both the cases examined above, in Tangga Bosi people did not get involved in small scale gold-mining operations. They accepted at face value SMC's assurances that it would go ahead with compensation payments, both to the traditional elite and to the villagers. Most people in the three Tangga Bosi villages still expected they would receive compensation and decided therefore not to join the action launched by their neighbouring villagers in Hutagodang Muda to occupy the SMC site and also to practice small-scale illegal mining (Interview, ASM, November, 2016).

People in Ulupungkut have handled things very differently. Since 2015, people in several villages in Ulupungkut started to organize by practicing new agricultural activities. Collaborating with the Sumatra Rainforest Institute, several groups of farmer were formed and took to planting coffee on their land. At around 1000 meters above sea level, Ulupungkut is one of the best locations for planting coffee (the famous Mandheling coffee⁹⁹) in Mandailing. According to a BPGC leader, this collaboration was very positive, not only for its contribution to people's livelihood but also as an aid to future resistance. The more people started to plant coffee on their land and the more they increased their income as a result, the more protective people would be towards their land (Interview, UG, August, 2015). This would help them resist the temptation of mining for gold and in the long run work towards protecting their land from SMC. Even though some villagers still wanted to exploit gold near Ulupungkut villages, he told me that no one dared to.

According to a report I received from another BPGC activist in Ulupungkut in late March 2017, beside promoting coffee to villagers, BPGC was also working with villagers to defend their land through legal procedures by attempting to sue the MoF over two of its decrees, MoF Decree No. 121/2012 and 579/2014. The other strategy being used is to press local government and the local assembly to issue local regulations. This initiative has also been taken by the five *taporan* villages of Hutagodang (see Table 3.4) after a day-long discussion in the Bagas Godang, the great chief's house. At the traditional forum, the legal process was legitimized (Interview, AHM, April, 2017).

7.6 Local Government and Local Assembly Reaction to the Responses from Villagers

The reaction of government, especially local government, to the case of SMC can best be understood through three main actions: firstly, through an environmental impact

⁹⁹ Mandheling Coffee has been famous in Indonesia and abroad since the Dutch colonial period.

assessment of SMC's activities known as AMDAL;¹⁰⁰ secondly, through the formation by the Mandailing regent of an investigative team to look into SMC's activities; and lastly through the work of a special committee of the local representative assembly looking into SMC's activities.

The AMDAL environmental impact assessment is a legal requirement before SMC can obtain a full permit from the MoF. As a company operating under national regulations, to obtain the AMDAL assessment SMC would need the approval of people living around the site, of local government, as well as of provincial government. In 2015, SMC conducted a public consultation as part of the AMDAL procedure. In the event, the head of a local anti-mining NGO, who was also a village representative of Hutagodang Muda, was invited as one of the participants. Representatives from all the villages located near the SMC site were invited to the meeting. Also at this event, according to the anti-mining activist, were representatives from 14 villages, 8 of which (7 villages in Nagajuang sub-district and 1 in Hutagodang Muda) had publicly stated their opposition to SMC and its project. In the meeting, according to my activist informant, the regent of Mandailing declared that he would not sign the AMDAL document unless people from the surrounding villages gave their approval (Interview, ASM, October 2016). But later, according to an SMC quarterly report, the company received AMDAL clearance from the Ministry of Environment in December 2015 (Sihayo, 2015). The statement in the report implied that the regent had already signed the document before the Minister of Environment did the same, further implying that the regent had not kept his promise to the public consultation meeting.

Knowing that SMC's AMDAL had been approved by the Indonesian government, the head of Jatam Madina (in his dual role as village representative) then attempted to access the document through several sources (Interview, ASM, November, 2016). Firstly, he went to SMC's company offices but the company refused to give him the document and suggested instead that he have it from Mandailing Government. At the

¹⁰⁰ AMDAL (*analisa mengenai dampak lingkungan*, or environmental impact assessment) is an impact assessment for certain future activities or projects on their potential impact on the environment and people living in the surroundings.

mining office of the Mandailing regency government, staff also refused to show or give him the document. The government officials argued that they had no authority to give the document without approval from the regent. After that, the village representative sent a letter to the regent asking for the document, but there has been no reply at this point (autumn 2017). Refusing to give up, he asked a local assembly member from his constituency, but this has proved fruitless too (Interview, ASM, October 2016).

The difficulty in accessing the AMDAL document is similar to difficulties experienced in obtaining another important document relating to environmental aspects of land allocation planning. The villagers finally received the document from me in January, 2017, after I had obtained it from a friend of mine in the provincial government. This important document prepared by CII for the Mandailing government was unobtainable either from CI or from the Mandailing government. The example of these two documents makes clear the level of accountability of local government in the forest and mining sectors in Mandailing.

When villagers from Nagajuang held their large-scale demonstrations, the regent and the head of the local assembly both reacted by saying that they supported the protestors' demands. The head of the Mandailing assembly stated that he would establish a special team to respond to the villagers' aspiration, while the regent initiated discussions with SMC to find a strategic solution. Similarly, the Mandailing government formed an official team to investigate and make an inventory of problems involving SMC and its relations with local people (Batubara, 2010). This team received a lot of criticism from villagers, as well as from the local Ulupungkut civil society organization BPGC. According to the head of BPGC, one of the most fundamental criticisms was that the funding for the activities of the team was provided by SMC (Batubara, 2010; Interview, UG, September 2015). The other critical factor concerned membership of the team, which only involved local government bureaucrats – senior officials from the local assembly, the regency government, the regency police, regency army, regency attorney's office, regency court and the head of BGNP, while there was not even one member from among the villagers (Batubara, 2010). This gave rise to a widespread suspicion that local elites in government, the local assembly, police, army

and legal offices were exploiting the SMC affair for their benefit without properly considering the problem faced by villagers.

A second strategy used by the regent indicated that he as well as SMC believed that villagers could be approached through their elites. To do so, the regent used his authority to issue an official invitation to the sub-district head and all village heads in Nagajuang to undertake a comparative study trip to mining sites in North Sulawesi Province. Armed with the formal letter from the regent, the sub-district head was able to convince five out of the seven Nagajuang village heads to join the trip, despite strong oppositions from most villagers (Wan, 2011b; BS-026, 2011). The trip took place in September 2011. Afterwards, exploiting the close relations that had been built up with several villages head, SMC then attempted to establish good relations with villagers by providing them with agricultural facilities, such as farming and livestock training and good quality seeds (Interview, WA, September, 2015).

The special team formed by the Mandailing special assembly to investigate SMC later came up with five recommendations (Rangkuti, 2011a). Firstly, the police and Mandailing government needed to increase their capacity to issue early detection warnings to prevent similar actions happening again. Secondly, the law enforcement authorities needed to come up with a fair judicial approach in handling legal cases stemming from protest actions. Thirdly, local government and SMC needed to work together to persuade villagers of the legality of the company's status and activities. Further recommendations highlighted the consideration and attention that should be given to the potential implications of the company's operations and a better delivery of corporate social responsibility on the part of the company. Finally, the local representative assembly asked for the company to contribute more to Mandailing District's development. None of these recommendations implied a tendency to side with the protestors (B. Batubara, 2011). As with the investigative team formed by the regent, the assembly tended to see SMC as a potential source of income.

One other important moment occurred when, not long after the Nagajuang incident, in May 2013, the new regent of Mandailing, who had been elected in April 2011, was

caught by the Indonesia Corruption Eradication Commission as he received one billion rupiah allegedly related to SMC (Elhudaya, 2013).

Another case concerned the role of a district police officer in relation to SMC. In June 2011, days after people from Hutagodang Muda in Siabu sub-district were arrested for burning the SMC camp, other stories later shown to be false were created by SMC and the police with the aim of having a leading anti-SMC activist in Ulupungkut arrested. Since Hutagodang Muda (*muda* means young) is a 'younger brother village' of Hutagodang village, the main village in Siabu sub-district, SMC and the police spread rumours that Hutagodang people, led by their resistance leader, wanted to take revenge by attacking a police office in a nearby sub-district (Interview, ASM, October 2016).

The Hutagodang activist told me that police undertook a pre-emptive action, attempting to arrest him. A police car patrolled back and forth in front of his house. The district head of police for operations and intelligence came to the leader's house and said he wanted to take him to the office. The activist told me he asked for the arrest warrant but the police had none to show. He said he was ready anytime to go with the officer as long as he was accompanied by BPGC's lawyer. Eventually, the police officers left his home. He felt they were attempting to intimidate him (Interview, UG, August, 2015; AHM, September, 2015).

It is worth pointing out at this juncture that as a matter of record the Mandailing police received six motorbikes from SMC in July 2010 (SIB, 2010b). According to TG, a local activist, it was not SMC that initiated the donation of the motorbikes; it was the police who had asked for them (SIB, 2010a).

7.7 Summary and Conclusion

This chapter has followed the stories behind the villagers' responses to the overlapping land claims between villagers, BGNP and SMC. I would argue through my analysis of the three sub-districts that the rationales, demands and internal and external processes of villagers' actions can be related to issues of territoriality. The different

sense of territoriality in these three sub-districts has led to different responses and results. Since this thesis sets its analysis at the regency level, this chapter has also discussed the local government's reaction and response to the villagers' demands, a reaction that has revealed much about the local authorities in responding to state territorialization as well as the villagers' demands for local government accountability.

