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Ecosystem Restoration Concessions in Indonesia: Conflicts and Discourses

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ABSTRACT: Approaches and instruments focused on market mechanisms and private enterprises, including private protected areas, are promoted as ways to resolve global environmental and developmental problems. In Indonesia, Ecosystem Restoration Concessions (ERCs) have been developed as a new market-oriented governmental instrument to counter current deforestation processes and to restore forest ecosystems. Conservation and development organizations, along with state authorities, view ERCs as a highly promising instrument in Indonesia and in other countries as well. Experiences with ERCs are still limited, however, and their viability is uncertain. The implementation of ERCs in Indonesia has been controversial and the impact of ERCs on forests and forest-dependent communities has been fiercely disputed. This article explores these conflicts and disputes with a focus on the Harapan ERC and weighs the relevance of ERCs for German development cooperation. The improvement of the accountability of such projects and the implementation of mediation facilities are emphasized as prerequisites to establishing such market-oriented instruments according to international standards of nature conservation, the rights of indigenous and local populations, and sustainable development. The author concludes that decisions about strategies and instruments applied in forest-related development cooperation must involve a reconsideration of the mindsets that currently determine conservation approaches and development cooperation.

Keywords: Ecosystem Restoration Concessions; Harapan rainforest; German development cooperation; indigenous rights; forest conservation

Introduction

Indonesia ranks third among all countries in terms of tropical forest area, surpassed only by Brazil and the Democratic Republic of the Congo.¹ The country has a wide variety of forest types and is

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¹For a comparison of the three major “rainforest basins” in Indonesia, the Congo and the Amazon see FAO 2011.

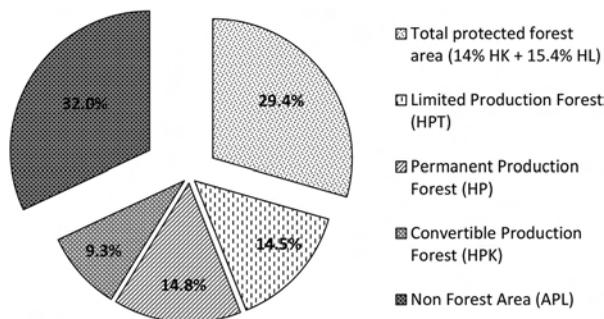


Figure 1. Non-Forest Area, protected forest areas, and production forest areas in percent of Total Land Area in 2013.

a biodiversity hotspot also showing extraordinary high biocultural diversity. According to data of the Food and Agriculture Organization of the United Nations (FAO), in 2010 some 94.4 million ha (hectares), or 49.6 percent, of Indonesia's total land area,² was covered with forest and almost half of this forested area, or 23 percent of the total land area, was classified as Primary Forest. In 2005, more than 91 percent of the area covered with forest in FAO terms was owned by the state or administrative bodies, whereas 8.6 percent of the forest area was in private ownership. However, only 42.7 percent of the public forests were managed under public administration, while management rights for 57.2 percent of the public forests had been given to private corporations and institutions, and less than 0.1 percent was managed by individuals and communities.³

Areas covered with forests do not match consistently with areas legally classified as Forest Area (*Kawasan Hutan*) under the administration of the Indonesian Ministry of Forestry (MoF). In 2013, Forest Area encompassed 68 percent of Indonesia's total land area while so-called Non-Forest Area (*Areal Penggunaan Lain* – APL) accounted for 32 percent of the land area, a share that has remained almost constant since 1990. However, in 2010 areas designated as Forest Area – which were actually covered with forest according to FAO categories – accounted for only 46 percent of the total land area, while another 3.6 percent of the land area, which was classified as Non-Forest Area (APL), was covered with forests, amounting to 49.6 percent of Indonesia's land area covered with forests.⁴

The MoF divides Forest Area into various functional categories with different legal status. In 2013, 43 percent of Forest Area (29.4 percent of land area) was predominantly assigned for the protection of forests, including areas classified as Conservation Forest (*Kawasan Hutan Konservasi* – HK, 14 percent) and Protection Forest (*Kawasan Hutan Lindung* – HL, 15.4 percent). Another 57 percent of Forest Area, or 38.6 percent of the land area, was allocated as Production Forest (*Kawasan Hutan Produksi*) with predominantly economic functions and divided into the sub-categories Limited Production Forest (*Hutan Produksi Terbatas* – HPT), Permanent Production Forest (*Hutan Produksi Tetap* – HP), and Convertible Production Forest (*Hutan Produksi Konversi* – HPK).⁵ (Figure 1)

²All percentages quoted in this article should be read as best approximations.

³FAO 2010.

⁴Buergin 2014b.

⁵MoF 2013; Buergin 2014b.

Between 1990 and 2010, the total forested area decreased by 12.6 percent: 8.2 percent of Forest Area and 4.5 percent of Non-Forest Area. Deforestation rates have fluctuated over the last thirty years. Data from the MoF show a mean deforestation rate of 0.9 million ha per year between 1982 and 1990, 1.8 million ha per year for the period 1990–1997, and 2.83 million ha of yearly forest loss between 1997 and 2000.⁶ For the period 2003–2006, a mean forest loss of some 1.17 million ha per year was reported and the respective figure for the period 2009–2011 was 0.45 million ha. Most of the forest loss occurred on Sumatra (20.7 percent for the period 2003–2006 and 47.6 percent for the period 2009–2011) and Kalimantan (30.9 percent in 2003–2006 and 41.3 percent in 2009–2011). Nationally, 66.5 percent of total deforestation occurred in Production Forest areas (HP+HPT+HPK) and 26.7 percent on Non-Forest Area (APL) in 2009–2011, while Protection Forest areas (HK+HL) together accounted for 6.8 percent of total forest loss.⁷

The main direct causes of deforestation and forest degradation are changes in forestland use, legal and illegal logging, and forest fires, while weak forest management is the overarching cause.⁸ A 2006 World Bank report identifies policies of past governments as the main causes of a “forest crisis,” including “supported growth and concentration of the wood processing industry (plywood and pulp) in a few politically powerful hands,” “subsidized rapid clearing of forest land for conversion to plantation crops, both oil palm and timber for pulp, to support industrial expansion, rather than re-planting,” “perpetuated corrupt and collusive practices that insulated the sector from both the rule of law and the laws of markets,” “centralized administration of forests to the extent that there is little effective management capacity, accountability, monitoring, or enforcement of access, practices, or outcomes in the field,” as well as “marginalized and alienated forest-dependent communities and indigenous peoples from traditional lands and uses, through denial of rights and access, backed by force.”⁹

Transnational and national nature conservation organizations are urgently trying to stop deforestation in Indonesia. Given the failure of government policies, and particularly concerned about ongoing deforestation on Sumatra and in Kalimantan, conservation organizations have looked for new instruments to protect forests and ecosystems more efficiently. In the early 2000s, the British Royal Society for the Protection of Birds (RSPB) and BirdLife International together with its affiliate organization Burung Indonesia started to develop the concept of Ecosystem Restoration Concession (ERC) in cooperation with the MoF. The conservation organizations conceive of ERCs as a promising strategic tool to reverse deforestation and the degradation of forests in Indonesia’s large Production Forest areas, which, although particularly threatened, still have a high potential for nature conservation. Besides the conservation organizations, various development institutions also promote the ERC concept and provide considerable funds for the establishment and implementation of ERCs.

