

Investigating the Problem of Land Grabbing by an Oil Palm Plantation in Aceh: Its Impacts on the Local Ecosystem and Community Rights

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Introduction

Aceh Province has considerable natural resources, particularly forests and lands. But conflicts, disputes, and violence have been spreading across it. In 2005, peace was restored only when civil conflict between the Free Aceh Movement and the Government of Indonesia ended. The autonomous government of Aceh came to be thereafter, which meant that the local government had complete power over the management of all resources in the province. Domestic and international businesses came to invest heavily in Aceh soon after, particular in huge cash crops plantations.

Such changes, however, reversed land usage from small-scale farming in small plot farms, to large mono cash crop plantations which consumed vast tracts of land for the oil palm business, for example. And with huge companies investing in and accessing lands, the local people began to experience greater difficulty in utilizing these lands. In fact, the local people, who had their own lands were forced to move out. Previous to this, the local people had rights to access and use land resources through the rules of various communities like the Adat Law that allowed lands to be transferred from generation to generation. Over a span of ten years, changes took place that impacted on the Aceh people. Their lands and residences were taken over, causing many to lose their livelihood and culture. Moreover, government itself ignored the rights, welfare, and security of the local community people, leading to the formation of a people movement that sought to fight against incursions on such rights. Eventually, many people were killed and damage to property, livelihood, and natural resources resulted from conflicts and violence.

These changes that occurred in Aceh were similar to those elsewhere around the world, where

governments facilitate invasive capitalism. In theory, regardless of ideology, the direction and goal of development under capitalism is statistical economic growth. As such, investors regularly cooperate with government and use structural power so obtained to gain abundant advantages from resources. Government power is directly exercised over the local people's rights base. This overlaps with customary practices in the Adat Law, which officially prioritizes the right to primitive settlement whereby access to and the use of lands are granted on a first come, first utilize basis. Interestingly, government itself has not played a significant role in protecting the disadvantaged citizens who are powerless to negotiate. This stance of government has therefore led to conflicts and disputes started by the local communities, whose rights are infringed. That the communities are weak to fight against their opponents by themselves has made networking for social partnerships necessary.

This research has four significant objectives. First, it aims to investigate the impacts of large plantations on relevant community lands utilization by the people. Second, it aims to study the impacts resolution strategic plan guidelines of Aceh Province. Third, it seeks to share the facts and information gathered with the Asian Public Intellectual Fellows. Finally, it hopes to help lead future learning and build inter-cooperated networking between affected local communities in the Southern provinces, Thailand and Aceh Province, Indonesia where land grabbing has taken place.

Research studies on how the land grabbing phenomenon in Aceh Province affects the local people's access and utilization of land resources were undertaken. So were studies on how the local communities have managed so far.

The methodology of the study included investigating the targeted areas based in Aceh province in the first two months, taking into consideration the research objectives. This was done as the writer thinks it necessary to know about the people's local traditions and way of life for data gathering and interviewing to come more easily. As for data collection, after the targeted areas were identified, data, and photos were collected, and in-depth interviews conducted with people in communities that had lost their lands. Moreover, secondary documentations from print media and Internet searches were accumulated. Later, all collected data were analyzed, synthesized, and documented in news articles. The final output was published in the website www.prachatai.com. Ten articles will be published in both Thai and English. These news articles will be translated into the Indonesian language and published via the website called theglobejournal.com. These articles, as written in the Aceh language, will be published via acehclimatechange.org. After all the significant articles have been published, they will be compiled and published in a pocketbook and a dissertation for information sharing.

General Information on Aceh Province and the Tripa Swamp Forest

1. Information on Aceh Province

Aceh province is officially known as Nanggroe Aceh Darussalam Province. Its capital city is Banda Aceh City, which consists of 23 administrative districts. Aceh is one of 33 provinces in Indonesia. Located in the deep western of Sumatra Island, it is bounded by Malacca Strait in the north and east, Northern Sumatra Province in the south, and the Indian Ocean in the west. It has a total area of 58,375.83 square kilometers and a population of 4,494,410 comprising 2,248,952 males and 2,245,458 females. Approximately 98.6% of the Aceh people practice Islam, while Christian Protestants and Catholics account for 0.70%, Hindus 0.08%, Buddhists 0.55%, and Hong Hoo Soo and others, the rest. Aceh people are comprised of various ethnicities likely Acehnese (79%), Kayo Gayo Lut (7%), Kayo Gayo Luwes (5%), Alas

(4%), Singkil (3%), and Simeulue (2%). The Aceh language is the common dialect in the province, while Indonesian is the official language.