Villagers had different approaches in their response to SMC's operations. Villagers from Siabu sub-district were inclined to accept, with conditions, the government's delineation of territory and thus the SMC operations. The conditions were mostly related to economic compensation and funding for education, health and welfare programmes. Their rationale for pursuing these demands was firstly their conviction that the overlapping land was part of their customary land and secondly the proximity of their dwellings to this overlapping land. Thus, they considered that they would be the first victims of environmental problems caused by the company's operations. Villagers from Nagajuang and Ulupungkut sub-districts, on the other hand, generally demanded that SMC cease its operations, but for different reasons. Nagajuang people considered some parts of the SMC site as their village land (not just their customary land) and wanted to occupy and exploit it for their economic benefit. People in Ulupungkut, however, considered SMC as a business that could destroy their livelihood. They opposed and resisted SMC operations not just because of the overlapping land issue but also because they were worried that SMC operations could cause significant environmental damage. Thus, they firmly demanded the eviction of SMC from Ulupungkut. In contrast to the people of Nagajuang, Ulupungkut villagers had no interest in exploiting the gold in their area and preferred to leave the gold in their land unexploited.

In their internal processes of resistance, most villagers developed multi-level groups consisting of a core group and supporting group. Villagers in Siabu and Nagajuang sub-districts developed their core group from all villagers as local people. On the other hand, in Ulupungkut villages core groups developed in each village based on their customary grouping around *ripe* (family names). If we see this grouping process from the community perspective, in line with Agrawal and Gibson (1999), and Poteete and

Ostrom (2004)'s argument as discussed in section 2.3.4, this demographic homogeneity has led to increased. In addition, unlike in other sub-districts, the people of Ulupungkut developed their core group by using traditional institutions that could bring about cohesion among several adjacent *taporan* or 'father' villages, based on their history. This *taporan* factor increased the capacity of collective action among the villagers across several villages based on their history and family name. Thus, with this *taporan* concept, villagers in Ulupungkut were able to build a stronger basis from which to demand accountability because they could develop better cohesion and structures for resistance amongst a greater number of villages. This inter-village cohesion based on *taporan*, which did not exist in the core groups of other sub-districts, has shown the importance of territoriality in protecting large areas of ecological systems. An inter-village *taporan* type of cohesion can address the problem of polycentricity raised by Ostrom's work in protecting large-scale commons (Ostrom, 1999; Obeng-Odoom, 2016; Turner, 2017). Moreover, *taporan* can also potentially address the problem of collective action in organizing people's voices in demanding accountability of local authorities, as stated by Treisman (2007) and Faguet (2013).

The supporting groups can be divided into two types: local/ regional and national/ international groups. For the local/ regional groups, most of the villages were supported by external groups such as regional conservation NGOs funded internationally. Only one group, in Ulupungkut, had a locally-based civil society organization as a funder and did not depend on external sources of funding. Further, so far as national and international support is concerned, there was only one website dedicated mainly to the expulsion of SMC from Mandailing and this was created by a national/ international activist who was born in Ulupungkut. Through this website, he campaigned nationally and internationally for the eviction of SMC from Mandailing. I attempted to show in this chapter that the campaign to expel SMC that was pursued on this website reflected the views of many of villagers in Ulupungkut.

As their favoured form of resistance toward external actors, Mandailing villagers mostly sent letters to SMC and the government as protest messages. When their letters failed to receive a response, villagers in Siabu and Nagajuang sub-districts

intensified their protest by blocking streets and preventing SMC logistic vehicles from passing through their villages. When this had little effect, they decided to take stronger action and conduct a direct protest against the SMC site. While it was not clear whether the perpetrators were villagers or police officers, the SMC office was burnt down and several villagers were shot, injured and subsequently jailed. People in Ulupungkut, however, responded by organizing themselves in a more orderly way and delivering their demands to the local assembly. They also faced threats from the police, but no criminal charges could be taken out against them.

Villagers in Siabu and Nagajuang sub-districts decided to exploit the land and search for gold. As villagers mined for gold without proper technological support and without consideration for the environment, this practice had a damaging effect on the environment as well as on their health. Despite the fact that their economic condition was not very different to those of the people in the two other sub-districts, Ulupungkut people decided not to mine for gold even though they could have done so. They preferred to protect and conserve their land and forests by developing several small-scale coffee plantations as part of their resistance strategy.

Regarding the community empowerment programme in conservation and economic development undertaken by PCO and the villagers in the three sub-districts under study, it seems that this programme did not have a significant impact in terms of enhancing the environmental awareness and actions of the villagers. This is shown in large part by the fact that the illegal and environmentally damaging gold-mining activities conducted by villagers in Siabu and particularly in Nagajuang continued regardless. This internationally funded empowerment programme has less significance in building conservation awareness and resistance capacity than the existing territoriality concept embedded in Ulupungkut sub-district. This rather suggests that drawing on a local sense of territoriality – the customary conception of the integration of people and land including customary natural resource management approaches – is the key that opens the door to effective empowerment.

Regarding the response to the villagers' demands by local government and the local assembly, the evidence that I heard suggested that these powerful actors were involved in utilizing the villagers' protests to their own benefit. The regency-level authorities argued that they were acting on behalf of the villagers' interests while they actually used the protests to approach the mining company to leverage their bargaining position. They put pressure on SMC and pressed their own demands by using the rhetoric of corporate social responsibility.

It can be seen therefore that local government and other local authorities utilized villagers' problems as a way to deliver their own demands to the mining company. The demands of villagers could not really be resolved by local authorities even in the era of local autonomy. Local autonomy does not effectively facilitate the voicing of people's grievances and a proper response from the local authorities, be it local government or the local assembly. In this situation, the question of the accountability of the local authorities becomes a matter for further discussion and research.

Chapter 8 -- Conclusion: Foregrounding Territoriality

8.1 Introduction

Broadly speaking, this thesis is an exploration of the relationship between powerful actors (governments, international NGOs, private companies) and less powerful actors (villagers) that uses natural resources in a local autonomy context in North Sumatra, Indonesia, as its working instrument. More specifically, the context is that of land issues in Mandailing-Natal Regency, and the case I explore is that of a conflict that in some ways saw two normally divergent forces aligned, that of conservation (of forests) and development (represented by mining interests) in conflict with local villagers in contested claims over land. In doing so, I employ the perspective of the political ecology of territorialization to understand the process of state territorialization through conservation and development and how this affects the sense of territoriality of local villagers.

The thesis investigated both the establishment of a national park initiated by the government and NGOs and the pursuit of mining activities undertaken on land within and at the border of the national park. It explored the issues that arose between government and international and national NGOs in the establishment of the national park. It examined the controversial implementation of boundary drawing occurring both within the park and on the customary land of local villagers. Lastly, it investigated the reaction of local villagers and in particular the differentiated consequences of their reactions. The first and second points above were covered in Chapters 5 and 6, while the third was covered in Chapter 7. Thus, this thesis examined territoriality from both sides.

As the final chapter, this chapter summarizes and concludes the whole thesis. It is organized as follows. After this introductory section, the chapter reflects on several important points from the empirical chapters. I begin with a reflection on state territorialization for conservation and development (section 8.2.1), before going onto discuss how this territorialization has brought conflict between local elites over local people's land (section 8.2.2). I then discuss how these conservation and development

processes have been manipulated by local elites (section 8.2.3). In the following section (8.2.4), I discuss how community empowerment has been used as a means of winning over local people to an elite agenda involving the establishment of BGNP. Moreover, I make a distinction between customary territoriality and state territoriality, and argue that some sort of coming together between the two is needed for local people to accept the land boundary imposed by the state (section 8.2.5). In section 8.2.6, based on my findings as discussed particularly in Chapter 7, I use the experience of villagers in Ulupungkut sub-district to raise the possibility of customary territoriality becoming the basis for protection of the commons and a demand for accountability from powerful actors. In section 8.3, I argue that customary territoriality can be considered an effective basis for the building of a sense of people's autonomy against the state and local elites. I conclude in a coda to my thesis (section 8.4) by proposing that Murray Bookchin's libertarian municipalism might provide an effective answer to the problems posed by the power of authority over the commons.

8.2 Reflections on the Empirical Chapters

8.2.1 State Territorialization for Conservation and Development

The overlapping land claims examined in Chapter 5 between BGNP and SMC on the one hand and villagers on the other lay bare the power relations over land in Mandailing-Natal Regency. A political ecology perspective enables this overlapping land claim to be traced through its connections nationally and even internationally. Moreover, the political ecology of state territorialization helps us see how this process of extension of control over land was performed by state institutions to facilitate the global interests of international institutions, either for development purposes or for conservation. The national and regency governments have indirectly facilitated the task of international bodies with interests in controlling or managing the land.

In a former colony like Indonesia, this process is legally conducted using similar regulations to those used in colonial times. The post-independence government of Indonesia has used the principle behind the *Domein Verklaring* law (see Chapter 3) to control local people's lands. With this principle, the state declares that land not

supported by rights recognized by the state nevertheless belongs to the state. This principle lay at the heart of the regulatory environment of the colonial authorities under which the state facilitated the acquisition of rights over land for the private sector and the state while ignoring the customary rights of local people.

What makes the contemporary situation different from colonial times is the allocation of land. During the colonial period and for several subsequent decades, land was often allocated for economic exploitation by development interests from various sectors; in the last two decades, at least since the start of the reform era at the end of twentieth century, land has also been allocated for use by conservation interests.

The Indonesian government is bound by international agreements on conservation issues. In this context, local and national government facilitated the interests of an international NGO, Conservation International, supported by international funders. Conservation International financed the process of creating an empirical basis to support the establishment of BGNP, conducting and publishing scientific research, obtaining political support from local people and the local representative assembly, providing economic, livelihood and financial support to villagers at the forest borders and preparing the legal basis following Indonesian regulatory prescriptions. National and local government followed the arguments provided by Conservation International when making its case for establishing the park: to protect biodiversity and increase conservation areas in Indonesia. As the international NGO funded almost the whole process of the establishment, it also played a significant role in influencing and directing the policies and regulations on conservation issues at the national, provincial and regency levels.

Besides offering financial support, Conservation International also offered local government the opportunity to have authority in managing the park under a collaborative management model of governance. The collaborative management arrangement enabled local government to obtain an official allocation of funds from central government. In addition, it also provided the opportunity for the regent to get national and international recognition as leader of a pro-conservation government.

