

Transmigration townships and the Dayak Bekati'

indigenous peoples' rights in an industrialised palm oil landscape in Indonesia

Briefing December 2020 | Norman Jiwan and Marcus Colchester¹

Key points:

Indonesia's Transmigration Policy the sponsored resettlement of farmers from Java to the 'outer islands', was adopted with the objective of assimilating the diverse peoples of the archipelago into one Indonesian national identity.

A history of land conflicts

Transmigration has sponsored the forced take-over of indigenous peoples' lands without their consent and with the intention of imposing 'modern' norms of development.

Integrated Self-sustaining Townships

(Kota Terpadu Mandiri -KTM) a novel model of Transmigration centred on industrialised townships, is now being imposed on 48 locations across the archipelago with unclear implications for local communities.

'Clean and Clear' land use plans

Since 2007 the Transmigration Ministry has adopted a 'clean and clear' policy, designed to ensure transmigration sites are legal, environmentally suited and deal fairly with prior inhabitants.

Intensifying Land Conflicts

However, the situation of the Dayak Bekati' in Subah District, West Kalimantan, shows that in practice KTM facilitates land grabbing and does nothing to protect indigenous peoples' rights or forests.

Lessons learned and prospects

This paper details the legal, human rights, environmental and social problems caused by KTM and explains what needs to change if Transmigration is to genuinely become 'clean and clear'.

Summary

Industrialised plantations, State-sponsored resettlement schemes, integrationist government social policies, combined with land tenure systems which fail to protect customary rights, create a deadly cocktail threatening the survival of Indonesia's indigenous peoples.



Pak Djoni community spokesperson from Sabung

This Briefing² documents the situation of the Dayak Bekati' of Indonesian Borneo in the Province of West Kalimantan, whose lands have been taken over by a relatively new model of Transmigration referred to as *Kota Terpadu Mandiri* – integrated self-sustaining townships. KTM are designed to achieve the total transformation of both human and biological landscapes through deforestation, industrial developments such as mines and plantations, colonisation and cultural assimilation. There are dozens of KTM schemes being implemented all across the archipelago.

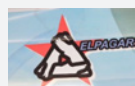
Although the Dayak Bekati' have inhabited the area since time immemorial, almost nothing has been done to secure their millennial land rights prior to these impositions. Concessions have been handed out by the government to oil palm developers without prior consultation with the affected communities. After promising multiple benefits, companies have then extended their operations without due process and without fulfilling their pledges. Meanwhile, under the Transmigration scheme, impoverished and landless people, mainly from Java, have been settled on Dayak Bekati' lands without either party being adequately prepared. The promised township has dissolved into mud and the budget for its construction has evaporated. A major overhaul of State laws and policies is urgently needed and remedial actions undertaken to remedy these violations. Meanwhile oil palm expansion and Transmigration in Subah should be suspended to halt further human rights abuse and environmental destruction.



AMAN Bengkayang,
Singkawang dan Sambas
(AMAN Bengkalis)



AMAN Kalimantan Barat
(AMAN Kalbar)



Lembaga Pemberdayaan
Pergerakan Rakyat (ELPAGAR)



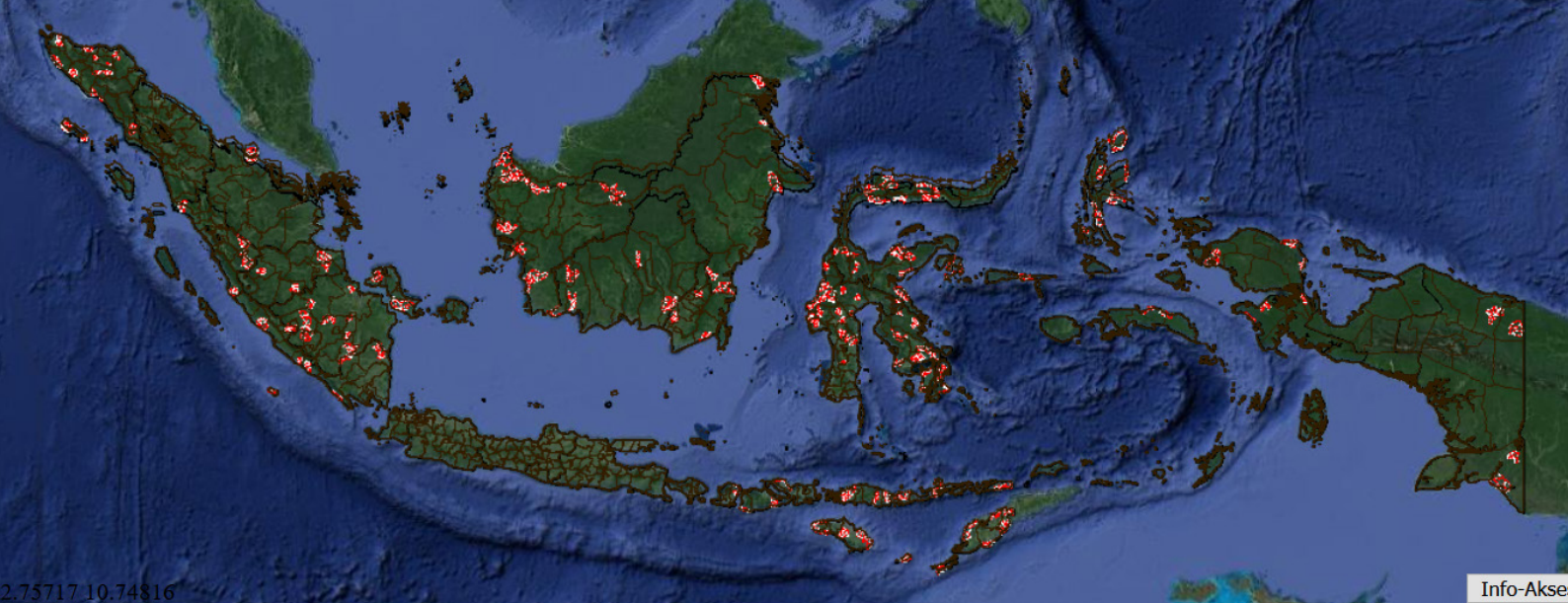
Lembaga Bentang Alam
Hijau (LemBAH)



Kalimantan Barat



Forest
Peoples
Programme



Map 1: Planned and potential transmigration zones under the national programme 2020-2024
Source: Kementerian Desa (November 2020)

Indonesia's policy of Transmigration

Originally a policy of the Dutch colonial power to provide 'surplus people' from Java to work on expanding industrial plantations in northern Sumatra,³ Transmigration was adopted by the Indonesian government after independence with the explicit aims of bringing development to remote areas and forging a single national identity,⁴ with the objective that 'racial differences and differences between ethnic groups will no longer exist'.⁵ Under this government programme, millions of landless rural people, originally from Java and Madura and later also from Bali and Lombok, were moved to newly cleared settlements in lowland forests on the Outer Islands. Transmigration rapidly became the main driver of deforestation in Indonesia.⁶ By 1990, over 3.5 million people had been moved under the programme and transmigration was causing 1.2 million hectares of deforestation every year.⁷

The initial priority of Indonesia's Transmigration programme from the 1950s onwards was to boost agricultural production based on moving farmers experienced with wet rice cultivation to the 'Outer Islands'. However, many of the early sites failed, as they did not take account of the poor soils, flooding and lack of markets in the receiving locations.⁸ By 1986, according to Indonesian NGOs, the majority of the 8 million hectares of agricultural wastelands in the outer islands were the result of failed transmigration sites. Aware of these failures, from 1984 onwards, much Transmigration reverted to the colonial model of supplying workers and smallholders to work on government - later private company - plantations, especially oil palm.⁹ Transmigration remained a flagship policy of the Suharto government, second only to public works in terms of State budget.¹⁰

However, an underlying intent of Transmigration was to take over indigenous peoples' lands and accelerate the social integration of peoples officially designated as 'isolated, backward and alien tribes' (*suku suku terasing and suku suku terbelakang*). In the 1980s and 1990s, it was explicit government policy to forcibly destroy customary ritual paraphernalia and collective dwellings, resettle dispersed peoples into centralised settlements,¹¹ require they adopt a world religion and oblige them to cultivate wet rice.¹² The policy led to land disputes, resistance, armed clashes and heavy-handed repression by the Indonesian army.¹³ Although the policy towards indigenous peoples was somewhat revised in the early 2000s, it remains government policy to encourage 'isolated communities' (*komunitas terpencil*) to abandon forest-living and resettle in government-supervised villages.¹⁴



KTM Subah now symbolises decay and neglect

The Kota Terpadu Mandiri (KTM) policy

Foreign funding for Transmigration was cut back drastically from 1987 onwards after the scheme's excesses were exposed in NGO publications and hearings in the US Congress.¹⁵ World Bank reviews in the mid-1990s by its Operations Evaluations Department not only showed that indeed indigenous peoples and tropical forests were being seriously harmed by Transmigration schemes but also that these schemes showed extremely low economic rates of return on investment. By the end of the 1990s foreign support for Transmigration had almost entirely ceased.¹⁶ However, although foreign support ended, this did not spell the end of the policy.