In 2005, Aceh Province became autonomous under Indonesia once again. Long ago, Aceh was an autonomous state, as well as a key player in international trading and maritime. From the 13th century onward, it was adapting and practicing Islam rituals. The Sultan administrative government was finally established. Its influence was first felt in Sumatra Island before spreading to the Malaya peninsula. In fact, Aceh is well-known in Southeast Asia as the Islam Center, "A Gate to Mecca". Later, in 1877, Aceh was seized by the Netherlands and dramatically declined; but the old power clique combated the colonizers guerilla style. After World War II, Indonesia was free and Aceh decided to unite with it in 1959, even as the Indonesian government agreed to let Aceh retain its identity, particularly with regard to Islamic rituals and the Islamic Law. Then, attempts at centralization were made by the longest term president, Suharto, thereby leading the people of Aceh to militate and establish the Free Aceh Movement in 1976. Fighting against the Indonesian government had been ongoing since then, until the tsunami disaster struck in 2004, prompting the movement to declare an end to the struggle. Peace talks were conducted and it was agreed to make the Aceh government autonomous. Finally the first election organized the establishment of the local government on 11 December 2006.

Aceh has abundant resources: forests, lands, mines, natural gas, and oil. Before an agreement was forged for Aceh to be autonomous, more than 5% of income generated by the Indonesian government had come from oil and natural gas trading directly derived from the Aceh areas. Though such was the case, the benefits derived from these resources were not distributed among the Aceh people. This situation proved to be a key factor in the people's decision to stand up for their rights and set up the Free Aceh Movement. They longed to be free and able to bring autonomy to Aceh finally.

After peace talks concluded with Aceh free to be an autonomous government under the Indonesian Public, Aceh's local government was democratically selected. Contextually, the government itself had established advanced and proper forest and land regulations. In fact, there were some mistakes noted: the Aceh government had used its power to license a mining company and a cash crop plantation company, leading to land clearing and massive deforestation.

Regulation No. 170/kpts-II/2000 of the Minister of Forestry issued on 29 June 2000 stipulated total coverage area of Aceh to measure 5,5774,788.92 hectares, divided into conservation and protected areas, as well as production areas. However, these data are obsolete, with forested areas having declined considerably. Presently, the Aceh government is using spatial areas planning, showing updated forest areas covered to be 3,998,662.45 hectares, evidently indicating a reduction.

2. Tripa Swamp Forest

Tripa swamp forest is located on the west tail of Sumatra Island in Nagan Raya District and Aceh Barat Daya District. Measuring 61,803 hectares, it accounts for up to 60% of the total swamp forest in Darul Makmur Sub-District. Nagan Raya District has a total population of 46,954 people in the Babahrot Sub-District, while the total population in the Aceh Barat Daya District is 16,371 people.

This swamp forest is found in the Leuser Ecosystem Zone, where areas are targeted by the national strategic plan to protect the environment. Per the spatial planning of Aceh provided for by regulation No. 9/1995, the 3-meter depth of the swamp from surface to the ground is a protected area.

Generally speaking, the Tripa swamp forest has abundant and diverse natural resources, in terms of plants and animal species, as well as forest products. It is also a source of the local people's incomes as it is a good place for costly plants to grow and animal habitats to be found in.

Teuku Muhammad Zulfikar (2013) said,

Particular Tripa swamp forest, there are at least forty costly aquatic species such as catfishes, snake-head fishes, eels, snails and others. Moreover, there is constructed timber and fuel forest, including diversity of animal species as orangutans, boa constrictor, Sumatra tigers, crocodiles, giant birds, and wild bees. Nevertheless, it is a key mechanism for ecology systems as function to buffer giant wave likely tsunami, recycle water, protect flooding, areas of carbon dioxide pull and sink, and exist of biodiversity.

