

WORKING PAPER 202

Analyzing multilevel governance in Indonesia

Lessons for REDD+ from the study of land-
use change in Central and West Kalimantan

Rodd Myers
Anna JP Sanders
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Rodd Myers
CIFOR

Anna JP Sanders
CIFOR, University of Melbourne

Anne M Larson
CIFOR

Rut Dini Prasti H
CIFOR, University of Melbourne

Ashwin Ravikumar
CIFOR

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CIFOR
Jl. CIFOR, Situ Gede
Bogor Barat 16115
Indonesia

T +62 (251) 8622-622
F +62 (251) 8622-100
E cifor@cgiar.org

cifor.org

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Abbreviations

AMAN	<i>Aliansi Masyarakat Adat Nusantara</i> (Indigenous Peoples Alliance of the Archipelago)
AMDAL	<i>Analisis mengenai dampak lingkungan</i> (environmental impact analysis)
APL	<i>Areal penggunaan lain</i> (other use area, non-forest land)
BAPPEDA	<i>Badan Perencanaan Pembangunan Daerah</i> (Regional Development Planning Board)
BAL	Basic Agrarian Law
BIG	<i>Badan Informasi Geospasial</i> (Geospatial Information Agency)
BLH	<i>Badan Lingkungan Hidup</i> (Environmental Agency)
BPDAS (PS)	<i>Balai Pengelolaan Daerah Aliran Sungai (dan Perhutanan Sosial)</i> (Watershed Management (and Social Forestry) Authority)
BPN	<i>Badan Pertanahan Nasional</i> (National Land Agency)
BPR	<i>Badan Pengelola REDD+</i> (National REDD+ Agency)
BPS	<i>Badan Pusat Statistik</i> (Central Bureau of Statistics)
BOS	Mawas Borneo Orangutan Survival Foundation's Mawas Conservation Program
ERC	Ecosystem restoration concession license (IUPHHK-RE)
FFI	Fauna and Flora International
FPIC	Free, prior, and informed consent
FPP	Forest Peoples Programme
GCF	Task Force Governors' Climate and Forest Task Force
HGU	<i>Hak guna usaha</i> (land-use permit)
HK	<i>Hutan konservasi</i> (conservation forest)
HKm	<i>Hutan kemasyarakatan</i> (community forest)
HL	<i>Hutan lindung</i> (protected forest)
HP	<i>Hutan produksi</i> (production forest)
HPK	<i>Hutan produksi yang dapat dikonversi</i> (production conversion forest)
IAFCP	Indonesia-Australia Forest Carbon Partnership
KFCP	Kalimantan Forests and Climate Partnership
KLHS	<i>Kajian lingkungan hidup strategis</i> (strategic environmental assessment)
KOMDA	<i>Komisi Daerah</i> (Provincial REDD+ Working Group in Central Kalimantan)
KPHL	<i>Kesatuan Pengelolaan Hutan Lindung</i> (Protected Forest Management Unit)
KPRCP	Katingan Peatland Restoration and Conservation Project
LBBT	<i>Lembaga Bela Banua Talino</i> (Bela Nanua Talino Association)
MoF	Ministry of Forestry (became part of the Ministry of Environment and Forestry in 2014)
MP3IE	Master Plan <i>Perluasan Pembangunan Ekonomi</i> Indonesia (Master Plan for Acceleration and Expansion of Indonesia's Economic Development)
MRP	Mega Rice Project
PTGLD	<i>Pola tata guna lahan desa</i> (village land-use planning)
REDD+	Reducing Emissions from Deforestation and Forest Degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries

RSPO	Roundtable on Sustainable Palm Oil
RTRWK	<i>Rencana tata ruang wilayah kabupaten</i> (district spatial plan)
RTRWP	<i>Rencana tata ruang wilayah propinsi</i> (provincial spatial plan)
SATGAS	<i>Satuan Tugas Persiapan Pembentukan Kelembagaan REDD+</i> (National REDD+ Working Group)
SEKBER	<i>Sekretariat Bersama</i> (Joint Secretariat)
SHM	<i>Surat hak milik</i> (land ownership certification – registered with the BPN)
SKTA	<i>Surat keterangan tanah-adat</i> (customary land certification – Central Kalimantan)
SRAP	<i>Strategi dan Rencana Aksi REDD+</i> (REDD+ Strategy and Action Plan – West Kalimantan)
STRADA	<i>Strategi Daerah</i> (Provincial REDD+ Strategy – Central Kalimantan)
TN	<i>Taman nasional</i> (national park)
TNBBBR	<i>Taman Nasional Bukit Baka Bukit Raya</i> (Bukit Baka Bukit Raya National Park)
TTKP	<i>Tim Teknis Kerjasama Program</i> (Technical Partnership Program Team)
UNORCID	United Nations Office for REDD+ Coordination in Indonesia
YPSBK	<i>Yayasan Pembangunan Sosial Bumi Katulistiwa</i> (Social Development of the Equatorial World Association)

Glossary of Indonesian terms

<i>Adat</i>	Customary
<i>Kabupaten</i>	District (regency)
<i>Kecamatan</i>	Sub-district
<i>Inti</i>	Nucleus (refers to the company in a private-community agricultural system)
<i>Plasma</i>	Plasma (refers to the community in a private-community agricultural system)

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Executive summary

In the past decade, there has been increased global attention on greenhouse gas emissions from land-use change and on forests as key components of climate change mitigation strategies. International strategies to reduce deforestation and forest degradation like REDD+ (Reducing emissions from deforestation and forest degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries) have emerged with the aim of transforming the way land-use decisions are made and incentivizing low-emissions development options. How these new global initiatives alter or are mediated by existing institutions at multiple levels, and especially how they interact with the *politics* of land use, remains poorly understood. The purpose of this study was to characterize these multilevel governance institutions and explore how they mediate decision making around land use and interact with new low-emissions development initiatives like REDD+.

This report presents the analysis of a nested, comparative case study of two provinces of Indonesia – Central Kalimantan and West Kalimantan. The study involved 149 interviews with actors from the national, provincial, district, sub-district, and village levels of government, as well as customary local organizations, NGOs, and private firms associated with 10 distinct land-use change cases. These 10 cases included initiatives aimed at conserving forests, promoting sustainable forest management and reducing emissions from deforestation, as well as initiatives associated with deforestation. The analysis aims to answer several sets of questions about REDD+.

In Section 4 we ask who really makes decisions and how those decisions are made. How do actors from multiple levels and sectors interact in a decentralized regime to make decisions? Who is driving deforestation and forest degradation, and who is driving low-emissions development options?

Since the fall of Suharto, policies alternatively favoring decentralization and recentralization have led to tensions between different levels of government across land-use sectors. Some of these tensions are based on confusion over legal jurisdiction, but they are also probably related to struggles for autonomy and competition over control of decision-making power. Both the central government and districts are seen as the most important players in land-use decision making, with both being blamed for deforestation. Although policy solutions have emphasized higher level oversight of the districts and coordinated land-use planning, it is not clear that these will be effective solutions if land-use decisions are fueled by economic incentives and the national drive to meet development targets. At the same time, differences among the actors involved, such as an exceptional oil palm company and a district head that supports conservation, suggest that the characteristics or choices of individual leaders matter.

In Section 5 we specifically focus on REDD+, asking how actors at different levels have contributed to the its governance in Indonesia and how it has altered land-use governance.

We found that REDD+ policy formulation at the national and provincial levels has been complicated by the dizzying number of agencies involved in the process at multiple levels. Central Kalimantan has done more to advance REDD+ strategy at the provincial level, while West Kalimantan has focused almost all efforts in one district: Kapuas Hulu. Meanwhile, provincial, district and sub-district officials, as well as local NGOs, expressed frustration with their limited involvement in REDD+ discussions and lack of influence over REDD+ development, especially in Central Kalimantan. Overall, we found little evidence that REDD+ is changing the land-use priorities of district governments, while the district heads themselves did not see meaningful REDD+ revenues as likely in the longer term, with many being skeptical or confused about the implications of REDD+ for their development priorities.

In Section 6, we ask what factors led to greater perceptions of process and outcome legitimacy in land-use initiatives, especially from the perspective of local people.

We begin with a discussion of the types of benefits and burdens associated with land-use initiatives, finding that non-monetary benefits such as capacity building, infrastructure and access to natural resources have been especially important in most initiatives aimed at reducing deforestation. However, local communities also incur costs and they did not always believe the benefits were adequate compensation for the burdens. In all the sites, including oil palm ones, land tenure is either at or close to the core of benefit-sharing arrangements and the status of customary claims has been especially important in Indonesia.

Several factors are associated with initiatives having greater legitimacy: more complete free, prior, and informed consent was associated with greater process legitimacy; the decisions of particular implementing actors strongly influenced processes and process legitimacy was strengthened by strong consultations, although hindered by past experiences and distrust; legitimacy was strengthened by effective communication among multiple government and non-government stakeholders; participation resulted in more legitimate processes and outcomes when consultation went beyond a limited number of ‘representatives’; and a clear alignment of expectations with the outcomes in practice was critical for legitimacy. In the cases examined, gendered approaches were generally weak or missing.

The relatively positive findings from cases that included broad consultation, participation and communication, including the effective management of expectations, such as through written agreements, provide lessons for REDD+. In order to avoid elite capture and conflict, it is important that consent and ‘participation’ go beyond checking boxes or obtaining the cooperation of a few leaders. Legitimate processes support legitimate outcomes. The strongest initiatives in terms of legitimacy were those embedded in the communities themselves, including not only the two that grew out of villagers’ initiatives, but also an oil palm initiative that treated villagers as respected partners.

In summary:

- Complex horizontal and vertical relationships require greater appreciation, and improved communication and understanding could lead to more integrated, equitable and sustainable land-use decisions.
- Solutions such as altering functions and oversight (such as those of district heads) and improving land-use planning are unlikely to be effective without addressing the underlying drivers of deforestation in Indonesia, which are tied to broad economic goals.
- At the community level, legitimacy was strengthened by effective communication, broad-based participation and effective representation, as well as a clear definition of roles and expectations. However, community perceptions were strongly affected by distrust generated by past experiences.
- Attention to long-term effects on land tenure security and ongoing debates around customary land claims merit the attention of policy-makers, researchers and activists.
- At all subnational levels, engagement with and ‘ownership’ of the initiative is key to legitimacy and to finding embedded and sustainable solutions.
- Leadership matters and individuals throughout the multilevel network matter in terms of the making and implementation of innovative decisions that challenge existing norms.

1 Introduction

How are land-use decisions made? The answer to this question is found in the embedded relations among a variety of actors with diverging interests, perceptions and notions about the costs and benefits of forests and land-use change. A multi-level governance perspective includes an enquiry into “processes and structures of public policy, decision-making and management that engage people constructively across the boundaries of public agencies, levels of government, and/or the public, private and civic spheres in order to carry out a public purpose” (Emerson et al. 2012). This conceptualization of multilevel governance builds on theory from earlier work (see Marks 1993) to include not only government, but also non-government actors. Both Marks and Emerson et al. describe multilevel governance as a process of negotiating powers, suggesting that it is about the ever-changing dynamics among actors to influence governance processes.

In the past decade, there has been increased global attention on greenhouse gas emissions from land-use change and on forests as key components of climate change mitigation strategies. International strategies to reduce deforestation and forest degradation like REDD+ (Reducing emissions from deforestation and forest degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries) have emerged with the aim of transforming land-use decisions and incentivizing low-emissions options. How these new global initiatives alter or are mediated by existing institutions at multiple levels, and especially how they interact with the *politics* of land use, remain poorly understood. The purpose of this study was to characterize these multilevel governance institutions and explore how they mediate decision making around land use and interact with new low-emissions development initiatives like REDD+.

This work is situated at the intersection of literature on multilevel governance, polycentric governance, decentralization and land rights. A broad consensus has emerged from these bodies of scholarship that statutory decentralization in itself is not a panacea for ‘good’ governance, that in reality multiple centers of decision making interact to produce the diverse outcomes we see across political contexts, and that these systems have implications for land rights and land-use change. We aim to explore these topics in the new context of global engagement around REDD+ and low-emissions development, ongoing decentralization, and growing demand for commodities like oil palm. How do existing legal and *de facto* governance arrangements in Indonesia affect land-use change in this new context? How are the institutions of governance in Indonesia affected by emerging global priorities and discourses? We argue that understanding these issues is critical for policy makers looking to engage with the realities of governance on the ground in Indonesia. For a more complete treatment of the literature on multilevel governance that informed the conceptualization and design of this research, see Saito-Jensen et al. 2015.

Our study is based primarily on research conducted in late 2013 and 2014 on multilevel governance in Central and West Kalimantan, Indonesia. It is part of CIFOR’s Global Comparative Study on REDD+, positioned between research that focuses on actors, policies, and institutions relevant to REDD+ at the national level and research on the village- and household-level impacts of REDD+ subnational initiatives. We focus on the multilevel governance structures and processes in between and connecting to these levels in order to understand how decisions are made by actors across levels and sectors regarding land use, carbon and benefit sharing in a particular landscape. We question how power is distributed; how information flows; the extent to which decision processes are participatory; whether processes and outcomes are legitimate; and why and how change occurs. We examine perspectives on REDD+ and other low-carbon emission land-use options by looking at the features of multilevel governance arrangements (institutions and policies) that are relevant for land-use decisions and to what extent they support the effective and equitable adoption of such options.

The term ‘multilevel governance’ is often used normatively with the assumption that it is good in and of itself. Our analysis does not assume that governance is good if it is multilevel, but it does assume that virtually all land-use governance is by nature multilevel. For example, perhaps with the exception of the most highly authoritarian regimes, even when a decision about a land-use change is made by a centralized authority, the implementation of that decision will likely involve a series of actors at multiple levels, culminating in the faraway action of the actors charged with the direct impact on the ground. In most cases, those involved along the implementation chain are likely to influence outcomes, even when they do not have formal, substantial decision-making authority. Our analysis of multilevel governance does not propose an ideal *model* for the distribution of power but we do accept certain governance principles, such as transparency and accountability, with regard to the *nature* of the relationships between and among levels. We use this exploratory work to examine how power and politics shape land-use decisions in systems that involve relationships among many different types of actors. This report is part of a comparative study that includes similar research in Peru, Tanzania, Vietnam and Mexico.

Although the focus of this research is Central and West Kalimantan, some sections of the report address broader, national issues, such as Indonesia’s decentralization process and how customary land claims are made. However, it is important to acknowledge Indonesia’s diversity. Multilevel governance in Indonesia has no singular meaning. Indonesia is a diverse country, spanning 900 populated islands and 34 provinces, special regions, and special city districts. Special regions such as Aceh, Papua, West Papua and Yogyakarta have different governance structures and decision-making institutions altogether. Important multilevel governance issues in Indonesia include decentralization (and recentralization) processes, ongoing since the fall of the Suharto government in 1998, and the roles and relative influence of non-state actors – corporations, NGOs, civil society and local communities – in land-use decision making.

Within each province, we selected districts and sites of land-use change that reflect broader regional dynamics, although no small subset of districts or sites can represent Indonesia in its entirety. So while it is not possible to generalize all findings to the country as a whole, the case study approach can be used to inform REDD+ policy and future land-use decisions within Indonesia and beyond.

Additionally, readers should be aware that since this research was conducted (late 2013–early 2014), new laws have been passed, new government agencies have been created and old ones eliminated, and realities on the ground have of course shifted. In particular, the Ministry of Forestry and the Ministry of Environment have merged into the Ministry of Environment and Forestry. Thus, we frequently refer to the old ministries separately in this report, as they were important agencies at the time. We generally refer to events reported during field interviews that happened in the past and to processes that have concluded using the past tense, but we use the present tense where respondents described processes or reported events that were ongoing and likely to extend up to or beyond the publication of this report.

In terms of the organization of our report, Section 2 provides a summary of the methods and case study site selection and Section 3 introduces the primary drivers of land-use change in Central and West Kalimantan. In Section 4, we analyze the distribution of power and influence over forests in law and in practice based on the research. Section 5 examines progress and perspectives on REDD+ in the two provinces, as well as obstacles and opportunities, drawn from an analysis of the three REDD+ initiatives studied. Section 6 uses the 10 case studies to analyze multilevel processes and outcomes for communities, including benefits, burdens and land rights and the legitimacy of processes and outcomes. The final section offers a short synthesis and conclusions, while Appendix 1 provides a summary of each of the case studies.

