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The disciplining of illegal palm oil plantations in Sumatra

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ABSTRACT
The Indonesian state has issued many regulations to control palm oil expansion, but they have been weakly enforced, resulting in widespread illegal plantations. During the last decade, Indonesian authorities have used force to reduce illegal plantations. This article analyses the drivers behind these actions and questions to what extent they reflect the rise of eco-authoritarianism. By investigating six cases of disciplinary action in Sumatra, we conclude that the Indonesian state is neither practising eco-authoritarianism nor constituting a green state. The disciplinary action, however, has had limited success in environmental terms due to policy incoherence, violent contestation and the sector’s historical context.

1. Introduction
Since 2000, the palm oil sector of Indonesia has expanded rapidly.¹ Such expansion has been due not only to favourable biophysical conditions, but also to enabling social-political ones, such as regulatory gaps, weak law enforcement, political instability and rampant corruption.² To ensure inclusive development and environmental sustainability, Indonesia has developed an extensive list of regulations regarding the production and expansion of palm oil plantations.³ However, these regulations have been poorly enforced, resulting in widespread forest encroachment (with over 500,000 hectares of palm oil plantations in forest zones),⁴ peatland destruction, land conflicts, the concentration of land possession, food area conversion and biodiversity loss.⁵ Decentralisation, patronage networks and local power structures have constrained, reshaped or redirected the implementation of laws and regulations.⁶

Illegal plantations in Indonesia are not a recent predicament. Rampant squatting after the Japanese occupation until the 1960s obstructed productivity into the 1970s.⁷ In 1967, the Suharto regime repressed squatting,⁸ enabling the growth of large plantations. In the 1980s, Suharto prevented squatting through partnerships between smallholders and large plantations,⁹ although this strategy strongly favoured the latter.¹⁰ The economic liberalisation of the 1990s and the collapse of the Suharto regime in 1998 resurrected expansion without

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regard to regulations. This expansion was first driven by companies, but later smallholders joined, responding to the global market’s surging demand in the mid-2000s.\textsuperscript{11}

Over the last decade, the Indonesian government has taken action to curb illegal plantations. By scanning national newspapers, the reports of non-governmental organisations (NGOs), and the reports of environmental organisations, we recorded 15 disciplinary actions in Sumatra and Kalimantan between 2006 and 2016.\textsuperscript{12} These actions included tree razing, property demolition, seizures, and raids by armed forces. In some cases, these actions met with violent resistance to which the state responded with the use of violence. Though the scale and timing of disciplinary action could be seen as too little and too late, the disciplinary action is historically unique and salient, given four factors: Indonesia’s orientation to limit intervention to regulatory action,\textsuperscript{13} the enormous state support to the sector,\textsuperscript{14} state capture under patronage politics,\textsuperscript{15} and a preference by smallholders for converting to palm oil production.\textsuperscript{16}

Our central question is: What drives the state’s disciplinary action against illegal plantations and to what extent does such action reflect the rise of eco-authoritarianism? To address this question, this article analyses six cases of state disciplinary action against illegal palm oil plantations in Sumatra. For our analysis, we have developed a framework on drivers, triggers and constraints of disciplinary action.

The article is organised as follows. Section 2 introduces the concept of eco-authoritarianism and contrasts this with the concept of the green state. Section 3 presents the analytical framework and methodology. Section 4 explains the overregulation of palm oil production in Indonesia. Section 5 describes and analyses six cases of disciplinary action of the Indonesian state to reduce the extent of illegal palm oil plantations. Section 6 presents the main findings and explains to what extent the cases reflect eco-authoritarianism. The conclusion is presented in section 7.

2. Eco-authoritarianism vs the green state

Two approaches can be distinguished in the literature on environmental policies and steering by the state to protect the environment: eco-authoritarianism and the green state.

The first approach emphasises that authoritarian measures are needed to protect the environment. Examples of eco-authoritarian states are China, South Korea, Singapore and Egypt. In these countries, strong national leadership, top-down planning, substantial regulatory power, repression, civil society marginalisation, and security apparatus oversight have led to successful implementation of environmental policies.\textsuperscript{17} Eco-authoritarianism is supported by scholars and policymakers who believe that grassroots or deliberative democracy cannot guarantee an effective protection of the environment.\textsuperscript{18}

Eco-authoritarianism may involve state violence.\textsuperscript{19} State violence, certainly when of a repressive nature, might evoke resistance and even violent counter-reactions by local communities. This again may trigger subsequent state violence, certainly when the resistance is perceived as a challenge to state sovereignty and its monopoly on the use of violence.\textsuperscript{20}

Eco-authoritarianism is not without controversy and faces criticism from environmental scholars. For instance, Ball and Eckersley argue that most authoritarian regimes are weak in political and legal accountability, which provides a fundamental threat to the whole ecosystem, including human beings. As an example, these scholars refer to the eco-nationalism of the Nazi regime.\textsuperscript{21} Another critique of eco-authoritarianism is the fear that bureaucrats
are often unaware of social reality, and as such lack the required administrative and resource capacity to effectively protect the environment.