In 2004, the Indonesian MoF formally established ERCs as a new type of concession area for production forests, and in 2005 the Harapan Rainforest Project on Sumatra became the first concession licensed as an ERC. Since then the project has been the scene of sometimes violent conflicts. Major issues in these disputes include the long-term viability and financing of ERCs, their relation to REDD+ (Reducing Emissions from Deforestation and Forest Degradation by means of sustainable management of forests and enhancement of forest carbon stocks in developing countries), impacts on forest-dependent communities, the capacities of ERCs to prevent

⁶MoF 2009; Indrarto et al. 2012; Buergin 2014b.

⁷See MoF 2008, 2012; Buergin 2014b.

⁸See, for example, Indrarto et al. 2012; Buergin 2014b.

⁹World Bank 2006.

encroachment and restore degraded ecosystems, their ability to compete with other interests and enterprises focusing on Production Forest areas, the role of ERCs and private conservation areas in controversies regarding the interests and rights of forest-dependent communities, migration policies and landlessness, and social justice in and beyond Indonesia.

This article explores these conflicts and disputes with a focus on the Harapan Rainforest Project and the role of ERCs in the context of German development cooperation in the Indonesian forest sector.¹⁰ Due to their complexity, fierceness and involvement in broader social controversies, these conflicts pose particular challenges in the context of development cooperation regarding the accountability of such projects as well as mediation facilities and conflict resolution. Problems of appropriateness and accountability become even aggravated as development cooperation in itself is determined by particular interests, objectives and mindsets. To be able to decide more deliberately and efficiently about the implementation of ERCs and their role in development cooperation, it is necessary to explore and reconsider prevailing mindsets and strategies that significantly determine approaches and outcomes in environmental conservation, and development cooperation.

Conceptualization and Relevance of ERCs in Indonesia

The ERC concept emerged in Indonesia in the early 2000s in the context of growing efforts among transnational conservation organizations to stop the deforestation of tropical forests and to approach nature conservation on a global scale involving increasingly private enterprises, economic incentives and market-oriented instruments.¹¹ This increasing trend since the 1990s to privatize and economize nature conservation, which is variously referred to as free market environmentalism,¹² green developmentalism¹³ or neoliberal conservation¹⁴ is part of broader neoliberal socioeconomic and political developments that became dominant at that time. It is also crucially related to changing paradigms and competing approaches regarding a global environmental and developmental crisis since the 1980s, which constitute a kind of biocultural turn in environment and development discourses.¹⁵

The Indonesian MoF formally introduced the ERC concept in June 2004 as a new type of concession area for the management of Production Forest areas provided under an Ecosystem Restoration Timber Forest Product Utilization License (*Izin Usaha Pemanfaatan Hasil Hutan Kayu, Restorasi Ekosistem* – IUPHHK-RE). The purpose of this government legislation was to establish a new market-oriented instrument to counter prevailing deforestation and degradation processes on forestlands that have been used predominantly for production purposes and to restore forest ecosystems in logged-out concession areas.¹⁶

From the outset, the conceptualization of ERCs has been significantly promoted and shaped by important transnational conservation organizations, particularly the RSPB and BirdLife International as well as Burung Indonesia, BirdLife's affiliate organization in Indonesia. RSPB and

¹⁰This article is based on a research project assessing the scope, impacts and efficiency of bilateral German development cooperation in the forest sector in Indonesia, Cameroon and the Democratic Republic of the Congo, which was carried out in 2014/2015 (see Buergin 2014a, 2014b).

¹¹For the broader debate on the economization of conservation, see, for example, Pagiola et al. 2002; Wunder 2007; Brockington et al. 2008; Barnaud and Antona 2014; Ladle et al. 2014; regarding the origins of the concept of conservation concessions, see Rice 2002; Niesten and Rice 2004; Wunder et al. 2008.

¹²Anderson and Leal 1991.

¹³McAfee 1999.

¹⁴Igoe and Brockington 2007.

¹⁵See Buergin 2013.

¹⁶For a study regarding the legal framework for ERCs and its development, see Walsh et al. 2012a.

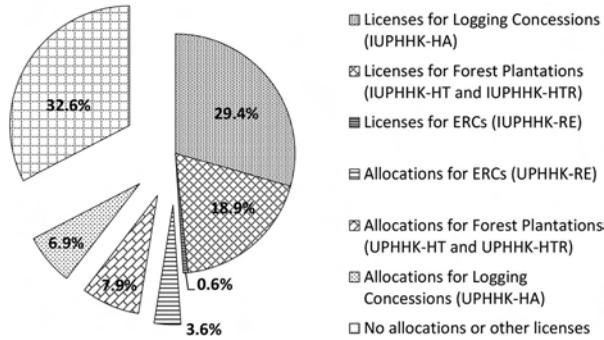


Figure 2. Licenses and allocations for Production Forest Areas in percent of total Production Forest Area for 2014.

BirdLife are conceived of as “the world’s largest network of conservation organizations” and have worked together with the Indonesian MoF to develop the new license for production forests from the beginning, particularly with the aim to establish conservation areas on degraded logging concession areas on Sumatra.¹⁷ Since its implementation in 2004, the legal framework for ERCs has been variously amended, and is still disputed and in progress, a process in which Burung Indonesia is crucially involved.¹⁸

In 2013, some 57.3 million ha comprising 43.3 percent of the Forest Area was designated primarily for the protection of forests categorized as Conservation Forest (HK) and Protection Forest (HL). 75.2 million ha, or 56.7 percent of all Forest Area, has been assigned as Production Forest (HPT+HP+HPK) supposed to predominantly serve commercial purposes and allocated by the MoF to be used by private enterprises under various licenses. In early 2014, the MoF issued licenses for 36.8 million ha, or 49 percent of the Production Forest Area, mostly for logging concessions (IUPHHK-HA) and forest plantations (IUPHHK-HT and IUPHHK-HTR). Licenses for ERCs (IUPHHK-RE) have been issued for only 480,093 ha or 0.6 percent of the Production Forest Area.¹⁹

Allocations for prospective licensing of logging concessions (UPHHK-HA) and forest plantations (UPHHK-HT and UPHHK-HTR) had been made for another 15 percent of the Production Forest Area, while 2.69 million ha, or 3.6 percent, of the Production Forest Area was allocated for further ERC development (*Usaha Pemanfaatan Hasil Hutan Kayu, Restorasi Ekosistem – UPHHK-RE*). Together with the already established ERCs for which licenses have already been issued, the targeted area for ERCs thus adds up to more than 3 million ha, or 4.2 percent, of the Production Forest Area.²⁰ (Figure 2)

For the remaining 24.5 million ha (32.6 percent) of Production Forest Areas, other licenses and allocations from the MoF exist only for very small areas. Therefore, conservation organizations perceive of these areas predominantly as open access areas that are particularly prone to illegal logging and encroachment. They conceive of ERCs as a promising instrument for all of these areas and consider the Harapan project as an important pilot project to promote this approach.²¹

¹⁷See BirdLife International 2008; NABU 2010.

¹⁸See, for example, Walsh et al. 2012a, 2012b; Mardiatuti 2013; Silalahi and Utomo 2014.

¹⁹MoF 2013; Buergin 2014b.

²⁰Silalahi and Utomo 2014.

²¹See NABU 2011.