2 Methods¹

In order to capture a diversity of multilevel governance arrangements, this research employed a nested comparative case study approach. Two regions were selected per country, with approximately five case study sites per region. Globally, the research included 54 case study sites from 11 regions² in 5 countries.

In Indonesia two provinces – Central and West Kalimantan – were selected, based on the following criteria:

1. Both had a relatively large number of REDD+ project sites.
2. Both had at least one site included in CIFOR's study of subnational REDD+ initiatives.
3. The two provinces presented important governance contrasts, including both national governance rankings (UNDP 2013)³ and REDD+ implementation. Central Kalimantan was the pilot province for REDD+ and hence received significant attention from international agencies and project implementers, while West Kalimantan had much less international attention.
4. Both provinces had similar levels of economic dependency on natural resource extraction.

Because the research included an important REDD+ component, we used the terminology of 'increasing' and 'decreasing' carbon emissions sites to group case study site selection. In the study of multilevel governance, however, our goal was to include a broad spectrum of both sites with significant land-use change, such as deforestation, and initiatives aimed at slowing or stopping such land-use changes. Actual, measured emissions were not therefore relevant to this component of the research. Hence these terms should be considered only as shorthand for site selection and not indicative of actual emissions or of the goal of associated actors. Within each province, case selection criteria included:

1. Significant land use or land-use management changes within the last 20 years.
2. At least two with activities associated with deforestation and degradation drivers (likely increasing carbon emissions) and two with attempts/ intentions to stop or slow deforestation and degradation (potentially decreasing carbon emissions).
3. At least one REDD+ demonstration site (preferably two).
4. At least one non-REDD+ site aimed at activities that would decrease emissions.
5. At least one site that overlapped with the CIFOR subnational REDD+ study.

We made efforts to represent multiple districts among our sites, but also included multiple sites per district. This allowed for comparisons at site, district and province levels considering different land-use changes and also allowed more than one district to be included in each province.

The sites formed the starting point for understanding the multilevel governance assemblages (see Rose 2009) that comprise the study. Semi-structured key informant interviews with government and non-government actors were instrumental in site selection in terms of identifying significant drivers of deforestation and degradation, important initiatives aimed at stopping land-use change and actors involved in both. Final selection from the draft of potential sites was also influenced by the availability of key local contacts to facilitate access.

1 Further information about the methods employed in this study can be found in Ravikumar et al. 2015a.

2 Three regions were studied in Peru.

3 Central Kalimantan scored better on forest organization than West Kalimantan, but West Kalimantan ranked higher on forest and spatial planning (UNDP 2013).

Table 1. Summary of cases by selection criteria.

Criteria	Central Kalimantan	West Kalimantan
Aimed at activities likely to lead to lower emissions (not REDD+)	1	2
Aimed at activities likely to lead to lower emissions (REDD+)	2	1
Associated with deforestation and forest degradation ('increasing emissions sites')	2	2

The final selection resulted in the distribution of sites shown in Table 1. In each region, three were 'low-emissions' development initiatives, including REDD+ projects, village and community forests, and protected areas. Two were initiatives associated with deforestation and forest degradation, all of which were oil palm plantations in Indonesia because oil palm was widely considered to be the most important driver of deforestation. The selection of multiple oil palm sites also allowed us to capture diverse political dynamics within the same sector.

We collected data in Central Kalimantan in October 2013 to April 2014 and November and December 2014. In West Kalimantan, we collected data between October 2013 and April 2014. We used interview instruments that were developed for use across the study countries (CIFOR 2015), including key informant, land-use history and benefit-sharing interviews. The researchers combined and adapted the interview guides as appropriate in order to conduct open-ended, semi-structured interviews with multiple actors. Overall, the interviews were aimed at understanding the actors involved in land-use decision making, the relationships among actors, the processes leading up to land-use changes, agreements to distribute benefits (particularly but not only from REDD+ projects) and the results of land-use decisions. The research team also interviewed key informants from district-level governments for both increasing and decreasing sites to capture their involvement in decision making on land use, coordination with other government levels and knowledge of REDD+ and other such initiatives. Table 2 provides a summary of the number of interviews of each type conducted by province in Indonesia.

Table 2. Summary of interviews for each province.

Instrument	Central Kalimantan	West Kalimantan
Key informant interview	50 ^a	14
Land-use history interview	20	37
Benefit-sharing interview	16	12
TOTAL	86	63

a In many instances, key informants were also knowledgeable on the specific cases, hence the interviews were usually combined.

We then used NVivo qualitative data analysis software to enter interview notes and some full interview transcripts into a single database, where they were subsequently coded using a heuristic node tree based on an initial literature review. The coding process was highly iterative, as updates were exchanged among coders so that the coding tree changes could be data-driven, especially in the early days of coding. Coding was specified within a coding guide and spot verified by a single coder, who coordinates the global study. Queries were then conducted in order to assist in finding patterns for data analysis (see Ravikumar et al. 2015c).

The analysis presented below is largely based on interview data from the 10 case studies. All of the cases are summarized in Appendix 1 and Table 3 provides an overview. The cases will be referred to throughout this document. Additional contributions to the analysis were provided by a commissioned study on decentralization in Indonesia⁴ and by a legal review of the distribution of powers and responsibilities over forests and key land-use decisions affecting forests (Ardiansyah et al. 2015).

4 Drafted by Moira Moeliono

Table 3. Summary of cases.

Case No.	Central Kalimantan					West Kalimantan				
	1	2	3	4	5	1	2	3	4	5
Case Name	KFCP	KPRCP	BOS Mawas	PT CKI*	PT GAL	TNBBBR	Laman Satong	Bokal Kumuo	Landau Leban	PT CUS/PT JV
District(s)	Kapuas	Katingan	Kapuas and Barito Selatan	1 district	Kapuas and Barito Selatan	Melawi	Ketapang	Sanggau	Melawi	Ketapang / Kayong Utara
Sub-district(s)	Matangai Timpah	Kamipang Mendawai	Timpah	Anonymous	Lamunti	Menukung	Matan Hilir Utara	Kembayan	Menukung	Simpang Hilir
Area (ha)	120,000	108,255 (from an application of 227,260)	309,861	~15,000	29,850	Total Park: 236,610 Adat claim: 14,259 in Bellaban Ella	1,070	700	Total concession (HGU): 22,697	30,809
Site type (assumed C emission trend)	Decreasing	Decreasing	Decreasing	Increasing	Increasing	Decreasing	Decreasing	Decreasing	Increasing	Increasing
Timeframe	2009–2014	2013–present	2002–present	2011–present	2005–present	1982–present	2010–present	2009–present	2009–present	2009–present
Main proponent	Bilateral–Indonesian and Australian governments	Private companies–domestic	National NGO –provincially administered program office	Private companies–domestic	Private companies–international	National government	International NGO and community	Local NGO and community	Private companies–domestic	Private companies–domestic
Source of funds	Public	Private	Donations	Private	Private	Public funds, international donations	International donations	International donations, public funds	Private	Private
Initiative type	Demonstration project (REDD+)	Ecosystem Restoration Concession (REDD+)	Habitat conservation for orangutans	Oil palm	Oil palm	National park	Village forest (REDD+)	Community forest	Oil palm	Timber/oil palm
REDD+ design	Yes	Yes	No	No	No	No	Yes	No	No	No
Characterization of benefit sharing with villages	Strong (formal)	Medium (not yet developed)	Mild (informal)	Weak (not yet developed)	Very weak	Very weak	Mild	Mild	Weak	Very strong
Degree of articulation among actors	Medium	Mild	Mild	Weak	Very weak	Very weak	Strong	Mild	Weak	Very strong
Land-use designation	Protected forest (HL) and conservation forest (HK)	Production forest (HP)	Protected forest (HL) and conservation forest (HK)	Non-forestland (APL)	Non-forestland (APL)	National park (TN)	Conversion forest (HPK)	Production forest (HP)	Non-forestland (APL)	Non-forestland (APL)

* This company requested anonymity as a condition for granting permission to interview staff and conduct site visits.

3 Land use and land-use change in Central and West Kalimantan

The major land-use change included in this research is conversion to oil palm plantations, with some reference to prior logging in one site. Other significant land uses resulting in deforestation and land degradation in Central and West Kalimantan include mining, agricultural expansion and urban growth, which are also discussed in this section briefly.

According to Gaveau et al. (2014), almost 31% of Kalimantan forests were lost between 1973 and 2010. Another study showed that 8% of forests in Kalimantan were lost between 2000 and 2012 alone, the highest deforestation rate in Indonesia behind Sumatra (Margono et al. 2014). As reliable data on deforestation and degradation by administrative unit are difficult to find, we do not make direct comparisons between the provinces in terms of deforestation.

Twenty years ago, commercial logging concessions were an important driver of forest degradation, which facilitated later deforestation. However, other drivers such as plantation crop expansion, fire and agriculture are more important now (Indrarto et al. 2012). For example, oil palm expansion has been the fastest growing land-use change in Indonesia (Indrarto et al. 2012). Mining is another major driver of deforestation in the region, albeit to a much lesser degree than oil palm in terms of the area involved. Informal gold mining leads to deforestation along with pollution from tailings, but the real impact is difficult to measure. We note that land uses are highly geographically specific and therefore different districts, and even areas within districts, have different primary drivers of land-use change. Table 4 shows some of the basic points of overall comparison between Central and West Kalimantan.

Table 4. Comparison of Central and West Kalimantan by key land-use features.

Feature	Central Kalimantan	West Kalimantan
Size (million ha)	15.41	14.68
National forest estate (million ha)	9.18	9.18
Forest from satellite imagery (million ha) 2010	7.75	6.62
Plantation area (all) (million ha)	3.4	1.8
Main drivers of deforestation	Oil palm plantations, logging, mining	Oil palm plantations, logging, mining
National park area (million ha)	1.094	1.092
GDP 2013 (%)		
- Agriculture (including plantations and forestry)	31.8	23.1
- Industry	7.6	16.3
- Services	15.6	11.5
- Trade, hotel and restaurant	24.4	23.0
- Mining	11.3	2.0
- Construction	6.1	11.5
- Other	3.2	12.7

Sources: (BPS 2013b; BPS 2013c; BPS 2014b; BPS 2014c; GCF Task Force 2013a; GCF Task Force 2013b; Kementerian Kehutanan 2012;Kementerian Kehutanan 2013; Pemerintah Provinsi Kalimantan Barat 2013; Sekala 2013; Mieknen et al. 2012). We acknowledge different sources of data showing different statistics and use comparable sources as much as possible.

Reliable and comparable carbon stock data are difficult to find among provinces. Assessments vary widely depending on the source. In Figure 1, below, we use data from the Governors' Climate and Forest (GCF) Task Force, which has information for both provinces. West Kalimantan reports higher carbon inventories in primary forests (41% of total carbon inventory), while Central Kalimantan has almost half of its carbon inventory in secondary growth forest. Also, Central Kalimantan has over 66% of its carbon in dry forests (i.e. not mangrove or swamp) compared to 77% in West Kalimantan. In both cases, oil palm plantations feature prominently in the landscape, but comprise less than 1% of the total carbon stock. Carbon stock per hectare is higher in Central Kalimantan at 105 tC/ha compared to 73 tC/ha in West Kalimantan.

Central Kalimantan contains approximately 3 million ha of peatlands, equivalent to 23% of all the peat in Indonesia, approximately half of which are forested (Sekala 2013). Non-forested peatlands are at risk of fire and release of carbon, depending on the peat depth, due to degradation and oxidization from loss of vegetation and the construction of drainage canals that enable access for logging, as well as the conversion of peatlands for plantations or agriculture. Most of the peatlands are located in the southern region, including the area of the Mega Rice Project (MRP), and the districts of Kapuas, Pulang Pisau and Katingan account for more than half of the total peatlands and approximately 84% of very deep peat (> 4m) in Central Kalimantan (Sekala 2013). In West Kalimantan, 1.7 million ha of peatlands are concentrated in Kapuas Hulu and Ketapang (Hardiansyah et al. 2014).

The government of Indonesia has set two conflicting targets for traditional development and climate change mitigation. On the one hand, the country is committed to a 7% annual economic growth target (see GGGI 2014), while on the other, former president Susilo Bambang Yudhoyono committed to a greenhouse emission reduction target of 26% by 2020 (see Decree 62/2013), or 41% with international support. District and provincial governments are expected to develop regional land-use plans (RTRWs) and REDD+ strategies (SRAP/STRADA) with these targets in mind.

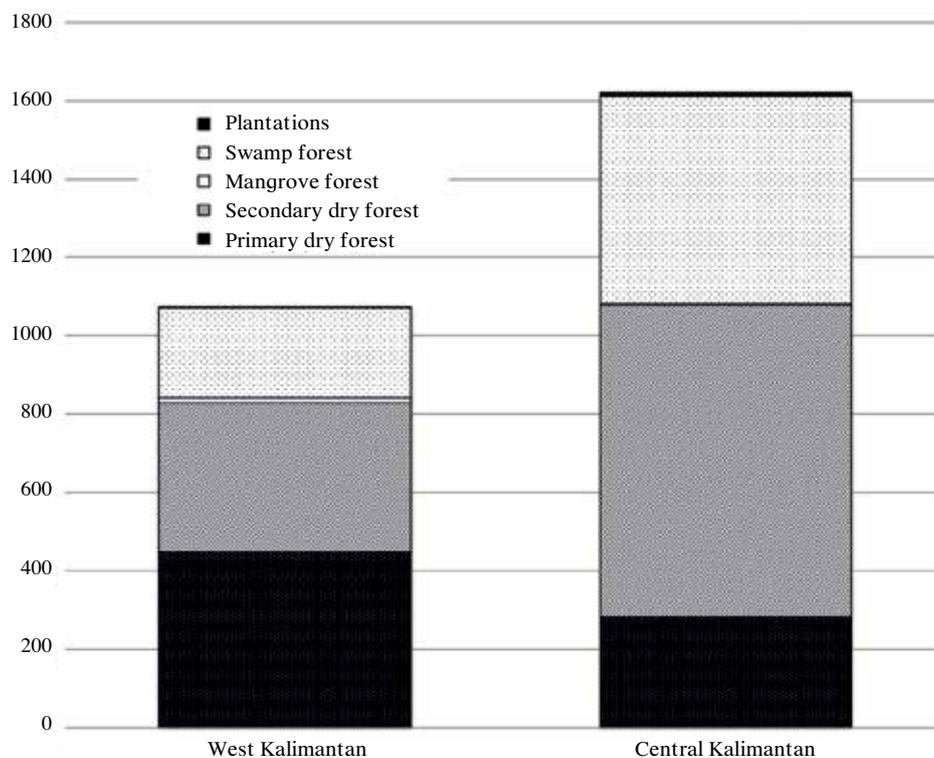


Figure 1. Carbon stock in Central and West Kalimantan by vegetation type (million tC).

Sources: GCF Task Force 2013a; GCF Task Force 2013b

3.1 Logging

Deforestation rates near the end of Suharto's New Order regime were very high throughout Kalimantan (Hamilton 1997). Only small-scale logging concessions could be administered locally, while commercial logging was controlled by the central government (Casson and Obidzinski 2002). After the fall of Suharto in 1998, Indonesia's decentralization process empowered the districts to make decisions on logging concessions, which resulted in more concessions in the country and, equally important, a rise in illegal logging (Casson and Obidzinski 2002; Soetarto et al. 2001). Central and West Kalimantan are covered by 5.1 million ha (Sekala 2013) and 2.5 million ha (Kementrian Kehutanan 2013), respectively, of active logging concessions in production forests, although logging in West Kalimantan has much higher yields, which could be related to ease of access, extraction techniques, terrain, or the type of timber and forest. Legal and illegal logging have taken a toll on the forests right across the island of Kalimantan, including Indonesia, Malaysia and Brunei (Obidzinski et al. 2006).