The key concept in the second approach is the green state. This concept can be seen as an alternative to, or possibly even the opposite of, eco-authoritarianism. Eckersley, who coined the concept of the green state, emphasises that environmental policies need to be built upon a democratic system with the strong participation of citizens, and the key role of non-state actors in developing environmental policies. The green state actively connects environmental values to economic and legitimation imperatives, and directs regulation and democratic procedures to enable participation of all those potentially affected by ecological risks. Most supporters of the green state, according to Ball, are ‘grass-roots democrats who favour widespread political participation and decision making by majorities at the local level’. Distinctive features of the green state are regulatory and collaborative governance: the state refrains from the use of violence but governs through regulation and collaboration with non-state actors, with a view to proscribe environmentally damaging activities and facilitate environmental restoration.

3. Analytical framework and methodology

To gain insight into the Indonesian state’s disciplinary action, we developed a framework to analyse information from six case studies. The framework consists of a dynamic system of triggers and drivers that together explain the disciplinary action of the state and its outcomes within local contexts. In developing the framework, we reviewed literature detailing critical junctures and incidents such as those by Gawronski and Olson, Angelides, and Flanagan. We also reviewed research on the drivers of deforestation, and on the promotion of energy efficiency.

Triggers are events that are sufficiently complete in themselves to permit inferences and predictions about an action. Triggers result in action if there are drivers. Drivers are defined as causes that work singularly or in combination. We use the term ‘obstacle’ to refer to an event that may block or prevent disciplinary actions. Actions result in reactions, which create an outcome. We distinguish two types of outcomes: (1) systemic outcomes or reforms of political-administrative processes at central or local government levels that result in policies limiting the illegal expansion of palm oil plantations; and (2) incidental outcomes that do not lead to political-administrative reform, due to constraints. Constraints are processes or events that limit outcomes and explain why the outcome was incidental rather than systemic. This framework is exhibited in Figure 1.

This research uses a multiple case study design, which aims to examine the phenomenon of disciplinary action in its real-world context. We have based assumptions of triggers, drivers and outcomes on an analysis of similarities and differences between the cases. These similarities and differences are refined through iterative comparison of evidence and assumptions. The similarities and differences identified in the analysis of triggers, drivers and outcomes facilitate the observation of eco-authoritarianism, which is viewed from the ultimate intention of the action, the level of non-state actors’ participation, the extent of centralised decision-making operating in multi-level governments, and the use of coercive power.

To select case studies, we scanned media and NGO publications that reported disciplinary state action in palm oil plantations. From examining 15 examples of disciplinary action, we
selected six cases. These cases present a range of illegal practices (such as encroachment into conservation areas or other land use), specific disciplinary actions (including razing or seizing plantations), types of actors (state and non-state actors) and levels of governments (central, regional and district).

Media and NGO publications provided first-hand information about each case, including details on the activities and networks of actors. We interviewed both state and non-state actors. The term ‘state’ refers to various ministries or agencies, as well as levels of governments (central, provincial and district) within Indonesia that have been involved directly in the disciplinary actions and their outcomes. In selecting interviewees, we used a snowball method. This started with initial information provided by several informants, and developed to include other informants they knew from their social networks.30 In total, 15 semi-structured interviews were conducted from February to May 2015 and from December 2015 to January 2016. The interviewees were from Greater Jakarta (two interviews), Jambi (one interview), Riau (six interviews), North Sumatra (two interviews), and Aceh (four interviews).

4. The complexity of palm oil regulations

Indonesia’s over-regulated palm oil sector has created chronic enforcement and coordination problems. These regulations are drawn from a variety of legislation in the areas of plantations, forestry, environment, trade, business licencing and regional autonomy.31 ISPO (Indonesia Sustainable Palm Oil), the mandatory palm oil standard promoted by the Indonesian state since 2009, demanded compliance with a total of 137 regulations.32

Figure 1. Framework for analysing disciplinary state action.
Plantations are allowable only in the non-forest cultivation area, according to Forestry Law No. 5/1967, later defined as APL (Area for Other Purposes) by the Forestry Minister’s Decree SK.382/Menhut-II/2004. To operate, plantation companies are required to obtain an HGU (Land Use Rights) Permit, according to Basic Agrarian Law No. 5/1960. HGU was later elaborated in Government Regulation No. 24/1997 on Land Registration, Government Regulation No. 40/1996 on Business Use Permit, Building Use Permit and Land Use Permit, and the Plantation Law No. 18/2004. Meanwhile, according to Ministerial Regulation No. 98/2013, smallholders must register their lands and receive an STDB (Cultivation Registration Certificate), permitting their plantation.