By early 2014, a total area of 480,093 ha had been provided for twelve ERCs,²² which in terms of area is far behind the 2.5 million ha targeted for 2014 in the MoF strategic plan for the period 2010–2014 as well as with regard to the 3 million ha of Production Forest Area the MoF licensed and allocated for ERCs. This discrepancy is less due to missing interest – which seems to be considerable – than to deficiencies in the legal framework as well as ongoing disputes about the design and implementation of the concept.²³ ERC licenses must be held by an Indonesian business entity. Applications require a business plan that outlines how revenues will be generated over the time span of the concession license. Licensing fees are considerable, and start-up costs for the first six years of operation are estimated at some US\$14–18 million.²⁴

ERC licenses are granted for a period of sixty years and are extendable for another thirty-five years. The government regulation defines ERCs as “re-management and restoration efforts on former Production Forest, including biotic and a-biotic components, with the objective to reestablish a biological balance.” As long as restoration activities are underway, logging and conversion into agricultural areas are prohibited. However, the license holders may generate income by producing and selling Non-Timber Forest Products (NTFPs), cultivating mushrooms, medicinal and ornamental plants, by bee keeping and animal-raising, or by commercializing ecosystem services such as biodiversity protection, ecotourism, water resources and carbon sequestration. The license also requires that there should be an equitable sharing of benefits with local communities through job creation and other economic development activities. After the forest has reached its “biological equilibrium” timber may be cut for commercial purposes once again.²⁵

Particular strengths of this conservation concept are supposed to be the explicit commitment of ERCs to habitat restoration and rehabilitation, secure land tenure ownership that provides legitimate authority to fully manage the area, the possibility to effectively conduct monitoring and safeguarding, and the potential for obtaining sustainable financing through carbon credit (REDD+) projects.²⁶ Major obstructions for the rapid extension of this concept supposedly are insufficient transparency regarding the designation of areas for ERCs, the unclear and disputed role of provincial and district governments in the licensing process, expensive and intricate requirements for non-timber business permits needed in addition to the ERC license, and the lack of an incentive package including fiscal incentives to support the economic viability of ERCs.²⁷

To cover the high investment costs required for the licensing and implementation of ERCs, even well-to-do transnational conservation organizations have to procure additional project-oriented funding that comes from members of the conservation organizations, conservation foundations, business companies, and diverse national and international governmental institutions and

²²See Silalahi and Utomo 2014.

²³Walsh et al. 2012a.

²⁴All dollars are US dollars unless otherwise indicated. A cost–benefit analysis regarding the economic feasibility of ERCs and their attractiveness as a business opportunity indicates that the benefits of natural ecosystems are not sufficient to attract funds or investment for ERCs. In the study, benefits from carbon sequestration have been assessed as the most important and promising possibility to secure economic efficiency of ERCs to an extent that makes it difficult to imagine how ERCs without a REDD+ component could be economically viable at all. The study concludes that policy support, sustainable funding mechanisms, and financial incentive schemes such as tax breaks are needed to ensure their viability of ERCs (see Rahmawati 2013).

²⁵See, for example, Walsh et al. 2012a.

²⁶See Sitompul et al. 2011; Walsh et al. 2012a, 2012b. Regarding the relevance of ERCs for the REDD+ process, see also Hein and Meer 2012; Peters-Stanley et al. 2012; Indonesia 2014.

²⁷See Walsh et al. 2012a.

initiatives. From the beginning, funds provided as Official Development Assistance (ODA), predominantly by European countries and institutions, constituted the most important financing for the establishment of ERCs.

Germany so far has agreed to grant €15.6 million for the support of ERCs in Indonesia, provided via the International Climate Initiative (ICI) of the German Ministry for the Environment (BMUB) and implemented by the KfW Group (*Kreditanstalt für Wiederaufbau*). The ERCs supported by German development assistance include the Harapan Rainforest Project on Sumatra as well as two other planned ERC projects, one in the buffer zone of the Bukit Tigapuluh National Park on Sumatra and another in Gorontalo Province on Sulawesi.²⁸ Besides official German development assistance via ICI grants, in all three ERC projects German conservation organizations are also significantly involved. To assess the relevance of ERCs for German development cooperation, the Harapan Rainforest Project on Sumatra will be further explored.

The Harapan Rainforest Project

The “Hutan Harapan” (literally “Forest Hope”) project was initiated in 2001 as a joint project of Burung Indonesia, the RSPB and BirdLife International, which at the same time all worked together with the Indonesian MoF to develop the ERC concept. After the legal instrument had been established in 2004, the Harapan Rainforest was the first area allocated under the new ERC framework in 2005. In August 2007, the Harapan Rainforest Project received a concession for an area of 52,170 ha in the province of South Sumatra, and in May 2010 another license for an adjoining area of 46,385 ha in Jambi Province.²⁹ Both areas had been logging concessions. Legal logging activities in the southwestern part of the Harapan forest area stopped in 2007, while legal logging in the northeastern part in Jambi Province lasted until 2008. In the latter case, considerable illegal logging and encroachment occurred after the logging concession had ended and before the area was licensed as an ERC in 2010.³⁰ Even though completely logged over to various degrees, much of the forest in the Harapan ERC is supposed to be still in rather good condition and to represent twenty percent of the few remaining Sumatran dry lowland forests, which are biologically highly diverse but also most threatened.³¹

To manage the Harapan project, Burung Indonesia, the RSPB and BirdLife International created the nonprofit foundation *Yayasan Konservasi Ekosistem Hutan Indonesia* (Yayasan KEHI). Yayasan KEHI is the major shareholder of the private company *PT Restorasi Ekosistem Indonesia* (PT REKI), which was established to fulfill the requirements for the license and to manage the ERC.³² Running costs for the ERC amount to US\$ two million per year; another US\$ two

²⁸The Bukit Tigapuluh ERC, which is particularly promoted by the Frankfurt Zoological Society (FZS), has been supported by ICI funds since the beginning of 2014, and is supposed to get a preliminary license still in 2014, while the approval of the final license is delayed by upcoming government reshuffles (Peter Pratje, FZS program director Indonesia, personal communication, August 2014. See also Sitompul and Pratje 2009; WARSİ et al. 2010; WWF et al. 2011). The project has had to face particular difficulties due to efforts of Asia Pulp and Paper – one of the largest pulp and paper companies worldwide, which already holds industrial plantation concessions in the buffer zone of the National Park – to get hold of the area by also applying for an ERC concession using good connections to regional politicians and the economic power of a big business enterprise (Peter Pratje, personal communication, May 2014). See also APP 2014, and Effendi 2014.

²⁹Wardah 2013; Marthy 2014.

³⁰See NABU 2012; Hein 2013; Hauser-Schäublin and Steinebach 2014.

³¹See NABU 2010; Marthy 2014.

³²For the official website of the Harapan ERC, see <http://harapanrainforest.org/> (accessed March 1, 2016).

million are supposed to accrue for restoration activities over a period of about ten years. Funding comes from many sources, including members of RSPB and BirdLife Partners in Switzerland, Belgium, Singapore, Luxembourg and the Netherlands. Major grants have been provided by the European Union, the UK's Darwin Initiative, Conservation International, the British Birdfair, the Italian Nando Peretti Foundation, and companies in Japan, Singapore and the UK.³³

From the outset, major threats to the forests in the Harapan ERC have been forest fires, illegal logging, encroachment and poaching. Most recently, a mining company attempted to build a coal road through the ERC.³⁴ Measures to protect and restore the area so far include the establishment of forest patrols and awareness raising activities to reduce illegal logging, the construction of observation towers, installation of water tanks and training of staff and local people in fire-fighting, re-forestation activities on some 4000 ha of degraded forest areas, support of local communities and particularly indigenous people to start-up sustainable livelihood schemes such as rubber cultivation and to develop alternative income opportunities, as well as studies regarding biodiversity conservation.³⁵

While presentations of the involved conservation organizations provide a predominantly successful and promising balance of the Harapan project, transnational organizations and initiatives concerned about people's rights and environmental justice emphasize shortcomings and unresolved conflicts. Two crucial issues are the status and role of forest-dependent communities and indigenous peoples in the Harapan conflict, and the disputes in transnational discourse on nature conservation and social justice related to the conflicts.