3.2 Mining

Mining began in West Kalimantan as early as the 18th century (Taylor 2003). At that time, it was primarily for gold, starting in Sambas and expanding through successive colonial administrations to East Kalimantan, especially along the Kapuas River (de Keyser and Noya-Sinay 1992; Ward and Ward 1974). By the mid-1850s, copper, diamonds, iron and coal had been found (de Keyser and Noya-Sinay 1992; Ward and Ward 1974). Current operations are focused not only on gold, which is mined both formally and informally (without permits), but also on coal and bauxite. As Charras (2006) notes: "Mining is often associated with violence in [West and Central] Kalimantan, particularly with gold. Depending on the type of mining, it is also related to environmental degradation through the clearing of the forest, digging, or pollution of land and rivers. The consequences of exploitation are the same both on large or small concessions."

The island of Kalimantan has 9.3% of Indonesia's oil reserves and 49.6% of its coal reserves, 72% of the coal being located in East Kalimantan (MP3EI 2011). In Central Kalimantan, coal reserves are located near the East Kalimantan border. Respondents from district governments, NGOs and communities perceived mining (mostly bauxite) to be a driver of deforestation in West Kalimantan. In Central Kalimantan, only a few respondents from NGOs and research organizations cited mining as an important driver, although most expressed concern about its potential future impacts due to the number of mining permits issued and other developments including the construction of a north-south railway for coal transportation. Our research did not include any mining cases, but in Central Kalimantan several sites were in close proximity to small-scale gold mining activities.

3.3 Agriculture and plantations

Few respondents that we interviewed cited agriculture as a major driver of deforestation or degradation, but it has been a concern in the past. In Central Kalimantan, the failed Mega Rice Project of the 1990s was responsible for large-scale deforestation and degradation for the purpose of rice production. Rice is currently the main agricultural product in West Kalimantan, accounting for almost 88% of all agricultural land (BPS 2013b). Rice and corn together comprise 95% of all non-plantation agricultural land use in West Kalimantan and 96% in Central Kalimantan (BPS 2013b; BPS 2013c). Overall, agriculture contributes to 15% of West Kalimantan's portion of the GDP, the largest sector by economic measure behind the trade, hotel and restaurant sector (23%) and manufacturing (18%) (BPS 2013b). In Central Kalimantan, agriculture comprises about 37% of the GDP, followed by the trade, hotel and restaurant sector (21%), services (13%) and mining (10%) (BPS 2013c). According to Potter (2011), the conversion of agricultural lands to rubber and oil palm plantations at record rates in recent years has resulted in an alarming rate of food insecurity for smallholders. Many respondents,

including communities, expressed concern about large-scale plantations replacing land previously utilized by smallholders for rubber⁵ or rice production.

Oil palm is Indonesia's fastest expanding plantation crop and the largest in terms of land use. Early oil palm plantations were started by the government in the late '70s and early '80s (Colchester et al. 2006; Potter 2008), continuing to expand in the 1990s and more rapidly in the 2000s following decentralization. In 2013, Indonesia had a greater land area dedicated to oil palm than all other plantation crops (BPS 2014a) and Kalimantan as a whole has experienced widespread oil palm expansion since the 1990s.

In both West and Central Kalimantan, oil palm is the dominant plantation crop and rubber is second, though these estimates vary depending on the source. In Indonesia, most oil palm is grown on concessions that must be approved by the state. The scale, practice and management of oil palm plantations is therefore different than for rubber, most of which is grown either by individual landholders or managed communally. The West Kalimantan provincial government plans to reach a total plantation area of 4.5 million ha by 2025, which would be the greatest proportion of land dedicated to oil palm of any Indonesian province (Sawit Watch in Sirait 2009; White and White 2012). In Central Kalimantan, 3.4 million ha are already allocated for plantations (Sekala 2013) and 64% of all plantation land is under oil palm cultivation, followed by rubber at 33% (BPS 2013a).

Although oil palm production is an important component of economic growth, our research suggests that an important portion of oil palm plantation permits do not adhere to environmental standards and land-use plans, and overlap with customary-claimed lands (see also Carlson et al. 2012). Respondents in this study from West Kalimantan and Central Kalimantan overwhelmingly cited oil palm plantations as among the most important drivers of deforestation, with respondents representing national, district, and sub-district government offices, community and customary leaders, and NGOs all expressing agreement on this point. In Central Kalimantan, respondents from provincial and district offices, research institutions, NGOs, and community and customary leaders all expressed concern about oil palm development both as the primary driver of deforestation in southern areas in particular, and regarding its social consequences, such as contributing to land conflicts involving both companies and communities.

⁵ Although rubber is also a cash crop, respondents often spoke of it as a commodity whose production was directly under farmer control, which they contrast with oil palm being under company control.

4 Power and influence over forests in law and in practice

Questions around what actors are involved in land-use changes in Indonesia, how decisions are made, and how land-use change occurs are central to our study. This section analyzes key factors shaping the context of power and influence across levels, based on a legal review (Ardiansyah et al. 2015) and primary data from interviews with actors at the provincial level and with regard to 10 specific land-use cases (see Appendix). We look first at Indonesia's decentralization-recentralization process in policy and law, followed by an examination of our findings on the distribution of government powers in practice in the regions covered by the research. We then close with a discussion of actor roles in land-use decision making in the case studies.

Decentralization policies have produced some government structures that are consistent across the country, but there is also a variation in specific jurisdictions. Due to the scope of this study, we only include those relevant to Central and West Kalimantan. Specific actor roles vary considerably depending on the type of land-use change and, more importantly, the type of land designation on which the change occurs. For the purposes of this analysis, we discuss the government ministries and departments at the national, provincial, district (*kabupaten*) and sub-district (*kecamatan*) levels, with less attention to the village (*desa*) and hamlet (*dusun*) levels. We also consider the roles of corporations, customary leadership, NGOs and communities as a whole. See Ardiansyah et al. (2015) for a detailed description of the division of responsibilities and authority related to land-use decision making across the many layers of government in Indonesia, as established by law and the institutional structure.

Since the end of the Suharto era, powers have shifted with a series of decentralization policies and adjustments that include some recentralization. Changes in policy have led to ongoing tensions between levels, as well as across sectors. Some of these tensions are related to confusion over responsibilities, while others are probably related to a desire for greater autonomy and control over resources. In general, power over forests is largely centralized in the Ministry of Forestry (now incorporated into the Ministry of Environment and Forestry). Districts and provinces both seek greater autonomy, but it is the districts that have had primary authority over decisions regarding non-forest land and agriculture, as well as important incentives to convert forest to agriculture. A 2014 law (Law 23/2014) shifts greater power to the provinces, but it is not clear whether yet another change in the law will improve oversight or addresses the underlying incentives that continue to promote forest clearing.

Our interviewees usually associated private sector corporations with deforestation and NGOs with promoting conservation or other such initiatives, whereas both deforestation and conservation were attributed to national and district governments, depending on the particular circumstances. Based on the evidence, particularly the exceptions to what appear to be the most common patterns, we conclude that individuals – leaders – matter when it comes to bringing about change.

4.1 Decentralization and recentralization in law and policy

The dynamic process of decentralization and recentralization in Indonesia is ever shifting the balance of power among the central, provincial and district levels of government. The notion of regional autonomy (*otonomi daerah*) in Indonesia refers to the use of decentralization laws to provide broader authority to district and, to an extent, provincial governments in governing and managing public services, as well as making regulations and policies, with the exception of certain matters reserved exclusively for the central government (Butt 2010).

With regard to natural resources, decisions over the distribution of powers have been based at least in part on political calculations (Resosudarmo 2005) adjusted to fill gaps, reconcile different interpretations of the laws and address problematic outcomes. At present, power over important non-forest land-use decisions is decentralized primarily to the district (*kabupaten*) governments, but the above-mentioned Law 23/2014 will increase provincial powers. Power over forests is largely centralized based on land-use planning classifications. The formal configuration of powers varies by sector, however, and is highly complex in law and policy (Ardiansyah et al. 2015) and even more so in practice. The result has been an often unclear division of powers and an over-allocation of concessions for mining and plantations that may overlap and even exceed the total available land area (Cahyafitri 2014). In this section, we outline some of the historical context and main characteristics of decentralization and recentralization from the perspectives of multilevel governance and natural resource management.

Decentralization in Indonesia commenced rapidly during the politically chaotic period after the fall of Suharto's highly centralized New Order regime in 1998. In 1999, regional governments were handed full autonomy to govern their regions according to regionally-specific needs and characteristics. Previously, these governments were fully accountable to the national government without any meaningful lawmaking authority. By 2001, both administrative and fiscal decentralization had been implemented, as outlined in Law 22/99 and Law 25/99, respectively (Lewis 2010). Both district and provincial governments gained 'political autonomy' in the sense that they now have democratically-elected heads and their own executives and parliaments. They also have lawmaking authority in a number of spheres, including – but not limited to – development planning and control, spatial planning, and the environment. They are granted economic autonomy both by way of managing their own budgets and by having access to revenue streams from activities within their own borders. They also have administrative autonomy to make decisions about processes within provinces and districts.

The early decentralization laws led to a number of problems related to clarity over roles and responsibilities and a lack of coordination among regions, as well as a lack of oversight. Provinces expressed dissatisfaction with the distribution of powers to districts (Barr et al. 2006a; Butt 2010), while districts were granted political and fiscal autonomy, but lacked financial resources and administrative capacity. Moreover, the lack of reliable accountability mechanisms and an unclear balance of powers between central and regional governments complicated decentralized governance (Resosudarmo 2004). As a consequence, many district governments rapidly overexploited resources, including forests, for local revenue (Barr et al. 2006a). In response, in 2004 the government introduced Law 32/2004 on regional governments, a revision of Law 22/1999, followed by Government Regulation 37/2007, which clarified the roles and responsibilities of the different levels of government. The effect was, first, to redistribute certain powers to the province, and second, to better define lines of accountability. While the power distribution process is ongoing, outcomes in terms of regional democracy and economic development, poverty eradication, and environmental governance are far from what people had hoped for (The Jakarta Post 2014).

In the decade since the law was introduced in 2004, district and provincial autonomy have become well established, but they remain subject to change in the constant effort to achieve an effective balance of powers. There has been an improvement in provincial and district government administrative capacities to manage the new responsibilities, which include more checks and balances. Still, some describe decentralization in Indonesia as "a disaster for natural resource management" (Cahyafitri 2014). This refers to the indiscriminate issuing of mining and (oil palm) plantation permits by district governments, which often ignore environmental standards and land-use plans. The permits also overlap with customary-claimed lands and the locations of previous permits issued by the national and provincial governments or prior district government regimes.

The multiplication of autonomous regions is another visible outcome of the decentralization process. Responding to the possibility of controlling finances and natural resources, 205 new autonomous

regions were established between 1999 and 2009, consisting of seven new provinces, 164 new districts and 34 municipalities (Kemendagri 2013). In Kalimantan, administrative sub-division was also a response to the difficulties of service provision and governance in large, remote regions. By the end of 2013, Indonesia had 539 autonomous regions, including 412 districts, mostly in upstream, more remote areas (Kemendagri 2013). Despite a moratorium on forming new autonomous regions since 2009, political pressure has led to the approval of several new provinces and districts. The new province of North Kalimantan and a new district dividing Kapuas Hulu in West Kalimantan are now official, with both of these regions including large forest areas and national parks. Article 18 of the 1999 Law on Forestry (Law No. 41) stipulates that at least 30% of land should comprise forest cover. When districts split, forest cover in upstream areas is often 70–80% and new district governments make plans to reduce this for economic development. In addition, these areas may be vulnerable to deforestation by ‘political logging’ (logging permits granted to win votes) just before elections (Burgess et al. 2012).

Recent legislative reform (Law 23/ 2014 which has replaced Law 32/2004) tends toward recentralization, imposing constraints on the formation of new autonomous regions, shifting the provision of public services upwards and strengthening the positions of governor and president (see Minister of the Interior 2012). Similarly, Law 6/2014 pertaining to villages recognizes the village as the smallest unit of government with institutional status, with its budget allocated directly from the national government, bypassing districts and provinces.

In theory, districts and provinces already face substantial oversight from upper levels of government. For example, land-use decisions can only be made within the plans approved by higher levels of government. This means that while administration of land uses like plantation concessions requires the signature of the district head, the area of land eligible for plantations is still controlled by the national government, as are a number of verification processes. In practice, however, district land-use decisions can contradict higher-level spatial plans. In our research in Central Kalimantan, for example, several key informants reported that the district head’s signature was provided for permits located inside forest areas that are subject to a moratorium on new licenses.⁶ Hence, it is not clear how reconfiguring the laws to increase oversight would improve it in practice, or improve outcomes for accountability and environmental governance.

4.2 Multilevel governance powers in practice

In our research, respondents from multiple levels across both provinces agreed that decentralization had meaningfully empowered provincial and district governments, although perceptions varied regarding the effect on environmental governance and local democracy. Specifically referring to the forestry sector, respondents painted a complex picture of the interplay between the Ministry of Forestry at the national level and subnational jurisdictions, as well as between government and a range of non-state actors including village and community forest groups. A wide variety of actors seek to benefit from the application of forest classification laws and land-use plans and to pursue their land-use objectives in the context of partially decentralized governance. While their land-use objectives are similarly varied, some actors have more power and influence to affect outcomes in practice, both in and outside of legal mandates. In this section, we discuss these issues based on data from interviews in both provinces, which suggests that land-use decision making is still characterized by confusion over roles and responsibilities among the different levels of government, as well as the desire of subnational levels of government for greater autonomy, authority over decision making and incentives to invest in growth that relies on natural resource exploitation.

⁶ The moratorium on new concession licenses came into effect based on Presidential Instruction No. 10/2011 and was recently renewed based on Presidential Instruction No. 6/2015.

One source of confusion around forest governance in Indonesia is that while forests are generally controlled by the central government, the authority closest to the people living in and around the forest is their elected, subnational government. Respondents from district governments argued, for example, that they are responsible for the wellbeing of people who live in parks but that they have not been able to get the national park authority to cooperate. For their part, customary forest users with claims over national park land in the Bukit Baka Bukit Raya National Park (TNBBBR) case⁷ in Melawi, West Kalimantan, did not consider that their local government represented them, because they felt it was unwilling to challenge the wishes of the central park administration (see Appendix and also Myers and Muhajir 2015). In BOS Mawas, a conservation case, the program had several complications related to which actors had operational and management rights over which type of forest and what kind of decisions each could make. The Provincial Environmental Agency (BLH, *Badan Lingkungan Hidup*) facilitated coordination and communication through a working group of provincial actors for the conservation initiative, although forest management rights remained with the national Ministry of Forestry (see Box 1 below).

In the multilevel governance assemblage, the role of the provincial government in land-use decisions has perhaps been the least clear (Sudarmo and Sudjana 2009), and our results show that this differs between Central and West Kalimantan. In Central Kalimantan, most respondents agreed that the provincial government was a key actor in land-use policy and especially REDD+ policy. However,

Box 1. Problems related to a lack of clear authority.

The BOS Mawas orangutan habitat conservation case illustrates the complexities of unclear authority. Program organizers signed an agreement with the *provincial* government to work in the Mawas area and were instrumental in lobbying it to recommend the reclassification of this area from production forest to protection and conservation forest based on the 2003 provincial spatial plan (RTRWP). However, the initiative does not have any management rights over the forest area, which remain with the district and provincial authorities for the protected forest area and the national authority for the conservation area. The recently-established Protected Forest Management Unit (KPHL) seeks to clarify the roles and responsibilities for forest management among different government levels with regard to specific forest areas. Despite the ongoing renewal of letters of cooperation between BOS Mawas and the provincial government and more recent working agreements with district governments, the question of who manages the forest is unclear from the viewpoint of the local communities residing in the Mawas area. They view the establishment of the KPHL as potentially adding further boundaries and access restrictions rather than clarifying existing boundaries and sources of authority. As the KPHL was only recently established, there is also the possibility that it could act as an institution that mediates between levels of government and sectors, as well as working with BOS Mawas and local communities.