In 2007, under the Presidency of ex-General Susilo Bambang Yudhoyono, the Ministry of Manpower and Transmigration adopted a new model of Transmigration, so-called integrated self-sustaining townships (*Kota Terpadu Mandiri* (KTM)).¹⁷ KTM are ambitious schemes which aim to industrialise entire landscapes by harnessing private and foreign investors in natural resource development, with the local government and the Ministry providing infrastructure, town planning and basic facilities, as well as State-sponsored migrant labour. The Ministry had in mind townships servicing mining districts or pulpwood and palm oil development schemes and planned that these townships would become self-sustaining within 15 years. At least 50% of the migrant labour force drawn into these landscape development schemes were to be local people with the others being transmigrants. Under the Ministry's ambitious plans 186 such townships were to be established on the Outer Islands through the Transmigration of 25,000 families per year. There has been relatively little documentation of such schemes.¹⁸

In response to criticism of the land conflicts and environmental destruction caused by earlier Transmigration schemes, also in 2007 the Ministry of Manpower and Transmigration adopted a procedure requiring that Transmigration areas be ascertained to be 'clean and clear' prior to the establishment of new settlements.¹⁹ The regulation requires that sites are first checked that they are 'clear', meaning the proposed sites are clearly surveyed and boundaries are established, and 'clean' meaning their development will not cause environmental harm, that due legal process is followed for all land acquisition, and the prior rights of existing residents, including explicitly of indigenous peoples, are respected. Transmigration sites are deemed to be projects in the national interest and thus amenable to the State's power to expropriate lands, subject to adequate processes for compensating prior rights-holders and informing them of their entitlements. The procedure, set out in a Guidance document developed by the Ministry in collaboration with NGOs, reaffirms these requirements but recommends that the consent of indigenous peoples' should be obtained before their lands are used for Transmigration.²⁰



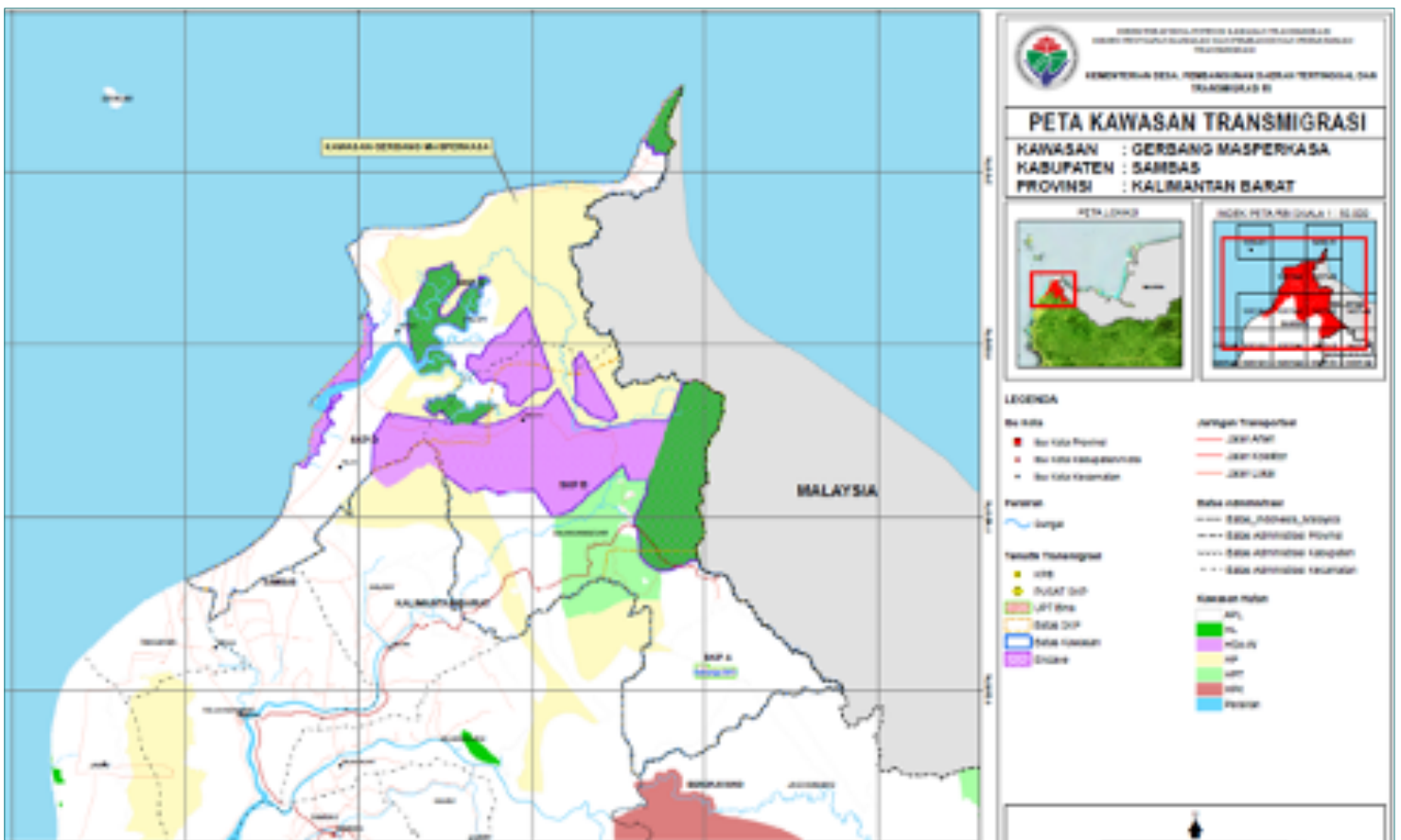
Map 2: Locations of 48 of the more advanced Integrated Self-sustaining Townships (KTM) in Indonesia. Red arrow shows the Subah KTM site in West Kalimantan
Source: Ministry of Manpower and Transmigration

An NGO study of the application of this 'clean and clear' procedure in KTM settlements in Central Sulawesi showed multiple irregularities. Planned settlements overlapped areas designated as protection and production forest, while some were on peatland or steep slopes. Lands had been taken over without prior consultations, with no or nugatory compensation and even when rejected by local communities. Lands had been cleared prior to the required authorisation and in some cases the schemes were implanted in the wrong locations. The investigation showed that local transmigration officials had been poorly trained and had little understanding of required procedures. There was poor coordination between the implementing agencies and line Ministries and a lack of transparent sharing of information with concerned parties, including with local government.²¹

These worrying findings prompted FPP to examine the situation in another KTM site, in Subah Sub-district, Sambas District, West Kalimantan, which is the traditional homeland of the Dayak Bekati' indigenous people. This case is the focus of the remainder of this briefing. In the concluding section we return to what needs to be done to reform Transmigration and KTM schemes, so they are genuinely 'clean and clear'.



The entrance to KTM Subah



Map 3: Planned transmigration zones in Sambas District 2020-2024

Source: Peta Kementerian Desa (November 2020)



Dayak Bekati' reviewing their experiences with the palm oil companies

The Dayak Bekati' and their lands

The indigenous peoples of Borneo have come to be referred to collectively as Dayak, a term once of more limited application.²² The Dayak Bekati' belong to a group of upland peoples once referred to as 'Land Dayaks' and speak a Bidayuhic language. These peoples have inhabited the inland area between the Kapuas and Batang Lupar rivers on either side of what is now the border between Sarawak (Malaysia) and West Kalimantan (Indonesia) since time immemorial. Some Dayak Bekati' traditions trace their origins back to Bukit Bawang in West Kalimantan.²³ Today most Dayak Bekati' live in what are now Sambas and Bengkayang Districts in West Kalimantan and some across the border in Sarawak.