Forest Conflicts and Actors In and Around the Harapan Rainforest Project

From a historical perspective, the roots of the current conflicts involving communities and local people in and around the Harapan concession area may be traced back to colonial and pre-colonial legacies.³⁶ Since then, local conflicts in the Harapan area are crucially related to claims to lands and resources, processes of ethnic identification and ascription, and assertions of social power relations. More recently, these conflicts have been furthermore involved in national and transnational struggles regarding contestations and reconfigurations of power relations and identities in modern societies.³⁷ From such a historical perspective, the local people involved in the conflicts comprise very different groups with regard to origins and identities as well as possibilities to claim and access resources of the area.

Conflicts between people living inside or close to the Harapan Forest and PT REKI (the managing company of the ERC) are concentrated in the northeastern part of the ERC. The main villages in this area, Bungku and Tanjung Lebar are located outside of the Harapan ERC. Ethnic minority groups most frequently referred to as Batin Sembilan³⁸ have lived in the area now

³³Major donors include Germany's BMUB (€7.5 million), DANIDA (€ nine million), EuropeAid (€2.5 million) and Singapore Airlines (US\$ three million). The German NGO NABU (Naturschutzbund Deutschland) – German partner of BirdLife International – has supported the project through fund-raising, technical advice and political consulting. See BirdLife International 2008; NABU 2010, 2012.

³⁴See Harapan Rainforest 2014; Mongabay 2013.

³⁵See NABU 2012; Birdlife International 2013; RSPB 2010.

³⁶See Steinebach 2012, 2013.

³⁷For a review of transformations of these conflicts and related discourses on a global scale, see Buergin 2013.

³⁸The "Batin Sembilan" (literally "River Nine") trace their descent from nine brothers who are supposed to have settled along nine local rivers in the border area of what are nowadays the Indonesian provinces of Jambi and Southern Sumatra. Anthropologists generally relate these local groups to a broader category of autochthonous people of Sumatra labeled Orang Rimba. In Indonesia the most common denomination for

assigned as ERC and adjoining areas as semi-nomadic shifting cultivators and hunter-gatherers for generations. In the early 1970s, the Indonesian state designated almost the entire lowland rainforests of Jambi Province as logging concessions and in 1971 the land where the Batin Sembilan lived was allocated as a logging concession to the timber company PT Asialog. In 1972, a resettlement scheme was launched to concentrate the semi-nomadic Batin Sembilan population in the new village of Bungku, which was established in 1973 and which became an administrative village (*desa*) in 1982. Tanjung Lebar is said to have been founded by indigenous Batin Sembilan in pre-colonial times.³⁹ As long as the logging activities did not require the permanent use of the whole concession area, the Batin Sembilan could practice dry rice farming and collect NTFPs within the logging concession area. With the conversion into plantation and conservation concessions these subsistence activities became more and more restricted.

In the 1980s, the logging concessions in Jambi were increasingly converted into plantation concessions, particularly for oil palm, acacia and rubber cultivation. This change from a predominantly extracting economy to a production economy not only deprived many of the Batin Sembilan of their customary lands and resources, but was also much more dependent on external labor force than the logging business had been. Between 1984 and 1997, more than 14,000 families or 60,000 people – mainly from Java – were settled in the Harapan region through transmigration schemes. The transmigration settlements generally formed enclaves within the existing village territories and later became independent villages. Each of the migrating families was given official title of private ownership (*hak milik*) for approximately 3 ha. Most of the autochthonous Batin Sembilan groups – who hold no official land title from the Indonesian government – were alienated from their ancestral territories and either retreated into still forested areas where concession holders had not yet started planting agricultural crops, or were resettled in housing estates provided by the social department.⁴⁰

With the fall of the Suharto regime in 1998 and the decentralization process which followed, the circumstances in the region changed crucially. Regional and local political scopes were enlarged considerably and provided new opportunities to acquire influence and to make profits. In this context, customary rights re-emerged as an effective means to assert and enforce claims to lands and resources. Since then another estimated 40,000 unofficial migrants have moved into the area. These include people from Jambi Province and other parts of Sumatra, as well as Java and other islands. Importantly, an increasing number of these migrants were spurred by the Indonesian peasant movement for which the Harapan area became an important focus of political struggle.⁴¹ In this context, the conflict between people who claim access to lands and forests in the Harapan ERC and the managing company PT REKI are only one part of a broader struggle.

Most of the land in the Harapan area is classified as forest and is licensed for the Harapan ERC and as private plantation concessions, with only few areas designated as protected forest. The people living in the area are predominantly dependent on these different forest areas, be it as laborers for the companies that control large parts of the area or for access to their own lands and resources for commercial or subsistence purposes. The groups that have lived on the land or migrated later into the area have different possibilities and strategies to gain and secure access to land and its resources.

Transmigration settlers are in a comparably comfortable situation due to their legal settlement rights and land titles, which may be mortgaged and sold. Indigenous people, who account for

these groups is “Kubu,” which the groups themselves regard as a highly pejorative term (see, e.g. Steinebach 2012).

³⁹Hein 2013; Hauser-Schäublin and Steinebach 2014.

⁴⁰See Hein 2013; Steinebach 2013; Hauser-Schäublin and Steinebach 2014.

⁴¹See Hauser-Schäublin and Steinebach 2014; IPAC 2014.

approximately ten percent of the current population,⁴² usually do not possess legal titles and have been forced to almost completely abandon their traditional livelihoods. However, their chances of claiming and enforcing land and resource rights in a changing national and international context are increasing. Furthermore, at least in some villages and with regard to land use issues, their position is strong in the context of local power structures that facilitate less-formal avenues to access lands and resources, which are legitimized and facilitated through customary leaders, formal village administrations or sub-district authorities. Such less-formal avenues to lands and resources not based on national legislation include land titles issued by village governments, bartering and direct payments to customary or official leaders, and marriage into villages and ethnic groups.⁴³

For recent migrants such less-formal, informal or illegal avenues are the most important ways to access land and forest resources in the Harapan area, even though these always entail the risk of being evicted by concession holders or state authorities. In this way, patron–client relationships are created in which farmers cannot always make their own decisions about land use and the sale of crops. Wealthier people living in other areas of Sumatra also purchase land from local authorities and leave the farming to migrants who cannot afford to pay compensation or do not have network connections. Such relationships and agreements may include the opening, preparing and planting of forested land, as well as rubber tapping or harvesting of oil palms.⁴⁴ With the local engagement of national and transnational organizations related to the peasant movement, new chances and possibilities to claim and enforce access to lands and resources have emerged, not only for “spontaneous migrants” and newcomers, but also for indigenous groups living in the area.