As customary land claims were not considered in the process of developing the initiative or the reclassification of the forest area, customary roles and responsibilities are not factored in to forest management at all. We saw a similar pattern in the TNBBBR case, in which responsibilities related to community claims have been perpetually passed among government departments (Myers and Muhajir 2015). Some of these inefficiencies, in what could be seen as polycentric governance, are related to communication, as will be seen later, but there is also an element of overlapping or unclear power and responsibilities that inhibits effective decision-making and acceptance of responsibility. In the TNBBBR case, a lack of clarity facilitates perpetual finger pointing that results in no actor accepting responsibility for problems or making an effort to solve them.

⁷ Please refer to Table 3 and the Appendix for more information on each case mentioned.

provincial government respondents also said that their powers were limited both in terms of district government oversight and land-use decision making. For example, the provincial government had already developed a REDD+ policy (Provincial Strategy and Action Plan, known as STRADA for its Indonesian abbreviation – see Section 5), but policy-making and financial decisions were perceived by provincial government actors as being driven by national government and international agendas. Local NGOs and academics in the province voiced similar concerns over too much control from the national and international levels. Multiple respondents from the provincial government itself reported playing a role in oversight, policy direction and planning for REDD+, including examining reports from proponents of pilot initiatives.

In West Kalimantan, where REDD+ was less important, the province had a less pronounced role in relation to REDD+ policy, which was consistent with its role in land-use decision making more generally. Respondents from district governments and NGOs in West Kalimantan reported that the provincial government did play a role in the forestry sector, however, primarily as a mediator between the district and national governments. Critically, the West Kalimantan provincial government was responsible for approving village and community forests. In both provinces, the provincial planning office (BAPPEDA) played an active role in developing land-use plans.

Both district and provincial governments in our study sites sought greater autonomy and decision-making authority and generally favored decentralization. In some cases each criticized the other while lauding the possibilities of decentralization. Both complained about the power of central government. For example, in West Kalimantan one respondent from the Sanggau district forestry office explained that decentralization made activities like reforestation and supporting community forests possible, while a district head criticized the provincial governor as being too supportive of oil palm plantations and district officials close to the TNBBBR case believed the Ministry of Forestry maintained too much power without downward accountability.

District-level officials also complained about budgets. According to a respondent from the district forestry office in Sanggau, there were 11 agricultural extension officers compared to just one forestry extension one. A district official from the Environmental Agency (BLH) in Central Kalimantan explained that staff were not able to go to the field to do ground checks and mostly relied on reporting by companies due to budgetary limitations. The Protected Forest Management Unit (KPHL) in Kapuas was similarly restricted in budgetary terms and therefore relied on outside funding sources to go to the field.

In contrast, provincial offices and respondents from sub-districts criticized the amount of power held by districts, particularly for issuing oil palm plantation concessions. Provincial respondents criticized districts for their failure to comply with national and provincial priorities, often in reference either to over- or under-exploiting natural resources and land.

At the sub-district level, officials in multiple sites in West Kalimantan believed that their offices did not have enough power, were under-funded and were often not adequately consulted by the districts in important land-use decisions. As one sub-district official in West Kalimantan framed it, the district “has no idea what the reality on the ground is.” Respondents from two village governments in West Kalimantan also flagged the relative lack of decision-making authority below the district level as being problematic, while one also noted that although decentralization had been important for agriculture and plantations, key powers in the forestry sector remain under the purview of the Ministry of Forestry.

Interviews with subnational governments in general revealed that they felt constrained by the presence of state forest (as part of the national forest estate) in their jurisdictions, especially if the forest area covered a significant percentage of the territory. Several respondents from district governments expressed this sentiment. As one district head in West Kalimantan explained in relation to district influence on national park land, “We cannot do anything since the area is still controlled by the center.” Districts and provinces generally provide technical support for forest management,

but do not make many important decisions about management (Ardiansyah and Barano 2012). This remains a significant source of dispute among different levels of government, especially over the agreement of land-use and spatial plans.

Respondents from the provincial government of Central Kalimantan and multiple district governments across the provinces believed that spatial planning – which is required by Law No. 26/2007 – could serve as a tool to help prevent disputes. All districts draft spatial plans in accordance with administrative requirements and submit them for approval by the province and the Ministry of Environment and Forestry. Respondents reported that the spatial planning currently in practice lacks political agreement, and consequently land use on the ground is based on different and sometimes conflicting spatial plans (see Box 2).

Box 2. Spatial planning and the One Map System.

District governments are required to check that any licenses issued are consistent with spatial plans, but there is no central database showing where mining or other permits have been issued to avoid overlap.

For this reason, the national government established a one-map policy to be regularly updated and available to the public (see BIG 2013). Under the direction of former President Susilo Bambang Yudhoyono, the One Map System has been developed across the country, driven first by the (now disbanded) President's Unit for REDD+ Development, Monitoring and Oversight (UKP4) (DTE 2012)^a and currently under the Geospatial Information Agency (BIG). One Map is intended to bring together disparate overlapping land allocations into a single geospatial reference for all sectors. Although the idea was driven by the need to resolve differences between the maps of the Ministry of Environment and Ministry of Forestry (which have now been combined), the policy covers maps from all ministries (DTE 2012). The extent to which customary land claims and village land use are included as a layer on the map remains unclear (DTE 2012), as many customary claim areas are too small to be recognized on the 1:250,000 scale national map.

While One Map will help clarify where many overlaps exist, it will do little to facilitate decisions about the legitimacy of various claims. The process for this remains unclear and is largely being addressed on a case-by-case basis. One Map is informed by the spatial plans for each province (RTRWPs), which are in turn informed by (or inform) the spatial plans for each district (RTRWKs).

a Interview with Heru Prasetyo, Indonesia's then REDD+ Task Force Secretary, in DTE 2012

District government officials in West Kalimantan complained that their drafts of the RTRWK were rejected by the province. The reasons for rejection are manifold but are closely related to diverging economic and environmental objectives, among other factors. These differences suggest that achieving both decreasing carbon emissions and increasing economic productivity in natural resource-based economies is extremely difficult. In West Kalimantan, one of the issues most prominently discussed at district levels is the conflict between the President's targets of 26% greenhouse gas reduction by 2020 and 7% annual economic growth, as mentioned earlier. This conflict also featured in discussions in Central Kalimantan. These objectives pull provincial and district plans in different directions (see Box 3). One district head mentioned that these targets were a frequent source of tension between his district and the governor. Provincial officers in both provinces highlighted the national-level sectoral divisions among forestry, agriculture and the environment, suggesting a need to rethink how competing objectives are negotiated among these sectoral offices. An effort to improve this coordination was made by merging the Ministry of Environment and the Ministry of Forestry in late 2014, but the practical implications of this organizational change remain to be seen, including for the prioritization of REDD+.

Box 3. Multiple levels and use trade-offs: the example of community-managed forests.

District and provincial governments have the authority to issue permits for the community management of forests (community forests and village forests), but there are relatively few. Applications have to go to the Ministry of Forestry to request the ultimate forest-management rights. The procedure to apply for such management permits is subject to government regulation and typically involves a process that is long, time consuming and expensive, both for the local community and/or NGO preparing the required documents and for the approvals and verifications required at several stages (as communities lack the capabilities and financial resources to navigate the legal process, they are often reliant on third parties, such as NGOs, to support their application). A study by the Partnership for Forest Governance showed that the process involved 29 desks in four departments of the Ministry of Forestry and took up to three years (Gismar et al. 2013).

However, in interviews, representatives from the Ministry of Forestry claimed that the bottleneck was at the provincial and district levels. Local governments may fail to support more of these permits because they have other priorities or plans. District-level officials expressed concern regarding who would provide ongoing support to the communities in managing the area under community forestry permits. Meanwhile, at least one NGO interviewed suggested that there are fewer incentives for district governments to issue community-managed forest permits compared to oil palm or logging permits because districts earn more revenue from the latter investments. A similar argument holds for REDD+ revenues, while the income incentive also holds for the central government as well (see Irawan et al. 2013). Thus, there are potential bottlenecks at all levels.

4.3 Actors' roles in land-use decisions: perceptions from the case studies

Actors at different levels play various roles in decision making for specific types of land use. In the 10 case study initiatives in our research, initiatives were promoted by the private sector (four oil palm cases and the KPRCP REDD+ project), the national government (the TNBBBR national park), national governments based on bilateral agreements (KFCP), or NGOs (the community and village forest cases of Lamong Satong and Bokal Kumuo, as well as the BOS Mawas conservation program). These actors then worked with different levels of government, other NGOs and organizations, and the communities to varied extents to implement the initiatives. In this section, we first analyze the role of government, from the national to village levels, then other forms of local leadership, communities, NGOs and corporations.

We asked respondents which actors were most important in influencing land use and land-use change for both types of initiatives: those leading to deforestation and those leading to conservation. Respondents across several levels mentioned the national government as highly influential. In the cases of the KFCP REDD+ site and the TNBBBR park, respondents acknowledged the role of the national government in implementing the initiatives. In Central Kalimantan, district governments cite the national government as having greater influence over land use and their own influence as more limited. Through the Presidential office, the national government was the initiator of KFCP along with the Australian government, although the Ministry of Forestry's role in implementation was left unclear. In the TNBBBR case, the Ministry of Forestry controlled and managed the protected area. In other cases, the role of the national government was more related to administrative approval, such as for licenses; and the definition of laws and regulations determining how land-use changes can be made, such as the provisions for community and village forests and environmental assessment requirements in the oil palm cases. In the community and village forest cases, the Ministry of Forestry's Watershed Management (and Social Forestry) Authority – BPDAS(PS) – coordinated verification and monitoring processes with the communities and provided technical support for district and provincial forestry departments to prepare for and monitor these initiatives.

The national government was also instrumental in providing access to land through the National Land Agency, although this does not necessarily entail coordination between this agency and other key land-use sectors. In many cases, especially the oil palm ones, respondents in district and sub-district levels of government, communities and NGOs viewed the national government as a driver of deforestation because of its policies allowing private ownership and conversion of land, as well as its lack of oversight of social protections. Conversely, the national government, NGOs, and local communities saw districts as responsible for land conversion, because they sign off on plantation licenses.

While respondents from the provincial governments themselves, as well as district-, national-, and community-level actors, reported that the provincial government was relatively less influential, it still played an important role in both implementing and monitoring land-use change, especially where activities span multiple districts. The provincial governor is responsible for providing final approval of village and community forests. In Central Kalimantan, the provincial government is also a key supporter of BOS Mawas through renewal of the cooperation agreement and of various REDD+ projects and activities through the governor. The province was active in all of the cases in this study, except the TNBBBR national park, which fell clearly outside its legal purview.

In both provinces, district governments were commonly cited as having more influence than the national government, which reflects the role that district governments play in making land-use decisions under decentralization. District governments were instrumental in all cases in the implementation and ongoing monitoring of land uses. Led by the district head, and involving the various departments, districts played an important role in issuing permissions through memorandums of understanding or establishing formal locations and operational permits. In conservation areas, this means providing formal consent and legal agreement for forest boundaries and functions. For example, in the TNBBBR national park case, the signatures of the heads of district were required to confirm the park's boundaries. The districts also confirmed location permits for village and community forests, as well as oil palm and REDD+ projects. The district took the lead in monitoring community and village forests established within its boundaries and has the power to rescind permits and ensure the acceptable use of the land, even within the national forest estate. It has similar authority over plantation land operated by oil palm companies and is therefore a key player in monitoring and maintaining land-use management. It was mentioned by other levels of government and community and NGO actors as a key actor in decision making affecting land use for both increasing *and* decreasing carbon emissions.

This mix of results regarding the government's role is unsurprising, as different offices of government can advance distinct agendas. Our evidence suggests that some districts, like Ketapang, have leaders who support conservation, as shown by the testimonies of actors from villages, NGOs supporting village and community forests, and even an oil palm company. This position in Ketapang appears to be the exception, as most district heads support agriculture and the conversion of forests for a variety of reasons, as mentioned previously. District elections can result in shifting agendas that affect the mix of actors influencing land-use changes, as happened in Kapuas district over our fieldwork timeframes. Indeed, the conservationist head of Ketapang district described the policy orientation of his predecessor, and also that of the provincial governor, as pro-oil palm and seeing deforestation as a pathway to development and wealth.

Sub-district levels of government were more consistently mentioned as relevant actors in land-use decisions in West Kalimantan, possibly owing to the types of cases included. Sub-district governments generally played a minor role, such as providing recommendations to the district and facilitating decision making between the village and district levels. They were most prominent in monitoring, especially in oil palm cases where the district department of plantations relied on sub-district participation in monitoring teams. However, this sometimes created problems for communities, such as in PT CK1, by adding another institutional layer that prevented them from raising their concerns directly with district governments.

The village head was often the local gatekeeper for land-use initiatives. His (it was a man in all cases studied) consent or recommendation was required to move the initiatives forward. Consent involved legal agreement (signature) in conservation cases, recommendations for approval in community and village forests, and legal agreement with the AMDAL environmental assessment in oil palm cases. The village head was also highly influential in supporting and facilitating the land-acquisition process or benefit-sharing negotiations between representatives of the oil palm companies and local landholders. In all cases except the TNBBBR national park, village governments were involved in ongoing monitoring and influence over land management.

Customary leadership was more integrated in some initiatives than others. Customary leaders were instrumental in the community and village forestry cases, which are based on customary land-use practices. They provided leadership and guidance not only for the initial mapping and design of regulations, but also in the overall monitoring of forests. The role of the customary leadership varied by case and by community. According to respondents, customary leaders played a role in the Landau Leban oil palm case, which led to conflict among families over the allocation of previously unused land. In the PT CUS/JV oil palm case, the role of customary leaders was seen as positive by both community members and the company, described by both parties as facilitating negotiations and land allocation for the initiative. KFCP sought to strengthen the role of customary leaders, and project staff reported that these institutions were relatively weak at the start of the project.

Other forms of local leadership seen in the cases were primarily a by-product of initiatives, particularly associated with monitoring. Examples include forest monitoring committees and farmer associations that have been vested with monitoring responsibilities by local statutory or customary leaderships and approved by district governments. Our interviews showed that although local communities were sometimes engaged in the land-use change initiatives we studied, they were rarely the initiator. They were also seldom the primary decision maker even when they have some claim over land rights. The exceptions to this were the community-managed forest cases in West Kalimantan. Although these were initiated by NGOs, community members were consciously engaged in leadership roles in such a way that they felt they were leading the project. In the Bokal Kumuo community forest case in Sanggau, this process was nearly complete, with an engaged and informed farmer association that actively managed the forest, met with the government and designed funding applications. The NGO was only called in for support. In the Laman Satong case, the NGO and the community had a similar vision and were in the process of building community capacity. Notably, Bokal Kumuo did not have any immediate carbon sale plans and was concerned only with managing the forest, while Laman Satong required technical skills for both carbon measurement and negotiation that may lie beyond the capacities immediately available in the villages.

NGOs played an instrumental role in the initiation of the village and community forests (Laman Satong and Bokal Kumuo) and the conservation and protected forest areas (BOS Mawas). Several respondents in governments and communities commented that the initiatives could not have taken place without the NGO. The NGOs helped bridge understanding among governments and communities, provided training to communities, and helped navigate the procedures required to successfully launch the initiatives. In the case of the REDD+ Laman Satong village forest site, NGOs continue to work with communities on overall management and accessing outside resources, specifically in relation to carbon sales. In contrast, in the TNBBBR and Katingan Peatland Restoration and Conservation Project (KPRCP)⁸ cases, community respondents were critical of the NGOs' role. In the TNBBBR case, communities saw the World Wildlife Fund's (WWF) alignment with the Park Authority as strengthening the government's ability to exercise power over what community members understand as customary forest. The same community members stated that other NGOs, such as LBBT and AMAN, which focus more on community rights and collective action, played a strong role in assisting the communities to mobilize their claims against the park. However, in the case of KFCP it is

8 KPRCP was led by a private firm, but involved NGOs, especially in working with communities.

also important to note that not all NGOs that conducted advocacy necessarily understood or accurately represented the views of all communities involved in the project.