Furthermore, Tripa swamp forest is targeted to be a specific area for orangutan conservation by the Great Apes Survival Partnership (GRASP), together with the United Nations for Environment Program (UNEP) and the UNESCO. If the Tripa swamp forest continues to thrive, it can host the biggest population of orangutans in the world, numbering about 1,000.

In the past, the surrounding Tripa swamp forestry communities used to constitute a glorious ancient kingdom. Evidence to this effect has been seen through dried hill lands with approximately one hectare coverage. In them has been found inscribed on a rock "H.Nyak Dom", possibly an indication that it was a cemetery area. Particular areas might also lead to the assumption that primitive dwellings may have been on it since the 18th century. Nowadays, local people name the area "Ujung Raja".

In general, livelihood in the locality has been continuously maintained through natural resources utilization. Seasonal activities also generate specific livelihoods for the people. However, rapid shocks and massive uncertainties have beset the place, both in the form of natural disasters and human activities such as land grabbing that has caused of primitive owners to lose their land and livelihood to huge investing companies.

The Huge Oil Palm Plantation Business and Its Invasion of Aceh Forest

1. The Oil Palm Plantation Business

Oil palm is a cash crop for which demand has significantly risen due to its use as a food production ingredient, as a component for other goods, and as a main alternative source for the key player of renewable energy, biodiesel. A good example of this phenomenon can be found in Thailand where the usage of oil palm as oil is up at 42%, followed by biodiesel at 28%, the food industry at 17%, the soap industry at 7%, and others at 6%.

The Asian region has the largest oil palm plantation in the world, located in Indonesia, specifically. Indonesia's raw oil proportion in 2012 was 51.7%, Malaysia's was 35.4%, and Thailand's 3.3%. After these three Asian countries were Columbia at 1.7%, Nigeria 1.6%, and others, 6.4%. These figures show production areas and not the nationalities of investors, however. Still, productive advantages belong to Indonesia and Malaysia in terms of vastness of land resources. This implies the possibility of a huge investment plantation as well as more cost effectiveness and good management in them, compared to Thailand which mostly produces oil via small-scale farming.

Recently, all oil palm plantation businesses have been heading to Indonesia, particularly Aceh Province, which has strategic areas for investment. In fact, there are seven prioritized foreign investors in Indonesia as follows.

1. Malaysian companies in Aceh Province include the biggest oil palm plantation concessional company, Guthrie Berhad Company. Its operational areas are variously in Sumatra Island, Kalimantan, Sulawesi, and Aceh Province. The total area of the plantations is 220,204 hectares. As for Golden Hope Berhad Company, all planted areas are in Kalimantan Island, totaling 96,000 hectares. Another big company is Kulim Berhad, whose plantations measuring 92,263 hectares are located in Sumatra Island and Kalimantan. Kuala Lumpur's Kepong Berhad Company, which operates in Riau

Island and Kalimantan Island, has plantations totaling 91,170 hectares.

2. A Singapore company named Wimar Holding has operations in Sumatra and Kalimantan Island. Its coverage area totals 198,282 hectares.

3. A United Kingdom company named Rea Holding has planted areas in Kalimantan totaling 66,136 hectares. Another UK company is the MP Evans Group, whose operations sites in North Sumatra Province and Aceh Province have a total area of 47,290 hectares. The last is Anglo Easter Company, whose productive lands measuring 37,502 hectares can be found in Sumatra Island.

4. The operations of the Belgian company SA Slpef NV are conducted in Aceh Province and Sumatra Province, where areas covered total 65,993 hectares.

5. The company from Luxembourg, Socfianisa Luxembourg SA Company has been operating in North Sumatra Island, on areas measuring 44,992 hectares.

6. Hindoli-Cargill Inc. Company operates in Sumatra Island on a total area of up to 10,000 hectares.

7. The Sri Lankan company Carson Cumberbatch & Co. Ltd. has been operating in Kalimantan Island on a total area of 27,500 hectares.