In Subah, sub-district, prior to the Transmigration programme, the Dayak Bekati' made up over 90% of the local population. According to the Dayak Bekati', in past times, although they all spoke the same language they were divided into three territorially-defined descent groups (*perkauman*) named *Lampahuk*, *Madak* and *Sapa' Sonokng* (*Sapak Sodong*), who used to head-hunt each other. These three contiguous territories were defined by the three main watersheds that today make up most of Subah sub-district and surrounding areas. In effect, the whole of what is today Subah sub-district lies within the traditional territories of the Dayak Bekati'.

In all the Dayak Bekati' villages in Subah sub-district, tales are told tracing the origins of the current settlements and their composition. These oral histories all locate the Dayak Bekati' in the region long before the Dutch colonial presence was felt in the 19th century. Villagers recount how villages moved around, originally in response to head-hunting by neighbouring groups and to take advantage of hunting and farming possibilities. The oral histories also give prominence to significant events such as the rise to power and later deaths of community leaders, epidemics, omens and warnings from spirits, warfare, house fires, interactions with the Malay sultanates and the gradual

imposition of Dutch colonial control which ended the tradition of head-hunting. All these detailed histories make clear that most of the Dayak Bekati' villages were already in or very near their present locations before the Japanese occupation and thus precede the establishment of the Republic of Indonesia in 1945.²⁴

These detailed Dayak Bekati' oral histories also give prominence to the custom of planting fruit trees and other useful species in old village sites, which then mature into managed forests of enduring value. These enriched agro-forests, known locally as *tembawang*, not only mark people's historical association with their lands but also provide them with valuable nourishment and supplements to their income. Once mature, *tembawang* are indistinguishable to the untrained eye from natural forests, but to the forest-dwelling Dayak Bekati' they symbolise the close ties between them and their ancestral territory. *Tembawang* are, in effect, charters memorialising communities' rights to their ancestral territories.

The Dayak Bekati's most important customary laws are described as *Simpar Majo*, a reference to the resin-based glue traditionally used to haft machete blades. Under these laws, Dayak Bekati' lands were governed by three tiers of customary institutions. Each longhouse was subject to the authority of the *Amba Manuk*, *Amba Rabo*, and *Pamalo*, who, respectively, had overall authority and led on internal and external customary affairs of the longhouse. At the level of the village (*kampung*), which unite several longhouses, affairs were governed by the *Singa* tribal leader as a hamlet head, the *Pangarab* (or *Pangaraga*), a wise leader who advise on decisions, and the *Bide Binua*, who oversaw customary rituals. Finally, at the clan territory level each *binua*, incorporating several *kampung*, was headed by a *Mangku* and *Ambe Bide*, who had overall lead on affairs within the combined *binua* territories.²⁵

While most decisions about lands were decided by well-known customary laws, which regulate how lands are parcelled out, how they are inherited, and how they can be transferred, any outstanding disputes about lands were resolved by discussions with these authorities. Only if matters could not be resolved within the longhouse would disputes be escalated to *kampung* level and only if that failed would *binua* level chiefs become involved. Under Dayak Bekati' customary law, each territory was conceived as belonging collectively to all members of the respective descent group (*perkauman*) but within that common jurisdiction lands cleared for farming became the property of the family which worked it. Such lands were, and still are, inherited by male and female family descendants equally, except that the youngest child, of whichever gender, gets a larger share. Under Dayak Bekati' customary law, lands can only be transferred to members of the same clan. Lands can only be leased to non-members for a defined period, after which the lands revert to the clan.

As in much of Borneo, the inland Dayak Bekati' had close trading relations with the local Malay sultanate, in their case the Sultanate of Sambas, one of the numerous trade-based coastal and riverine polities that linked Borneo to the wider world. By and large these sultanates only exerted direct authority over the lands of their immediate Malay dependants, their authority upstream being concerned with controlling the trade in forest products that were exchanged in the ports for metals, salt and other valued trade items. The sultans extracted payment, which was conceived as a form of tribute, from the interior peoples engaged in this trade.

However, after independence, as the sultanates began to be progressively abolished and their direct control of trade was eclipsed by the State, some tried to recover their declining fortunes by asserting proprietary rights over interior lands.²⁶ The Dayak Bekati' recall how, in the 1950s, emissaries of the Sultan of Sambas came to the Dayak Bekati' in Sabung Sanggau and demanded that they acknowledge and agree that their indigenous territory was under, and inside, the territory of the royal Sultanate of Sambas. For their part the Sabung Sanggau people rejected these efforts by the Sambas Sultanate to assert control and ownership over their lands, but some of the other villages in Subah did agree that the Royal Sultanate of Sambas had authority over them and confirmed that their territories were inside, or overlapped with, the territory of the sultanate.²⁷ These tenurial realities complicate the situation in Subah to this day.

Beginning in the 1980s, and in parallel to the Transmigration programme examined below, the government imposed its village unification policy, by which traditionally dispersed *kampung* were regrouped into larger villages. The aims of these local resettlement schemes were to facilitate government administration of village affairs, modernise local economies and effect the integration of the indigenous peoples into a single national identity. Transmigration was imposed to hasten this programme of cultural assimilation.



Dayak Bekati' meeting February 2020

Transmigration in Subah

Up until the 1990s, Subah sub-district was largely forested, being a mix of farmland, forest fallows and older forests extensively used by the Dayak Bekati' for hunting, fishing and gathering. These long-established rights and systems of land use were about to be completely overridden and undermined by government-imposed transmigration. By 2001, by which time major transformations in land-use were underway, the population of the Subah sub-district was estimated at 10,000 people.²⁸

The first two small Transmigration sites were actually established in Subah in Sabung Sanggau and Sabung Setangga in 1981 and 1982. Both settlements involved mainly Javanese transmigrants who were settled near to Dayak Bekati' villages. Migrants were given two-hectare plots, simple houses, seeds, tools and subsistence rations and instructed to develop their lands as farms. Dayak farmers were compensated for their efforts of clearing farmland and recently farmed lands but not for fallowed land which had become secondary forests. The Dayak Bekati' were compensated for their land clearance with a unilaterally imposed price of IDR 15,000 (US\$25) per hectare.²⁹ According to interviewees, no mechanisms were provided to claim more appropriate compensation for the lands taken, nor for the wider territory being taken over. Much less were they given any opportunity to reject the plan.³⁰

The landless Javanese transmigrants who ended up in Subah did not have an easy time. Many came from very poor, landless families who volunteered for the Transmigration programme as a way out of their poverty. Some of them chose to come to Kalimantan because they already had relatives in the province. When they arrived in Subah, they were rudely housed and provided basic rations, but found the sites were not yet developed. As one group of interviewees recall:

'Before leaving for transmigration, we were promised lands to plant rice and other food crops. Officials said the transmigration lands were ready to plant but when we arrived here the lands were still forest and we had to clear the forests ourselves. We were allocated one hectare per family for subsistence and another for other crops, but the land had not been cleared. It was all still forest.'

Because the lands had not been cleared and marked out, there was and remains confusion about which land titles referred to which plots. Some families never got their land titles and others only after 35 years. Only after the titles were finally distributed did some families realise that they were farming the wrong areas, and some people then got evicted from lands that they had thought were their's. Others found that their titled areas had been

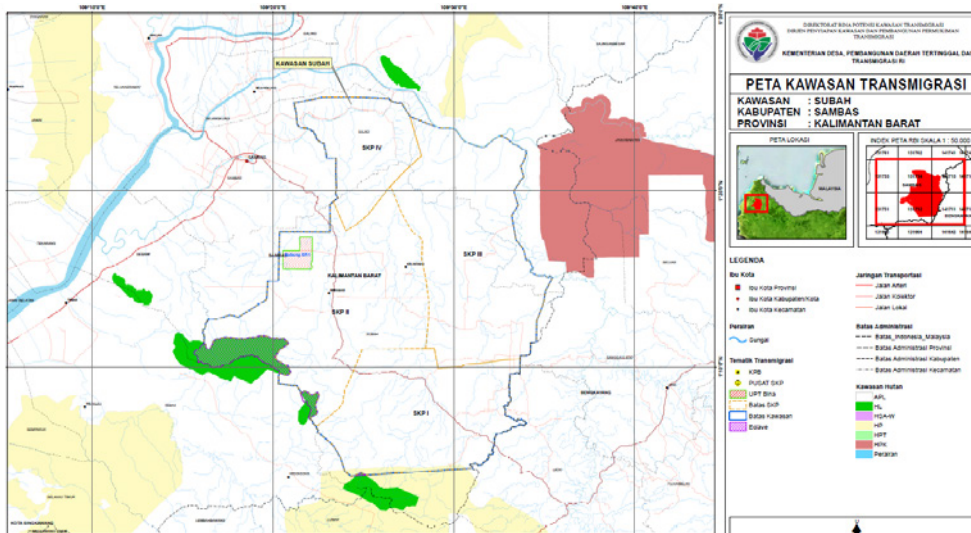


Transmigrant women after recounting their experiences

taken over by other people or companies and planted with cash crops like oil palms. The transmigrants were also surprised that there were already Dayak people living on the lands. There were mutual suspicions between the Javanese and the Dayak.³¹