The role of the private sector varied in the different cases. Companies were the primary initiator of the land-use initiative in all the oil palm cases and the KPRCP REDD+ project. In all of these cases, the companies took leadership in operating the initiative, as well as maintaining relationships with communities and governments to varying extents. Companies depend on governments to gain use rights and management authority over land. Several of our cases suggest that these relationships are both important and complex as seen through different levels of government and changing political regimes. KPRCP faced challenges in terms of gaining local political support and national-level support, particularly from the Minister of Forestry who granted approximately half of the requested concession area only after long delays. Several companies mentioned the challenges involved in balancing different and often contrasting accountabilities to multiple actors, such as investors, governments and communities. Finally, one of the oil palm companies – PT CUS/JV – was also involved in conservation initiatives.

In summary, the NGOs all supported conservation initiatives but had different relationships with the communities, as we will also see below. Private companies were behind all the oil palm initiatives and also one REDD+ site. In fact, while three oil palm companies cleared forest to establish plantations, one worked on degraded lands and also established a conservation area, which raised issues with the National Land Agency because the concession was designated for oil palm production, not forest conservation (see Appendix). The latter company also had an exceptional relationship with the communities where it worked (see Section 6). The state supported both conservation and deforestation initiatives within and across levels. This usually included sectoral differences, but it is also notable that though district governments tend to support forest conversion for oil palm and other investments, one district head stands out for supporting conservation and opposing oil palm, in spite of the lack of economic incentives. The evidence in this section suggests that leadership – the choices made by individuals or their ideology – matters when it comes to support for conservation or low emissions alternatives.

5 REDD+ policy and practice

Although we consider an array of land-use changes, one of our goals was to understand policy and practice relevant to REDD+. This section provides an overview of REDD+ in Central and West Kalimantan as well as a brief look at national developments relevant to understanding REDD+ progress subnationally (see Indrarto et al. 2012).

At the national level, the REDD+ debate has stimulated an assessment of the distribution of government powers by various parties, based on the prospect of gaining authority over land-use decisions and potential new revenue streams. At the same time, REDD+ has encouraged the myriad of agencies to develop collaboration strategies, as exemplified in the One Map System. The profile that former Indonesian president Susilo Bambang Yudhoyono gave to REDD+, including positioning Indonesia as the host of the 13th session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Bali in 2007, attracted the attention of a range of international and domestic actors, including the Indonesia-Australia Forest Carbon Partnership (IAFCP) and the KPRCP project developers. Subsequent agreements and initiatives outlined by Indrarto et al. (2012), including the establishment of a national REDD+ Task Force and a significant funding arrangement with the Norwegian government, have all served to generate interest in REDD+ over the last several years.

Presidential Decision No. 25 of 2011 established a REDD+ Task Force and the REDD+ readiness phase (Phase 1) ran from 2012-2013. The provincial governments of Central and West Kalimantan have drafted REDD+ strategies, but at the time of writing this report they were yet to be passed into law. Both provinces have concentrated REDD+ demonstration projects and activities in specific locations: the MRP area in Central Kalimantan and the Kapuas Hulu district in West Kalimantan, which have been the focus of REDD+ donor contributions. According to national indicators, progress on REDD+ readiness is significantly more advanced in Central Kalimantan than West Kalimantan (BP REDD+ 2014).

In their study of provincial REDD+ developments in Central Kalimantan, Gallemore et al. (2014) identify discursive barriers that impede collaboration between actors across different scales of governance from the international to the local. In both Central and West Kalimantan, our study identified the following as significant barriers to cross-scale collaboration: the use of technical and non-local approaches that fail to incorporate customary (*adat*) approaches to land management; and difficulties in translating and communicating abstract concepts. In our interviews, several respondents argued that scientific knowledge on resource management should be better integrated with customary knowledge and practices and that this would require external actors from the national government and international institutions to have a greater willingness to listen to local ideas and approaches.

Planning and readiness activities continue in both provinces, despite many doubts about the future of REDD+ policies and funding, particularly regarding carbon markets. The challenges of implementing REDD+ have become much clearer and there has been progress towards the development of provincial strategies and trials of pilot projects and activities. Nevertheless, there was concern among many types of actors in both provinces that REDD+ might not happen; and that if it did, it would not suit local conditions and compensation (to local communities and district governments) would fall short of expectations. Subnational government actors were concerned about decisions being centralized or made externally, the latter being a common sentiment at the provincial level in Central Kalimantan, reflecting its status as the official pilot province, and at the district level in West Kalimantan. With regard to the potential of REDD+ to bring about fundamental changes that would challenge drivers of deforestation and land-use change, we found that the subnational institutions and actor coalitions to support such changes are not yet in place, although there is growing awareness of the problem. We suggest that this reflects not only a lack of coordination or uncertainty regarding REDD+ incentives and benefits, but also the tendency of influential

national government and international actors to prefer top-down decision-making structures that reduce risks. This chapter examines progress in REDD+ in each province, followed by a discussion of the obstacles and opportunities for subnational REDD+ policies and projects.

Box 4. Perspectives on REDD+ from the provinces.

Climate change is experienced as a global problem that affects everyone, but REDD+ concepts and terminology are abstract and difficult to translate into local languages. REDD+ was created as a market-based global governance mechanism for reducing carbon emissions from deforestation and forest degradation (Humphreys 2008), but in practice it has taken on different meanings. The diversity of views on REDD+ reflects the different agendas and interests of multiple actors and levels of government, as well as the different experiences with REDD+ so far.

For example, while carbon emissions reduction is still close to the core of what REDD+ means to international donors and private investors, carbon emissions are secondary (and more difficult to understand) for people closer to the ground. This is in part because local people and government officials, and both local and international NGOs, have other objectives that go beyond carbon; and also in part because of doubts over whether we will ever see the emergence of a robust, high-demand international carbon market or other funding pathways for REDD+ and low emissions development strategies.

REDD+ benefits

- Notably, in both provinces, virtually everyone interviewed about REDD+ stated that livelihoods were at least as important as carbon emissions reductions.
- Some respondents emphasized the potential for specific environmental benefits from REDD+, such as fire prevention and restoration in the MRP area.
- Other groups, especially those representing customary users, see REDD+ as an opportunity to strengthen customary land-use claims, a hope bolstered by recent Constitutional Court rulings on this issue. Both government and non-governmental actors recognized the relevance of land tenure security for communities and reducing land conflicts, while also recognizing that this requires national-level attention.

REDD+ critiques

Many respondents in both provinces were skeptical of REDD+, in part because the goals and benefits were unclear at the international and national levels. Their views tended to reflect the degree to which they were involved in decisionmaking or received financial or other benefits. Respondents who reported that they were excluded from decisions or benefits tended to view REDD+ more negatively than other respondents.

- One provincial-level government respondent from Central Kalimantan said that “climate change is not because of Dayak people, but because of the world.” He, and several other respondents, rejected the idea that forest-based populations should fix a problem for which they are not responsible.
- Several NGO respondents in both provinces were concerned about land politics, land tenure and carbon rights, suggesting that REDD+ may stimulate conflicts among communities or cause unfair burdens.
- Many respondents acknowledged that most deforestation was from commercial activities rather than smallholders. NGOs advocating for communities and some REDD+ opponents criticized REDD+ for focusing the responsibility for deforestation on communities rather than more powerful government actors and corporations.
- In both West and Central Kalimantan, multiple actors – such as district officials, communities and local NGOs – said that REDD+ has channeled money to higher levels of government, international NGOs and consultants hired for their technical expertise rather than to local levels. One district official from West Kalimantan said, “REDD+ money is always used by the [international] NGOs instead of for the community. This is very frustrating.” A provincial-level non-government respondent in Central Kalimantan said, “It is better if the money can be used by the locals because even if it isn’t used efficiently, we still do the work... But, if the money is given to Jakarta, they will corrupt it but do nothing on the ground.”
- Community-based respondents in locations where REDD+ projects have been implemented are concerned about whether carbon as a commodity is really any different from other types of investments, such as oil palm plantations, that require land. They wonder whether it will really provide benefits to communities.

5.1 REDD+ progress in Central Kalimantan

Central Kalimantan has hosted several REDD+ pilot initiatives and also participated in considerable policy discussions at multiple levels. It became the official REDD+ pilot province in 2010. During Phase 1 of REDD+, 12 pilot projects were implemented in the Mega Rice Project area. They were intended as ‘quick win’ initiatives to show progress on the ground and mostly focused on livelihoods and poverty reduction, while other activities concentrated on education and the dissemination of information about REDD+ (REDD+ Task Force and UNDP 2013; da Silva Hyldmo 2015). These projects and activities were implemented in the MRP area on the governor’s recommendation over very short timeframes. Funding was provided by the government of Norway and administered by the United Nations Development Programme (UNDP) (see Box 5 below).

Box 5. Funds administration to the provinces.

During Phase 1, the United Nations Development Programme (UNDP) was responsible for administrative and financial management of the USD 1 billion pledged by the Norwegian government (through NORAD) based on the 2010 Letter of Intent. USD 30 million was spent during Phase 1. During interviews conducted in December 2014, senior officials from the National REDD+ Agency reported that approximately USD 50 million was spent through two additional installments. Funds were used to support national-level reform as well as activities and projects in Central Kalimantan, based on its status as the official pilot province. During Phase 2 (‘Transformation’), spending of USD 150 million in 11 REDD+ priority provinces is planned, including Central and West Kalimantan. The distribution of funding among provinces has yet to be determined, but will be allocated based on readiness and identified needs. The distribution of funding across different priority areas is similarly undetermined, meaning that funding for local civil society actors compared to government and external organizations is also not yet clear. The remaining USD 800 million are planned for allocation from 2017 onwards, according to performance-based payments. Partly in response to criticism from Phase 1, small grants were administered to local organizations in 2014 through the national-level NGO Kemitraan. This type of short-term funding involved a complicated structure for communication and disbursement of funds between Kemitraan and local organizations, leaving local NGOs unsure about their future involvement on a longer-term basis.

As part of the readiness activities, Central Kalimantan has submitted maps and baseline data for monitoring, reporting and verification, as well as reference emissions levels. It has also established a provincial-level REDD+ organization (KOMDA, *Komisi Daerah*) and developed a Provincial Strategy and Action Plan (STRADA, *Strategi Daerah*). The United Nations Office for REDD+ Coordination in Indonesia (UNORCID) opened a temporary pilot office in the provincial capital of Palangka Raya in November 2011 to assist with the dissemination of information and coordination among provincial actors and between the provincial and national levels. Interviews with an array of provincial actors suggest that this office was not integrated with provincial government structures and that coordination focused on the international and national levels and the Governor’s Office.

The provincial government finalized the STRADA in late 2013 (see Pemerintah Provinsi Kalimantan Tengah 2013), with representatives from the provincial government, civil society, and the University of Palangka Raya (UNPAR) having contributed to its development. Organizationally, REDD+ in Central Kalimantan was led by the Governor’s Office through the Joint Secretariat (SEKBER, *Sekretariat Bersama*) as a way of supporting collaboration between the national and provincial levels. The Joint Secretariat was set up as a temporary organization, the idea being that half of its members would be from the provincial REDD+ office (KOMDA) and the other half from the national bodies (the National REDD+ Working Group, or SATGAS; and the REDD+ Task Force). While KOMDA was expected

to be replaced by a new provincial REDD+ agency, this had not occurred by the time of writing and is less clear now due to the recent transfer of the National REDD+ Agency responsibilities to the Ministry of Environment and Forestry. KOMDA has played a critical role as a broker for REDD+ across scales and should be highly influential as it is comprised of department heads (cf. Gallemore et al. 2014), but according to provincial respondents not all members are knowledgeable on or supportive of REDD+. For example, the Provincial Environmental Agency (*Badan Lingkungan Hidup, or* BLH) played a central role, while the Forestry Office was less involved; and departments overseeing plantations and mining had yet to be fully engaged. The STRADA highlights the following objectives:

1. Maintaining the quantity and improving the quality of forests and peatlands.
2. Judiciously improving the livelihoods of forest and peatland resource managers.
3. Increasing the self-sufficiency of local communities in managing natural resources and funds.
4. The institutionalization of REDD+ in the REDD+ action plan matrix as a prerequisite for the implementation of the three missions mentioned above and as one of the key strategies for successful implementation in Central Kalimantan.

(Pemerintah Provinsi Kalimantan Tengah 2013)

Local NGOs we interviewed felt sidelined during Phase 1 (REDD+ readiness) and were highly critical of the funding allocation to large international organizations such as the UN and specialized agencies. Multiple respondents at the provincial, district, and lower levels believed that they had not been adequately included in REDD+ decision making. While local NGOs were politically active and played a strong advocacy role for local communities, they lacked capacity to meet UNDP application and reporting requirements in order to gain access to any significant funding during Phase 1 activities, unlike the UN institutions involved (FAO, ILO, UNESCO, UNOPS) with less experience working in the province. In addition, as progress since 2010 was slower than anticipated, REDD+ was described as something discussed in numerous meetings and workshops in Palangka Raya, but with few visible results on the ground. One respondent from a local NGO said, “Under Phase 1 this has been UNDP, ILO, FAO – which is very funny. They are big names but do small activities that can be done by local NGOs, and their involvement is also about budget politics of UN people; ... big organizations know how to organize budgets according to UNDP standards, but this is not helping local organizations to increase their capacity”.

Mistrust of and disappointment with government and external actors were also apparent from community-based respondents. As one said, “So now we don’t really trust the government, we don’t trust NGOs and we don’t trust organizations. I’m afraid that in the future our community will have lost their trust in everyone. I’m afraid also we will have no trust in the law and government regulations, and in the end we will go back to our old law, which is *adat* law. We just use our *adat* law instead of government’s law.” Interview responses highlighting a lack of participation and trust, as well as what was seen as the monopolization of funding by non-local organizations, suggest that legitimacy is weakest when projects and activities are seen to be externally imposed.

National policy discourse focused on developing ‘jurisdictional’ approaches to REDD+ as a way to strengthen cross-scale collaboration. The National REDD+ Agency (BPR) signed memorandums of understanding (MoUs) with the provincial and district governments in Central Kalimantan, while the Governor’s Office supported the MoUs that were signed between the BPR and seven district governments in late 2013.⁹ According to the Joint Secretariat (SEKBER), the heads of district signed these MoUs following official recommendation from the Governor, rather than necessarily based on their understanding of and support for REDD+. The framework for the participation of district governments in REDD+ has not yet been developed.

⁹ The seven district or municipal governments in Central Kalimantan that signed MoUs with the National REDD+ Agency are Pulang Pisau, Kapuas, Barito Selatan, Katingan, Kotawaringin Timur, Murung Raya and Gunungmas (see <http://www.reddplus.go.id/mou-provinsi>)

REDD+ is undergoing a transition in 2015 at both the national and provincial levels. The governor, Teras Narang, has been an instrumental figure in providing political support for REDD+, but several respondents suggested that this may change depending on who is elected as the next governor. KOMDA is temporary and dependent on the governor's support, while the establishment of its replacement – a provincial-level REDD+ agency – requires the support of the regional legislative assembly (DPR-P), but new members were elected in 2014 and it has other priorities. Additional sources of public funding are emerging, but large organizations remain better positioned to take advantage of them. This situation presents the risk that local actors will remain limited in their capacity to shape REDD+. One NGO respondent observed that “the gap is very big between local people and people coming from the outside, and there is a failure because it is all from the outside”.

5.2 REDD+ progress in West Kalimantan

While REDD+ in Central Kalimantan has been characterized by proactive policy development at the provincial level and significant project activity in several districts, West Kalimantan has seen less activity. Since its demonstration activities are focused on a single district (Kapuas Hulu), the initiative has been led and regulated more by the districts than the provincial government. According to provincial leaders, the governor became more engaged in REDD+ in 2013–2014, working with the GCF Task Force and seeking to turn provincial plans into action. Plans now involve REDD+ activities in Ketapang, Kayong Utara, Kubu Raya, and Mempawah in Pontianak district, though discussions are still at an early stage.

In 2013, the West Kalimantan SATGAS (the provincial REDD+ committee) developed several drafts of the Provincial REDD+ Strategy and Action Plan (SRAP REDD+). The drafting team comprised representatives from the provincial-level departments of forestry and environment, BAPPEDA, and experts from the UNTAN, the province's largest university. The document was presented in public and at expert consultations, focus group discussions and public hearings. The final version was published in December 2013 and officially adopted through Governor's Decision No. 437/BLHD/2013. SRAP REDD+ aims to guide natural resource policy and decision making in accordance with national law; become a reference for emission reductions; and bridge national REDD+ initiatives, provincial planning, and greenhouse gas reduction strategies. Its central objectives are:

1. To reduce emissions due to deforestation and degradation of forests and peatlands;
2. To optimize carbon trading through forest conservation, management, rehabilitation and restoration;
3. To improve the welfare and economy of local communities, biodiversity protection and ecosystem services (Pemerintah Provinsi Kalimantan Barat 2013).