State territorialization occurred in the case we have examined here in order also to facilitate land control for mineral extraction. The beneficiary of this process was the international mining company SMC jointly owned by Sihayo Gold, Ltd., an Australian company, and Aneka Tambang, an Indonesian mining company, whose project involved mining for gold in Mandailing. The company was given a *kontrak karya*, the most generous contract for mining operations that has existed in Indonesia since 1998 (see section 5.2.4). Despite villagers' objections to the company, the regent of Mandailing-Natal approached SMC with the aim of extracting some form of income generation for local government through profit sharing. As the company gave a negative response, the regent then tried to put pressure on the company and even expel it from the regency. The local government and villagers ended up by expressing hostility towards SMC, a phase in the story which ended with the official establishment of BGNP whose location overlapped with the SMC concession.

SMC then built an alliance with 12 other international companies to put pressure on national government (see Chapter 5). The companies even warned national government that they would bring the case to an international tribunal if the Indonesian government failed to adjudicate in their favour and allow operations inside the forest region. Eventually, the president of Indonesia issued a Perppu (a presidential regulation in lieu of law) in favour of the mining companies and gave them rights to operate in protected forest regions.

In Indonesia's hierarchical structure of regulation, a Perppu actually comes at the second highest rank after the Constitution, even higher than a law or a ministerial decree. A Perppu is issued very rarely, usually only in a situation considered to be an emergency. The companies' successful lobbying (or possibly veiled threats) to the president, despite opposition from local government and resistance from local villagers and conservation NGOs, suggests that national government tends to be more responsive to international interests than to local government and villagers.

These developments involving BGNP and SMC were undertaken without properly consulting local people. Local people, who regard the land as theirs based on customary claims, consider the state's claims, justified on the basis of conservation on the one hand and development on the other, to be deeply problematic. If we expand the case to the international arena, we can also see it as a conflict of interests between the agendas of international NGOs and international mining corporations -- facilitated and justified by national and local government -- for the control and use of particular territories. For villagers, the conservation and development arguments produced by the state purportedly on behalf of the national interest threaten their livelihoods and their customary land. These cases have shown how people's livelihoods are frequently undermined through state territorialization processes and regulations.

The arguments used by contemporary Indonesian governments are not dissimilar to those that were used by the colonial state. We can surmise therefore that the relationship between the government and the people over land has not changed much since colonial times. The condition whereby the state tends to facilitate international and corporate interests on development and conservation by only recognizing state and private property rights undermines the interests of local people and their customary rights; this supports the case that state territorialization ignores the rights of local people.

8.2.2 Conflict between National and Local Elites

In the implementation of state territorialization, state governments do not always cooperate smoothly and speak with one voice in responding to certain issues. As reported in Chapter 5, a conflict of interest occurred between two national ministries and between local government and national government.

An unpublicized dispute occurred between the Ministry of Forestry and the Ministry of Energy and Mineral Resources. In this conflict, the MoF supported the allocation of land for the establishment of BGNP for conservation purposes while the MoEMR supported the land being allocated for mining in the purported interests of economic

development. Both government ministries argued that they were pursuing the national interest. What is particularly interesting in this case is that the MoF continued to support BGNP even though the president had issued a Perppu to support the MoEMR and SMC. On the ground, their interests clashed, but for local villagers the conflict was occurring at the expense of their own land.

This dispute supports Bryant (1998)'s assertion that conflicts of interest between ministries facilitating state territorialization are caused by contradictions resulting from the differing targets they are set. One ministry considers that land must be used for conservation purposes while the other is intent that the minerals under the land must be exploited for development purposes. However, in this case both ministries found their targets lucrative as conservation too is supported by an international agenda and guarantees funding allocated for conservation projects.

The other conflict was between local government that opposed SMC's mining activities and national government in the shape of the Indonesian president and her Perppu. Although the Mandailing-Natal Regency government and the national government in the shape of the MoF took the same side on conservation issues against the mining company, they had different opinions when it came to the type of management for the park. The Mandailing government supported the idea of collaborative management proposed by Conservation International as this idea would give the local government an input into park's management. On the other hand, the MoF, although it initially supported the idea of collaborative management, argued that it had a different interpretation of the meaning of collaboration and eventually decided that the BGNP office, although located in the regency, must be managed centrally and become an implementation office directed centrally by the ministry.

This conflict at the level of national ministry over land that was also claimed by local villagers as well as the conflict between national government and local government clearly indicate that the process of state territorialization is very attractive for many parties. All parties, whether national or local government and whether acting for conservation or development purposes, tried to justify their claim to control these

lucrative resources located on land subject to customary claims from local people. This all goes to show the problems faced by local people in exercising their customary rights over land.

8.2.3. The Role of Local Elites in State Territorialization

As discussed in Chapters 5 and 7, powerful elites in Mandailing-Natal Regency have shown they can benefit economically and politically from the process of state territorialization. They exploited the opportunities in the forestry and mining sectors provided by national government.

Before the establishment of BGNP, the regent of Mandailing had approached SMC inviting the company to work in the regency. When the company rejected his request, the regent then turned against the company. He used the opportunity to establish BGNP financed by CII, thereby pursuing his purpose of 'two aims in one action': to evict SMC via the establishment of BGNP. Although he was in effect a 'pseudo initiator' of the project, he was able to portray the establishment of BGNP as a 'green' and legal reason to evict SMC by proposing a location for the park that overlapped with SMC concession sites. The regent even mobilized villagers and involved them in several open declarations in support of the park and in favour of expelling SMC from Mandailing. Moreover, the regent used the process of mobilizing support for BGNP to gain advantage in his campaign for a second term in the elections of 2005.

While the establishment of the park was portrayed as a bottom-up process, a number of village heads informed me that they viewed this as a fabricated process since many people were mobilized to support the move and they themselves were offered incentives to support the declaration. Other powerful local elite figures also exploited the establishment of BGNP. As we saw in section 5.4.3., Mr. X, a businessman from Medan, was able to change the initial location of the park to accommodate his private interest in forest land in Batang Gadis sub-district. To monitor, influence and direct this process, he established an NGO, the Batang Gadis Foundation, to be involved officially in the BGNP establishment team. Other local elites in the public domain were also

involved in exploiting the park's establishment for their own benefit. The head of the local assembly broke the rules inside the local elected assembly. When the regent needed a letter of support from the local assembly, the assembly head provided an official letter on behalf of the whole assembly without holding a plenary session to discuss the BGNP issue.

The role of local elites is clear too in the SMC case. As I have shown in Chapter 7, many villagers from several sub-districts gathered in government offices to protest against SMC. Responding to the villagers' protests, local government and local assembly members acted on behalf of the villagers and approached the mining company to leverage their bargaining position. As their bargaining position improved, they put pressure on SMC and advanced their own demands using the rhetoric of corporate social responsibility. In other words, local government and other local authorities used villagers' problems as an entry point enabling them to deliver their own agenda to the mining company. Similarly, in the conservation case, local elites have used the establishment of BGNP as an opportunity to obtain private benefit. This situation implies that the greater degree of local autonomy dating from the onset of the reform period has allowed local elites to become more powerful (and less accountable) in exercising their interests with consequences for the interests of villagers.

The discussion above has shown that local autonomy does not effectively facilitate the channelling of people's voices so that they are heard and properly responded to by the local authorities, whether that be local government or the local assembly. In light of this, the question of accountability of the local authorities under conditions of local autonomy is thrown into sharp relief. The situation in Mandailing contradicts the argument proposed by Ribot (2004; 2005) where he suggests that all actors in a local region including international NGOs, central government institutions and private companies must be accountable to local authorities directly elected by local people. In the Mandailing case, the regent and local assembly members, who were directly elected by local people, were able to utilize their power to undermine the interests of local people. It would seem that another formula needs to be established to ensure

that local authorities are properly accountable to local people in order to guarantee people's sovereignty at least in the sphere of natural resources.

8.2.4. Community Empowerment and the State Territorialization Project

Community empowerment was used as a mask in the establishment of BGNP as a part of the process of state territorialization. The main purpose of community empowerment was not to empower local people but to ensure that the local community agreed to the establishment of the park. This empowerment programme along with the livelihood programme was delivered to ensure that villagers accepted the BGNP institutions. As we saw in Chapter 5 (section 5.5.3), the community empowerment programme was designed to create a base of support for the park among local people and to establish villagers' organizations to give them an equal say in the collaborative management of BGNP institutions.

The programme involved the selection of ten villages from ten sub-districts to receive political, economic, legal and conservation awareness and practical training. The Bitra Consortium as part of the BGNP team trained and built a Community Conservation Agreement within the ten selected villages. This agreement was to ensure that villagers would behave in line with conservation principles: limited access to the forest and no exploitation of forest products in the national park. In building the villagers' organization, one of the most prominent interventions was the establishment of the People's Conservation Organization in 35 villages linking village to regency level. This intervention was accompanied by economic, livelihood and financial support from the organization in ten villages. The contacts built with villagers in these 35 villages were used to mobilize support for the park.

Although the issue of villagers' land boundaries (which involve the issue of land rights) clearly appeared in the process of interaction between the BGNP team, in other words Bitra Consortium, and the local communities, the conservation group preferred not to

include this issue as part of the programme for community empowerment. The BGNP team preferred to see villagers' problems as poverty, and the solution they gave was livelihood and economic empowerment. For villagers, although they knew that the legal consequences of the establishment of the park were problematic for the status of their land, they still accepted livelihood improvement projects from the conservation team while at the same time rejecting the forest boundary and refusing to allow the forest boundary team to enter the forest from their villages. The conservation team (the BGNP office and Bitra Consortium) in their report evaluated their programmes as successful without mentioning the land rights issue. While the villagers were at least able to benefit from the programme, the real status of land rights was left unresolved.