To address the massive carbon release from forest destruction, Indonesia developed a carbon forestry decree in the Regulation of the Minister of Forestry, SK.159/Menhut-II/2004 on Ecosystem Restoration in Production Forest Areas. Furthermore, Government Regulation No. 6/2007 provided for a licence system on ecosystem restoration zones. This ecosystem restoration scheme enabled the private sector to manage conservation forests; as of 2016, there had been 16 ecosystem restoration forests. Responding to the pressure to address rampant deforestation, the Indonesian state issued the Prevention and Eradication of Deforestation Law No. 18/2013, stipulating that transactions of commodities produced in forest zones (including palm oil fresh fruit branches, or FFBs) are against the law. Furthermore, the government restricts palm oil expansion in peatlands and food production areas. Government Regulation 71/2014 on Peatlands prescribes that peatlands of more than 40 cm depth are to be conserved. In food production areas, the government prevents excessive conversion from food crops by the issue of the Food Area Preservation Law 41/2009.

However, illegal plantations continue to be widespread within this overly complicated legal system that often overlaps, lacks policy coherence, conflicts with customary laws, and provides room for extra-legal arrangements. Land status is often unclear, due to four main factors: first, the time taken to agree on spatial planning; second, poor coordination between forestry and plantation authorities; third, insufficient state budgets for adequate information systems; and, fourth, intensive lobbying by politicians and businesses. As a result, plantations often expand even before licences are granted. Land zoning is often altered regardless of the lack of legal clarity. Moreover, smallholder plantations flourish in former agroforestry lands, which are misleadingly classified as forest under state control.

Enforcing the regulations poses a significant challenge. Most large estates are owned by people with strong political connections. Meanwhile, smallholder farmers have the liberty to choose the kinds of crops they want to cultivate via the Cultivation Law 12/1992, which protects smallholders when converting their lands. This also includes converting peatlands into plantations. Demanding strict compliance by smallholders is difficult due to the state’s incapacity, a widespread perception that the state is protecting big business, and the state’s reluctance to excessively inconvenience smallholders.

5. The six case studies

Case 1: Razing of illegal palm oil plantations in Tesso Nilo National Park (TNNP), Riau

Palm oil plantations occupy around a quarter of the 83,068 hectares of the TNNP zone, which flourished after the increase of the global price for FFBs in the mid-2000s. Illegal plantations were developed either by indigenous people planting palm oil trees in their customary lands that were included in the national park area, or through outsiders marrying indigenous people.
Some of the plantations inside TNNP indeed have formal certification through Prona (the government-sponsored land certification programme), although some of these government certificates were renounced as they were issued without formal procedural compliance.

There were two disciplinary actions taken in TNNP. The first was in November 2010, triggered by an attack on security officers in May 2007. This was met by the deployment of 20 forest rangers and police officers equipped with two excavators and 10 chainsaws to demolish 63 hectares of plantations. The disciplinary action stopped after the TNNP Administration ran out of money and succumbed to pressure from a member of parliament. The suspension of action concerned environmental NGOs, who subsequently organised an international campaign noticeably embarrassing the Indonesian state. This campaign received international media coverage; an uploaded YouTube clip showed the Forestry Minister being confronted by Hollywood star Harrison Ford over the lack of protection in TNNP. As humiliation is associated with insecurity and perceived as a loss of power, the state responded severely. In May 2014, 250 army and police officers razed 200 hectares of plantations in the presence of the Forestry Minister and state officials of Riau province. The impacted settlers protested these actions to the Komnas HAM (National Human Rights Commission) and UKP4 (the President’s Development Monitoring Unit during the Yudhoyono administration), which then visited them in 2013. Komnas HAM and UKP4 demanded that the TNNP Administration respect the community’s rights; furthermore, UKP4 warned the settlers that encroachment was intolerable.

Both actions became incidental responses as they met two main constraints: many people had settled in the region before TNNP was established, without a clear option for their livelihoods; and good roads already existed, which enabled the transport of harvested wood and FFBs. An administrative outcome was possible when the government, in 2014, implemented a social forestry programme that permitted settlers to stay with the proviso of crop conversion to fruit, natural rubber and timber as a gradual phasing out of palm oil.