The process of developing the SRAP REDD+ helped strengthen multilevel governance articulations to some extent, especially among provincial line ministries, district departments, and the National REDD+ Strategy. While driven mainly by government and academic stakeholders, the process brought together multiple actors to discuss common concerns and develop the final plan according to SRAP REDD+ leadership from a range of backgrounds. Actors below the provincial level, however, cited little involvement. Although some attended public hearings on REDD+ in Pontianak, the provincial capital, they were largely not involved in the development of the strategy, and some at the district level felt that the consultation was inadequate in terms of representing their perspectives in the SRAP. There may have been more focus on Kapuas Hulu, where most of the REDD+ demonstration sites are located, but that district was not included directly in our research.

NGOs were invited to provide input at several stages, though several continue to be critical of REDD+, especially the influential WALHI, a national network of NGOs concerned about environmental issues. In particular, WALHI opposes the commodification of forests through carbon sales. AMAN, an indigenous peoples' rights organization, is wary of REDD+ and argues that issues of customary

land tenure have not been sufficiently addressed in the SRAP. AMAN articulates its position as “no rights, no REDD+,” rather than as categorically anti-REDD+. Overall the SRAP focuses mainly on environmental issues. Although livelihoods are mentioned in the objectives, land tenure is not included.

It was not clear how West Kalimantan officials would coordinate with the national government on REDD+ since the National REDD+ Agency had not signed an MoU or partnership agreement with the province or districts. More permanent working groups had not been formed, as much was still to be determined under the new presidential administration. In the meantime, the provincial REDD+ committee was seeking carbon buyers independent of national-level decisions. One key leader in the province suggested that subnational initiatives will have more flexible carbon-sourcing arrangements than those of the national government. According to provincial leaders, GCF Task Force membership, which allowed direct governor-to-governor communication, enabled the province to develop its own REDD+ plans with some degree of autonomy while making linkages with international stakeholders, although the land on which most REDD+ initiatives are likely to occur is under national authority.

At the time of this study, there were a number of REDD+ demonstration projects in several districts, most of them in Kapuas Hulu, which the district head had designated a conservation district. According to the updated English version of the SRAP REDD+, ongoing projects include production forests; reduced-impact logging; the Roundtable on Sustainable Palm Oil (RSPO); community forests; forest villages; FLEGT (Forest Law Enforcement, Governance and Trade), fire prevention, orangutan protection, sacred forests and agroforestry, among others. International funding sources include the United States Agency for International Development, the Japan International Cooperation Agency, the WWF and the International Tropical Timber Organization.

Several civil society critics noted that the SRAP REDD+ required implementation oversight and coordination, which was not yet in place. Nor is it clear if or how it will influence provincial and district planning. SRAP REDD+ was led by the Provincial Department of Environment, while spatial planning, which includes the environment but focuses mainly on forests, mining and agriculture, was led by BAPPEDA. The new provincial spatial plan (RTRWP) had not been finalized due to provincial officials’ disagreements with the RTRWks (district spatial plans) in several districts. A recent draft of the RTRWP was heavily criticized for not even recognizing the issues that are the focus of the SRAP REDD+, namely forests, environment, plantations, sustainability and urban growth (Lembaga Gemawan and ICW 2013). A third planning document, the Strategic Environmental Assessment (*Kajian Lingkungan Hidup Strategis*, or KLHS), was mandated by the Ministry of Environment. The KLHS is a district-level self-assessment of the extent to which local governments are in line with environmental policies and programs. Like the RTRWK, this has to be approved by the provincial government. In Ketapang, district officials took ownership of their (still draft) KLHS, but say they had little involvement with the SRAP and that their RTRWK has not been accepted by the province.

Each document represents different perspectives that all influence land-use planning, although it is unclear how all of this planning will play out in practice. Actors with the most influence on the plans do not always have the most influence over the land-use decisions required to implement them.¹⁰

5.3 REDD+ obstacles and opportunities

Most benefits associated with REDD+ in our research sites in both provinces were non-monetary and the only identified carbon sales at the time of the study were from another Ecosystem Restoration

¹⁰ The 2014 merger to form the Ministry of Forestry and Environment may have narrowed this gap at the national level to some extent, but provinces and districts may, for example, still have a department of environment responsible for REDD+ and a department of forestry responsible for nationally-controlled forests.

Concession REDD+ project in Seruyan district in Central Kalimantan.¹¹ The REDD+ sites in our research included one small village forestry project in Laman Satong in West Kalimantan and two much larger sites in Central Kalimantan (the KFCP and KPRCP cases). Although these sites are not directly comparable, they support our analysis of multilevel governance dynamics in REDD+. Together with the other initiatives considered to be ‘decreasing carbon emission sites’ in our research, these provide a mixture of REDD+ archetypes (see Angelsen et al. 2012; Ravikumar et al. 2015b). KFCP was led by a bilateral team from the government of Indonesia and the Government of Australia and had a complicated organizational structure compared to the KPRCP. Although KPRCP and Laman Satong both intended to generate revenue from sale of carbon credits, KPRCP is managed by a private firm while Laman Satong is facilitated by Flora and Fauna International (FFI), an international NGO with stronger community perceptions of project ownership than in KPRCP.

KFCP was implemented with involvement from the national government through the IAFCP. Provincial and district governments were also involved. In KPRCP, obtaining the ecosystem restoration concession (ERC) license involved all levels of government under the authority of the national Ministry of Forestry. Laman Satong is relatively small, but part of a larger group of village forest projects with similar aims implemented by the FFI, which mostly works with district and sub-district governments, in addition to the communities. An analysis of process and outcome legitimacy among these cases shows that communities perceived a higher level of legitimacy in the community-based village forest project run by the FFI than the other two much larger projects. The larger projects, particularly KFCP, could not escape the greater complexities of multilevel and multisectoral dynamics associated with the project’s financial and institutional implementation arrangements.

Villagers in Lamong Satong felt a high level of ownership of the process and outcome. Like their counterparts in Central Kalimantan, they have not sold carbon, but expectations were tempered from the beginning on this. They engaged in participatory mapping, rule making and management of the forest area, and we found little discontent with the process. When asked who led the process, respondents from the villages replied “We did.” Upon clarification, ‘we’ was found to include *adat* leaders, elected officials and a group of youths.

While there was skepticism about REDD+ in both provinces, as well as opposition from several actors, resentment was only apparent in Central Kalimantan. In both provinces, REDD+ was generally seen as more than just about carbon emissions, with livelihoods an important consideration. During Phase 1 implementation of projects and activities in Central Kalimantan, the focus was on livelihoods and poverty reduction at the community level. Yet there was particular concern due to the power over decisions and resources held by external actors, which affected the legitimacy of the REDD+ process and impeded ‘local ownership.’ The perceived exclusion of local actors fed broader opposition to REDD+ at multiple levels and further skepticism from community leaders and organizations. Though the REDD+ strategic plans (STRADA and SRAP) explicitly mention the wellbeing of communities and have some secondary objectives to develop livelihoods, they do not provide a clear mandate for communities to have greater power over decision making or to address their concerns about land tenure security. Conversely, local NGOs argued that the focus on livelihoods and communities suggested they were responsible for deforestation, shifting attention away from other causes and drivers of deforestation associated with dominant economic paradigms and large-scale land uses. At the same time, while corporate interests are included in planning processes¹² (often differently at the provincial and district levels, resulting in disagreements on land allocation), community interests are not (see the Master Plan for Acceleration and Expansion of Indonesia’s Economic Development, or MP3IE).

11 The company Rimba Raya Conservation (RRC) holds an Ecosystem Restoration Concession license (as per KPRCP) and verified carbon credits (VCS and CCBA) were issued in 2013 and 2014 (Indriatmoko et al. 2014a). The credits were reported as being sold from 2013.

12 At least as stakeholders consulted in design processes.

Finally, although district governments are getting more involved in REDD+, given the comparatively small amount of public funding currently available, it is likely they will continue to depend on revenue from mining and plantations (Irawan et al. 2013). These dynamics suggest that it will be very difficult to address the larger drivers of deforestation, especially those pushed by powerful and wealthy actors.

6 Multilevel processes and outcomes for communities

If ideas like REDD+ or other options promoting low carbon emissions alternatives are to succeed, they will largely be based on voluntary compliance and will have to be broadly accepted as legitimate. In the context of this research, process and outcome legitimacy describe the extent to which events leading up to and following a land-use change, including benefit-sharing initiatives, are transparent, effective, efficient and equitable. Process – or procedural – legitimacy is related to what some describe as participation (Schroeder 2008) or procedural justice (Sikor 2013), considering the involvement of affected stakeholders in decision-making that affects them. Outcome legitimacy refers to the results of the process and the extent to which they are considered ‘fair.’ This includes notions of the distribution of benefits and burdens among, and the recognition of, groups and individuals, as well as impacts on the environment (see Sikor 2013). In this sense, ‘recognition’ aims at reversing cultural notions of injustice, which may deny individuals or groups participation in decision making that affects them (Fraser 2009).

The conservation-development debate is fueled by differing conceptions of outcome legitimacy: what is legitimate to some actors from an environmental perspective may not be legitimate from a livelihood perspective; and some may consider equity more important than effectiveness or efficiency. These perspectives reflect the different values and aspirations of actors based on their background, knowledge and experience. Although there is widespread agreement that REDD+ must be effective, efficient *and* equitable, the interpretation of and relevant weight given to these conditions varies considerably. The increasing focus on rights of communities also reflects pressure from NGOs and indigenous rights groups at the international and national levels that aim to speak on behalf of indigenous peoples that often do not have a position as equals in REDD+ and other land-use negotiations (see Holmgren 2013; Howell 2014).

Our research examines both process and outcome legitimacy from the perspective of actors at different levels in land-use change processes. In this section, however, our primary emphasis is on those most affected by the real or proposed change on the ground: forest-based and rural communities. These communities are widely talked about as key actors, but their role and influence is most often configured through policy and program agendas that consider them subjects rather than agents of the change.

This section is organized around the main community-level findings and is divided into three sections. The first presents a summary of the benefits and burdens found in the initiatives, with particular attention to land tenure; the second analyzes process and outcome legitimacy across the cases; and the third is a discussion of lessons for REDD+.

6.1 Benefits and burdens

In the context of REDD+, ‘benefit sharing’ is associated with the incentives provided to encourage changes in behavior or compensation associated with restrictions aimed at decreasing carbon emissions (from deforestation and forest degradation). Benefits can include compensatory or ongoing transfers of monetary or non-monetary assets according to the costs incurred (including opportunity costs) or rights-based claims (Luttrell et al. 2013). In our case studies, we find benefits (Table 5) and burdens (Table 6) associated with all types of land-use initiatives (see Myers et al. 2015 for more detail). In most of the cases, communities considered the benefits they received to be inadequate compensation for the burdens. Community voices were also the least powerful in most processes of negotiating benefit-sharing arrangements.

Table 5. Community benefits in the case studies.

Type of benefit	West Kalimantan cases									
	Central Kalimantan cases					West Kalimantan cases				
	Decreasing carbon emissions		Increasing carbon emissions		Decreasing carbon emissions		Increasing carbon emissions		Increasing carbon emissions	
	KFCP (REDD+)	KPRCP (REDD+)	BOS Mawas	PT CK1	PT GAL	TNBBBR	Laman Satong (REDD+)	Bokal Kumuo	Landau Leban	PT CUS/JV
Direct monetary	Yes	Not yet	No	Compensation paid to individuals for land	Compensation paid to individuals for land	No	Not yet	No	Compensation paid to individuals for land	Plasma direct payments to the communities
Jobs and livelihoods	Temporary jobs, revegetation, small canalblocking, livelihoods packages	Not yet	Limited jobs, microfinance, livestock, rice seeds	Jobs and in-kind loans for plasma plantations	Jobs and in-kind loans for plasma plantations	Temporary jobs, livelihood benefits refused by community	Jobs and seedlings, start-up capital	Seedlings	Jobs and in-kind loans for plasma plantations	Jobs and fish stock, seeds and seedlings; in-kind loans for plasma plantations
Capacity building	Training and livelihoods, institutional support, village land-use planning	Farmer training and participatory mapping	Credit union, financial literacy, farmer education, rubber market access	No	No	No	Diverse training on livelihood activities and forest management	Cooperative and forest management training	For employees (on how to work with oil palm)	Agricultural training, financial small business and employment training
Infrastructure and equipment	Canal blocking not completed	No	No	Limited access to equipment	Limited access to equipment	No	No	No	Company truck	School, teacher housing, mosque, road, water, electricity; access to heavy equipment
Access to land and land tenure security	Progress toward formalization	Progress toward formalization	No	No	No	No	Formalized access rights	Formalized access rights	No	No
Access to natural resources and environmental benefits	Peatland conservation and rehabilitation	Peatland conservation	Peatland conservation	No	No	Environment protected, but not accessible to communities	Formalized forest use, forest protection, reforestation	Formalized forest use, forest protection, reforestation	No	Protected forest, reforestation
Other	No	No	Support for a teacher	No	No	No	No	No	No	Scholarship program, support for a teacher

Table 6. Community burdens in the case studies.

		West Kalimantan cases								
		Central Kalimantan cases			West Kalimantan cases					
		Decreasing carbon emissions		Increasing carbon emissions		Decreasing carbon emissions		Increasing carbon emissions		
Type of burden	KFCP (REDD+)	KPRCP (REDD+)	BOS Mawas (Conservation)	PT CK1 (Oil palm plantation)	PT GAL (Oil palm plantation)	TNBBBR (Conservation)	Laman Satong (Village forest, REDD+)	Bokal Kumuo (Community-managed forest)	Landau Leban (Oil palm plantation)	PT CUS/JV ^a (Oil palm plantation)
Reduced land tenure security	Indirect (through establishment of KPHL)	Potential	Yes	Yes	Yes	Customary claims more difficult in national park	No	No	No	No
Reduced access to land	No	Potential (as proponents are required to meet the rules of the ERC ^b license)	Yes, due to conservation zone	Yes, reduced access for agricultural activities	Yes, reduced access for agricultural activities	Excluded from customary-claimed land	Minor (restricted activities on land, now monitored)	Minor (restricted activities on land, now monitored)	Some hamlets now have a reduced agricultural capacity	Timber: Yes Oil Palm: No Land was not being used by communities
Environment	No	No	No	Potential water problems and risk of fire due to proximity to peatland	Yes, problems related to fertilizer use and pest control	No	No	No	Water problems related to oil palm clearing	Timber: Yes (deforestation) Oil palm: No
Social	Some conflict related to payments	Potential	Some conflict related to access restrictions, especially in the Tuanan sub-village in Kapuas where the research camp is established	Minor – social unrest and indications of regret over opportunistic transactions	Yes – conflict due to loss of land and failure to adequately compensate or provide benefit sharing within reasonable timeframes	Cultural identity tied to forest strained	No	No	Conflict within communities	No
Economic	No	Potential	Yes, loss of livelihood activities from conservation zone and other protected areas	Loss of farmland	Loss of farmland	Minor loss of forest income	No	No	Loss of farmland; increased food expenses	No

a 'Timber' refers to a prior period when the site was cleared by logging companies before the arrival of the oil palm company (see case study in Appendix).

b Ecosystem restoration concession.

Notably, direct cash payments were only paid in one out of the three REDD+ cases at the time of the study, while such payments were associated with all four of the oil palm sites. Most initiatives aimed at decreasing emissions provided non-monetary benefits such as jobs and livelihood support (five out of six), capacity building (five), improved access to land and tenure security (four) and access to natural resources or environmental benefits (all six). Across the oil palm sites, all four provided access to infrastructure or equipment and some jobs or livelihood support; two provided capacity building; one provided environmental benefits; and none provided improved land tenure security.