Indigenous Rights and Social Struggles in the Harapan Area

Already before the peasant movement started to actively engage in the area (see below), the Batin Sembilan had become more assertive and demanding in the context of a revival of local identities and *adat* systems. Besides claiming an area of some 70,000 ha as their customary land (*tanah ulayat*) – including village and concession lands, protected forest areas, as well as parts of the Harapan ERC – various Batin Sembilan groups organized with migrant settlers and political activists to negotiate and enforce access to lands claimed by concession companies.⁴⁵ These initiatives went along with a new self-identification of the Batin Sembilan as *Suku Anak Dalam* (SAD), literally “Tribe of the Children of the Interior.”⁴⁶

In 2000, during the palm oil boom, SAD together with non–SAD farmers from Tanjung Lebar and surrounding villages formed a cooperative with the aim to find investors to establish a palm oil plantation on 5100 ha of customary land. Their application for a plantation permit failed mainly due to unclear border mapping between two district administrations that had been established in 1999. Their negotiations with the palm oil company PT Asiatic Persada (PT AP), which held concession rights for some 600 ha of the claimed customary lands were finally terminated without result when the company was sold to Wilmar in 2006.⁴⁷ At about the same time Batin Sembilan, migrant settlers, and political activists in the Bungku village area were also negotiating

⁴²The Harapan ERC management estimates that this figure drops to less than 3 percent if limited to the Batin Sembilan people, who may be considered indigenous to this forest area. See REDD-Monitor 2012c.

⁴³See Hein 2013; Hein and Faust 2014; Hauser-Schäublin and Steinebach 2014.

⁴⁴See Hein 2013; Hauser-Schäublin and Steinebach 2014. Hauser-Schäublin and Steinebach estimate that about 43 percent of the land use in the Harapan area falls under the “illegal” heading according to state law.

⁴⁵See Hauser-Schäublin and Steinebach 2014.

⁴⁶See Steinebach 2013; Hauser-Schäublin and Steinebach 2014.

⁴⁷See Colchester et al. 2011; IPAC 2014.

and quarrelling with PT AP about rights and access to lands within the concession areas. In 2003, they organized under the name “SAD 113” and claimed some 3550 ha as customary land. In both cases, activists and organizations related to the national and transnational peasant movement became actively involved. In the case of the SAD 113, the peasant union Serikat Tani Nasional (STN) was involved,⁴⁸ while the other important peasant union Serikat Petani Indonesia (SPI) has become a major actor in conflicts within the Harapan ERC with considerable implications for restoration and conservation objectives of the Harapan project.⁴⁹

The managing company of the Harapan ERC PT REKI distinguishes three groups of actors living inside the project territory, the Batin Sembilan (or SAD), local communities that have lived long-term in the area, and rural migrants or encroachers from outside. Land claims of the Batin Sembilan and to a lesser extent established local communities are regarded as more or less legitimate by PT REKI. But they consider most land claims of more recent migrants as illegitimate and their use of areas inside of the ERC as encroachment.⁵⁰ The actor categories that PT REKI uses are ambiguous, however, since many of the “encroachers” have bought land from Batin Sembilan or local communities, while some Batin Sembilan are also converting forests for oil palm growth inside the ERC. Furthermore, most of the settlements within the ERC are ethnically diverse, and some are even officially recognized as sub-villages of Bungku by village and sub-district authorities, which has legitimized land claims. Agricultural activities and settlements in the area have been likewise promoted by district agencies that have even established an elementary school service.⁵¹

The conflicts with people living inside of the ERC or people who are trying to get access to land and resources inside of the Harapan ERC predominantly focus on three different areas: established Batin Sembilan villages in the Simpang Macan area in the very north of the ERC, a relocation area for Batin Sembilan called Mitra Zone close to the main project camp, and various villages of migrant settlers (that also include Batin Sembilan people) in the Kunangan Jaya area in the southeast of the main project camp. The latter is site of the most serious conflicts in terms of deforestation and violence. Not least due to the missing of an adequate Free, Prior, and Informed Consent (FPIC) process prior to the project implementation, conflict mediation is difficult.

PT REKI has negotiated conservation agreements with most of the Batin Sembilan families and villages in the Simpang Macan area that allow residents to permanently cultivate land for subsistence and the use of NTFPs within the ERC, while oil palms, slash and burn cultivation, logging for commercial purposes, and hunting are prohibited. In addition, PT REKI provides healthcare and school service free of charge, wells and improved sanitation, rubber seedlings and improved marketing for NTFPs, and income opportunities for some of the Batin Sembilan families in community nurseries and as workers for PT REKI.⁵² Most of the Batin Sembilan

⁴⁸The SAD 113 conflict at the northern edge of the Harapan ERC – which led to the death of a SAD spokesman in March 2014 – has gained considerable national attention. For informed reviews of the conflict, see Colchester et al. 2011; Steinebach 2013; Beckert et al. 2014; IPAC 2014.

⁴⁹There are indications that the involvement of SPI in the Harapan conflicts, at least to some degree, is also related to rivalries and different approaches of competing organizations within the peasant movement in Indonesia (see IPAC 2014).

⁵⁰See REDD-Monitor 2012c. According to PT REKI, no major encroachment occurred on the concession area before 2005. The few settlements of the Batin Sembilan inside the concession area were not regarded as a threat to the ERC. Referring to aerial surveys, PT REKI asserts deforestation of some 9000 ha in the northeastern portion of the ERC due to encroachment during the period 2005–2008, as well as another 4,000 ha for the period between 2009 and 2011.

⁵¹See Hein 2013; Wardah 2013.

⁵²See Hein 2013; Wardah 2013; Hein and Faust 2014.

groups in the Simpang Macan area seem to be more or less content with their arrangements with PT REKI. However, more recently some of the families have also expressed discontent and are claiming *adat* rights to lands in the ERC.

In a small area close to the main Harapan project camp at the northeastern border of the ERC, PT REKI has established a community development zone (also called Mitra Zone), where PT REKI seeks to settle the scattered and semi-nomadic SAD families living in the ERC. The settlement provides improved sanitation facilities and includes a community nursery. Further development and provision of income opportunities for the Batin Sembilan in the Mitra Zone are planned. However, many community members reportedly have complained about unemployment, missing compensation for giving up their swidden farming practices, and not having received land for rubber cultivation, as promised. Some also have reported that they would have preferred to continue following their traditional way of live rather than in the closed settlement in the small Mitra Zone area.⁵³

The most violent conflicts so far have occurred and persist in the Kunangan Jaya area. PT REKI holds SPI to be responsible for logging and encroachment on the area. SPI leaders claim to have been active in the area since 2007. They affirm that Batin Sembilan and members of the village government of Tanjung Lebar have approved their settlements and land conversion activities. In 2013, SPI supposedly occupied more than 2000 ha inside of the ERC and allocated parcels of up to 6 ha to farmer households according to self-established criteria. PT REKI in contrast claims that SPI moved into the area only after it was licensed as an ERC in 2010 and accused SPI of occupying the most valuable forest areas as well as for illegal logging and growing oil palms. While PT REKI emphasizes its legal right to the land and its duty as concession holder to protect and restore the area, SPI members invoke the approval of local authorities, Indonesia's Basic Agrarian Law, which refers to a social function of land, as well as transnational discourses contesting coercive conservation and REDD+ activities.⁵⁴

National and Transnational Disputes on the Harapan Rainforest

The public disputes about Harapan started soon after the establishment of the ERC. During his visit to the Harapan project in March 2008, the Prince of Wales fully supported the project, highlighting the benefits it was supposed to provide for local villagers.⁵⁵ But in December 2008, representatives from the SPI, as part of the delegation of the transnational peasant organization Via Campesina at the COP 14 UN climate negotiations in Poznan, accused the ERC's management company and the conservation organizations involved in the project of having wrongfully intimidated, evicted and jailed farmers and indigenous people living in the area.⁵⁶ The controversy was aired on the Internet by the REDD-Monitor forum, which followed up the conflict by inviting stakeholders and observers for comments, and thereby became an actor in the conflict itself.⁵⁷

In February 2012, the public dispute on Harapan was fueled again with an interview with representatives from Via Campesina and SPI, to which the management of the Harapan ERC responded to the REDD-Monitor in April 2012. SPI claimed that the farmers they supported should be able to remain along the border of the ERC and grow paddy fields and rubber trees,

⁵³Hein 2013, but see also Wardah 2013 who reports positive experiences of the Batin Sembilan in the Mitra Zone.