In 2007, when it was finally decided that the park would be managed centrally by national government not based on collaborative management as had been anticipated by the BGNP team, the conservation NGO Bitra Consortium ended its programme with one important issue left unclear: the forest boundary. Several years later, CII, which had been the real initiator of the BGNP, came back to Mandailing with a different programme, the Sustainable Landscape Partnership. In this new centrally designed programme with no connection to its predecessor, CII still involved the PCO and the local community. The main agenda of their new programme was to build a bridge between private 'green and sustainable' business and local farmers. The community empowerment programme was used as an entry point to consolidate local farmers into groups that would supply agricultural products to big private corporations supplying the global market.

Thus, the community were empowered only to the extent that they supported the NGO's interests. The real issue for the community of the forest boundary and land rights were not touched upon by the NGO in the new programme. In this sense, the international NGO can be regarded as the right hand of big agriculture companies in searching and consolidating local produce to ensure sustainable supply for global demand. After the programme ended, the PCO with its base in 35 villages folded. On the other hand, as will be shown in section 8.2.6, customary institutions that have no experience of empowerment intervention were able to protect local people and their

land from various external interventions. These customary institutions could even formulate their own development and conservation programmes in the face of the external intervention. Given these conditions it would seem that the community empowerment programme offered by international NGOs was politicized despite the formally apolitical nature of the intervention. Moreover, it was wrongly targeted and ineffective in the long run. By providing livelihood facilities the empowerment programme was used as a device so that the most important factor for villagers -- their rights to land – could be ignored. This reinforces criticism of Ostrom's approach to commons and community by arguing that such notions are not neutral but contested and political.

8.2.5 Differences between State and Villagers' Territoriality and the Need for Mutual Understanding

The Indonesian government adopts strategies of territoriality that facilitate the interventions of international NGOs and mining corporations on the customary land of villagers. As discussed in Chapters 3 and 6, this state territorialization process has been conducted using national and local regulations and bureaucracies. As far as the conservation effort represented by BGNP is concerned, there are two national bureaucracies involved in this process, the BGNP office and the Forest Area Designation Bureau. These national agencies were established to ensure national control over land at the local level. The BGNP office functions to implement policy in managing conservation land while the designation bureau implements policy regarding the status of the forest boundary. Boundary status determines the ownership status of land falling within the boundaries.

However, in the implementation of the land and forest boundary, many differences were found between villagers and government. These differences can be categorized in terms of reference, criteria and territoriality. The first difference is related to the difference of boundary reference. Government uses the its concept of functional and external boundaries while villagers still use their concept of *bestwezen* boundary (see section 6.6). The villagers have used the *bestwezen* boundary for generations as it was

inherited from their ancestors as agreed between their former customary leaders and the Dutch colonial authorities. The difference includes criteria of land ownership such as the existence of written and unwritten evidence to prove land ownership and the technological standard (GIS, GPS) in mapping and representing such land on the map.

At a more fundamental level, the difference between government and villagers is related to the concept of territoriality. Territory encompasses several factors: social structure, political structure, natural resource management and spatial conception. This difference is fundamental because it not only involves the technical, managerial and legal domain of forest boundaries but more fundamentally the conception of territory. Rural villagers who live in remote areas and close to forest boundaries have their own conception of territory and territoriality that they use in their daily life and have spread by word of mouth for generations. The villagers have their own marks to determine boundaries and ownership as well as the dynamics of land status. Moreover, they not only recognize state and private ownership of land but also more importantly land as common property. Unlike state territoriality, the villagers' conception allows for diverse property rights regimes to exist at one site and at the same time. They have a dynamic conception of land ownership which cannot be depicted by modern mapping technologies of representation. These arguments as they apply in Mandailing have been evidenced by Vandergeest and Peluso (1995) and Pramono (2014) for other rural villagers in Southeast Asia.

Moreover, if state territorialization is implemented without considering local conceptions, the difference between state and villagers' understandings of territoriality will not only affect villagers' livelihood but also the social and spatial structure of their lives. The case of Mandailing shows that the spatial and social structure of local people are well connected and integrated. A disruption of their spatial structure will affect their customary social structure. The customary spatial concepts of *huta* and *banua* and their relationship to customary leadership based on family name are deleteriously affected by the incursions of state territorialization (see section 3.5.4).

However, the state tends to work within its own terms, definitions and interpretation. State authorities usually only recognize state territoriality while at the same time ignoring the existence of customary territoriality regardless of its longevity. Governments are in the advantageous position of having legal authority and being able therefore to adjudicate on whether claims are legal or illegal. Moreover, the government, as executive arm of the state, is also able to mobilize various legal and police officers to enforce the law. On the other hand, villagers are for the most part in a weak position in relation to the government project of state territorialization. The local government in 2007 (after the BGNP had been officially established) even issued a decree stating that customary land (for which, one can read customary territoriality) did not exist in Mandailing. This decree has not been repealed to date (see Section 6.2).

As described in Chapter 6, we can see from several meetings on forest boundary-related issues between government and villagers that its advantageous position meant that government tended to treat villagers in an offhand manner in Forest Boundary Demarcation Committee meetings. Instead of recognizing villagers' sense of territoriality, the government made it clear it had no intention of explaining its position. The meetings were conducted without a question and answer session. In these meetings the authorities wasted the opportunity to minimize disagreement through information dissemination (see Chapter 6.4). However, it was also found that there was no clear responsibility in government institutions to undertake information dissemination on forest boundary rules. Given that the differences in position were considerable, the need for information sharing between government and villagers was urgent. Difference in concepts of territoriality have become the root cause of conflict, and thus there is a need for mutual understanding, especially on the part of government toward villagers.

To understand how 'local' the lives of many villagers are, we should note that there are still many villagers who do not visit Panyabungan even once a year and only interact locally in their villages or in their sub-district. Many too do not have access to telephones or mobiles and lack an internet connection. The transportation and

telecommunications infrastructure is poor. They also have very limited access to local newspapers. Thus they live mostly with information shared locally while information from the outside on issues such as land and forest boundaries almost never reaches them.

The difference between local people's customary territoriality and that of the national state is also recognized by Moniaga (2007), although she uses different terms. According to Moniaga (2007), the root cause for the conflict between indigenous people and government is the difference in tenure system alongside the state's lack of recognition of customary land. In the case of Mandailing, however, the land tenure system is part of territoriality (van Dijk, 1996; Lubis, 2005), meaning that Moniaga's argument concerning the tenure system should be applied to the territoriality system. The root cause is not only the land tenure system but more fundamentally the territoriality system.

There is an urgent need for a genuine process of information sharing between government and villagers. This is important in order to prevent conflict on boundary issues and to support conservation and development programmes that are meaningful both to government and villagers. Thus, to solve this fundamental problem, mutual understanding and a meaningful engagement between the two parties and their conceptions is needed. This argument is consistent with that of (Vacarro et al., 2014: 1), who call for "spatial dialogues between state and tradition" as part of territoriality negotiations.

The dialogue, however, could not be neutral, and would without doubt be political. Despite the institutional problems in boundary governance, government with its power over knowledge, money and authority has an enormous advantage. Any dialogue in which the interests of the so-called community, the commons and property rights, including common property rights, are represented would be clearly determined by the power relations between actors. Thus, to ensure an element of parity in such a dialogue, local people should be afforded a sufficiently strong platform.

As will be described in the next section, no community can provide this, but territoriality has the capacity to affect the balance of power.

8.2.6 Customary Territoriality as the Basis for Protection of the Commons and Effective Resistance.

The discussion in Chapter 7, through a comparison of several sub-districts in Mandailing, showed how a local sense of territoriality can become an effective basis for demanding accountability. Because it embraces the concept of an integral connection between people and their land by observing the customary spatial and social structures of local people, it can also be an effective lever in the quest for a socially just balance between conservation and development. This was the case in Ulupungkut sub-district as it dealt with the issue of overlapping land, whether with the national park or the mining concession. The relative success of resistance in Ulupungkut sub-district can be traced to the way people organized their resistance towards external intervention, including their rationale, core and supporting group, and the action they took towards the land and external actors.

In the conservation sector, although several villages in ten sub-districts experienced the community empowerment programme launched by the team that set up BGNP, there was one sub-district that was able to repudiate the forest boundary process in their area, Ulupungkut. People this sub-district was able to involve leaders from all their villages to sign an official letter of opposition to the national park boundary (see Chapter 7). In Ulupungkut the sense of cohesion was even stronger since the campaign was signed by all families in each of the villages. Both sub-districts based their opposition to the national park boundary on the grounds of their historical claim to their customary land.

In the mining sector, the overlapping land claims had different consequences, and this elicited a different response from villagers. Gold is a more lucrative resource than timber and thus produces a more highly contested situation. In three sub-districts,

most villagers wished to have a share or gain a benefit from gold mining if for differing reasons in each.

People in Siabu and Nagajuang sub-districts tended towards accepting SMC with conditions. The conditions mostly related to economic compensation and funding allocations for education and health and welfare programmes. Their rationale for pursuing these demands was that they considered the overlapping land as part of their customary land or because they were living very close to the overlapping land. Villagers from Ulupungkut sub-district, on the other hand, were solid in their demand for the repudiation of the mining company. They considered SMC to be something that could destroy their livelihood and damage their natural environment.

In the resistance process, most villagers developed multi-level groups consisting of core and supporting groups (see section 7.4). Unlike in other sub-districts, the people of Ulupungkut developed their core group through the customary institution of *taporan*, which brought together people from several villages and produced a stronger basis for resistance process because of the greater cohesion it involved. This inter-village cohesion developed relatively easily in Ulupungkut because they had a historical connection to their customary leader and customary territory. This inter-village cohesion did not exist in the core groups of other sub-districts. It ensured strong collective action for resistance and other collective processes.