In Aceh Province itself there are up to 51 domestic and multinational firms that have invested in oil palm plantations. Many of these companies have more than one concessional land area. In fact, Perkebunan Nusantara 1 Company has up to 13 concessional lands.

Aceh Singkil District in Aceh Province has seven oil palm plantation companies in it. The first company is Socfindo, which has licensed lands in Gunung Meriah Sub-District of up to 4,414.18 hectares. Palm trees have been planted on 4,210 hectares. The second, Lemban Bakit Company, also has license to 6,570 hectares of land in Singkil

Utara Sub-District. Of this area, palm trees are planted on 5,923 hectares. The third, Delima Makmur Company, has been granted concessional lands in Danau Paris Sub-District totaling 12,173.47 hectares, of which 8,969 hectares are planted areas. Fourth, Ubertraco Company has concessional lands in Kota Baharu Sub-District of up to 13,924.68 hectares, with palm trees planted on 5,869 hectares. Fifth, Lestari Tunggal Pratama Company has rights to operate up to 1,862 hectares in Danau Paris Sub-District, of which total 1,200 hectares are planted to palm trees. Sixth, TelagaZamzam Company has concessional lands in Gunung Meriah Sub-District of up to 100.05 hectares, all of which are planted to trees. Seventh, Jaya Bahni Utama Company has concessions to land measuring up to 1,800 hectares in Danau Paris Sub-District; all areas are planted to palm trees.

Currently, oil palm plantation investment is increasing while the Indonesian government has a policy supporting this business. Obviously, investments are being promoted and facilitated with the granting of concession to lands and forests based in Sumatra Island when Indonesian forest law not ready yet.

In certain areas, forestry problems have been proliferating without let-up. Possibly, illegal logging exists with the help of central government agents due to the absence of complete checks on the procedures involved in forestry bookkeeping, as well as the non-standardization of timber logging license fees. While the law and its enforcement have been confusing, the National Lands Office in Aceh Province has continuously been approving land concessions without checking.

Forestry management must be established and located in one agency to ensure that it is well managed and effective, instead of disruptive. Accordingly, forestry mapping and concession licenses must also be issued by one organization. All of these seem to create a greater problem of administration, which has never been revealed publicly. In fact, geographical data systems have been prepared incorrectly. As a result, the National

Land Office has published many artificial documents as for the land use fee payments and encroachment penalties, these are also unclear and unknown to the public. This is a big void for the Indonesian government to handle along with encroachment and deforestation.

Based on the information cited, the usual process was as follows: after a concessional company is licensed, lands are cleared, forests are cut and burned so palm trees can be planted. While, this circumstance does not only damage community land but considerable damage results and more importantly, the government regulation systems do not even protect the environment and community as they should.

2. Domestic Capital Conflict Disputes: A Case Study of the Tripa Swamp Forest

Since 1980, conflict disputes over oil palm plantation concessional areas in the Tripa swamp forest have taken place. The Aceh government granted a concession to Kalista Alam Company, allowing it to access and utilizes lands for plantation. In 2010, the Aceh government provided another concessional area to Kalista Alam company measuring up to 1,605 hectares, the added area located in the conservation zone. Conserved lands that can be used should be 0.5-1.5 meters in depth.

The Tripa swamp forest has been harmed and damaged by the company because forests were cut and burned by the plantation and encroached upon by the local people. According to the latest assessment, Tripa swamp forest areas have been reduced by up to 50% of the total coverage area of 61,803 hectares: 36,185 hectares have become concessional areas. In fact, Surya Panen Subur Company (SPS) has 13,177 hectares of concessional lands of, while Kalista Alam Company has of 6,888 hectares of concessional lands. Gelora Sawita Makmur Company has 8,604 hectares of concessional lands, and Cemerlang Abadi Company has 7,516 hectares. The concessional areas overall total 20,200 hectares. In them, the first and the second operational steps are ongoing.

As for conflict disputes over the Tripa swamp forest areas, Kalista Alam Company is allowed to access lands that exceed three meters in depth from the surface. In order to clear the land, Kalista illegally burned some areas. Cases involving violation of the law have been filed in the courts.