Case 2: Razing of illegal palm oil plantations in Aceh Tamiang’s protected forest

The protected forest of Aceh Tamiang District faced a serious threat, where 33,807 hectares (42%) had been converted into company-owned palm oil plantations since the mid-2000s. Even the District Head owned a portion of the palm oil plantations. This expansion degraded water catchment areas and caused flash flooding in 2006, taking 42 lives, and displacing 83% of the inhabitants. Another extensive flood occurred in 2010. Massive and more frequent disasters traumatised the residents, pushing the state to take action, which in turn developed into drivers. Local NGOs established FKL (the Leuser Conservation Forum) which soon partnered with the district Forestry Office, with wide support from residents. FKL initiated a disciplinary action by razing illegal plantations, starting in the most remote area to prevent conflict with plantation owners. Whilst the district government was initially reluctant, later it contributed financially, and the District Head allowed his plantations to be razed. The district government also set tough sanctions for encroachment.

The outcome of this disciplinary action was an administrative response. Receiving significant support from the government, 1040 hectares had been reinstated with fruit and natural rubber trees by 2014, while FKL undertook reforestation of 3000 hectares in 2016. Success in reforestation resulted in international acknowledgement, with the Goldman Environmental Prize being awarded to the leader of FKL.

This outcome was constrained, however, as the Forestry Minister in the middle of 2014 changed the land status from protected forest to production forest. This decision was made without consulting the local government and policymakers, raising suspicions that the decision was intended to facilitate an investor’s construction of a cement factory.

Case 3: Cracking down on illegal palm oil estates in Area VI – Besitang of the Gunung Leuser National Park (GLNP), North Sumatra

GLNP in general faced serious threats despite its status as a national park and international recognition as a UNESCO (United Nations Educational, Scientific and Cultural Organization)
Biosphere Reserve. In Area VI – Besitang, the problem is very complicated, starting in the 1990s when the Forestry Ministry granted a logging permit to a company. The permit ended in 1997, but the logging roads are still in good condition, facilitating the transport of logs, latex and FFBs harvested from the GLNP zone. In 1999, 88 households fleeing from the Aceh conflict entered Area VI and the GLNP Administration could not prevent their settling inside the zone, given the humanitarian situation. Seeing that the GLNP Administration allowed the refugees to settle, squatters free-ride the situation by facilitating illegal land transactions. In 2005, 735 households lived inside Area VI, which decreased to 550 households in 2007 as the Aceh conflict waned. The GLNP Administration facilitated the relocation of the refugees to Musi-Banyuasin District, South Sumatra. The refugees experienced intimidation by other settlers, who prevented them from joining the relocation program. By 2011, GLNP Administration claimed to have resettled all refugees, but there were still more than 2000 people from 700 households inside Area VI.

The trigger of widespread squatting, which became very persistent, developed into a driver of a security problem. The disciplinary action started in 2006–2007 when GLNP-MA (Gunung Leuser National Park - Management Agency) razed 200 hectares of plantations, which was then followed by the razing of 6200 palm oil trees by 2010 with the support of NGOs. In this first period, 17 squatters were detained. Upon conclusion of the relocation program, a second action was organised in June 2011, when 1200 personnel from the army, police, and the district government's civil police service attempted to expel the remaining settlers. The operation ended in a clash when squatters stoned the personnel. The personnel responded by shooting rubber bullets; three security personnel and three settlers were injured in the clash.

After the second disciplinary action, the conflict became more violent. In May 2012, a local GLNP office was attacked, and two GLNP cars were destroyed. The violent conflict paralysed Area VI oversight as the squatters could attack forest rangers any time they entered the forest. Local NGOs criticised the repression and accused the authorities of acting too late. Receiving no response from GLNP Administration, the NGOs reported the case to Komnas-HAM who sent an investigation team in 2013. Komnas-HAM, as a unit under the president, is empowered to issue recommendations that carry serious legal impact, although the investigation itself is lengthy; this investigation was still underway during our visit in April 2015.

Disciplinary action results in incidental response, since the state is unable to solve the problem of encroachment without offering any alternative livelihoods for the settlers. The government was also constrained by distrust from the locals who perceived themselves as being treated unfairly, particularly given that permits were granted to companies in the past while local community needs were ignored.