As far as the supporting group was concerned, in their initial resistance, people in Siabu and Nagajuang were supported by a regional conservation NGO that was funded internationally. Interestingly, one supporting group in Ulupungkut was a locally based civil society organization that was self-funded and did not depend on external sources of funding. Several villages in each of the case study sub-districts experienced some form of community empowerment during the process to establish the BGNP, and several village leaders were involved in the People's Conservation Organization, the largest village-based conservation civil society organization in North Sumatra Province, established by Bitra Consortium. However, as these groups were established externally

and were not attached to the core group of the customary institutions, their impact on the collective capacity of villagers for collective action was insignificant.

In their resistance activities toward external actors, most villagers in Mandailing initially sent protest letters to SMC and the government. As they failed to obtain proper responses, people in Siabu and Nagajuang sub-districts took to direct action, blocking streets and preventing SMC logistic vehicles from passing through their villages. When that proved ineffective, they decided to take stronger action and conduct direct protests at the SMC concession (see Chapter 7.5). As their demands went unfulfilled, some people from Siabu and Nagajuang were allegedly involved in a demonstration during which an SMC camp was burnt. While it was unclear whether the fire was set by villagers or by police officers, several villagers were shot and wounded and subsequently jailed. The resistance was disorganized; it ended chaotically and was relatively easily snuffed out.

People in Ulupungkut, however, reacted in a more calculated fashion. They delivered their letters of protest by hand to the local assembly office and local government office. Even though some of the village leaders also faced threats from the police, they did not conduct any activities that could be construed as criminal. This organized collective action brought together several villages and customary leaders under one customary chief who was respected by all.

Concerning their claims to their customary land, villagers from these sub-districts took different positions. People from Ulupungkut tended to be better at conservation, at protecting their land from environmental degradation, as well as at promoting development. When their demands were not met by SMC, some people in Siabu and almost all villagers in Nagajuang decided to exploit the land and mine it for gold. They considered that their extra legal action was right since no compensation was given them by SMC for their customary land. Although their action was environmentally damaging, they kept arguing that it was better to take what they could now rather than lose it to SMC. Ulupungkut villagers decided not to mine for gold although they could easily have done so. Despite attempts to break their cohesion, the inter-village

customary chief was able to retain the trust of the villagers. As an alternative to gold, villagers of Ulupungkut developed small-scale coffee plantations on their customary land as part of their resistance strategy to overlapping land claims.

Thus, compared with villagers in the other two sub-districts, Ulupungkut people were successful in delivering a strong base for effective intervention and protecting their land from exploitation. This shows how a sense of territoriality built on an integral customary social and spatial structure can protect the commons from incursions leading to land exploitation. This argument potentially meets the criticism of Ostrom from Obeng-Odoom (2016) and Turner (2017) that she failed to explain how community institutions can protect large area of commons when they interact with powerful and 'large' external actors.

Moreover, the experience from Ulupungkut can also address the criticism of Ostrom's conception of the commons that it only applies to one resource unit and small-scale ecological system (Steins and Edwards, 1999). However, unlike the alternative model proposed by Steins and Edwards (1999) building on Wade (1988), Ostrom (1990) and (Pinkerton and Weinstein, 1995), territoriality in Ulupungkut has not only shown how multiple resource units with a larger scale of ecological system can be managed, but also how they can be protected from external intruders.

8.3 State Territorialization v Customary Territoriality: Overall Reflections in the Search for Accountability

In the case we have examined in Mandailing, two national ministries found themselves on opposing sides in pressing their land claim, the MoF acting on behalf of the national park and the MoEMR pressing the case for the international mining company. As Bryant (1998) indicates, different government ministries can find themselves on opposing sides because each is using different indicators to aid the state, both in this case using state territorialization strategies in an attempt to control the land from which the benefit they target will be extracted. In the process undermining local

aspirations, both ministries were representing international interests with their own agenda.

Meanwhile, on the ground, the overlapping land claims involved a different but more vulnerable set of actors: rural villagers. Opposing state territorialization, local people considered the land to be theirs based on historical claims. Their sense of customary territoriality stands in contrast to the government's view of territoriality. Rural villagers, particularly those who live near the forest have been practicing their traditional territoriality based on their customary social and spatial arrangements, each complementing the other. This explains why Mandailing people could not easily accept the land (that is to say, forest) boundary arrangement 'offered' by the government.

As state territorialization only facilitates state and private claims over land, the rural villagers' property regime that took various dynamic forms of land rights, including common pool resources, was not accommodated in the government system. In the establishment of BGNP, the effort to accommodate in some part the villagers' voice appeared through the concept of collaborative management and community empowerment. Moreover, as explained in Chapter 6, in implementing the forest boundary, a process existed for accommodating the voice of local villagers in the Forest Boundary Demarcation Committee meetings, as well as in the local assembly. However, such 'discussion spaces' were very political. Collaborative management, community empowerment and committee meetings are political and the imbalance in political power means that villagers are not strong enough to push their own position. In chapter 5 (section 5.4.4 and 5.5.3), we saw how the community had been utilized politically to push villagers to adapt to the BGNP agenda. A similar situation arose when villages heads were treated peremptorily by government when discussing the forest boundary issue. Likewise, the 'discussion space' in the local assembly was exploited by local assembly members to obtain benefits for themselves, not for the villagers. Thus, this 'discussion space' needed more controls so that powerful actors would be more accountable to local villagers.

My findings in Mandailing have shown that powerful actors will not provide a proper downward channel for accountability unless they are pressured to do so. In contrast to the conclusions of McCarthy and Robinson (2016), I found that experience from the interaction in the several 'discussion spaces' explained above shows that local people, either as community or through village heads, could not render powerful actors accountable. Only the alternative pressure exercised by the people of Ulupungkut sub-district showed some evidence of success, their sense of territoriality becoming the basis for organizing collective action in demanding accountability.

The role of territoriality in organizing collective action can potentially address the issue of the collective action of citizens (Treisman, 2007; Faguet, 2013) in demanding accountability against state territorialization. Borrowing the terms 'actor' and 'forum' from Bovens (2007: 450) in reference to accountability, territoriality can be regarded as the right forum to ensure the accountability of powerful actors. Territoriality as a forum can facilitate the organizing of collective action to press demands for accountability. Unlike the Actor Power Accountability Framework (Agrawal and Ribot, 1999) and the Modified Actor Power Accountability Framework (Mohammed and Inoue, 2014) that focus more on top-down approaches to accountability, the idea of the existence of a forum is quite similar to arguments made by Nuesiri (2016)), a younger colleague of Ribot, who focuses on the demand side of accountability when he discusses Social Accountability Initiatives. Nuesiri (2016) recognizes that informal protest in social accountability initiatives can complement formal and judicial accountability, as also can resistance (Hossain, 2010) and protests by grassroots actors from below (Newell and Wheeler, 2006). However, Nuesiri does not clearly identify the forum for social accountability initiatives except by noting that the 'community' should be able to organize collective action.

I believe that the evidence from my field work shows that the problem of organizing collective action for accountability cannot be resolved through the concept of community (Nuesiri, 2016) or citizen-led action alone (Treisman, 2007; Hickey and King, 2016). The idea of citizen-led action is based on citizens not as a collective but as individuals who form a group as a community with a similar vision, values, rules, spatial

locations and even institutions (Agrawal and Gibson, 1999). This means that the concept of citizen-led accountability and community as a tool for demanding downward accountability is hard to sustain. But in addition to this, these conceptualizations of community and citizenship do not necessarily have the commons as their impetus and catalyst for collective action.

The need for the existence of the commons as a pre-requisite for organizing collective action is also addressed by Harvey (2013), who suggests that rebel cities should be created as urban commons. Ostrom (2003) argues that the type of goods determines the collective action, where natural resources (commons) can produce greater collective action than other types of goods (Kaimowitz and Ribot, 2002). When the commons exist as a cause of protest, collective action becomes more effective. Since the commons are a part of local customary territoriality, then territoriality can provide a stronger basis for collective action. My findings from Ulupungkut as explained in Chapter 7 support this argument. Likewise, the case presented by List (2015) shows the effectiveness of territorial alliances in struggles over development in Senegal. Since territoriality can provide a stronger basis for demanding accountability of powerful actors, territoriality can potentially be seen as a more effective weapon in ensuring people's sovereignty against state territorialization.

8.4 Coda: Libertarian Municipalism and Territoriality

The case examined in this thesis could possibly provide an alternative in the politics of protection of the commons and local inhabitants spread over a large area. As I argued in Chapter 7, through the experience of Ulupungkut sub-district, local customary territoriality has proven to be effective as a basis for successful resistance against strong external intervention to protect local people and the local commons. The character of this territoriality is rooted in traditional conceptions of the integration of people and land as explained in Chapter 3. The characteristics of the customary social structure and for the confederation of spatial structures involving *huta-banua* and *janjian* is similar to the political structure inherent in the libertarian municipalism of the social ecologist Murray Bookchin (Bookchin, 2015; Biehl and Bookchin, 1998). This

is the case in particular as it is applied in the form of democratic confederalism in Rojava, northern Syria-Kurdistan (Knapp, Flach and Ayboga, 2016: 92), led by Bookchin's student, Abdullan Ocalan (Ocalan, 2013). In Rojava, this typical social-political structure has also been proven to be effective in protecting the people and their land from external intervention during a war situation (Knapp, Flach and Ayboga, 2016: 92).

Another encounter of political ecology with social ecology has been highlighted by the political ecologist, Paul Robbins (2012: 27) when he describes the work of the 'grandfather' of social ecology, Peter Kropotkin, as a "political ecological alternative". What inspires him from Kropotkin's work is the deep investigation of human-environment relations. In his explanation, Robbins points out several characteristics of Kropotkin's work that acknowledge the "institutions, habits, and customs", the power of traditional knowledge, and "the interest to work that started from the landscape basis that can facilitate a grounded approach to social and political analyses" (Robbins, 2012: 28).