Another case of licensing to access Tripa swamp forest areas in various communities involves the company Surya Panen Subur II, which has ongoing businesses under the company named Amara.

3. Multinational Capital Conflict Disputes: A Case Study of the Aceh Singkil District

In 1986, Ubertraco Company, which is owned by a villager from Trumon Sub-District, Aceh Selatan District named Tengku Muslim, planted palm in areas starting from Simpang Kiri Sub-District. In 1988, Ubertraco Company obtained a license to utilize the land per document No. 1/1988. The license covered a total usage area of 10,917 hectares in Kota Baharu Sub-District, together with Gunung Meriah, Singkil Utara, and Singkil Sub-District, Aceh Singkil District. Around 1994, the company got a second plot and obtained a land license approved by document No. 2/1994, covering a total area of 3,000 hectares. This land stood ten kilometers away from Singkohor Sub-District, Aceh Singkil District. In 1998, the company transferred this business to Malaysian entrepreneur Haji Muhammad Sobri due to its inability to reach the production target in terms of cultivation management. The lands have been left uncultivated since then.

4. Impacts on Health and Ecology Systems

Previously, the Tripa swamp forest was a source of food and livelihood for the surrounding communities. Boats were used to cross the river at certain areas, which proved convenient. Things changed after the establishment of the company in particular areas: there were fewer fish and snails species were destroyed. Deforestation and water pollution ensued, aquatic animals died.

Abdul Majidhas (2012) described the impacts of Surya Panen Subur II Company, which had

a plantation operating in Sanaan Barat Sub-District, Nagan Raya District, on the surrounding communities. These included weather change and dust mixing with the air, thereby causing respiratory problems and eye diseases. Thus far, three eye illnesses have been diagnosed in the community.

Generally speaking, the climate changes taking place are extremes of each other, e.g., flooding from all day rainfall versus a drought situation that can mean two weeks of water shortage. Normally, the rainy season lasts from September to January but sometimes this no longer holds true.

Water pollution is also a core problem, so the community has prioritized the search for its solution. Water pollution is caused by trash and toxic materials discharged into the river. Although harmful substances are not directly thrown into the river, rainfall succeeds in bringing the accumulated residues of pesticides and chemical fertilizers in the air down to the river and the sea, eventually.

The Tripa swamp forest has played an important part in maintaining ecological systems. It assumes various roles: as buffer to huge waves like tsunami, in the recycling of water, as protection from flood, and as a biodiversity habitat. On the other hand, land clearing processes toward the creation of cash crop plantations lead to ecological loss and natural disasters such as tsunami, flooding, drought, water shortage, and imbalances in the natural sources of food production. Deforestation, for its part, causes massive flooding that affects and damages the surrounding communities.

Cash crops like oil palm require large tracts of cleared land. Clearing land is a key route to forest destruction with water being drained out. Moreover, burning the forest creates carbon dioxide (CO₂) emissions that will cause the Tripa swamp forest to contain it.

Over the next twenty years, Tripa swamp forest areas are expected to subside by one meter. It can therefore be projected that some areas of Nagan Raya District, particular in the Darul Makmur Sub-District and the Babahrot Sub-District, will be flooded.

5. Social and Economic Impacts

All plantation-related problems directly affect the economies of communities because the local people tend to maintain their traditional way of life despite the changes going on around them. Although compensation is paid for concessional lands, nonetheless, many landowners who hold a land certificate did not get paid for them properly.

Comparatively, before oil palm plantation companies came to the communities, life in those communities was simple and peaceful. But once the plantations were in place, the local people began to work in them and ceased being involved in such activities as the community marriage ritual. That this is so has resulted in wider communication gaps and relational gaps.

As for labor wages, the companies have hired sixty laborers from the five communities. All members of the labor force are adults who receive daily wages instead of salaries. Female workers are tasked with putting fertilizer on the soil where the palm trees are planted and spraying pesticide, while the male laborers assume the heavier tasks in the plantation sites. There are 100 temporary daily workforces employed by the companies. Their tasks include the daily cutting of palm trees, weeding, and fertilizing. In this case, they need to go to work every day; otherwise, they would not receive any wages. In fact, there are some permanent staff members who have permission to take a leave only during official holidays.