Despite the difficult beginning, Transmigration initiatives continued. Between 1983 and 1984, at the Satai transmigration location, a further 486 households of general transmigrants were settled under the dryland food crop scheme (TPLK). Transmigration placements also continued in several other locations including in Sempurna Village (500 households), Sungai Sapak (500 households), Sapak Hulu (500 households), Mukti Raharja village (350 households), Mensade (400 households), and Karaban Jaya (400 households). In 1994-7, under the Self Supported Transmigration programme (*Transmigrasi Swadaya Mandiri*), a further 550 families were provided land titles in Sungai Deden village covering some 1,420 hectares. Finally, in 2010, a new transmigration settlement was imposed when 125 families, victims of the Mount Merapi eruption, were relocated to Sabung village. Although the government promised these later transmigrant families 2 hectares of palm oil smallholdings each, these have not yet been provided.³²

The transmigration sites did not prosper. Road connections were tenuous. Markets were distant. Public services were rudimentary and the land problems took a long time to be sorted out. Quite a high proportion of the original transmigrants abandoned the sites early on and others sold their lands once they had title. There was considerable local dissatisfaction with the inefficiencies of the local office of the National Land Bureau (BPN) in Sambas. In August 2011, the office was burnt down and the local land cadastre was lost, adding to the confusion about who owned which lands.³³



Map 4: New Transmigration plans for Subah under the National Programme 2020-2024 target Sabung
Source: Kementerian Desa (November 2020)

KTM in Subah

From the point of view of the Ministry of Manpower and Transmigration, the failing transmigration sites at Subah fitted well with the objective of KTM which was to revitalise existing sites by linking them to newly implanted townships in industrialised landscapes. For the Dayak Bekati', however, this meant that yet more of their traditional territory would be taken over in the name of national development.

Plans for KTM in Subah were officially announced in 2007 with the objectives of supporting national food security, providing adequate housing, enhancing national resilience, boosting alternative energy policies by encouraging the development of palm oil as a biofuel, providing investment in an undeveloped region and tackling unemployment and poverty. Like the national policy, KTM Subah has the dual goals of revitalising long-established Transmigration settlements that have suffered setbacks and integrating them with a viable local township through the provision of economic investment and social infrastructures.³⁴

To achieve these goals in Subah, the Government planned to promote agribusiness and agro-industry centres able to attract private investors to foster the economic activities of transmigrants and local people as well as to open up business and employment opportunities. In this way, it was planned, the scheme would increase the incomes and welfare of both transmigrants and the surrounding local people and enhance their welfare by meeting their basic needs for education facilities, healthcare, infrastructure, religious facilities, sports and other public services.

KTM Subah thus targets 15 villages, namely the administrative villages of Balai Gemuruh, Tebuah Elok, Madak, Mansade, Sei Deden, Sabung, Mukti Raharja, Bukit Mulya, Sempurna, Sei Sapak and Karaban all in Subah sub-district, as well as Sepantai village in Sejangkung sub-district; and Beringin, Mekar Jaya, Tengguli and Jirak villages in Sajad sub-district. An area of 300 ha in Sempuat and Ganeng hamlets in Balai Gemuruh village administrative was designated as the headquarters for the KTM administration. The whole scheme was integrated into the Land Use Plan (RTRW) for Sambas District, and was to be overseen by the *Bupati* as District head, implemented by the KTM Subah Development Agency and monitored by a Working Group in the District Government. An initial expenditure and activity plan was agreed for the initial 5 years with a generous budget.³⁵

The KTM plan for Subah was officially announced on 1st October 2007.³⁷ Socialization meetings were then held later the same month in Sondong hamlet and at Balai Gemuruh, after which on 23rd October 2007, the KTM programme was officially announced through a decree of the Sambas District Head.³⁸ The site of 300 hectares for the administrative centre was then surveyed and taken over from the Dayak Bekati' for the location of the proposed township. Thirteen families were officially compensated, for cultivated trees only, at a rate of IDR 15,000 per tree (about US\$1.6 at the then current exchange rate). Three farmers were compensated at a higher rate for the takeover of their impounded rice paddies. However, copies of these transactions were not provided to the community members who surrendered their lands. The fallow lands of 25 other families were taken without any compensation as they were not currently planted.

Land clearing commenced in 2007 and continued into 2008 when contractor PT Akmon Borneo cleared 176 hectares, installed the monument, and commenced construction of the administrative centre. On 27th May 2008, the site was officially inaugurated in a symbolic way by Minister of Manpower and Transmigration, Dr. Ir. Erman Suparno, M.Sc. MBA, attended by the Governor of West Kalimantan Dr. Cornelis MH, at the same time as they ceremonially opened another KTM site, Rasau Jaya in Kubu Raya, near the Provincial capital. In his official speech at this symbolic launching of KTM Subah, Dr. Cornelis noted that between them KTM Rasau Jaya and KTM Subah cover 184,000 ha, include 18 villages and 12 established transmigration sites with 6,398 households. He highlighted the lucrative potential of KTM Subah's 63,495 hectares of agricultural zones for the production of corn, pineapple, rubber and oil palm. Initial production of palm oil, he said, would be 315,200 tonnes per year of rising to 975,000 tonnes per year once the area had been properly developed. KTM Subah would also 'absorb' 42,400 workers and would require a total investment of IDR 840 billion (US\$ 90 million) including the establishment of CPO mills.³⁹ Over the following years, PT Akmon Borneo subcontracted CV Anom to construct the KTM township, roads, culverts and drainage. In February 2010, the site was officially visited by the Governor and members of the provincial legislature.

No	KEGIATAN	TAHUN ANGGARAN				
		2010	2011	2012	2013	2014
1.	Pengembangan peran serta masyarakat	22,94	24,22	26,67	29,34	31,65
2.	Penyediaan tanah transmigrasi	32,63	34,49	37,95	41,74	45,92
3.	Perencanaan pembangunan kawasan	18,89	19,97	21,97	24,17	26,58
4.	Pembangunan Permukiman	435,39	460,55	506,62	557,29	613,55
5.	Fasilitasi Perpindahan dan Penempatan	64,69	68,38	75,22	82,74	91,11
6.	Dukungan teknis dan manajemen	79,29	76,41	84,05	92,45	101,69
	Jumlah	646,86	684,07	752,48	827,73	910,51
		3,8 Trilyun				

Proposed budget allocation for KTM in West Kalimantan (2010-2014)³⁶



West Kalimantan Governor and parliament members visit Subah KTM February 2010⁴⁰

Despite these high profile beginnings, impetus for the development was not sustained. The administrative office and township site were never occupied and the whole site is now in a state of desolation.



The KTM Subah was designed as a thriving township but is now just a wasteland



KTM Road 2017



The KTM Subah township roads

Table 1: Known Oil Palm Concessions in Subah KTM

Company	Ownership	Permit Date (Ijin Lokasi)	Area (ha.)	Community concerns
PT MISP	Salim Group	1992/1993	10,000 ha ⁴²	Lack of FPIC, absent SEIA, no AMDAL, failed allocation of plasma land distribution, broken promises to return 642 ha, unmet legal obligations.
PT PLD	Gama	2005	2,065 ha ; 1,500 ha ⁴³ (IUP) ⁴⁴	Failed plasma benefits, lack of labour benefits, weak protection of rights, contested permits/IUP, HGU overlaps with housing and dwellings, government buildings, burial grounds, community lands;
PT MAS	Chora	2008	6,400 Ha ⁴⁵	Reduced working time, wage deductions, contested corporate legality, lack of FPIC, unfair plasma partnership
PT Agrowiratama	Musim Mas	2010	9,973 ha	Land disputes with local Dayak and also Melayu (most now resolved). ⁴⁶
PT Sarana Esa Cita	Musim Mas	2010	1,262.92 ha ⁴⁷	HGU overlaps Dayak Bekati' territory in Sabung Sanggau of Mukti Raharja; HCV areas imposed without consultation.
PT Rana Wastu Kencana	RWK Group	Unknown	6,042 ha	Concession overlaps territory of Dayak Bekati' of Sabung Sanggau, Mukti Raharja; no FPIC.
PT Multi Daya Fortuna	Unknown	Unknown	4,291 ha	Concession overlaps territory of Dayak Bekati' in Sabung Sanggau, Mukti Raharja; no FPIC.
PT Karya Sukses Utama Prima	Unknown	2009	2,583 ha, + 833 ha = 3,416 ha	Failed plasma benefits, delayed allocation of 30% plantation shares for Dayak Bekati' indigenous peoples in Mugum Hamlet, appropriated customary land without proper consultation, no FPIC, no AMDAL, no HGU.
PT Mulia Indah	Musim Mas	Unknown	5,630 Ha	Its concession overlaps with indigenous territory of Dayak Bekati' Subah in Sabung Sanggau, Mukti Raharja
PT PUNDI	Unknown	Unknown	197.10 ha ⁴⁸	Its concession overlaps with indigenous territory of Dayak Bekati' Subah in Sabung Sanggau, Mukti Raharja
PT Sambas Daya Sakti	Unknown	Unknown	4,849 ha + 774 ha + 417 ha = 6040 ha	Overlap with KTM Subah and majority of Dayak Bekati indigenous territory in Subah Sub-district.