Case 4: Cracking down on illegal palm oil plantations in Harapan Rainforest (HRF), Jambi

HRF is a 98,555-hectare ecosystem restoration concessionary located in Jambi and South Sumatra, which was established in 2004 as an implementation of priority policy for climate change mitigation. It was developed in the former production forest where indigenous people were allowed to hunt and harvest non-timber forest products. Around 30% of the forest zone has been converted to palm oil plantations with average acreage of around 25 hectares; this demonstrates that the owners are not impoverished farmers. Simultaneously, illegal logging occurred with protection from security officers. Local state officials were initially reluctant to take action, arguing that the zone belonged to private entities. However, persistent squatting, blocking implementation of national priority policy, had become a driver for considering disciplinary action.

In 2011, police organised disciplinary action by arresting four settlers. This action invited retaliation as in April 2012, 200 squatters referring to themselves as agrarian reform activists took hostage two forest rangers and a police officer. The response to this was the arrest of six squatters and confiscation of their chainsaws. Four months after the clash, police arrested 13 squatters, which stimulated protests from SPI (Indonesian Peasant Union). SPI and other agrarian reform NGOs organised a march from Jambi to Jakarta, where they camped for several days.
in the yard of the Forestry Ministry in December 2012. Responding to the protest, the Forestry Ministry granted community forestry status in February 2013 to areas where the settlers lived. The alternative solution provided by the state in arranging a community forestry permit was seen as a step back by HRF Management. Later, in August 2016, HRF Management accepted the situation and developed an empowerment programme that enabled a partnership with the settlers in protecting the forest.

Both the violence and the pressure at the national level generated an obstacle for organising further disciplinary action. The outcome of this action was limited to an incidental response. The primary constraint is the perception of the settlers and agrarian reform activists towards the ecosystem restoration programme as ‘green land grabbing’, besides the state apparatus also seen to be involved in illegal activities.

Case 5: The seizure of illegal palm oil businesses in Register 40 – Padang Lawas, North Sumatra

There are 47,000 hectares of palm oil plantations inside the Register 40 protected forest owned by 44 companies, with the largest one owned by D. L. Sitorus, a powerful local who worked with smallholders in 61 villages. Sitorus claimed customary ownership of the land and argued that their holdings were not regulated under the national regulation. The district government was sufficiently convinced to grant them a business permit in 1988.

Contempt of regulation became a trigger, which developed into a driver when carried out on a considerable scale. The first disciplinary action was via a legal case, which resulted in a Supreme Court verdict to seize Sitorus and his smallholder partners’ plantations. This verdict was perceived to be unfair and stimulated violent resistance. The district government officials were unwilling to enforce the verdict due to their concern for violence; they even granted the operating permit to the company’s mill in 2012. The district officials’ unwillingness invited the suspicion that they tried to benefit from maintaining a business with over 100 billion rupiah monthly turnover; this suspicion was strengthened as security officials were occasionally seen guarding the company’s property.

The local resistance and the local government’s disobedience became the trigger, which developed into a driver of security problems. Competing for interpretation of the national law vis-à-vis customary law, unfair perception of the verdict, and powerful local influencers became obstacles to implementing the Supreme Court’s verdict. The sluggish implementation of the verdict raised concerns among students, who organised a protest.

The second disciplinary action was taken in 2015 when President Widodo instructed the business be seized. A state-owned company was assigned to oversee the phasing out of palm oil and conversion to agroecology farming. The administrative response achieved after the government’s decision affected all illegal business while protecting the interests of workers and smallholders. However, the implementation of this decision seemed to dawdle; it was later found that Sitorus still controlled the business. The government made him a suspect again in 2017, but the case remained unsolved when Sitorus died in August 2017.

Case 6: The eradication of palm oil plantations expanding in a food production zone in Bungaraya Sub-district, Siak, Riau

In 2002, the Siak District Government issued Government Regulation No. 7/2002 stipulating Bungaraya Sub-district would become a food production zone. Implementing this regulation was challenging in the rapidly growing and large-scale conversion of paddy fields to palm oil plantations since the middle 2000s. Farmers experienced a dwindling water supply, stimulating further crop conversion. This irresistible conversion without any concern for the sub-district regulation became the trigger that was later developed into a driver as sub-district officials perceived it as a security problem.

The first disciplinary action, ordered by the sub-district head, razed a one-hectare palm oil plantation in 2009. The NGOs in Riau perceived that the sub-district head acted beyond his authority since the determination of the food production zone was still waiting for the approval of the Riau Spatial Plan by the national government. The lack of support from higher governmental
levels, the decreasing water supply for rice cultivation, and the pressure from NGOs served as obstacles to continuing the disciplinary action. In early 2010, farmers held demonstrations at the local government office, resulting in the sub-district head agreeing to not take any further disciplinary action, on the provision that farmers stopped converting land. However, the conversion continued as the farmers perceived that continuing rice cultivation did not provide for a better livelihood.