⁵⁴See Hein 2013; Hein and Faust 2014; REDD-Monitor 2014.

⁵⁵See, for example, "Prince Charles" .

⁵⁶See REDD-Monitor 2008, 2009.

⁵⁷See REDD-Monitor 2014.

as they had settled in the area as part of an official transmigration program. They labeled the Harapan project a REDD+ project⁵⁸ and complained about missing compensation, the clearing of crops and the destruction of houses. For SPI, it did not make sense to protect animals but not to care about people living in the area. Regarding reproaches with illegal logging activities they emphasized the limited capacities of farmers to cut down forests compared to the impact of mining or plantation companies, the real culprits of forest destruction.⁵⁹

PT REKI in response tried to prove with aerial surveys that, contrary to the SPI spokesman's statement, the SPI settlement was located deep inside Harapan and large enough to compromise the ecological integrity of the forest. REKI also indicated a link between large-scale, organized illegal logging and subsequent settlement by SPI members. The ERC management furthermore referred to a visit of the vice chair of the national SPI Council to the encroachment area in June 2011 when he had expressed his believe that the encroached areas should be reforested and the settlers removed. They also emphasized differences between indigenous Batin Sembilan groups and established smallholder farmers on the one side, and on the other side new migrant farmers and land speculators, who were primarily interested in profits, not the forests. According to PT REKI, the latter not only destroyed the forests, but also the livelihoods of the local indigenous groups supported by the Harapan project.⁶⁰

Throughout 2012 the conflicts heated up and finally hit the German government as a major donor for the project. In the context of a parliamentary request regarding Germany's involvement in REDD+ projects, and after a KfW mission had visited the Harapan project in August 2012, the German government in September 2012 stated with regard to the Harapan conflict:

In the project good relations based on partnership exist with the indigenous people living there, whereby mistakes and inaccuracies were detected in the media coverage. The complaints are thus not from the local population, but by new settlers who exploit the partially unclear legal situation and partly promoting illegal logging and land grabbing in protected areas under the cover of advocacy for the rights of small farmers. A clarification process with Indonesian (government) institutions has been initiated.

In December 2012, the REDD-Monitor in letters to the BMUB/ICI and the KfW called for a statement of the German government regarding the escalation of the Harapan conflict and the "clarification process" referred to in the government response to the query. In a joint reply of BMUB, KfW and the Programme Office of ICI, they regretted not being able to disclose the internal evaluation reports of the KfW mission, but provided information about the status of the clarification process and their efforts aiming at conflict resolution.⁶¹

In the context of this clarification process, Indonesia's Minister of Forestry visited the Harapan ERC in November 2012, and requested that squatters be removed from the forest. In December 2012, some 150 members of the Forest Police Rapid Response Force, the Indonesian National Police special operations unit BRIMOB (*Korps Brigade Mobil*), and Indonesian Army forces evicted villagers affiliated to SPI living inside the ERC. A standoff between farmers and

⁵⁸In public disputes, the issue of being a REDD+ project is challenging and ambiguous (see REDD-Monitor 2012d). In this context PT REKI is at pains to reject allegations that it is a REDD+ project, while the BMUB/ICI highlights the importance of the project for carbon sequestration and the development of a REDD+ strategy for Indonesia and other rainforest areas around the world. See BMUB 2015. A cost-benefit analysis of ERCs in Indonesia supports doubts about whether ERCs without a REDD+ component may be economically viable at all (see Rahmawati 2013).

⁵⁹See REDD-Monitor 2012a.

⁶⁰See REDD-Monitor 2012c; see also Burung Indonesia 2013.

⁶¹REDD-Monitor 2012b. See also Harapan Rainforest 2012; Burung Indonesia 2013.

officials took place and houses were burned. In January 2013, the National Commission on Human Rights (Komnas HAM) indicated that severe human rights violations had occurred in these evictions.⁶²

In an interview with the REDD-Monitor in March 2013, the chairman of SPI Jambi accused PT REKI of not being serious about negotiations and a non-violent approach. He also stated that SPI had never supported any illegal loggers or land speculators, but rather indicated that SPI was able to prove that PT REKI staff collaborated with illegal loggers.⁶³ In response to the SPI accusations, the PT REKI management emphasized the legal basis of its operations and their obligation to protect the concession area in accordance with the license agreement they held from the Government of Indonesia, as well as their continuing willingness for mediation and negotiation. They rejected SPI's incriminations of violence and illegal activities against villagers and asked the REDD-Monitor to provide an equivalent opportunity for an interview in reply to the SPI chairman.⁶⁴

Meanwhile, representatives from Batin Sembilan groups from the village of Simpang Macan Luar had also started to voice their concerns in the transnational public dispute. In December 2012, some fifty Batin Sembilan supported by local NGOs had met with PT REKI staff and Burung Indonesia to discuss and resolve problems. The meeting was followed by discontent and ongoing irritation, and in February 2013 Batin Sembilan sent and published a letter to PT REKI in which they publicly expressed their concerns. Referring to the negotiations in December 2012, as well as PT REKI's commitment to respect indigenous peoples in the implementation of donor policies, they noted the implementation of agreed compensations for poisoned oil palms and shrubs planted by PT REKI staff, expressed their hope of not being further intimidated due to their critical position toward the Harapan project, and requested appropriate and easy to understand information as well as cooperation from the management regarding conflict resolution.⁶⁵

PT REKI in their response to the Batin Sembilan letter in March 2013 denied that the Harapan Rainforest management had been involved in poisoning oil palm trees, but offered provide other plants instead of the palm oil trees not allowable in the ERC. While some of the problems addressed in the Batin Sembilan letter supposedly had been conjointly settled, PT REKI on their part deplored clearing activities in forested areas as a violation of collective agreements and expressed concerns about support for increasing encroachment activities on a larger scale. The reply closed by emphasizing the continuing willingness of PT REKI to work with all indigenous communities and assertions not to intimidate or violate them.⁶⁶

A few days after receiving the responding letter from PT REKI, the Batin Sembilan in March 2013 sent another letter to the KfW and the BMUB/ICI. This letter reaffirmed their concerns about being intimidated and insufficiently informed by the ERC management. Referring to customary rights to the lands now constituting the ERC, and deploring that this land had been given to the company without their free and prior informed consent, they emphasized their right not to cooperate with the company as other Batin Sembilan groups have done, but to defend their customary rights to land as well as to struggle for sovereignty over sources of livelihood without having to work for or partner with the company. From the KfW and BMUB/ICI as funders of the Harapan project, they requested PT REKI to respect these rights and not to intimidate and

⁶²See Hein 2013; REDD-Monitor 2013f.

⁶³REDD-Monitor 2013e.

⁶⁴See REDD-Monitor 2013e, as well as comments on the interview by Kim Worm Sorensen.