The Table (above) summarises the information we have been able to glean about the various oil palm plantation permits handed out over Dayak Bekati' territories in the Subah KTM landscape. The communities have asked BPN to provide them with the details of all permits overlapping their lands, as is their right under the Disclosure of Information Act.⁴⁹ So far, BPN has only provided details of the concessions overlapping Sabung village⁵⁰, where no less than 24 separate HGU and 2 land use management agreements for new transmigration under Ministry of Manpower and Transmigration have been issued, all without consultation with the communities.

Impacts and community concerns

According to the testimony of the Chair of the local Dayak Council in Sambas, KTM transmigration has caused multiple problems for the Dayak Bekati', especially as a result of the take-over of their lands for settlements and plantations. These impacts include: denial or non-recognition of the traditional lands of the Dayak Bekati'; failure to conserve *tembawang* forests; land conflicts both with transmigrant settlers and palm oil companies; shortage of remaining farm land for basic subsistence; delays in the provision of promised smallholdings and; delays in land-titling smallholdings. He also notes that Transmigration has weakened local culture and traditions. Popular Javanese dancing such as *dangdut* have replaced local forms such as *Jonggan*.⁵¹

Subah officially became a separate sub-district within Sambas in 2001, recalls Pak Leo Muliono, chair of the Subah Dayak Council. He notes that Transmigration has not been without any benefits. In general, people welcome the resulting road-construction, electrification and job-creation but the costs to the Dayak Bekati' have been severe.

*'On the negative side, local communities become landless. Transmigrants are able to buy more land from native communities. The number of transmigrant family members is growing faster and they are beginning to outnumber indigenous Dayak Bekati' residents. In addition to the official transmigration participants, they invite their families and relatives from Java to join them. Currently migrants have already entered eight villages. Only three Dayak villages do not have settlers.'*⁵²

Because Transmigration was imposed as a mandatory government programme, the villages had to surrender their lands and village heads were obliged to sign letters agreeing to this, albeit they were really unwilling.

'Native residents were threatened if they did not surrender their land, they will get no road access and electricity network.'

Pak Leo notes that while sponsored transmigrants from Java were being provided houses, food rations, and other services, all in the name of national development, local Dayak Bekati' were not provided similar benefits but were expected to provide their own housing and find their own areas to farm. This has given rise to a sense that settlers' interests are being favoured over those of the indigenous people. Transmigrants even get preferential treatment in being allocated palm oil smallholdings, even though it is the Dayak Bekati' whose ancestral lands have been taken over by the estates.

Underlying this crisis for the Dayak Bekati' is the lack of official recognition of their rights to their customary lands. As Pak Leo explains:

*Native community lands are not titled, so we natives are in a weak position when outsiders come in to buy our lands cheaply, because there is no letter of ownership. Especially now, many people are selling their lands to the oil palm plantation companies and outsiders. My prediction is that the rich are getting richer, and the poor will become poorer. Why? One, their land is getting smaller and smaller due to transmigration. Second, the land is less and less due to company expansion. Third, the native residents are then selling their remaining lands to outsiders and plantation companies. Even those Dayak who have been provided smallholdings feel obliged to sell them, to pay school fees and meet other urgent cash needs.'*⁵³



Pak Leo Muliono is chair of the Subah Sub-district Dayak Council

Pak Leo notes that, now that many community members have become dependent on wage labour in the plantations, it is very difficult for community leaders to unite the villages to demand fairer treatment and the return of their lands. Those who stand up for their rights are threatened with being laid off from the company workforce. He says that the Dayak Bekati' are also culturally undermined. When their lands were taken for transmigration and oil palm plantations no attention was paid to their sacred sites and historical village areas (*tembawang*). Cultural traditions of shared labour, such as *belalek* and *pangari*, have been replaced by the cash nexus.

Right now we have a pathetic situation, laments Pak Leo. Many Dayak Bekati' people have ceased to perform customary rituals since transmigration came. Only a few villages are still exercising the customary rituals for farming, gardening, marriage and thanksgiving. Barape sawak, the thanksgiving celebration for rice is only done in the villages that still have bill rice or rice paddy. Most lack land for such farms.

The failure of the KTM township coupled with the takeover of their lands by the palm oil companies has led the Dayak Bekati' to review their situation. They now want to reclaim their lands from the failed KTM township site and they are demanding just compensations and full allocation of promised smallholdings, or else full restitution of their lands, from the palm oil companies.

Reclaiming lands from KTM

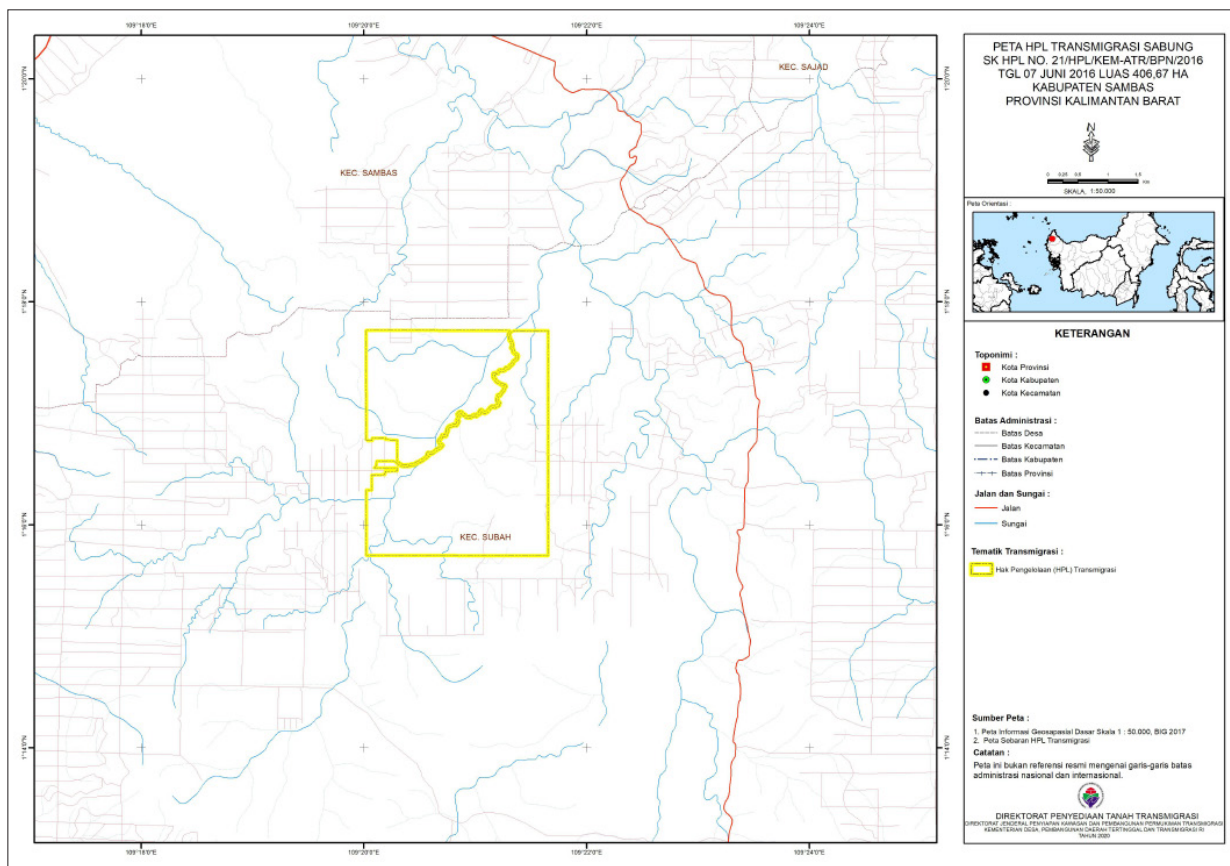
With respect to the KTM township site, they want the entire 300 hectares returned to their ownership and titled. They note that apart from never being properly compensated for their lands, they were never provided receipts or notices of payment, were never interviewed by environmental impact assessors nor provided with the legally-required environmental impact assessments. As they noted in one public meeting in 2018:

In negotiations with the KTM Subah township project for the land clearing, neither time nor sufficient scope was provided for community representatives to make decisions according to our customary system of decision-making... The community gets no benefit but has only suffered losses from the failed KTM Subah project, including land that was destroyed and social impacts. The community's rights to our land were expropriated for nothing. The promised benefits such as the promised township development and with all its associated modern facilities, hospitals, supermarkets, high schools, colleges and so on have failed... We feel aggrieved that our customary land was taken for the KTM Subah township but has now become barren and critically unproductive land. We have been evicted or displaced and lost our livelihoods for nothing, for a failed KTM project. Land is very important to us because it is the source of our daily livelihoods, with our sacred sites, graves, rivers and timbers... We are now demanding that our rights be remedied for the land that was taken for the KTM Subah township. We want [either] compensation for damages to the land or the return of all the uncompensated community customary lands... Everything must be compensated for, every single damage to cultural heritage sites, such as sacred places and traditional practices.⁵⁴

Land disputes with PT MISP

One of the oldest palm oil plantations on Dayak Bekati' lands is that established by PT Mitra Inti Sejati Plantations (PT MISP) near the hamlet of Sabung Sanggau in the Mukti Raharja administrative village. PT MISP is a local oil palm plantation company that was sold to the Salim Group in 2007 after it got into financial difficulties. The planned development was typical for that era, a *Perkebunan Inti Rakyat* (PIR) development or Nucleus Estates and Smallholder (NES) project, in which large private sector estates were developed through top-down land allocations from the government alongside scheme smallholdings linked to Transmigration.⁵⁵ The first that the community knew about the planned development was in June or July 1989, when a socialisation meeting was convened to explain the government's and company's plans. Village leaders met with the sub-district head, an army representative and a spokesperson for the company, who explained that alongside the core estate, they and the transmigrants would be provided 1,780 hectares of smallholdings in 2 hectare lots.

Land acquisition and land clearing then started in January 1990. Dayak Bekati' customary land owners were required to cede cleared farmlands in exchange for payments of IDR 30,000 (around US\$19 at then current rates) per hectare with additional compensation payable for fruit trees such as jackfruit, stinky fruit, rubber, durian and coffee at a rate of IDR 2,500 (about US\$1.60) per tree. Further rounds of socialisation and land acquisition then followed until the first oil palm planting started in 1993. In 1994, the first transmigration settlement was then also introduced in Sabung. Two years later in May 1996, the head of Sambas District issued a letter recommending the expansion of PT MISP.⁵⁶



Map 6: Transmigration map issued in 2016 in Sabung Sanggau, Mukti Raharja Village
Source: Kementerian Desa (November 2020)

By 1998, the Dayak Bekati' realised that 624 hectares of the promised smallholdings were not being allocated to them but had been subsumed into PT MISP's core estate. When they remonstrated about this, they were instead offered lands outside the village area but these overlapped lands that were not only in another community's area but had been allocated to another oil palm company, PT PUNDI. According to Pak Habakub Junit, former Sabung Sanggau hamlet head and a customary leader of the Dayak Bekati Subah indigenous people and a witness of the socialisation by PT MISP, the community are insisting that PT MISP should stick to the plan set out in the original socialisation that there would be no nucleus estate in Sabung Sanggau indigenous territory, now part of Mukti Raharja administrative village. This means all the land developed for oil palm plantation in Sabung Sanggau hamlet should only be allocated as smallholdings. However, without consulting or getting approval from the Dayak Bekati' landowners, PT MISP developed the 624 hectares as PT MISP's nucleus plantation.

The community also has other concerns. As early as 1998, they had also complained directly to PT MISP office about the destruction of *tembawang* agroforests, which eventually led to an additional IDR 1,000,000 (about US\$117) of compensation being paid to them in 1999.⁵⁷ PT MISP also belatedly responded to the community's demands for the promised smallholdings and, in 1999 and 2000, 596 hectares were allocated in 2 ha lots to community members. The land title deeds were however retained by the company as guarantees that the debts incurred in land preparation and planting were first recovered. This allocation was confirmed in an official company letter in 2003 which explained that overall PT MISP had allocated 1,280 hectares of smallholdings as 690 lots, each of approximately two hectares, in Sabung Village (175 lots), Madak Village (125 lots), Mukti Raharja Village (75 lots), Balai Gemuruh Village (140 lots), Sungai Sapak Village (85 lots), and Keraban Village (90 lots).⁵⁸

This left unaccounted for the 624 hectares which had been subsumed into PT MISP's core estate. Starting in 2011, an official correspondence was pursued between the village authorities of Sabung Sanggau hamlet of Mukti Raharja village and the sub-district head about the missing smallholdings. However, in November 2011, PT MISP instead applied for a definitive leasehold (*bak guna usaha* - HGU) over the disputed area. This was contested by the village authorities in April the following year. Although the District government issued a letter in favour of the community in May 2012, action was not taken to restore the smallholdings to the community, so the following year, 2013, the matter was taken up by the village authorities with the district police. The case rumbled on without resolution for the following 4 years. Despite repeated demands to the local authorities and the police and despite official statements requiring PT MISP to return the lands, the community never obtained its smallholdings.

Faced with this intransigence, the community took the matter into their own hands. In early 2017, they held public demonstrations voicing their dissatisfaction. They tried to blockade the road into the disputed area but in April 2017 the company ignored these protests and commenced harvesting fruits from the disputed area. This led to further protests and community members began harvesting fruits themselves. After the situation was reported to the police by the company, the police observed the fruits being harvested, made photographic and video recordings and then arrested several community members, impounded the vehicle being used to transport the fruits to a mill and accused them of theft. To gain their release and that of the vehicle, the community leaders were then required to sign a statement admitting they were at fault and promising to keep the peace. The case of the disputed 624 hectares remains unresolved.

Another community badly affected by PT MISP's operations is Kabile hamlet in Sungai Sapak administrative village and Argapura hamlet in Bukti Mulya administrative village. In these cases the company was given authorisation to expand its operations by the District Head in May 1996.⁵⁹ The operation was to include the area reserved for the Satai 1 b/f local transmigration site, part of the PIR-Trans programme.⁶⁰ According to the residents of Kabile hamlet, land acquisition then commenced in Kabile in 1997 without socialization let alone community agreement. Planting followed in 1998, again without community sanction through a customary ceremony.⁶¹ In mid-1999, community meetings were held to register concerns that many of the displaced villagers had not even received the compensation for planted crops, let alone for the takeover of their land. Only 17 households had been compensated at an average of IDR 900,000 (approx. US\$106) each, although no formal receipts or contracts had been shared.

Over the following years disputes between the community and PT MISP escalated. Community members complained about the lack of promised smallholdings, the extent of the debts incurred, and the fact that lands that had been taken for smallholdings had been incorporated into the core estate. Contradictory explanations were made that smallholdings had been allocated to the villagers but in a neighbouring settlement. Community representatives made representations to the police that their lands had been taken fraudulently. It emerged that some titles to lands within the core estate had been awarded to PT MISP employees, but that community members who had been awarded smallholdings and had paid off their debts by 2018, were denied land titles. These matters were taken up by village leaders with the office of the National Land Bureau (BPN) in Sambas in 2018. BPN was obliged to issue a letter to PT MISP stating that the disputed area was indeed not meant to be part of the core estate.⁶² Community members have thus demanded that the area illegally absorbed into the core estate be redistributed back to them as smallholdings and the land titles fraudulently held by PT MISP employees be transferred into their names. The matter remains unresolved.