A somewhat different acknowledgement has also come from David Harvey when he considers that the commons must be built in the urban context as a pre-requisite for rebel cities (Harvey, 2013). In this book, Harvey criticizes the polycentric governance of Ostrom as well as the libertarian municipalism of Bookchin as an alternative politics for the protection of the commons, while on the other hand, as a Marxist, he still considers that control of municipalities is required. Thus, Harvey appears to be inconsistent when arguing that the interests of the many can be protected by central authority without proper controls. I tend to see Bookchin's libertarian municipalism as a more effective alternative for protecting the many since it ensures that authority is controlled through a gradual bottom-up process.

What is interesting in Harvey's argument is that he highlights that the commons are the basis for urban protest. Since the commons are intangible in an urban context, they have first to be identified. On the other hand, in a rural context, particularly in global south countries, the commons are abundant and almost ubiquitous. Thus,

inspired by Harvey's argument, the commons can be the basis for resistance just as well in the rural context of global south countries. I agree with Harvey and tend to see the polycentric governance of Ostrom as not providing a solution for the protection of the commons. But contra Harvey, I consider Bookchin's alternative is more promising. This argument is supported by my findings in Chapter 7.

Regarding the polycentric governance model of Ostrom, unlike Wall (2016), who praises Ostrom's influence in Rojava, and unlike Harvey (2013), I prefer to consider the libertarian municipalism of Bookchin -- or the democratic confederalism of Ocalan in the case of Rojava -- as the best means of overcoming the limitations of the polycentric model in governing the large-scale commons. This applies particularly to the issues of protecting the commons from strong external power. Libertarian municipalism offers bottom-up assemblies and a confederation of communes as the alternative to the polycentric model. Besides, libertarian municipalism seems to offer a better basis for ensuring local self-help communities can have strong power to hold 'higher' delegations accountable for decisions they take.

Finally, territoriality as a concept encompassing the commons can be proposed as the basis for collective politics, which then can challenge the political system that is based on an individual model of one person one vote. A politics that combines people's commons and territoriality can fill many of the gaps in research on natural resource politics and expand on Bookchin's idea -- at least in the context of Indonesia.

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Appendix A. Land Allocation in Mandailing -Natal

	Name of Institutions	Sector	Year of Permit	Area (ha)
1	Batang Gadis National Park - Government	Forestry - Conservation	2004	72,150
2	Anugrah Alam Makmur, Ltd (IUPHHK-HTI)	Forestry - Production	2009	49,230
3	Teluk Nauli, Ltd	Forestry, Production		83,143
4	Inanta Timber, Ltd (IUPHHK-HA)	Forestry - Production	2001	40,610
5	KPHP Mandailing-Natal - Government	Forestry - Protected, Production and Limited Production	2010	159,166
1	Anugrah Langkat Makmur, Ltd	Palm Oil Plantation	2004	20,000
2	Dipta Agro Lestari, Ltd	Palm Oil Plantation	2009	1,700
3	Dinamika Inti Sentosa, Ltd	Palm Oil Plantation	2010	6,250
4	Rimba Mujur Mahkota, Ltd	Palm Oil Plantation	2004	10,000
5	Ernama Karya, Ltd	Palm Oil Plantation	2006	920
6	Gruti Lestari Pratama, Ltd	Palm Oil Plantation	2002	10,000
7	Madina Agro Lestari, Ltd	Palm Oil Plantation	2005	6,500
8	Palmaris Raya, Ltd	Palm Oil Plantation	2006	2,000
9	Rendi Pertama Raya	Palm Oil Plantation	2005	4,000
10	PTPN-IV, Ltd	Palm Oil Plantation	2007	15,900
11	Tri Bahtera Srikandi, Ltd	Palm Oil Plantation	2011	192
12	Tri Bahtera Srikandi, Ltd	Palm Oil Plantation	2011	515
13	Tri Bahtera Srikandi, Ltd	Palm Oil Plantation	2012	185
14	Sekar Arum Setyo Abadi, Ltd	Palm Oil Plantation	2010	450
15	Prakarsa Dharma Maduma, Ltd	Palm Oil and Cacao Plantation	2007	1,018
16	Sinunukan Harapan Jaya, Ltd	Palm Oil Plantation	2013	1,000
17	PTP-SU	Palm Oil Plantation	2006	6,000
18	PTP-SU	Palm Oil Plantation	2007	3,400
19	PTP-SU	Palm Oil Plantation	2012	1,834
20	Koperasi Tani Saroha, Ltd	Palm Oil Plantation	2008	1,300
1	Sorikmas Mining, Ltd	Mineral - Gold	1998	66,200
2	Madani Madani Mining, Ltd	Mineral - Bauxite	2007	1,410
3	Cenderawasih International, Ltd	Mineral - Copper	2010	8,100
4	Satria Mahkota Gotech, Ltd	Mineral - Coal	2008	11,260
5	Dwinad Nusa Sejahtera, Ltd	Mineral - Gold	2008	4,719
6	Kotanopan Mining, Ltd	Mineral - Gold	2010	4,997
7	Bahana Nada Gemilang, Ltd	Mineral - Copper	2010	2,333
8	Madina Mining, Ltd	Mineral - Copper	2009	363
9	Madina Bumi Lestari, Ltd	Mineral - Iron Ore	2008	11,754
10	Sumatra Tenggara Mineral, Ltd	Mineral - Coal	2009	17,653
11	Medan Madani Mining, Ltd	Mineral - Gold	2010	753
12	Panca Mitra Sejahtera, Ltd	Mineral - Iron Ore	2009	8,266
13	Amtel Indonesia, Ltd	Mineral - Iron Ore	2009	9,193
14	Bahan Multi Energi, Ltd	Mineral - Lead	2008	694

	Name of Institutions	Sector	Year of Permit	Area (ha)
15	Indosin Energi, Ltd	Mineral - Copper	2008	558
16	Cardox Coppercon Industry, Ltd	Mineral - Copper	2010	187
	Total allocation for Forest - Mining - Plantation			645,903
	The total area of Mandailing-Natal			662,070
	Area for Non-forest-mining and oil palm.			16,167

Appendix B. Table of Interviewee

No	Code	Institutions/Identity	Dates	Category
1	AFL	Head of Forestry Sector at the Agriculture and Forestry Office, Mandailing-Natal Local Government	September - October 2015	Local Government
2	AHL	Former CI staff during BGNP establishment	October 2015	Conservation NGO
3	AHM	Secretary of BPGC, CSO based in Ulupungkut	August – Sept – October 2015; October 2016; April, 2017	CSO
4	AN	Head of Social Affair, Sub district Office.	October 2015	Local Government - Sub district office
5	ARN	Chief of PCMN (Parsadaan Clan Marga Nasution; The United of Nasution Clan), Secretary of Mandailing-Natal Customary and Culture Preservation Forum	July – August September 2015	Customary chief
6	ART	Scholar of Mandailing Culture, Sorikmarapi	September 2015	Scholar
7	ASM	Head of Jatam Mandailing-Natal, Village Secretary of Hutagodang Muda village, Secretary of ASMASY.	October - November 2016	CSO
8	ASS	SMC – Public Relation	October 2015	Private
9	BHBG	Head of BGNP office	October 2015	National Government
10	BI	Former Head of Forestry Office, Mandailing Regency, during BGNP establishment	October 2015	Local Government
11	BNBG	National Forestry Office, Sidempuan; later became BGNP Secretary	June 2015; February - March 2016	National Government
12	BND	DPRD member from Siabu ward	October 2015	Local Assembly
13	DBG	BGNP, head of section	October 2015	National Government
14	DHN	Regent of Mandailing-Natal	October 2015	Local Government
15	EA	SRI / Manager Forest Boundary	June 2015	Conservation NGO
16	EI	Pusaka Indonesia, Ex Bitra Consortium (BC), Lecturer at USU	October 2015	Conservation NGO
17	EML	Chief of PCO (People Conservation Organization)	September 2015	CSO
18	HBG	BGNP	October 2015	National Government
19	HH	Former CO-Bitra Consortium, Head of JAMM	November 2015	Conservation NGO
20	HTP	Village Head of Hatupangan	June 2015	Village Official
21	IrM	Village Secretary of Habincaran Village	October 2015	Village Official
22	IsM	Eks. Village Head; Hatobangan - UP	August -Sep-15	Village Official
23	JBG	BGNP office Secretary	October 2015	National Government

No	Code	Institutions/Identity	Dates	Category
24	JL	Chief Panusunan of Hutagodang Banua	October 2015	Customary chief
25	LSC	CII staff for KLHS and Local Government support	July 2015	Conservation NGO
26	MHN	Ex Secretaryo of PCO	July-August 2015	CSO
27	MSBP	Manager BPKH, involved in Forest Boundary Demarcation process	August-September 2015	National Government (BPKH)
28	MSL	Regency Secretary	October 2015	LG
31	MYH	Coffee farmer and trader	November 2015	Local Farmer- Trader
29	MYND	DPRD – BN Ward	October 2015	Local Assembly
30	MYNS	SRI / Manager Livelihood di BN	July August 2015	Conservation NGO
32	NSL	Village Secretary Aek Nangali	August-September- October 15	Village Official
33	PN	Scholar and an educated customary chief of Mandailing	June 2015	Scholar
34	PNS	SMC – Security and Public Relation	October 2015	Private (SMC)
35	PTC	Traditional Chief of Panyabungan Tonga	July 2015	Customary chief
36	RDS	SRI / Director	June-July-August 2015	Conservation NGO
37	RN	Villager	October 2015	Laypeople
38	SA	Villager	November 2015	Laypeople
39	SB	Chief of Ripe Batubara (family-name) in Tolang Village	October 2015	Customary Chief - Ripe Chief
40	SLR	Customary chief of Alahankae	November 2015	Customary chief
41	TMC	CII staf for people's livelihood development	July 2015	Conservation NGO
42	UG	BPGC - Head	July - August- October 2015	CSO
44	WA	Ex SMC officer for CSR affair, laypeople	September 2015	Private
43	YY	Ex Bitra Consortium	October 2015	Conservation NGO
45	ZBL	Researcher on Mandailing, Lecturer at Dept of Anthropology, University of Sumatra Utara	June – July 2015	Scholar
46	ZSBG	BGNP staff, GIS expert at the office	October 2015	National Government

Appendix C. Example of Transcript Interview

This interview is about an experience of IrM, a Village Secretary¹⁰¹ (VS) from Habincaran village (Ulupungkut sub district) who attended the Forest Boundary Demarcation meeting in Mandailing. In the invitation letter, is written that the purpose of the meeting was about "Discussion on Forest Boundary Demarcation". I choose this interview due to it was able to describe many aspects of government-villager relations as the main topic of this thesis: the forest boundary issue.