In the past, communities had common lands in accordance with traditional rules and a management pool. Before conflicts took place in Aceh, most households in the rural area were allowed to own land not in excess of two hectares. But when conflicts arose, the lands were abandoned. After Aceh gained peace, some of the abandoned lands were sold by a broker but no payments were received by the owners of the land then the companies had concessional to planted plantations. Sadly, the brokers who sold the lands to the companies were local people. Suratman (2013) said,

In 1980, the company bought lands for up to 800,000 rupiah per hectare. Brokers came to us and asked to buy our lands but many of us insisted not to sell. In my case, I planted cocoa trees in the garden; after one week, the brokers came and we talked; then the cocoa trees were destroyed and palm trees were planted instead.

Idin (2013) said,

In my village, there are 100 hectares of lands and some are common lands for people to grow rice on together. We are not allowed to sell our lands according to customary rules. During serious conflict times, lands were left uncultivated; later, Aceh was peaceful and free, we returned and grew rice again. Then, a couple of months later, those lands were sold for compensation and official papers were signed.

Ansari stressed that in 1980, they received community lands based on traditional rules. All received areas that totaled 2,000 hectares were intended for growing cotton, coconut, cacao, and other plants. However, these lands were abandoned and uncultivated when conflicts occurred. Later, in 2008, when Aceh was peaceful and, the villagers returned to their homelands and found the lands completely plowed and cleared. They were being readied for a palm trees plantation by the Surya Panen Subur II Company, which was operating under the company Amara at the time.

Surya Panen Subur II Company has a concession to plant palm trees in Tripa swamp forest areas, across various communities. In fact, some communities have well agreed to be paid compensation for the land instead. In contrast, Suka Damai Village, Panton Bayu Village, and Kaye Uno Village have neither refused compensation nor lost their lands to this particular company. Moreover, affected people have informed the Aceh government of their troubles. They have been waiting for answers and government has told them not to cause any conflicts or disputes. There

are also some villages where the local people returned to access their lands but encountered trouble every month. Leaders of farmers' groups were notified and arrested by the police for damaging the palm trees surrounding the farmers' fields.

Thus far, conflict disputes between Ubertraco Company, which later changed its name to Nafasindo Company, and the villagers from Aceh Singkil District, have been the most severe and shameful in terms of timing. Interestingly, provisions of the company license overlap with community rights in the matter of land ownership. The unclear boundaries between concessional lands, abandoned lands, and community lands, government offices, barracks, detention centers, roads, and communities. All of this are in the concessional lands.

Obviously, after people protested in 2006, issues dealing with land boundaries and ownership rights were addressed by using a map found in the National Lands Office in Aceh Province. Results of the investigation showed that the total area for the communities was 1,997.5 hectares, while the company had access to use, as well as illegal land ownership of, up to 1,158.24 hectares. Later, the governor of Aceh commanded the Aceh Singkil District to return the lands of the communities where this particular company had concessional rights, alongside areas encroached over. The local government provided the communities all the relevant support they needed and reset boundary pins were permanent with expenditures paid by company, the company do not accept the conditions and was defending and proposing to the Administrative Court in Aceh on September 24, 2011. Recently, there was an appeal filed in the Medan Administrative Court, which prompted the local people and students were protest and fire in the District Office. Consequently, the leaders of the protest were caught and litigated, and two of the leaders were put in jail.

WALHI Aceh, an environmental NGO present in Aceh Province and across Indonesia, has recorded all juristic cases. There are apparently eight cases filed because of the unlawful utilization of the Tripa swamp forest areas. The company, Kalista

Alam, sued the governor of Aceh Province for the illegal cancellation of the license. The Ministry of Environment sued the Kalista Alam company for burning the forest, which act is prohibited. Villagers also sued the governor of Aceh Province due to government's violation of spatial development plan rules. The Tripa swamp forest conservation network sued the license issuing office due to the incorrect and fake documents made and the false information on Tripa swamp forest. The judicial process will take a long time because of some delaying tactics on the part of the company. In the meantime, the following proceed without letup: plantation company operations, destruction of the environment, and violation of community rights.