⁶⁵See REDD-Monitor 2013d; Wardha 2013.

⁶⁶See REDD-Monitor 2013d.

violate Batin Sembilan or prevent them from asking for help and building communication with NGOs supporting their claims. They furthermore required an evaluation of the project regarding its information policies and appropriate consultations with concerned Batin Sembilan groups.⁶⁷

In April 2013 the Programme Office of the ICI at the BMUB responded to the Batin Sembilan letter and assured them to take their concerns and requests seriously. Referring to common goals of all project partners regarding the protection of globally important wildlife, climate change mitigation and respect for customary rights of indigenous people, they emphasized regular visits and monitoring of the project by KfW in close contact with the ERC management as well as benefits provided for indigenous communities such as free schooling, sanitation, healthcare and job opportunities. With regard to different interests of different Batin Sembilan groups they acknowledged the need for further discussion and negotiation, and pointed to their dedication to support peaceful conflict resolution as well as an ongoing mediation process. However, they defined the conflict as an “encroachment” conflict, which contradicted the perspective expressed by the Batin Sembilan.⁶⁸

The various meetings between representatives from affected communities, PT REKI, the provincial government, and NGOs did not lead to a successful mediation process. Thus, the Forest Peoples Programme (FPP) and the regional NGO Scale Up offered to assist in mediating the negotiations if all sides agree. Concerned about deficiencies regarding ready access of communities to legal advice and support from parties of their choice as well as a lack of transparency in negotiations, they proposed an assessment of the conflict following the approach set out in the Whakatane Mechanism developed by the International Union for Conservation of Nature to resolve conflicts regarding indigenous peoples in protected areas.⁶⁹ As of November 2015 this is the latest act of the public dispute about the Harapan project on the REDD-Monitor forum, which has not been resumed since the FPP letter was published in June 2013.

Local Diversity and Discursive Battlegrounds

This short review of the conflicts and disputes involving local communities and the Harapan ERC shows that these conflicts are manifold, long-lasting, highly complex and intricately linked to broader social controversies. A rough classification of different communities and stakeholders living inside and close to the ERC includes indigenous Batin Sembilan, settlers from transmigration projects, established and new migrant settlers, as well as political activists. All of these different actors depend on forest lands and resources, whether for wage labor and cash income, oil palm plantation and cash crop cultivation, or NTFPs and swidden cultivation. Some small groups of Batin Sembilan even subsist on a semi-nomadic way of life in the remote forest areas until.

The chances and strategies of these actors to access local resources overlap with legal titles from national, regional or local offices (sometimes in contradiction with each other and sometimes acquired illegally), customary and indigenous rights claims, patron links with local and regional authorities, support from political movements and NGOs, bargaining and bribery, and occupation, encroachment and illegal activities. Most of the communities involved in the conflicts with the Harapan project do not fit neatly into categories of ethnicity, origin or livelihood, and frequently constitute conglomerates of different interests and livelihoods.

These complexities and ambiguities are largely disregarded in the national and transnational disputes addressing the Harapan conflicts. The major players in these disputes are NGOs,

⁶⁷See REDD-Monitor 2013a.

⁶⁸See REDD-Monitor 2013c.

⁶⁹REDD-Monitor 2013b.

government agencies and private enterprises. It is only recently that local communities and actors have tried to access this arena. For NGOs, the public discourse is the major battlefield and instrument of power, while governments and enterprises tend to be more reluctant to enter this battleground.

On the Harapan discursive battleground two struggles are fought more or less simultaneously, one focusing on nature conservation, the other one on social justice. In the nature conservation battle – which seems to be more easily adopted and visible in the transnational disputes on the Harapan conflicts – the major combatants are conservation oriented NGOs and NGOs that focus on social justice issues and people's rights. At the national level, social justice advocates contest private enterprises and government institutions. There seems to be considerable common ground between conservation NGOs, state institutions and private enterprises, while the social justice camp appears to be more isolated.

Local communities are a crucial element of legitimation and justification for all actors, even though each frames, ascribes and stereotypes these communities for its own purposes. The boundaries between different actors and communities tend to be much more clearly defined in the discursive struggles, frequently indicating demarcations between good and bad, friend and enemy. In conservation conflicts, a crucial divide runs between indigenous and local communities suitable for forest stewardship on the one side, and illegal encroachers as well as profit-oriented speculators and companies on the other. In the social justice battle, the crucial difference is marked between marginalized landless peasants who demand their equal share and entrepreneurs, companies, and elite groups that appropriate natural resources, labor and the benefits of economic development.

With regard to both objectives – nature conservation and social justice – almost all combatants claim to pursue both at the same time. However, the major front lines in these discursive battles are marked by different priorities regarding the two targets as well as competing ideological framings of the conflicts and possible solutions. While these different positions mark the lines between “friends” and “enemies” they hardly capture the complexity and ambiguity of the real conflicts and may be even counterproductive regarding solutions for these conflicts.

Challenges for ERCs as Instruments of Development Cooperation

The policy instrument and business model of ERC has a very high impact on forest-dependent communities and is inextricably linked to long-lasting and highly complex social conflicts on the local, regional and national level. At the same time, the concept is disputed in national and transnational controversies regarding rights of forest-dependent and indigenous communities, landlessness and social justice, as well as competing approaches to biodiversity conservation and sustainable development. Furthermore, the long-term ecological impacts of ERCs as well as their economic viability are still largely uncertain.

For Indonesian government institutions, ERCs are a means to procure revenue and restore degraded logging concession areas. National and transnational conservation organizations conceive of ERCs primarily as conservation areas for the protection of wildlife and biodiversity. Businesses view ERCs as a model to generate profits from forestlands and forest resources. For international development organizations, ERCs are a new, promising instrument to efficiently dispense increasing amounts of development assistance to support sustainable forest management and economic development.

Despite these different interests and goals, the conceptualization and implementation of ERCs is extensively embedded in international policy frameworks, legal regimes and moral obligations that have developed in the context of the conceptualization, negotiation and mitigation of a global environmental and developmental crisis since the 1970s. Far from being coherent, well integrated,

undisputed or easily enforceable, this framework of standards and commitments is unambiguous and widely accepted regarding the rights of indigenous and forest-dependent communities to FPIC as well as their participation in the establishment of conservation areas and development projects concerning their living areas and local resources. Against this background, the establishment and implementation of the Harapan ERC shows considerable shortcomings. The amendment of earlier defaults and disregard of the rights and interests of local communities and stakeholders are a heavy burden and challenge for the project.

The example of the Harapan project indicates that the ERC model needs improved provisions to better warrant a comprehensive information and participative involvement of local communities as well as the empowerment of such communities to participate in these processes as partners. To ensure compliance with generally approved environmental and social standards – including FPIC principles and the participation of indigenous and forest-dependent communities – safeguards can provide powerful instruments to assert the interests of forest-dependent communities in the context of development projects. They are relevant for the Harapan ERC too, particularly regarding the involvement of international development assistance as well as commitments by transnational conservation organizations to provide social safeguards. However, the effectiveness of this instrument depends on manifold circumstances, impacts are often ambiguous and difficult to determine, while compliance with safeguards may be disputed between parties.