In 2014, the Riau Spatial Plan was approved, which created a legal basis for a political-administrative response. Siak District legislators were initially concerned that implementation of the regulation would stimulate local conflict, and therefore resisted its enforcement. The Siak District Food Production Office intensively lobbied the legislators and convinced them to support the regulation. However, this outcome was constrained by a degraded irrigation system that did not undergo sufficient reconstruction, as well as fertiliser scarcity, which limited rice cultivation. The outcome was further complicated by palm oil plantations spreading into peatlands, meaning the food production reserve zones did not adequately prevent greater environmental degradation. In spite of these limitations, as noted in Kompas (2 September 2 2017), the number of farmers converting back to rice cultivation increased.

6. Discussion

In the six case studies, we identified five drivers of disciplinary actions: security problems (in the Tesso Nilo, Area-VI, HRF and Padang Lawas cases), pressure from non-state actors (in the Tesso Nilo, Aceh Tamiang, Area-VI, HRF and Padang Lawas cases), state humiliation (in the Tesso Nilo case), contestation of the state’s legal authority (in the Padang Lawas and Bungaraya cases) and collective trauma (in the Aceh Tamiang case). These drivers made the state appear unable to manage environmental problems, which in turn cast doubt on the Indonesian state’s legitimacy. To compensate for the perceived loss of legitimacy, the state resorted to disciplinary action, paradoxically at a time that is generally considered a post-authoritarian regime.

Eco-authoritarianism can be observed in these coercive actions, but more as a reaction to maintain the state’s legitimacy. Proscribing environmental degradation is not the primary aim, which unsurprisingly describes why disciplining actions have been limited in comparison to the scope of illegal palm oil plantation expansion in Indonesia. The policies taken are often shaped by a pro-development ideology that has been very influential in Indonesian history.

Our cases show that nearly all disciplinary action did not lead to state transformation for improving environmental protection. The reactions generated are often beyond the state’s capacity to manage. Firstly, state agencies often develop contradictory policies and opinions, which indicates a lack of policy coherence, and this has been a persistent problem for Indonesia. In our cases, policy incoherence occurs horizontally (between state agencies at the same level) and vertically (between central and local governments). Policy coherence was an issue under former President Yudhoyono, who preferred conflict avoidance and showed a reluctance to coordinate state agencies. President Widodo has tried to reduce policy incoherence, but his administration has done so in a relatively unsystematic way, and through ad hoc responses.

Secondly, the Indonesian state faces challenges in dealing with powerful locals who support and protect illegal plantations. To understand these challenges, it is too simple to perceive this plantation expansion as illegal without considering local context and power dynamics. The term ‘illegality’ hides the lack of capacity of the Indonesian state to steer local
resource distribution. Local power holders control access to resources using a mix of formal and informal laws. In the post-Suharto regime, various groups continued to appropriate authority and determine what was illegal or not. The informal laws used for facilitating resource distribution have often been in conflict with state legislation. The abuse of law is sometime protected by powerful politicians and security officials. State actors on the ground lack capacity to deal with these power brokers, at times because of the local elite working within the government, or because local regulations are unclear and in conflict with the regulations of higher levels of government. Organising disciplinary action without understanding such complicated power relations may be perceived by the locals as trying to block affordable access to resource distribution. Where the state is seen as being unjust, popular resistance increases and the state’s legitimacy is questioned. Reacting to this resistance violently does not resolve differences in perception between the state and rural and indigenous people regarding natural resource uses.

Thirdly, resistance to disciplinary action was often violent, either provoked by powerful local elites or sparked by the frustration of locals trying to secure land. These violent reactions from below were often followed by violent retaliation from the state, which was then met with further violence by the locals. This spiral of violence might even grow beyond the local state agencies’ capacity to manage the situation, such as in Area VI – Besitang. Repression might be expected to evoke the perception that the state is capable of regulating and managing the environment. However, there is no evidence that violent action contributes to reversing illegal palm oil plantations. Our research shows that the use of violence when protecting the environment tends to enforce resource sovereignty, while simultaneously creating rural dispossession and oppression that does not develop a sound basis for sustaining environmental protection.