The Association for Community and Ecology-Based Law Reform has been recording cases involving natural resources and agriculture usage conflict disputes in the last three years. In fact, there are 232 conflict cases that have been filed in Aceh province, with ten of the cases pertaining to the invasion of lands totaling 28,522 hectares.

Although an unofficial document has presented the cost of damage resulting from deforestation and land degradation in Aceh Province, these are mere approximations. Evidently, non-timber logging and the transfer of products can be appraised in terms of reforestation. Damage to basic infrastructure and losses in eco-tourism have been estimated, as well. Generally speaking, all significant, relevant aspects, as well as impacts such as social disparity and cultural destruction, are invaluable costs for which there is a price to pay.

Conclusions

Based on the presence of certain core factors, it can be said that oil palm plantation companies have invaded Aceh. First, a strategic government policy for Aceh to be the largest host to oil palm plantations gives incentives to domestic and multinational companies so they would invest in areas under government regulation legally. Second, also evident are increases in oil palm consumption in household and industry as raw materials, and in the production of renewable energy for the future.

Doubtless, The largest tropical rainforests and swamp in the world were cut, plowed, and burned rapidly by advanced technology supplied by plantation businesses. These directly destroyed tropical rainforest ecology systems, which maintain climate equilibrium, originate headwater and water resources, and provide protection against flood and natural disasters. After the large plantations began to operate, local communities in Aceh were severely affected by the presence of chemicals and dust in the atmosphere, arising from operations. Forest laws and regulations are apparently weak and leading to ineffective protection of people's rights and local ecology systems.

Impacts on the ecosystem have included loss of biodiversity in the region, of at least 40 percent economically important species such as catfish, eels, and shellfish. Land grabbing has also caused the loss of trees that could be used for construction and fuel wood. Animals such as honeybees, the Sumatran orangutan, the Sumatran tiger, crocodiles, hornbills, and a variety of other wildlife species are endangered now or may have disappeared even.

Disasters such as floods and drought have become more frequent because the swamp has lost its functions of absorbing water during the rainy season and releasing the same during the dry season. The swamp forest located along the beach used to serve as buffer to prevent extreme waves from the Indian Ocean. This occurred when a tsunami hit Aceh in 2004.

Impacts on community rights have been noted: people have lost land that belonged to them officially, as attested to by a land certificate or a letter from a local authority. The community has also lost land that was formerly used for livelihood. Before this land was "grabbed" by the company, the local people could enter the area easily and fish in the swamp or look for honey, among other activities; but now the area is forbidden territory. Also the community has been put at high risk of being hit by flood and drought during natural disasters since swamp forests have disappeared.

Interactions between the community and the company are largely characterized by contestations or arguments. This situation is common in the RawaTripa area, where the company suspects people will steal their property or use it. From the opposite side, the people think the company is destroying their lives by grabbing land that belongs to them.

Government, for its part, is generally a passive party when it comes to the people. For example, if the community meets with government or mounts a demonstration, government promises to solve the community problem at hand but does nothing. On the other hand, when the company comes to government and asks for business protection or a license, government gives or releases it easily, without considering future impacts. Government only cares about what income or tax it can get from the company.

The security forces of government such as the police or army also defend company property. Armed, these forces stand guard around the company grounds day and night, and are ready to catch anyone from the community who might do harm.

But the most effective policy would be to protect the villagers' ownership of their land and farms. Government must give back the land that has been grabbed by the company to the genuine owners. It must create safe conditions by putting security personnel on the side of the community and must create more jobs without destroying the environment.

As for the strategic resolution plan, the people affected seem to experience less support, particularly in negotiations with the state and capital. Still, accumulated experience in filing demands, results evaluation, advocacies and campaigns, processes in court judgment, as well as technical assistance from NGOs and civil society provide the people movement more experience and power.