Land disputes with PT PLD

In February 2005, a land survey was carried out by BPN in Ganeng hamlet of the administrative village of Balai Gemuruh. As no socialization was carried out, community members assumed that the survey was to establish village boundaries. However, in 2007, officials from PT Putra Lirik Domas (PT PLD) of the Gama Group, held a socialization meeting in the hamlet, explaining their plans to establish an oil palm plantation. Promising to provide jobs to the local people, PT PLD requested the hamlet to release 200 hectares of land for a core estate and later asked for a further 100 hectares. The community representatives agreed to release the lands in exchange for IDR 500,000 (approximately US\$ 54) per hectare. The community also demanded oil palm smallholdings and after some negotiations an agreement was reached that the company would provide four hectares of smallholdings for every ten hectares of lands released, as long as the smallholdings were to be outside the core estate, meaning the community would be required to release 500 hectares (300 hectares for the core estate and 200 hectares for smallholdings).

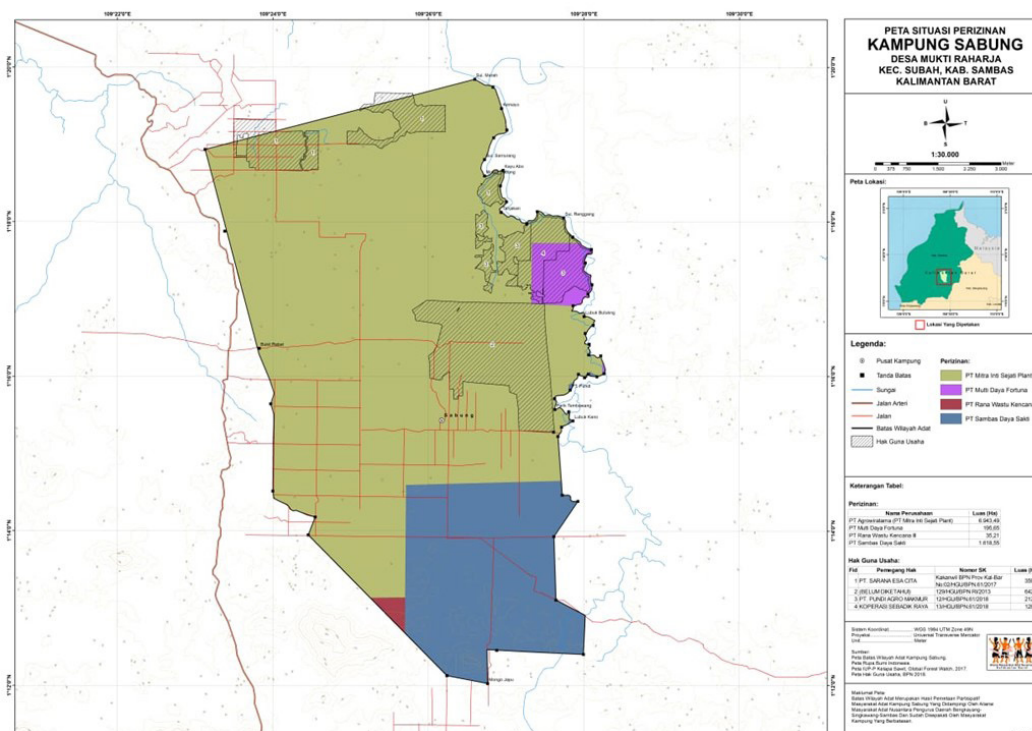
The Ganeng hamlet has had trouble holding the company to its promises. Few opportunities of employment were provided. Only 45 households were involved in the smallholder scheme and so far only 150 hectares of smallholdings have been provided. When community members requested their land titles from BPN it transpired that the smallholding area had been included in the PT PLD's HGU (*bak guna usaha* - long term business lease), making it impossible for land titles to be issued.

Meanwhile in the main village of Balai Gemuruh negotiations were also problematic. After an initial socialization, in 2006, the community refused the oil palm plantation and associated smallholder partnership scheme. However, it transpired that PT PLD had already been issued an interim plantation permit (IUP) on 4th April 2006 authorised by the Sambas District Government. Consequently at a second socialization meeting on 5th September 2007, the village leadership agreed to the planned oil palm scheme, although they now note, in retrospect, that only the benefits of the scheme were explained to them and none of the costs. A third socialization on 1st December 2007 led to an agreement on a 6:4 proportion of core

estate to smallholdings, the same as had been agreed for Ganeng. Two weeks later the first lands were released for the establishment of a nursery and installation of a water pump. IDR 14,000,000 (approx. US\$1,520) was paid for the takeover of the community's land. PT PLD then proceeded to acquire lands for the plantation itself, reportedly paying only IDR100,000 (approx. US\$11) per hectare. According to interviewees, a total of IDR 200,000,000 (approx. US\$2,180) was thus paid for a release of 200 hectares.

In July 2009, the community convened a meeting with PT PLD at which they protested the lack of development of promised smallholdings. A second meeting was then convened on 12th October 2009, with the participation of the local heads of the Forestry and Plantation Department, BPN, Environmental Impact Assessment office, Department of Law and Legislation, and the natural resources bureau as well as officials of the District Government, PT PLD and the village head. This led to an agreement to go ahead with the smallholder development and on 22nd December 2009 an agreement was reached that PT PLD would acquire a further 300 hectares of land for which it would pay IDR 150,000,000 (approx. US\$1,630).

Confusions later arose about which parcels of lands had actually been acquired by PT PLD. In May 2011, the company began clearing lands in Mejo hamlet outside the area of the company permit, a matter which was protested by the head of Mejo hamlet to PT PLD. The company did not desist, however, even after repeated representations and the matter was raised with the company by the head of Balai Gemuruh village. Faced with this intransigence community members decided to take matters into their own hands and sought to block the company from taking seedlings from the nursery to the new planting areas. This led to the hamlet head being reported to the police and he was named a suspect and then interrogated by the police. An attempt at mediation by the police between PT PLD and Mejo hamlet did not resolve the land dispute, which remains unresolved. Since then, it has transpired that PT PLD's HGU covers 2,008.63 hectares of Balai Gemuruh's land, twice the extent of the lands released. The community is now claiming the return of their lands and they plan to develop their community with other crops.



Map 7: Showing how the whole of Sabung Village's lands (polygon defined by GPS waypoints) is overlapped by concessions.

A pattern of dispossession

Reviewing their experiences with Transmigration, the KTM project and the oil palm plantations, the Dayak Bekati' perceive a pattern of dispossession. The failure of the Government to recognise their rights to their traditional territories or even to issue titles just for their farmlands has made them extremely vulnerable to this top-down, imposed development scheme. Their lands and forests have been handed over to other interests without their participation or consent. Land use plans have been developed and permits handed out by the central government and district authorities without the involvement of the local people. Environmental impact assessments have not been undertaken, or if carried out, have been developed without consulting them. The findings have not been shared. Proposed developments have been puffed with extravagant promises of wealth, jobs, smallholdings and services, while the costs to the Dayak Bekati' in terms of permanent loss of lands and forests, debts, environmental degradation and cultural erosion have never been mentioned.

On top of all this, the promised benefits have not materialised. Apart from the road connections and electrification, which the Dayak Bekati' have welcomed, most of the benefits which they expected in exchange for surrendering their lands have proven illusory. Jobs have been fewer and worse paid than they hoped. Promised smallholdings have been withheld, have been issued late and have come encumbered with previously unexplained debts. Company concessions have taken far more of their lands than they have been compensated for and what compensation has been paid has been nugatory with sums paid only for land clearance, crops and planted trees and not for the land itself.

The communities have not been passive in the face of these disappointments. As law-abiding and responsible citizens with a strong ethical sense derived from customs of fairplay and the moral order of their churches, the dignified Dayak Bekati' leaders have sought redress from the relevant authorities. They have asked for information about the permits issued over their lands but have been rebuffed. They have taken up their concerns with local government,

with officials in the line ministries, with the police and with the district Government. Most of their pleas for justice have been ignored. Even on the rare occasions that Government officials have upheld their complaints, the companies have mostly continued their abuses. Finally, when the exasperated communities have taken matters into their own hands, they have been arrested and criminalised by the police for trying to force the companies to fulfil their agreements.

In all this process, Transmigration has only served to intensify the top-down pressure on community lands and has exacerbated the impact on their culture. The 'clean and clear' policy has remained unimplemented. The KTM policy has only speeded up the allocation of Dayak Bekati' lands to the oil palm companies, but the promised township with its schools, hospital, shops and services has dissolved into nothing more than a tangle of weeds, collapsed buildings and mud.