I: How the meeting was going on, bang¹⁰²?

VS: The meeting started very late, we came to the meeting in the morning as the invitation letter requested as that the meeting started at 9 am¹⁰³. Although the meeting planned to be held at 9am, in fact, we came to meeting room at 2.30pm. After the dzuhur prayer and finished lunch, the meeting started at 2.30 pm. The meeting was late because we had to wait for the Regent coming. The boundary map was signed at 5-6 pm. We completed and finished the meeting at 6.30pm.

I: In the meeting, how the discussion was going on, bang?

VS: When we (village heads) were in the meeting, there was no more discussion, actually. When the meeting was started, we were given a bundle of rules or regulations related to the forest boundary. In my opinion, if all the head of villages were honest about the result of meeting, they would say that they were disappointed with the meeting. For example, they made the borders line of my village, but the villagers did not know where the boundaries are located. Even me (as village head), I did not know about the location of the border that they made for us. They just provided us (the village heads) the map of our village area (and the forest boundary of the village), and they asked us to sign this (the agreement letter).

I: What regulations were there? And after they gave you the map of your village, what next?

VS: Those were regulations about forest boundary. Unfortunately, they (the government) read all those regulations for us, but not discussed those regulations with us. The regulations were

¹⁰² Bang is the cultural term that we usually used to call someone (men) older than us.

¹⁰³ The meeting was held in Panyabungan (the capital town of Mandailing-Natal), about 1.5 hours by motorcycle from Habincaran village. If they have arrived at the meeting location at 9 am, it meant that they have departed from the village at 7.30 in morning by motorcycle.

about the Ministry of Forestry Decree, Regent decree, etc that related to forest boundary. In total, there were four or five bundles.

Then, they gave us the map of the area of village each and they persuaded us to sign the column below the map. I just could not sign it because I did not dare to do it. Inside the boundary map that they given us to be signed, the Regent already signed the letter, and the others government officer's signature as well, such as from the BPKH¹⁰⁴. Meanwhile, at the bottom of that letter, there was a column for head villages' signature. But, once again, I did not sign it.

I: Is there any chance to ask questions in person about the map?

VS: Yes, I asked one of them about it. For example, when the boundary line of the village was agreed? And when was the boundary line measured?

Then, they replied, "oh come on, you just sign it, please. We would not know what is wrong (about the map boundary) if you do not sign it".

What they meant was, if I signed it, the officer will come to my village to install the boundary marker based on the boundary map we already signed, and if we do not agree with the location of the boundary marker, then we can reject or criticize them. "Oo, this boundary location is wrong", for example".

"For me, it seemed impossible to do it, was not it? How could I make a complaint about the boundary map that signed already. If I signed it, then the map was already legalized and 'stamped', is not it? So we (Ulupungkut village heads) did not want to sign it".

I: Did you or other village heads ask any questions in the meeting forum?

VS: Yes, I did. I asked them, I said to them, "You (official) have made the map of forest boundary of our village area. However, as far as I remembered, since the year of 2000, when I was the village head of Habincaran, no one ever came to my village make forest boundary line or marker. Not even from Mandailing-Natal the regency office nor from Medan (BPKH), So how could you make this boundary map of Habincaran while you have not visited our village?

¹⁰⁴ BPKH = Forest Area Designation Bureau

Where this boundary village comes from? When did this boundary to be disseminated and discussed to the villagers?" Then, they (the officials) could not reply my questions. They are all just silent without speaking anything.

There was one group came to my village to ask about our village boundary but they have no right to decide about legal status of the land. They are from SRI, the NGO that led by Rasyid. We (the villagers) involved intensely with them. At that time. We have accompanied them to the field location, and showed them where was the boundary of our land. Then they only need to check the altitude of the location point that we have given. They can check, for example, the land of Mr. B is located at certain height from sea level.

They came to us with good purposes. They were helping us for the village boundary. They also helped and taught us how to plant coffee.

I: So, they (official) said, after it was signed, it can be sued, wasn't it, bang?

VS: Yes, they said so. As I said before, if I have signed it, for me, it means, it was already stamped and legalised officially. It became official. Therefore, how can we (village heads) made a claim to the official (about the boundary) while we have already signed the map ourselves? It did not make sense for me, was not it? That is why we (Ulupungkut village heads) did not want to sign it.

I: Is there any explanation about the consequences of signing the document, bang?

For example, is there any a written statement that saying after signing the map, there would be any chance to revise the map throughout a certain procedures for instance?

VS: No. There is no explanation about it. After we signed it, they said they would arrange the time officials to come to our village, and installing the boundary marker that located based on the boundary map that we signed previously.

I: Did they give you the map for you, bang?

VS: No. It was impossible that they gave us the map, even the head of the village, who signed the map, they did not get the map. They (the BPKH) brought the map, Mr. MSBP¹⁰⁵ brought them.

¹⁰⁵ Please see interviewee list

"I said to them, we (village heads of Ulupungkut) are actually willing to sign it, but with some requirements, we bring the map to the village, and we sign it in front of the villagers. We want to ask the villagers' opinions, whether they agree or not (with the map). If villagers do not agree, we do not dare to sign it.

I: How about the other village heads? Did they sign on the map or not?

VS: Yes, they all signed it. Only us, village heads from Ulupungkut sub district who did not sign it.

I: Do you have idea why they wanted to sign it while you did not?

VS: Clearly, it was because of the money! Each village head received 500.000 IDR from them. It was officially and legally that they got 500 IDR. Money was given to those who signed the boundary map. We (village heads from Ulupungkut) also asked for the money, but they did not give it to us. We said to them, "We attend the meeting, and we also have signed three copies of the participant presence of list documents. Thus, we have the right to get the 'travel money'". They said, "No, because you did not sign on the boundary map. Later, after the meeting was finished at around 6pm they tried to influence us for signing the map and offered us for 1.5 million IDR, but still we, all the participants from Ulupungkut, refused to sign on the map. .

Thus, it is very clear that the money is not for the participation the meeting but for signing on the village boundary map. It seems that the money is to influence us in order to agree to sign the boundary map.

I: Did they say something about what will they do with the document after it was signed? Such as what were the signed map for?

VS: After it was signed, in my opinion, it was very clear that the map became the official reference of forest boundary line. It became the official agreement about the forest boundary. But unfortunately, those who signed the map did not get the map with them as well. Like, I said before, they (the officials) brought the map with them.

I: Did any of DPRD (local assembly) members come to the meeting, bang?

VS: No, they did not come. The participants were from BGNP, protected forest services, the Regent, and the village heads.

I: You said that the Regent also attended the meeting, was not it, bang? Did he say something about how to revise map, if it is then needed after the signing process?

VS: Yes, the Regent has pointed out something about it. When we had a consultation to him, we said, "We could not sign the map. What do you think, Sir?".

Then, the Regent said, "In my opinion, it must be signed, because the document will be a basic agreement for us to resist their claim about the boundary in the future. We will not have any evidence to reject their claim (the BPKH office) if the document is not signed. If we do not have the wrong one, how can we ask for the right one? So, if we find something wrong with their boundary line, then we can asked them to revise it. So, it must be wrong first then we can ask for the right one". That is what the Regent said.

So, he asked us to sign it. He said, "There would not be any problem. You just signed it. Later, when they come to you village, that is the time for you to resist them about the border claim.

Then we said to the Regent, if we (village heads from Ulupungut) do not sign it, what would you say, sir?

He said, "That is up to you. It is your right".

I: How we could ensure that they (BPKH) will really come to this village? Is there any contact number they (BPKH office staff) have given to you?

VS: No. They just said that "we will come". That is it.

I: How about the contact number from the Mandailing regency office? Did they give you their contact number? In case that you have anything to ask about the border or about asking their planning to come?

VS: No, they did not give us the contact number. They only gave us the bundles of paper, the (forest boundary-related) regulations that come from several ministers that I have told you previously. You know, it is not all of us that received those bundles, only some of the participant had it. Like us in Ulupungkut, for instance, only five of eight in total who received those regulations.

I: Did they explain anything about IP4T document, bang?

VS: Yes, they did. They said to us that we should not be worried about this boundary. They said, "It did not similar as the previous boundary¹⁰⁶". Even it (the boundary) was for a protected forest (or any kind of forests), we still can work in there. They said, "for the previous boundary regulations, the rules stated that, "we are not allowed to work in the forest, even take a wood from it, we were not allowed"? Different from the previous boundary, for this boundary, we are allowed to do so.

For us, the problem is only about the forest boundary, we do not agree with them on it. If they (the official) do not come to this village, we could not agree and sign the map. If they come, so all villagers can witness the field process of making of the boundary. It is not us (the village heads) who can make and agree about the boundary, but the villagers themselves. They (the villagers) are the right persons who know the exact boundary line of their cultivation area. How can I know whether they (the villagers) still have certain piece of land up there (while appointing to the hill side)? How can I make an agreement about their land when I do not know exactly the location of their cultivation land boundary?

I: How if, let say, you agree to sign on the map? What do you think about the consequences of it, bang?