This research is useful for the development of the South East Asia Region (ASEAN) because

ASEAN countries are familiar with the plantation sector which should be environment friendly. The oil palm plantation sector has been a mainstay in a number of ASEAN countries but, apparently, a lot of mistakes have been made by both the government and companies in developing economies, in terms of land tenure and the arbitrary dismissal of ecosystem concerns. This study is expected to be a source of learning for ASEAN member countries to better develop the plantation sector in the future.

For the long term, the communities and civil society must take lessons learned and best practices into account. They must advocate public policy and regulations on environmental sustainability, economic development, and environmental protection. Most importantly, government must provide for and serve the welfare of the local community and equitable.

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society, the state, and the market within one country and between various Asian countries. In order to transform different Asian societies, the synergic roles of the triangular relations between the three major pillars can be started by Asian public intellectuals with concrete follow-up actions such as active engagements with a wider public and bigger audiences. These active engagements can take the form of real and concrete actions such as sharing research results and experiences through websites, organizing relevant workshops, and initiating active engagements with a wide variety of public forums with fellow young researchers and public intellectuals.

All active engagements with fellow Asian public intellectuals have always been based on clear and well-defined public concerns with a positional standpoint on behalf of the various Asian communities in the different Asian countries. Only with this clear standpoint can Asian public intellectuals make their active and public engagements meaningful to the various Asian communities in their encounters with Asian new horizons.

Jakarta, November, 2014.

NOTES

The issues of both negotiations and contestations are regional in perspective, with cross-national engagements and multidisciplinary perspective. The processes' habits of border crossing provide a good, relevant, and significant framework for the field trip to the Bali countryside so as to gain both valuable experience and insight on how traditional Balinese community organizations have played and are still playing a very important role in the sustainability and evolvement of Balinese society throughout almost its entire existence within the context of its encounters with what is considered the global and outside world. The Balinese have always lived their rich traditional way of life within the context of negotiations and contestations within their own society and beyond. Their varied experiences of these different processes have made them stronger rather than weaker in their encounters with the myriad of outside influences. Prof. Dr. Phil. I Ketut Ardhana,

Professor in Anthropology, and Head of the Center for Bali Studies, Udayana University Kepala Pusat Kajian-Universitas Udayana, short unpublished paper, "Subak In Bali," November 2013.

One of the traditional Balinese community organizations which have strongly influenced Balinese society for generations is *Subak*. *Subak* is a traditional ecologically sustainable irrigation system that binds Balinese agrarian society together within the village's *Bale Banjar* community center — as the smallest social unit — and Balinese temples. There are several names for *Subak* like in the district of Bangli, Gianyar, and Klungkung, it is well known as *Tempelan*; in the district of Buleleng as *Banjaran* or *Tanjakan*; in the district of Badung, it is well known as *Munduk*; and in the district of Jembrana it is known as *Araban*. The temple for the *Subak* is well known as *Pura Huma*, *Pura Ulun Carik*, *Pura Empelan*, and *Pura Uluksimi*. For the Balinese, irrigation is not simply providing water for the plant's roots; rather, water is used to construct a complex, pulsed artificial ecosystem. Paddy fields in Bali were first built around water temples and the allocation of water was made by a priest (the Brahmins).

It is important to note that the *Subak* is generally well known as the name of the water management (irrigation) system for paddy fields on Bali island, Indonesia—where Bali is considered one of the Hindu mosaics in Southeast Asia developed more than 1,000 years ago. There is very important regulation on *Subak*, well known as *Awig-awig Subak* which regulates its members. Water management is under the authority of the Brahmins in water temples who do not forget the *Tri Hita Karana* Philosophy which regulates the harmony or balance between man and God, man and man, and man with its environment. The function of *Krama Subak*, *Kesinoman* (with *Pangliman* as the main assistant of the *Pekaseh*), *Keliban Subak*, *Sedaban*, *Sedaban Agung* significantly needs to be maintained. Ibid., "Subak In Bali,".

The field trip to *Subak* in Bali gave important and memorable learning experiences for all the API Fellows on how *Subak*, both as an organization and as a traditional community, has encountered, contested, and negotiated both with local and global influences in order to become one of the strongest Balinese community organizations to survive and actually flourish throughout the ages.