All sites were associated with some burdens, although perhaps unsurprisingly the least were found in the two village/community-managed forest sites. Environmental burdens were found only in the oil palm sites (in three of the four and in the fourth prior to the arrival of the oil palm company).

All sites suffered actual or potential land tenure insecurity problems. Land access was reduced to some extent in all sites except KFCP. This included economic effects in three oil palm plantations due to loss of farmland and some losses caused by protected areas in three decreasing emissions initiative sites. Social conflict and other social burdens were found in most Central Kalimantan sites, as well as one oil palm site and the conservation site in West Kalimantan.

In summary, the oil palm cases provided the only direct financial benefits, but in three of these they were only one-time payments and in two the result was reduced land tenure security. The decreasing emissions initiatives were strongest in terms of building capacity and improving land tenure security. Negative environmental impacts were only associated with three oil palm cases. Nevertheless, the exceptions demonstrate that these results are not inevitable: oil palm is not always problematic for forests or communities, and conservation initiatives are not always beneficial for communities. The PT CUS/JV oil palm site provided substantial community benefits and had an excellent working relationship with the community, according to multiple respondents (see Box 6). With regard to the environmental impact, the company established its plantations on deforested land and also created a protected forest area. Meanwhile, the TNBBBR park site entered into conflict with the communities, which rejected the only benefits offered in order to defend their claim to customary rights to the area they were now prevented from using (Myers and Muhajir 2015). Both conservation and oil palm areas were associated with conflicts.

Land tenure is a fundamental issue that is close to the core of the politics of all case studies analyzed in this report (see Box 7). Who holds power in land use-related decision-making processes influences who has rights or controls access to land, who can benefit from land-use initiatives and even what land uses are possible. In Indonesia, recognition of customary (*adat*) rights is a highly political issue, and recent developments in this regard may have profound implications for REDD+ and benefit sharing. Although recent Constitutional Court rulings¹³ provided some hope that customary claims over forestlands will find some legal footing, it remains unclear what these rulings will mean for customary claimants. In the cases studied, the legitimacy of benefit-sharing arrangements was compromised and outcomes were more problematic when community claims were ignored (see Myers et al. 2015).

13 The first decision, MK 34, was that the rights of all communities must be respected and protected in the implementation of the State's control over the national forest estate (MK34/PUU-IX/2011). The second was MK 35 (MK35/PUU-X/2012) in which *hutan adat* (customary forest) was recognised as a new category of private forest. Along with State forest, private forest should be recognised as one type of land tenure in the national forest estate. The third, MK 45 (MK45/PUU-IX/2011) changed the meaning of the term *kawasan hutan* (national forest estate) to include only areas that have been vetted through a determination process.

Box 6. Implementation choices affect outcomes for communities in oil palm schemes.

Commercial oil palm operations are subject to *inti-plasma* schemes in Indonesia,^a which began as a way for state-owned companies to share benefits with customary landholders in the 1970s (see Martin et al. 2013). Under these schemes, smallholders in communities are entitled to 20% of the land under cultivation by the company either within a company's land-use permit (HGU), or outside of it but on customary-use land so long as that land is designated as APL and eligible for plantation development. The company (known in this scheme as *inti*) is considered the nucleus of the operations and the smallholders engage in the partnership through a cooperative that represents them and their 20% interest in the plantation. *Plasma* holders are entitled to a minimum of 2 ha of land per household. Another 1 ha must be reserved for *plasma* holders to cultivate their own food crops, meaning that the HGU holder must cultivate at least 11 ha of oil palm for each household that qualifies for participation in the scheme: two for each plasma holder, eight for the company, and one for cultivation. By 2006, nearly half of all Indonesian oil palm plantations operated under this scheme (Budidarsono et al. 2013).

We found that these benefit-sharing laws were applied inconsistently, not because local laws conflicted with the national benefit-sharing laws, but rather because each oil palm project differed in the way it was implemented. Of the four oil palm cases we covered, only one – PT CUS/JV – featured a functioning *inti-plasma* arrangement. The others were either just under the three-year operational threshold before payments must start, or else had passed that period but were not making payments. In three cases, the plantations caused considerable conflict with communities, mostly over land claims. In some communities, these disputes generated delays, while in others they created deep-seated discontent among community members. Landau Leban leaders reported being “stopped by aggressive police” when they went to the plantation office to set up a meeting and others had similar stories. These indications point not to a partnership but to an adversarial arrangement that the PT CUS/JV management laments is all too common in the industry.

PT CUS/JV took a consultative approach with communities that resulted in several community members describing the company as “our partners.” When asked how they were able to formulate constructive relationships with communities while so many other oil palm plantations have tense community relations, a senior manager responded, “It is who we are as a company.”

^a Relevant laws for the *inti-plasma* scheme (which has evolved over time) include Plantation Law 18/2004; Minister of Agriculture Decision No. 333/Kpts/KB.510/6/1986 regarding community plantations (PIR –Trans); Minister of Agriculture and Minister of Cooperatives and Management of Small Entrepreneurs Decision No. 73/Kpts/OT.210/2/98 pertaining to community and cooperative credit schemes (KKPAs); Law 20/2008 on small and micro business and plantations; and Government Regulation 44 /1997 on the *inti-plasma* partnership arrangement.

Box 7. Land tenure and management trade-offs.

There is an important trade-off with almost all of the land-use changes in this research, clearly illustrated by the oil palm and some community-managed forestry cases in which new boundaries are registered with the government. In the PT CK1 and PT GAL cases, some community members have legal titles, but even when this is formally registered with the National Land Agency, the communities' standing remains weak when it comes to negotiating with the company. When the communities reached agreements with the oil palm companies, they consented to lands they considered theirs being included in the company's permit area for oil palm activities. Once the permit expires, then according to the law the land is to be handed back to the State. While the legal status of some communities' land tenure was uncertain prior to such agreements with oil palm companies, the establishment of the permit area puts boundaries around the land that were not there before. The implications of this for land tenure including customary claims are not clear. Given that the land has already been converted to oil palm plantations, the communities cannot easily utilize it for another purpose, such as smallholder agriculture, even if it is not handed back to the State.

Furthermore, in the West Kalimantan community and village forest cases, one motivation for communities to obtain forest management rights was that nearby forestland (part of the national forest estate) had been reclassified as non-forestland (APL), which is subject to private ownership, enabling the land to be commoditized. While this change in classification could permit local communities to obtain land titles, it also opens the door for third parties – such as private firms – to acquire the land to establish an oil palm plantation. This is a particularly tenuous position for communities that are relatively ill-equipped to negotiate the bureaucratic hurdles involved in obtaining land titles.

6.2 Process and outcome legitimacy

The discussion in this section is organized around key findings based on a qualitative analysis of the ten case studies and associated interviews. It considers free, prior and informed consent, followed by a more general examination of process; communication across multiple stakeholders; community representation; gender; and the management of expectations.

6.2.1 Free, prior and informed consent

Free, prior and informed consent (FPIC) is a set of principles that ensures that all stakeholders, including land users with customary claims, are aware of the proposed land-use change and have the opportunity to agree to, modify, or refuse activities, changes or benefit-sharing arrangements. Forest Peoples Programme has been one of the strongest advocates of FPIC (see Forest Peoples Programme 2008) and applies the principles to all land-use changes that affect local communities. By law, industrial land-use changes, like oil palm or mining, should include community consultations through the AMDAL process in Indonesia, but this is not always implemented with FPIC principles in mind. In practice, there are many instances in which there is not even any consultation, or the consultation involves only local elites (see also Colchester et al. 2006). The nature of FPIC implementation can serve by definition as an indicator of process legitimacy. In the cases in this study, more complete implementation of FPIC principles was also associated with greater outcome legitimacy.¹⁴

Table 7 below contains an assessment of each of the FPIC principles for the cases in this study based on the analysis of interviews conducted with different types of actors. While the implementation of FPIC is surely contested by those who claim they conducted participatory processes and obtained consent, the table reflects our overall analysis.

Some land-use changes, like in the TNBBBR and PT GAL cases (as well as the logging that preceded PT CUS/JV), featured almost no FPIC. These two sites have greater conflict and discontent regarding both process and outcomes. However, most initiatives have some degree of FPIC.

In the case of BOS Mawas, it is difficult to assess FPIC due to the size of the area. Also, given that changes are based on the efforts of the individual program staff to lobby the provincial government for changes to land classification (based on the RTRWP 2003), it is unclear what responsibility BOS Mawas has in terms of conducting FPIC in relation to these changes. A lack of information and confusion among community members in several villages included in our study suggests that process legitimacy is weaker here compared to other cases (such as Laman Satong and Bokal Kumuo). This is partly because communities are not informed about the legal status of the 'work area' and BOS Mawas' role in its management. This affects outcome legitimacy as some community members also mistrust the program due to access restrictions and livelihood impacts associated with changing regulations, including a number of arrests for illegal logging.

In KFCP and KPRCP, FPIC was relatively complete but did not include any direct community influence or authority over project design or licensing processes; rather communities were asked to accept or reject the initiative. Uncertainty about REDD+ as a concept and future financial benefits also meant that project proponents found it difficult to ensure that communities were fully informed. For example, KFCP took more time than initially anticipated to conduct consultations to obtain consent, which later generated challenges for the project due to a perceived lack of progress following high profile public announcements.

¹⁴ Within the scope of this study and fieldwork, the findings should only be considered as suggestive, although useful for comparative purposes. A more in-depth analysis of FPIC would have to question each of the terms much more fully. For example: How free can livelihood decisions be when one lives in poverty (see Box 8)? How long does 'prior' count as 'prior'? Does being informed include information about alternatives to the proposal? And, of course, consent and consultation have very different meanings.

Table 7. Implementation of FPIC in each land-use change case.

Case	Free	Prior	Informed	Consent
Central Kalimantan				
KFCP ↓x	Yes, based on village agreements	Yes, but this did not extend to program design	Somewhat, as REDD+ is a hard concept to translate into practical terms that communities could understand	Yes, but this did not extend to program design
KPRCP ↓x	Yes, in the initial stages, but MoUs were signed with 13 villages in May 2015	No, communities were initially consulted as a formal procedural requirement of the ERC license	Somewhat, as REDD+ is a hard concept to translate into practical terms that communities could understand	Yes, project developers working with the NGO Yayasan Puter to provide third party oversight
BOS Mawas ↓x	Yes, no evidence to the contrary	Yes, no evidence to the contrary	No, community members are not informed about the legal status and boundaries of the work area, or who has management authority	Unclear, as the program does not have management authority. It appears that some village leaders provided consent for changes to government zoning regulations, but other community members were opposed
PT CK1 ↑	No evidence of the extensive public consultation required when the location permit was issued	Yes, but unclear land tenure makes it difficult to identify landholders, some of whom reside in different villages	Somewhat, as community members rely on the company and lack independent sources of information	No, leaders' agreement with the AMDAL draft is unclear and there are some disputes related to the failure to obtain the landholders' consent
PT GAL ↑	No, severely restricted by livelihoods options as the land was cleared; reports of intimidation	No, agricultural land was cleared prior to obtaining the landholders' verbal or written consent	No, information about benefit sharing is unclear or misleading and not in writing (the company ownership changed and the verbal agreements were not honored by the successors)	No, agricultural land was cleared prior to obtaining the landholders' verbal or written consent; consent was given later, but there are reports of intimidation and misinformation, and a lack of livelihood alternatives
West Kalimantan				
TNBBBR ↓x	Yes, no evidence to the contrary; at least the village leaders were free to refuse, but subsequent protests went unheeded	No, the agreement was in 1985, but the nature reserve was established in 1982; border changes were not consulted at all	No, only village leaders were told about the park and there was no mention of changes to customary use; border changes still not clear	No, only from the village leaders, not the broader community; consent was based on misinformation

continued on next page

Table 7. Continued

Case	Free	Prior	Informed	Consent
Laman Satong ✘	Yes	Yes, concept developed by the community as a whole	Yes, broad participatory discussion and documentation	Yes, process driven by the community
Bokal Kumuo ✘	Yes	Yes, concept developed by the community as a whole	Yes, broad participatory discussion and documentation	Yes, process driven by the community
Landau Leban ↑	Yes, no evidence to the contrary	Yes	Somewhat, as there was unclear information in terms of expectations, timelines and benefit sharing	Somewhat, but only from non-representative community members, not the whole community; and consent was not in writing
PT CUS/PT JV				
Logging prior to oil palm ↑	No, communities afraid to protest	No	No consultation or agreement sought	No
Oil Palm ↓✘	Yes, although severely restricted by limited livelihood options	Yes, FPIC was included in the AMDAL process before permits were issued	Yes, broad community consultation and documentation	Yes, clear and documented agreement

Note: The cases are coded for their C emissions tendencies in the following way: increasing (↑), decreasing (↓) or avoiding increasing (✘).

The most complete FPIC is found in the PT CUS/JV oil palm case and the two community-driven processes (Laman Satong and Bokal Kumuo). As demonstrated below, these three cases also feature the highest levels of outcome legitimacy and benefits for the communities involved. In the community-driven processes, FPIC took on a different meaning: rather than requiring a community consultation process led by external actors, as in the case of KFCP and KPRCP, the initiative emerged from specific needs and interests defined by the communities themselves. This does not in itself, of course, guarantee full-fledged agreement or even consultation, as communities often have diverse and differentiated populations. In the two cases studied here, however, we found widespread consultation and discussion. In Laman Satong, there was clear ownership of the initiative, which contrasts with the other REDD+ cases. For example, even when productive agricultural land was included in a new protected forest area, demonstrating real trade-offs between environmental and livelihood goals, there was little conflict because the decisions were made by the community members themselves and the compensation in terms of alternative land was deemed fair by those affected.

We note that the level of FPIC implementation varied within land-use change and actor types, which leads to the following discussion about participation (see Box 9) and process legitimacy.

6.2.2 Participation and process legitimacy

We observed a considerable variation in perceived process legitimacy across cases. This held among low-emissions development and conservation initiatives and oil palm initiatives, and did not seem to depend on whether a private firm or an NGO was the main proponent. While conventional wisdom might suggest that the integrated conservation and development initiatives of NGOs would prioritize

Box 8. When is consent truly ‘free’?

Communities are often motivated to accept outside initiatives because of limited livelihood options or even threats to livelihoods. In Landau Leban, informal gold mining was becoming increasingly difficult and the price of rubber was dropping. Similarly, livelihood activities were increasingly challenging in all cases in Central Kalimantan, where the Mega Rice Project (MRP) also severely affected land use and environmental quality. In PT GAL, the forest was cleared during the MRP, and the community gardens that were established were subsequently cleared by the company, severely restricting the bargaining power and livelihood options of the communities involved. Similarly, in PT CUS/PT JV, the forests had already been destroyed, making it hard for communities to continue traditional ways of life. In all of these cases, community members had few alternatives and did not reject the overtures from the outside initiatives.

Even the village and community-managed forest communities were motivated to claim their status by the threat of encroachment by oil palm operations, with the designation of forest management rights regarded as a means of protecting communities against the loss of livelihoods. Several villages included in the KFCP study area were similarly motivated to consider community forestry proposals for a village forest by the perceived threat from the establishment of the Protected Forest Management Unit (KPHL), which would mean an increased government presence in the area's management.

In contrast, Bunyau hamlet in Landau Laban has rejected all overtures from the oil palm company, managing to maintain full access to its natural resources and hold on to village traditions. Despite some conflicts and boundary issues related to the neighboring village, Bunyau believes that its land and way of life cannot be threatened as long as the community stands together in solidarity to protect it.

Box 9. What is ‘participation’?

According to Chhatre et al. (2012), "...effective participation of local communities in management will not only prevent adverse social outcomes, but will also enable better forest outcomes and improved capacity for forest governance." The case for broad participation of communities in making land decisions for REDD+ has been made at length (Blom et al. 2010; McDermott et al. 2012; Peskett 2011), but 'participation' is a very vague term.