VS: If I just signed the map, it would mean that our land boundary is just about 500-700 meters from the river [and he appointed to the river behind his house]. Moreover, it also means that the 'waqf land'¹⁰⁷ [he also appointed to certain location up to the hill) will not be allowed to be used for us anymore.

I: May I know how far is the cultivation land of Habincaran people from (where we seat) here, bang?

VS: For Habincaran, oh it is so far from here. We (Habincaran village) have the border directly to the West Sumatera province. Moreover, our east border is adjacent to Muara Sipongi sub-district.

¹⁰⁶ I assumed it was about the boundary demarcation conservation forest that has more strict rules.

¹⁰⁷ Waqf land is a *collective land, usually functioned for cemetery area.*

I: Wow! The border of Habincaran village is up to West Sumatra province! It is so huge land! Although the number of the inhabitant¹⁰⁸ are quite a few compared with other villages, if I am not wrong.

VS: Yes, that's why in the boundary meeting, it was not all of the villages in Ulupungkut got the invitation. Just like the Hutapadang and Simpang Duhu Lombang village, they were not invited to the meeting. It was because the Hutapadang border line to the south is just to us (Habincaran village). Similarly to the Simpang Duhu Lombang, where they have the border from Alahankae to Simpang Duhu Dolok villages. Different from us (Habincaran village), our border is directly to West Sumatra and Muara Sipongi. Similarly to Hutagodang village, we both have our territory so vast.

I: How do you know that the Habincaran village border is to West Sumatra province? What is the basis argument for it, bang?

VS: We just knew it since the Dutch Colonial period. We also know it from the villagers cultivation land. You can ask to Mr. SB (the customary chief), he has a large of land, it is located closer to the Hutapadang village area. If you see that land at the Batu Loting Hill [he appointed to a hill], that land is part of Habincaran area. That land is belong to the family of customary chief of Habincaran village. Although that hill is closer to Hutapadang village, but the land on the hill is belong to Habincaran people. It is belong to us, and we (Habincaran and Hutapanang people) already have known each other about it.

I: Are there any a particular written documents about the boundary between Habincaran and Hutapadang village, bang?

VS: No, we do not have any written document about it. Although we do not have it, everyone in Habincaran - Hutapadang have already known and agreed about the land on Batu Lotung Hill. Historically, the land is allocated for coffee plantation. If you check to the Batu Loting Hill location, you will see a lot of INGUL¹⁰⁹ wood (or Surian in Indonesian) there.

¹⁰⁸ The number of Habincaran villages are less than 40 families, and their houses are settled located in one location closely to each other just at the street side.

¹⁰⁹ Ingul tree is agreed by the customary people of Ulupungkut as the proof of cultivation and ownership of land.

Appendix D. Elit conflict (BGNP vs SMC) at the local Level

No	Dates	Events	
1	February, 19 th , 1998	Sorikmas Mining got Working Contract from Central Government	
2	May, 20 th , 1998	Centralistic Government of Soeharto collapsed	
	May, 7 th , 1999	Law 22/1999 on Local Autonomy was signed.	
3	January, 1 st , 2001	Local Autonomy applied in Indonesia	
4	March, 9 th , 1999	Mandailing Natal Regency officially established.	
5	September, 30 th , 1999	Law 41/1999 on Forestry was issued	
6	April, 2003	Mandailing-Natal Regent sent proposal of BGNP to Ministry of Forestry.	
7	July, 2003	Central Government sent Feasibility Study team to Mandailing consist of staff from: Ministry of Forestry, Ministry of Environmental and Indonesia Science and Knowledge Council	
8	September, 16 th , 2003	Mandailing Natal Regent, sent letter to Governor of North Sumatra regarding BGNP idea	
9	October, 29 th , 2003	Mandailing Natal Regent, sent letter to Governor of North Sumatra regarding BGNP idea	
10	October 2003	Governor of North Sumatra sent integrated team to Mandailing to study the feasibility of BGNP	
11	November, 20 th , 2003	Letter of support to BGNP from DPRD (Local People Representative Assembly)	
12	December, 8 th , 2003	Governor of North Sumatra Province publicly stated his support to BGNP, in a conference in Bali	
13	December, 31 st , 2003	1 st declaration of BGNP in Mandailing-Natal	
14	March, 11 th , 2004	2 nd Open Declaration of BGNP, to reject SMC in Mandailing	
15	March, 11 th , 2004	Perppu 1/2004, issued by President Megawati, to support Mining Operation inside Protected Forest Area	
16	March, 12 st , 2004	Mandailing-Natal Regent sent letter to Ministry of Forestry show his affirmation to repudiate SMC Company in Mandailing	
17	April, 29 th , 2004	Ministry of Forestry formally approved BGNP	
18	May, 20 th , 2004	President Decree 41/2004 stated 13 companies that allow to operate inside protected forest region	
19	February, 24 th , 2005	3 rd declaration, Ministry of Forestry came to Mandailing to give the letter? And declare the collaborative forum.	

Appendix E. National Elite legal conflict between BGNP and SMC in Indonesia

No	Dates	Category	Events
1	February, 19 th , 1998	M (Central)	Minister of Mining and Energy, on behalf of Indonesia Government signed agreement to 72 Working Contracts, the 7 th and 8 th generations, including Sorikmas Mining Company, for 201.600 ha: 80.670 ha HL, 60.730ha HPT and 60.200 ha APL*
2	May, 20 th , 1998	P (Central)	Suharto, President of Indonesia, stepped down from power.
3	May, 7 th , 1999	P (Central)	Law 22/1999 on Local Autonomy was signed and since then local governments have more power than before.
4	September, 30 th , 1999	C (Central)	Law 41/1999 on Forestry was issued, where article 38 paragraph 4 of this law prohibited mining operation inside protected forest.
5	December, 19 th , 2000	M (Central)	The area location of SMC in Mandailing-Natal was reduced to 66.200 ha
6	December, 31 st , 2003	C (Local)	1st declaration of BGNP in Mandailing
7	March, 11 th , 2004	C (L)	2nd Declaration of BGNP as well as declaration to reject SMC
8	March, 11 th , 2004	M (C)	Perppu 1/2004, issued by RI President, stated Law 41/1999 article 38 was revised and said, "All permits and agreement in mining sector that existed before Law 41/1999 applied was still valid until the permit/agreement ended.
9	March, 12 st , 2004	C (L)	Mandailing-Natal Regent sent letter to Ministry of Forestry show his affirmation to reject SM Company in Mandailing
10	April, 29 th , 2004	C (C)	Ministry of Forestry formally approved BGNP, 108.000 ha.
11	May, 12 th , 2004	M (C)	President decree No. 1/2004 stated that there were 13 companies that were allowed to carry out Mining Operation inside Protected Forest Area, where Sorikmas Mining Company (SMC) was one of them.
12	May, 18 th , 2004	M (C)	Ministry of Energy and Mineral Resources sent letter to Ministry of Forestry to exclude SMC from BGNP (for the overlapping area of 35.866 ha) since SMC was one of the 13 companies that allowed to do mining inside protect
13	September, 6 th , 2004	C (C)	Forestry Planning Agency sent letter to Director General of Geology and Mineral Resources, Ministry of Energy and Mineral Resources that the area of SMC (33.721 ha) already appointed as BGNP through MoF Decree, and cannot be used for mining exploration and exploitation.
14	September, 9 th , 2004	M (C)	MoEMR sent letter to MoF to exclude SMC from BGNP
15	October, 20 th , 2004		New President of Republic of Indonesia inaugurated and new cabinet ministries announced.
16	January, 25 th , 2005	C (C)	MoF sent letter to MoEMR that the area of 33.721 that already appointed as BGNP cannot be used for exploration and exploitation
17	April, 11 th , 2005	M (C)	MoEMR sent letter to Coordinator Ministry of Economy to coordinate the problem resolution related to SMC.
18	December, 9 th , 2005	M (C)	MoEMR issued decree to extend SMC exploration in Mandailing
19	December, 30 th , 2005	C (L)	Regent of Mandailing Natal sent letter to Minister of EMR on objection to MoEMR decree.
20	January, 6 th , 2006	P (C)	Secretary of State Minister issued letter to MoF and MoEMR, in considering the prevention of international arbitrage proposed by SMC, President asked both Ministers along with Regent of Mandailing to find best solution legally, economically and environmentally that can be accepted by SMC and at the same

			time do not harm the national interest.
21	March, 2 nd , 2006	C	MoF formed a working team to solve the problem of overlapping area between SMC and BGNP.
22	Sept, 6 th , 2007	M	Director General of Mineral and Geothermal of MoEMR sent letter to Director General Forest Protection and Natural Conservation of MoF to solve the problem of overlapping area between BGNP and SMC.
23	April, 21 st , 2008	M	Director General of Mineral and Geothermal of MoEMR sent letter to Director General Forest Protection and Natural Conservation of MoF to give legal certainty for Companies.
24	April, 14 th , 2009	L	Supreme Court verdict stated to accept SMC's application case and order MoF to revoke its decree.
25	April, 14 th , 2009	L	Supreme Court sent letter to SMC and MoF stated the approval of SMC's petition of objection and the annulment of MoF decree on BGNP
26	October, 22 nd , 2009	P (C)	New Cabinet Ministry was inaugurated, with the same President, SBY. Both MoF and MoEMR were lead by new pilot.
27	July, 16 th , 2010	M	MoEMR sent letter to MoF to immediately fulfill the Supreme Court decision so the SMC could continue its activities.
28	April, 29 th , 2010	L	Chief of Supreme Court sent letter to MoF stated that Supreme Court decision cannot be reviewable.
29	March, 1 st , 2012	C (C)	MoF issued decree (No. 121/2012) to alter previous MoF Decree (No. 126/2004) on BGNP and stated the area of BGNP reduced to 72.150 ha.

NB:

- Category of Events, Conservation(C), Mineral (M), Politics (P), Legal (L)
- Minister of Forestry (MoF)
- Minister of Energy and Mineral Resources (MoEMR)