Additionally, the focus on legality lacks the granularity required on the historical context of palm oil development in Indonesia. Historically, Indonesia actively facilitated the development of this industry, initially through large plantation companies and later through smallholder plantations. The state’s role in arranging financial schemes diminished after the East Asian economic crisis, although the state realised that more interventions were required to facilitate the market-driven, rapid expansion of the palm oil sector since the 2000s. With such limited state financial facilitation, companies utilise patronage politics with local government leaders to access lands and capital, while smallholders access capital from financiers to open plantations in the unused lands and lands previously used for agroforestry and food crop production. Reponses to illegal palm oil plantation expansion, particularly in smallholdings, lack the historical vision that the state formerly facilitated the growth of smallholder plantations in a sector that was previously dominated by large plantations. Disciplinary actions build a perception of unfair treatment for the smallholders who developed their plantations in response to the state’s call to participate in a lucrative commodity chain for national development.

Developing administrative responses to achieve state transformation for improving environmental protection is possible only by considering these constraints. Emphasising authoritarian approaches to reverse illegality without considering these constraints could lead to popular resistance. In our cases, the Indonesian state explored solutions by arranging social forestry, providing for community forest rights, and finding a compromise between ceasing disciplinary actions and requesting a behavioural change from the community. The state also transferred illegal palm oil plantations to state-owned enterprises and organised the
relocation of settlers, with the aim of revitalising the forest. In these solutions, we observe the state's role in balancing economic development, social equity and environmental sustainability, instead of merely imposing authoritarianism when protecting the environment.

We also observed various interactions developing between the Indonesian state and non-state actors. Firstly, non-state actors forced the state to deliver concrete action in protecting the environment (NGOs in Tesso Nilo, ecosystem restoration company in HRF and students in Padang Lawas). Secondly, the state collaborated with some non-state actors (environmental NGOs), while other non-state actors (human rights and agrarian reform NGOs) opposed, such as in Area VI – Besitang. Thirdly, local state agencies supported action initiated by non-state actors, while the policy of the central state fractured achievements, as in the Aceh Tamiang. Lastly, the state was challenged by non-state actors who assisted farmers in fighting against unfair action in Bungaraya. Non-state actors were involved in the planning and implementation of disciplinary action in Aceh Tamiang, Area VI – Besitang, and HRF, while disciplinary action in Tesso Nilo, Padang Lawas and Bungaraya did not involve non-state actors. The state responsiveness to calls and actions of non-state actors, and the collaboration between the state and non-state actors at the local level, suggest that the Indonesian state follows the green state approach. The character of the green state that is observed certainly excludes the Indonesian state from the eco-authoritarian state approach. However, it is also too early to argue for the rise of the green state in Indonesia.

7. Conclusion

We have identified five drivers of state disciplinary actions towards illegal palm oil plantations: security problems, pressure from non-state actors, state humiliation, contestation of the state's legal authority, and collective trauma. These drivers stimulate the state's coercive actions. However, these coercive actions are more a state's fight for legitimacy and are not primarily conducted to address environmental problems.

On the one hand, the disciplinary actions of the Indonesian state can be seen as an example and expression of eco-authoritarianism. There is clear evidence that the state employs repressive actions to reverse the encroachment of illegal plantations. On the other hand, the active involvement of non-state actors in some cases suggests the rise of the green state. However, it is too early to judge this as well. The limited scale of the disciplinary actions compared to the nationwide scale of the problem of illegal plantation expansion threatening forest and food production areas, the late timing of the disciplinary actions, and the limited political-administrative transformation afterwards show that the Indonesian state finds it difficult to practise a green state approach.

The outcomes of the disciplinary actions were constrained by the lack of policy coherence, challenges from powerful locals, violent resistance, and a lack of awareness of the development economics context of the Indonesian palm oil sector. Environmental protection objectives are more likely to be achieved when the state considers and balances economic development, social equity and environmental protection.

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Notes
3. Andiko and Jiwan, Panduan Sederhana Audit Kepatuhan Hukum, 8–35; McCarthy and Zen, “Regulating the Oil Palm Boom,” 157–62; Paoli et al., Oil Palm in Indonesia, 47–59.
4. See: The Indicative Map for New Permit Overdue from the Ministry of Environmental and Forestry, 10th Revision (issued in 2016). Accurate data on the area of illegal oil palm plantation are not yet available. However, rampant development of illegal oil palm plantations can be imagined. In Riau Province, the Provincial Legislators identified around 1.8 million hectares out of 4.2 million hectares of oil palm plantations as illegal, as noted in a detikNews article on 1 March 2017. Meanwhile in East Kotawaringin District, Central Kalimantan, the District Government’s audit team identified 737 hectares of illegal oil palm plantations as noted in an AntaraKalteng article on 16 April 2017. Furthermore, 7 million hectares of arable lands and peatlands that still contain high biodiversity are vulnerable to conversion for commercial use, as noted in a Kompas article on 7 February 2013.