The gap between the rights enjoyed by indigenous peoples in international law - and embedded in commodity certification standards like the Roundtable on Sustainable Palm Oil - and the actual situation of the Dayak Bekati' could hardly be starker. The fact that, despite this catalogue of problems, the Ministry of Manpower and Transmigration now plans to intensify Transmigration into Subah makes things even worse.

The tragic situation of the Dayak Bekati' is typical of forest peoples throughout Borneo.⁶³ As academic studies based on government-collected statistics show, oil palm development in Borneo has overall negative impacts on the well-being and poverty of communities, especially for those communities relatively isolated from markets. Even RSPO-certified operations are not benefitting forest peoples.⁶⁴ Until measures are in place to secure indigenous peoples' rights and allow them to retain control of their lands, top-down development schemes, like oil palm plantations and Transmigration, will inevitably do more harm than good.



Roads are collapsing back into mud and ruin

Community mobilisation

Since 2017, the Dayak Bekati' of Subah sub-district have been coordinating with a coalition of the leading social justice and environmental NGOs of West Kalimantan to deliberate on how best to address their situation. With support from the Forest Peoples Programme, Yayasan Masyarakat Kehutanan Lestari and Safir Associates, and with funding from the Climate and Land Use Alliance, Rainforest Fund and Norwegian International Climate and Forests Initiative, the Dayak Bekati' have worked intensively to assess the impacts of KTM Subah and the associated plantations. The key findings from these workshops and field investigations are set out above.

The main aim of the Dayak Bekati' leaders is now to address these problems by preventing further dispossession and getting remedy for past harms. Their strategy includes documentation of all the specific cases (only some of which are summarised here), direct engagement with the local government agencies and companies to resolve disputes and, where this is ineffective, use of all the various legal and non-judicial remedy procedures that are available to get redress.

The Dayak Bekati' recognise that for this to be effective, they also need to heal some of the divisions that have emerged in their society during the torments of the past years. Accordingly, they have rolled out reviews of their situation through a widening circle of community discussions, with targeted actions designed to ensure that the views and energies of Dayak Bekati' women and youth are brought into their planning. They have also reached out to include the Transmigrants themselves in their discussions and plans, as they recognise that they are also suffering severe problems. Sustaining such mobilisation poses a severe challenge for hard-pressed families and communities suffering impoverishment and land loss from imposed Transmigration and plantation schemes.



Ms. Katarina Badu, the elected chairwoman of Subah Dayak Bekati' indigenous women group

Dayak Bekati' women note a number of serious problems resulting from the KTM Subah transmigration project and associated plantations. These include land conflicts with concession holders (HGU), problems with smallholdings and unfair partnership schemes. The terms of employment by the local companies are considered sub-optimal, especially now that they lack land for their own farming and so depend on cash income to purchase food for themselves and their families. They complain that waterways that they depend on for drinking water and bathing are now polluted by palm oil spillages and mill effluent. Flooding has increased, even to the extent of preventing children being able to attend school, while droughts are now experienced in the dry season. Disaffected youths are increasingly dropping out of school. A newly established Subah Dayak Bekati' women's group has been formed to bring these matters to the attention of government and the companies. Ms. Katarina Badu, the newly elected chairperson, notes:

... my motivation, my mission is that I will solve our current problems here. I want to awake and work with all the oppressed Dayak indigenous women. That is my vision. I am hoping my fellow Dayak Bekati' women will work with me and give their sincere support with me. Support me. I am elected by them and I will work for and with them⁶⁵



Collecting testimony from community spokespersons

Community demands and recommendations

Dayak Bekati' are now in a process of negotiation with the local government, the line ministries and the companies. They are demanding a halt to further land grabs, and then either compensation for lands taken without consent or full restitution and restoration of stolen lands and territories. They demand that companies' promises to provide smallholdings be honoured. They also seek remedy for the wider harms to their territories and cultural heritage. To these ends, the various impacted communities are already undertaking dialogues with the companies.

They note that, in the case of the two communities of Senujuh and Sajingan Kecil impacted by Wilmar Plantations further west in Sambas, a precedent has already been set.⁶⁶ As a result of mediation undertaken by the Compliance Advisor Ombudsman of the International Finance Corporation of the World Bank Group and in conformity with RSPO standards between 2007 and 2011, these two communities did secure partial remedy for their losses. Concession boundaries were adjusted to avoid the company taking over further lands, some forests were restored, smallholding allocations were increased and compensation was paid for losses.⁶⁷

This study shows that more systemic reforms are also needed if oil palm development and Transmigration are to benefit, instead of harm, indigenous peoples.

- In conformity with Indonesia's obligations under international human rights laws and in line with the recommendation of UN Committee on the Elimination of Racial Discrimination, the bill on the rights of indigenous peoples should be adopted by the national parliament (Dewan Perwakilan Rakyat) after first being revised to conform with international norms.
- The Ministry of Manpower and Transmigration needs to revise its procedures for applying its 'Clean and Clear' policy, first to uphold indigenous peoples' rights to their lands and territories and to FPIC and then to retrain its field staff to actually apply this policy in coordination with other line ministries dealing with lands, forests and plantations.
- Until this is achieved, further KTM and Transmigration projects should be suspended nationwide.
- The National Land Bureau (BPN) must adopt and implement agile procedures to recognise and protect customary lands and territories.
- Alternative tenurial options must be provided whereby communities can accept oil palm plantings through leasing or renting their lands, without having to surrender their rights in perpetuity as is currently required for the issuance of HGU.
- BPN must provide communities full information about both proposed and existing permits that overlap their customary lands and territories.
- The local government in Subah sub-district, Sambas District and West Kalimantan province must respond to local grievances and complaints and take urgent steps to uphold communities' rights and interests.
- Local police must be retrained to maintain strict neutrality when maintaining law and order during land disputes. The criminalization of community whistle-blowers and human rights defenders at the behest of companies must cease.
- Companies must respect communities' rights to their customary lands, even if land titles have not yet been issued by BPN. They must respect the right of communities to give or withhold their free, prior and informed consent to any operations planned on customary lands and territories.
- Companies must provide promised smallholdings and these must be reallocated from core estates if there have been delays in plantings.
- RSPO members that invest in, operate, trade, or source palm oil from, plantations in Subah must act urgently to uphold RSPO standards and make remedy for the harms these operations have inflicted on the Dayak Bekati'.⁶⁸

Endnotes

- 1 Norman Jiwan is a Dayak Kerambai from West Kalimantan and human rights activist who co-founded the local chapter of the national indigenous rights alliance (AMAN) in Bengkayang, Sinkawan and Sambas. norman.jiwan@yahoo.com. Marcus Colchester is Senior Policy Advisor at the Forest Peoples Programme marcus@forestpeoples.org
- 2 This Briefing is based on three years' community support work by a coalition of West Kalimantan NGOs, supported by the Forest Peoples Programme and Yayasan Masyarakat Kehutanan Lestari (YMKL) with additional funds from the Climate and Land Use Alliance, NICFI and the Rainforest Fund. We would like to recognise in particular the efforts of the Dayak Bekati' themselves, notably Pak Leo Muliono, Djoni, Habakub Junit, Marisius Manurung, and Putra Baya, as well as Nikodemus Ale of WALHI KalBar, Laili Khainur of Gemawan, Hermawansyah of Swandiri Institute, Dominikus Uyub and Masiun of AMAN Kalbar, Fubertus Ipur of Elpagar, Niko Andasputra of LemBAH, Ros, Dunasta, and Glorio Sanen of PPMAN, Djayu Sukma and Emil Kleden of YMKL, and Asep Firdaus of Safir Associates. The authors alone are responsible for any errors of fact or interpretation.
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- 49 Law Number 14 Year 2008 on Disclosure of Public Information
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- 52 Interview by Norman Jiwan with Pak Leo Muliono in Subah, 12 December 2017
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- 61 Testimony of former head of the Kabile Hamlet (Mr. Matnor Sorong), Mr Kingkeng (former head of Kabile Hamlet), Mr ak Vitus Anwar (former head of Sungai Sapak Village), Mr. Kusnadi Payuk (customary chief of Bukit Mulya Village, also former foreman of PT. MISP), Mr Binseng of Kabile hamlet resident (former Secretary of Bukit Mulya Village), and Mr Suradin (former Secretary of Bukit Mulya).
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Forest Peoples Programme is a company limited by guarantee (England & Wales) reg. no. 3868836, reg. office as above.

UK-registered charity number 1082158. It is also registered as a non-profit Stichting in the Netherlands.



This work is supported by funding from Norway's International Climate and Forest Initiative