Furthermore, safeguards do not provide easy solutions for difficulties related to intercultural discrepancies as well as uneven access to resources and power structures within local communities that are highly relevant for the conflicts and problems reviewed. Safeguards neither prevent intercultural misunderstandings and hegemonic interrelations between development actors, conservation organizations and local communities, nor do they warrant equal benefits and participation for all groups and stakeholders within communities. Furthermore, the usefulness of safeguards for these communities crucially depends on access to information and legal instruments, which in the case of forest-dependent communities is not a matter of course. In cases where external advocates and mediators provide such information and access, they generally also pursue agendas of their own that may lead to complications of conflicts or may conflict with the interests of local communities and the resolution of conflicts. To establish market-oriented instruments like ERCs according to international environmental and social standards, safeguards need to go hand in hand with improved accountability, including easily accessible facilities that provide information and legal advice, independent institutions authorized to record and track complaints, and the implementation of mediation provisions.⁷⁰

Due to their significant role for the funding and promotion of ERCs, international development institutions and organizations have particular responsibilities and obligations that cannot be easily delegated to the private companies that manage the ERCs. In view of the frequently reported deficiencies regarding the information and knowledge of stakeholders and concerned people, it is absolutely necessary to put more efforts into activities to inform and educate people about projects and measures of development cooperation, about the context of these projects in national and international development policies, and about the role, obligations, impacts and possibilities they provide for those involved and affected.

To support inclusive participation of stakeholders and the sustainability of projects and impacts, it is furthermore important not only to inform and educate key persons and project facilitators, but to address and involve all fractions and interest groups in communities, as well as to establish procedures and institutions that facilitate an inclusive and sustained participation of different groups and fractions within communities. In this context, it is also necessary to reflect

⁷⁰See Buergin 2014b.

and review conceptualizations of forest-dependent communities and indigenous peoples as stewards of forest protection toward a more rights-based approach focusing on supporting forest-dependent communities to become partners in development cooperation with the opportunity to communally decide and act with regard to lands and forest resources.⁷¹

Given the high potential for conflict as well as the diverse actual controversies regarding forest-related projects in Indonesia, it is necessary to develop and establish specific procedures and institutions to facilitate the mediation and resolution of conflicts. Such mechanisms have to be systematically integrated into the planning and implementation of forest-related development projects. They should also include easily accessible facilities to voice discontent and to raise complaints by stakeholders and affected people. These instruments could also be an important component in support of desirable improvements of the accountability of development cooperation, together with improvements regarding the transparency and information policies of development cooperation, which are often far from being satisfactory.

ERCs and Conflicting Approaches in Forest-related German Development Cooperation

Transparency and information policies regarding forest-related projects of development cooperation are not only important due to the public money involved, but also because these projects are subject to controversial public discourses and political disputes in donor countries like Germany. Assessments of forest-related development projects are significantly dependent on different positions in national and transnational discussions as well as on varying expectations of different stakeholders in the donor and in the receiving countries. These projects are furthermore deeply embedded in political disputes that crucially determine their effectiveness and impacts as well as actual conflicts and their possible solutions. This is particularly relevant with regard to ERCs in Indonesia. To be able to deliberately decide about the implementation of projects and measures as well as to support reasonable conflict resolutions, accountable development cooperation requires a comprehensive understanding and assessment of such disputes and conflicts in the context of underlying and guiding mindsets and approaches in development cooperation.⁷²

ERCs belong to a category of instruments – together with Payments for Environmental Services, REDD+ projects, certification systems, commodification of local produce and NTFPs and ecotourism – that are predominantly applied in the context of an economization approach in forest-related development cooperation. This approach is based on the belief that the regulative power of markets, along with benefits for the common welfare that derive from competitive behavior, is the best way to support development and efficient resource allocation. This is supposed to ensure the profitable management and protection of forests most efficiently. The best strategy to achieve forest policy objectives in this context is to promote the deregulation of markets and competition regarding forest utilization, the privatization and commodification of forest goods and services, and economic development for forest-dependent communities.

While this economization approach has increasingly gained strength in international discourse and policy on environment issues since the 1990s, the most important approach of forest-related German development cooperation in Indonesia is what may be called a global governance approach. This approach assumes that only effective control of forest actors and forest resources through administrative agencies in the context of the sustainable development paradigm warrants the implementation of forest policy objectives. In this context, it is most reasonable to strengthen

⁷¹See Buergin 2014b for a more comprehensive elaboration of this argument.

⁷²For a more detailed analysis and argument regarding this problematic, see Buergin 2014a, 2014b.

administrative agencies and their competences as well as improve their capacities to control forest actors and forest resources.

In addition to the global governance and economization approaches, an alternative local empowerment approach has emerged as a distinct way to conceptualize and solve problems in the context of a global environment and development crisis.⁷³ This approach relies on civil society actors and local communities, and emphasizes the latter's diversity, particularity, and rights to land and local resources. From this perspective, communities that depend on forests for their livelihoods and identity are particularly interested in the protection and sustainable use of their forests. The most appropriate strategy is to strengthen communal rights and self-determination, as well as improve local livelihoods and community capacities for sustainable forest use.

With regard to forest-related German development cooperation in Indonesia, the governance approach is probably the most important of the three approaches in terms of resources and activities. The economization approach engrosses another major share of the total forest-related ODA to Indonesia due to the considerable grants provided for ERCs. If the share of funding provided to develop and implement the institutional, instrumental and personnel administrative requirements for the implementation of future REDD+ projects is also assigned to the economization approach, this approach in terms of allocated funds is probably even more important than the governance approach.

An assessment of the effectiveness and of impacts of the economization approach is particularly difficult for several reasons. ERCs and REDD+ projects are both new in instruments in Indonesia. Furthermore, chances and benefits provided by economic development based on the marketization and privatization of forest resources and services may easily be appropriated by local actors aligned to an economization approach, at the same time possibly dis-appropriating communal resources and increasing socioeconomic differences and conflicts within and between forest-dependent local communities that may even worsen the livelihoods of many other people.

Such interdependencies make it very difficult to assess the effects of the economization approach. Even if improvements regarding livelihoods and economic development were adequately assessable, it is very difficult to directly link these successes or failures to impacts on forest resources, a link that may be frequently much more assumed than empirically substantiated. Economic development may reduce dependencies on forest resources and increase capacities to decide and act deliberately in view of impacts on forests and the environment, but this does not mean that such new scopes are used in support of forest sector objectives or in an environmentally sustainable way.

In terms of allocated funds, the local empowerment approach is considerably less important compared to the economization and governance approaches. Livelihood issues of forest-dependent communities are generally addressed in all German-funded development projects, but these are not the main objective. Even support for the improvement of livelihoods and the development of new income opportunities – predominantly more closely related to an economization approach – has been restricted to relatively few projects and places that show heterogeneous and not always convincing achievements. Support for the empowerment of local communities is almost negligible compared to overall funding and is basically restricted to very few and small projects implemented by NGOs.⁷⁴

⁷³For a review of the development of this approach, see Buergin 2013.

⁷⁴See Buergin 2014b.

Looking at the performance of existing ERC projects, support of local livelihoods, stakeholder participation, community empowerment, and compliance with local and indigenous rights is particularly problematic with regard to the economization approach. These deficiencies urgently have to be addressed in the environmental and development policies of donor countries. This requires improvements in transparency and information policies, the establishment of impartial facilities for mediation and conflict resolution, and accessible ombudsmen. Furthermore, the development and implementation of community rights in international policy frameworks and legal regimes would be a crucial approach to strengthen local communities and civil society in accordance with the stated objectives of German and other donor state environment and development policies.⁷⁵

Disclosure statement

No potential conflict of interest was reported by the author.

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⁷⁵For a more elaborate argument regarding the significance of communal rights for environment and development policies, see Buergin 2015.

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