12. Since 2006, we observed from various sources that there were 15 disciplinary actions organised by the Indonesian state. Apart from the six cases discussed in this article, we also noted some other cases: eradication of oil palm plantations encroaching Bukit Suligi protected forest in Rokan Hulu District, Riau (2008); cutting of oil palm plantations owned by Malaysian citizens in the Indonesian part of the Indonesia–Malaysia border, West Kalimantan (2009); cutting of oil palm plantations in the Tenayan Industrial Estate – Pekanbaru, Riau (2011); cutting of oil palm plantations encroaching Danau Dendam Tak Sudah Natural Reserve in Bengkulu (2012); cutting of illegal plantations in South Bengkulu District’s protected forest (2012); cutting of palm oil trees encroaching Karanggading – Langkat Timur Animal Sanctuary, North Sumatra (2015); cutting of illegal plantations encroaching on mangrove forest in North Sumatra (2015); cutting of illegal oil palm plantations in the area of production forest and Maninjau Nature Reserve, Agam District, West Sumatra (2015); and cutting of plantations owned by PTPN V in a forestry company’s concessionary in Kampar District, Riau (2016).


23. Ekersley, Green State, 2, 242–3; Dryzek et al., Green States and Social Movements, 193.
28. In the Oxford Dictionary an obstacle is defined as ‘a thing that blocks one’s way or prevents or hinders progress’.
29. Constraint is defined in the Oxford Dictionary as ‘limitation’ or ‘restriction’.
31. Andiko and Jiwan, Panduan Sederhana Audit Kepatuhan Hukum, 8–35; Paoli et al., Oil Palm in Indonesia, 47–59.
33. Rezkiana, “Ecosystem Restoration Progress.”
36. Rahayu, “Ketika Ijin Usaha Perkebunan.”
37. Rosenbarger et al., How to Change Legal Land Use, 14.
38. Fay, Sirait, and Kusworo, Getting the Boundaries Right.
42. WWF–Indonesia, “Palming Off a National Park,” 7–9.
43. Interview with the owners of oil palm smallholding inside Tesso Nilo, March 18, 2015.
44. Interview with local NGO activist in Riau, March 18, 2015.
45. Alhamran, Penerapan Sanksi Perambahan Hutan, 92.
46. Interview with local NGO activist in Riau, March 18, 2015. The finance for the operation dried out upon the late transfer of the approved budget from the national government.
50. Interview with local NGO activist in Riau, March 18, 2015.
52. Interview with NGO activists in Riau, March 18, 2015.

54. Interviews with NGO activists in Aceh Tamiang, April 9 and 27, 2015.


56. Interviews with villagers and NGO activists in Aceh Tamiang, April 26–27, 2015.

57. Interview with FKL members in Aceh Tamiang and Jakarta, April 9 and 27, 2015.

58. Interview with FKL members in Jakarta, April 9, 2015.

59. Interview with a district government officer of Aceh Tamiang, April 26, 2015.


61. Interview with FKL members in Aceh Tamiang, April 27, 2015.


63. Interviews with NGO activists, a district lawmaker, a local government officer, and a politician in Aceh Tamiang, April 26–27, 2015.

64. Interviews with FKL activists and a politician in Aceh Tamiang, April 27, 2015.

65. UNESCO Office, Saving the Heritage of Gunung Leuser, 5.

66. Interview with GLNP officers in Medan, April 24, 2015.

67. Interview with GLNP officer in Langkat, April 28, 2015.


70. Interview with GLNP officers in Medan, April 24, 2015.


72. Interview with GLNP officers in Medan, April 24, 2015.

73. Rare, “Aksi Penumbangan Sawit”; Wiratno, Tereses Di Jalan Benar, 84–6.


76. Sadikin, “Sekoci Gak Akan Aman Bila.”

77. Interviews with GLNP officers in Medan and Langkat, April 24 and 28, 2015.

78. The settlers have lived inside GLNP’s zone for more than a decade. They have organised to build schools and mosques without any assistance from outsiders.


86. Interviews with villagers and land-reform activists in Batanghari, Jambi, April 14, 2015.
88. As explained on the HRF website: http://hutanharapan.id/read/pengembangan-kemitraan-masyarakat#.WeM0QHZLfcC
100. Jasmi, “Dampak Konflik Tata Ruang.”
101. Interview with NGO activists in Pekanbaru, April 23, 2015.
103. Interview with a district government officer in Siak, April 21, 2015.
104. Interviews with villagers in Bungaraya and a district government officer in Siak, April 19 and 21, 2015.
110. Ibid., 290.

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