Fraser (2009) speaks of the importance of 'parity of participation' as an essential notion of justice. This requires the removal of institutionalized social, cultural, political and economic obstacles to the parity of participation so that affected stakeholders have an opportunity to participate in decision-making on level ground (see also Ribot and Larson 2012). Parity of participation, therefore, is much more complex than meeting the minimum requirements for participation established by law. Nevertheless, the removal of institutionalized obstacles may be difficult without broader legislative change and the political will of more powerful actors.

participation more than private initiatives based on cash crops like oil palm, our results paint a more complex picture. Decisions about process appear to depend on a combination of factors, including, importantly, the values and aspirations of specific individuals and organizations. Their legitimacy for communities, in turn, depends on the perceptions of these processes, but is also affected by past experience.

Most of Indonesia's systems for land-use management and planning are designed to include some level of local participation: commercial activities require the environmental assessment (AMDAL); demarcation for national parks requires verification on the ground; village and community forestry include a long list of verifications and demonstrated consultations; and gazettement of forests requires

the agreement of local communities. In addition to these domestically-imposed requirements, many donors insist on extensive safeguarding procedures. In practice, these national laws and donor regulations are implemented very differently in different situations. Our results suggest that while social safeguard laws and norms may apply to whole jurisdictions, the individuals and organizations that make decisions about land use have considerable influence over how they are implemented in practice. This suggests a lack of consistency and varying levels of accountability in practice, especially when implementing actors elect not to support communities in addressing their concerns or acting on their complaints through participatory processes. This is clearly illustrated in the oil palm cases in which plantations were started in three of the four cases despite community disagreement or uncertainty about the initiative.

The practices of oil palm companies that avoid consultation with or the participation of local communities are well-documented, both in this research and others (Colchester and Chao 2012; Sirait et al. 2011; White and White 2012). Nevertheless, there are also companies that ensure community inclusion in decision-making processes (see also Paoli et al. 2014). Our interviews found a consensus that PT CUS/JV exceeded the legal requirements for community participation through extensive consultation forums that were transparent and far-reaching. By comparison, the other oil palm cases (PT CK1, PT GAL, Landau Leban) suggest the need for stronger accountability mechanisms and greater clarity and enforcement of laws and safeguard rules, including support to improve companies' understanding of FPIC and legal processes. In some cases the AMDAL was not completed, despite being required by law. Even when communities were consulted, as one community member in Central Kalimantan pointed out, "some people don't mind that the company is to be established in our area because they do not have enough information... about what the impact would be for our future." In other words, even if people provide 'consent,' it may not be based on full information.

Similarly, in the TNBBBR case communities lost access to customary-claimed land in the name of biodiversity conservation and claim they were not informed of the implications of the park's creation, although officially 'consent' was provided. In KFCP and KPRCP, communities expressed apprehension about the concept of REDD+ and its future land-use implications. This was partly based on previous negative experiences of lack of consultation and participation in decision making, as well as adverse livelihood impacts associated with previous land-use changes (such as the Sebangau National Park on the opposite side of the river to KPRCP, the Mega Rice Project and changes to government zoning regulations associated with BOS Mawas).

KFCP included extensive community consultation part way through its implementation. Implementers clarified safeguarding measures as a result of these consultations. The emphasis on community participation and FPIC did not, therefore, necessarily extend to the design of the project. The complex history of land-use change, different sets of interests and expectations, and the large number of organizations involved also affected the project's procedural legitimacy at different stages. This was manifested in disagreements in some villages over different proposals for oil palm development and in community suspicions about the motives of the project. A previous project, the Central Kalimantan Peatland Project, had earlier engaged NGOs, including BOS Mawas, whose staff later came to work as part of KFCP. This added to community suspicion about motives during consultations for the first round of village agreements. Community members also cited the high number of external NGOs, activists and researchers who visited them in early stages of project implementation as adding to this confusion. The two villages that did not sign the second round of village agreements to continue KFCP were the most complex due to village politics, land conflicts related to oil palm development, and influence of external actors who were not affiliated with the project. Although the continued presence of these two villages in the project was affected by issues related to participation and payments, the complex contextual issues also played a role. As a community member in one of these villages explained, "At the moment our position is in-between. We are confused. We are afraid because there is no one giving us recommendations about what to do – what steps we need to take – and because of the confusion. We could take a step that might lead to damage for us in the future." This interviewee was

referring to nearby oil palm plantation development, KPHL establishment and confusion arising from multiple external actors visiting the village, bringing their own views and agendas.

The land-use initiatives characterized by process legitimacy also tended to result in outcome legitimacy, although this is not guaranteed. In Laman Satong, for example, the FFI (the project implementer) worked with the communities from the beginning, clarifying the general goals and providing a way for communities to explore their own approaches to the village forest on their own terms, in regular discussion with district government officials. To date there is a high level of enthusiasm and community support for the initiative, even though there has been little by way of monetary benefits or jobs. Similarly, interviews with the Bokal Kumuo farmer association showed that community members have a strong sense of ownership over forest management and the project. They recognized that they could not have developed the community forest without the local NGO, but suggest that it was they who did the work and who manage the forest.

6.2.3 Communication among multiple government and non-government stakeholders

According to local government, NGO and community actors and higher levels of government often fail to understand the realities on the ground. One government official involved in provincial-level REDD+ policymaking in Central Kalimantan explained that while REDD+ makes sense at the international and national levels, by the time it reaches district governments and communities it is very difficult to understand and implement. In our cases, having more effective communication, including broad engagement among a mixture of both government and non-government actor types, made it more likely for solutions to be found that suited a more diverse range of interests. It also made it more likely for those solutions to be based on shared understanding and expectations among the specific individuals and organizations involved. These cases tended to result in better process and outcome legitimacy. Two contrasting examples from West Kalimantan can be used to demonstrate this.

The case of TNBBBR had very low process and outcome legitimacy from the perspective of affected communities and the local government. It is important to note, though, that proponents argued that the outcome was still good in terms of conservation objectives, meaning that it may be legitimate for donors or other external actors if it meets these objectives. In this case, several levels of government initially failed to communicate with one another and with affected communities, and indeed continue to do so. At least three Ministry of Forestry departments have been involved in the creation, confirmation and management of the national park, and yet none accept responsibility for the discontent of the communities that have been excluded from the park.

In the case of TNBBBR, communities claimed that the implications of converting the forest to a national park (i.e. that they would no longer have access to resources inside park boundaries, including their customary fields) had not been explained and that they were not consulted. In fact, village leaders were consulted and agreed, albeit apparently under false pretenses. In addition, the park boundary has moved closer to the village since that time without any information or consultation. Local government representatives, elected by the villagers, were willing to speak to the sub-district head, but too timid to voice the villagers' customary land claims with higher levels of government. Similarly, the sub-district head took the concerns to the district head but was unwilling to follow up or push for action. For his part, the district head was not willing to draft a regulation, which would amount to an affront to the national government, or to ask the provincial government to get involved. Community members claimed they have not been informed about the park boundaries or the rules regarding the use of customary-claimed land inside the park. National-level officials claimed they were not at all aware of the villagers' discontent, which the levels of government between the communities and Jakarta have apparently failed to communicate.

While land appropriation of this type is a clear example of a process legitimacy failure, there was evidence of failed communications in other cases as well. In Central Kalimantan, there were several instances of land being converted to oil palm plantations without consulting community members,

as well as reports of livelihoods being lost through changing access to land, especially in relation to restrictions on forest access for conservation purposes.

In contrast, several cases involved extensive communication, leading to well-defined benefit-sharing arrangements and reduced conflict. One of the strongest is PT CUS/JV, as mentioned previously. The company went through an extensive consultation process with the whole of the community, not just community leaders, before initiating any physical alterations to the land. Land use was specified with community members, who had few other livelihood options because the land had been substantially degraded by previous logging operations. Community leaders noticed an immediate difference between the approaches of the previous logging companies and PT CUS/JV, summing up the latter in the words “they listened”. One customary leader commented that the company was “very participatory” and inclusive of a broad range of perspectives. Land that communities wanted to continue to use for agriculture and customary-use standing forest were uncontested by the company. The company went to considerable lengths to build a relationship with the communities and the governments at the sub-district, district, provincial and national levels. All of this led to what the actors interviewed unanimously referred to as a transparent process, with both community members and the local government believing that the company is accountable to them. Meetings were documented, promises kept and expectations managed in order to avoid conflicts. The company representative had “many, many meetings” with community members, as reported by a traditional leader, who referred to the community as the company’s “partner.” Outcomes from this process include reduced conflicts among ethnic groups, increased incomes and a range of social and infrastructure services that would not otherwise have been developed. The company, government officials at multiple levels, *adat* committees and community members all emphasized the importance of regular and transparent communication among the parties.

6.2.4 Community representation

While several of the land-use changes included in this research followed the letter of the law, there was widespread discontent and a perception of illegitimacy on the part of community actors. In several cases, this can be explained by over-reliance on consultation with or consent from a small group of representatives of the communities involved (usually village heads). This kind of consultation may be conducted due to time and budget restrictions and based on the assumption that an elected official or customary leader represents the local constituency. Nevertheless, in the cases studied, participation resulted in more legitimate processes and outcomes when consultation went beyond a limited number of ‘representatives.’

By law, proof of consent depends on the type of land-use change. For the AMDAL, which is issued after the district government has authorized oil palm companies to use an area of land, the signature of the village head is sufficient, followed by confirmation by the sub-district head and district head. This was also the case for the TNBBBR national park.

Some NGO-led projects held themselves to a higher standard and required evidence of broad participation and consultation. In the Bokal Kumuo case, for example, the signatures of all but two households in the village demonstrated community consent after extensive public meetings. When consent depends on a single person or small group of individuals, even if democratically elected, it may not represent the multiple interests or concerns of community members and in some cases is subject to elite capture. An effective representative will seek to involve and communicate with constituents, but some leaders will not do this.

Several authors have already highlighted the central importance of working with customary users to ensure that benefit-sharing arrangements reflect customary rights (see McDermott et al. 2012; Wright 2012). Many Indonesian villages (and most in our cases) have customary (*adat*) leadership structures that operate in parallel to statutorily-elected leaderships. *Adat* leadership committees have different levels of influence and power in each village and, like statutory representatives, consult

with the broader community to varying degrees. *Adat* institutions prove particularly important in influencing perceptions of ‘fairness’ within local communities, although this also depends on the strength of the institutions and leadership preferences, as well as the experience and expectations of local communities.

In Bokol Kumuo, for example, land within the community forest was divided by customary rights rather than need. Village respondents insisted that although they understood that this meant some families would not have enough land and others would have more than they need, it was considered fair because land rights were divided according to *adat*. However, *adat* committees rarely include the representation of women (Henley and Davidson 2007). They should therefore be viewed as a distinct actor in decision-making processes, but not as the community representative.

Similarly, Indonesian villages have a democratically-elected head whose influence compared with *adat* leaders varies from village to village, but these leaders often play an important role not only in administrative issues related to land use, but also as community advocates or proponents of land initiatives. In several villages in the Bokal Kumuo case, village heads were key community advocates. In KFCP villages the picture was mixed, with some village heads playing advocacy or dispute resolution roles, while others likely contributed to conflicts related either directly to KFCP or to other land-use issues such as oil palm plantations. In other cases, such as Landau Laban, PT CK1 and PT GAL, village leaders provided company access to land-use change against the wishes of some of the community.

Cases that featured positive perceptions of procedural legitimacy included broad-based consultations with communities that did not rely on a single leader or select group of leaders, whether elected or *adat*. The cases involving village and community forests, Bunyau hamlet (see Box 8) and PT CUS/JV all maintain *adat* institutions that include broad consultation among villagers at the center of decision-making processes. Broad-based consultation processes were achieved by conducting several general meetings, ensuring door-to-door discussion of the proposed land-use change and providing ample opportunities for informed community members to participate in decisions.

Other cases, however, used the consent of a ‘representative’ to legitimize a land-use initiative, and we can see indications of elite capture in these cases. In PT GAL, safeguards require multiple signatures for RSPO certification, for example, but community members report what could be described as land grabbing under previous company ownership, without the knowledge or consent of landholders with customary claims. TNBBBR and some of the oil palm cases included no general consultation, a situation also noted by others in specific reference to REDD+ projects (see Indrarto et al. 2012). These problems may stem in large part from a lack of clear definitions of important concepts like consultation and participation, or simply the desire to implement land-use initiatives with only the minimum required compliance with the law. In Landau Leban and PT GAL, respondents reported that representatives who approved land-use changes received direct financial payments per document or per signature. The leaders in Landau Leban have the most land and therefore the most to gain, while the leaders of PT GAL received monthly payments in return for supporting the company.

6.2.5 Gender equity

We found little attention to gender equity in any of the field sites, even when women’s participation was promoted. Although not explicitly studying gender equity was a limitation of our research design, research based on a comparison of REDD+ projects in six countries, including Indonesia, suggests that promoting women’s participation alone is insufficient. This is not only due to cultural norms, discrimination and lack of experience, but also “because of the limited analysis and understanding of gendered forest uses and community and household relations that may be affected by interventions” (Larson et al. 2015).

Two REDD+ projects (Laman Satong and KFCP) and BOS Mawas included women’s projects or a focus on conducting separate meetings and communication with women. In Laman Satong, specific

women's livelihood activities were designed by women. When it came to the design of the village forest itself, however, women were represented by their husbands. Also, while the forest management committee did not intentionally discriminate against women, because the group was based on forest monitoring, there were cultural barriers to unmarried young women and men spending several nights camping together and there were no all-women monitoring teams. Female respondents in Laman Satong reported that women were not interested in spending several nights in the forest and believed that there were physical risks that women were less willing to take. That said, some women had taken the initiative to express an interest to the youth-based forest management committee and were accepted with the same status as men, which may lead to better involvement of women in decision-making processes in the future through their involvement in the committee.

Although in some cases benefits accrue to households, they are often represented by men. For example, women in Laman Satong reported that they were absent from the process of designing benefit-sharing arrangements. KFCP made efforts to hold separate meetings for women, but project staff reported that it was sometimes difficult to engage women in discussions and explained that in mixed meetings women often agreed with the men. In one reported example, a woman was selected to represent her village but received a message from her husband to return to the village due to his illness. When she returned, her husband departed to attend the event in her place. However, in other examples, women who were involved in the project and participated in training or workshops reported that they gained knowledge and the confidence to express their views in public meetings. Several women interviewed were also supported by local NGOs and advocacy groups, including Solidaritas Perempuan (Women's Solidarity), which conducted workshops in several villages in both the KFCP and KPRCP field sites.

In PT CUS/JV, the cooperative leadership and the democratically-elected heads of village and hamlet are all male. In KFCP, several of the elected and nominated positions (in the activities management team, or TPK; and the monitoring team, or TP) were held by women, but village land-use mapping (PTGLD) involved mostly male leaders. PTGLD focused on village land use and rights, and also considered customary land uses, but any consideration of gendered forest/land uses and household relations tended to be *ad hoc*.

6.2.6 Managing expectations

Expectation setting was critical to perceptions of legitimacy among all types of actors. Although all oil palm cases feature some form of benefit-sharing scheme,¹⁵ companies differed widely in their promises of what benefits would be delivered and in their follow through on verbal commitments. In the PT CUS/JV case, the companies ensured clear communications from the beginning and set consistent and appropriate expectations among communities. They set priorities with the communities about what would be delivered by when and made it clear that not everything would be delivered at once. According to community leaders, the first priority was the road, followed by the school, the mosques and churches, and the water supply. During the fieldwork for this study, the electrification project was underway. As an ISO 9001 certified company, they documented all information transactions, recorded notes and made written agreements with communities, making the records available to the communities so that the expectations could be verified. In at least one incident, upset community members were calmed down when the company reviewed the minutes of the meeting and they realized they had agreed to borrow equipment on specific terms.

In the Laman Satong village forest and Bokal Kumuo community-managed forest, expectations were also made clear through both a single 'socialization' meeting and ongoing discourse, leading to written agreements early on in the process. This also appeared to be the case with KPRCP, which had

¹⁵ The government of Indonesia regulates benefit sharing in an arrangement known as *inti-plasma*, in which companies must set aside 20% of the land under cultivation for the benefit of local communities (see Box 6).

MoUs signed with 13 villages as of May 2015, although no formal benefit-sharing agreement had yet been reached.

In contrast, most of the other oil palm cases generated unrealistic expectations among communities. Villagers in Landau Leban reported that the company had promised jobs, but then claimed it had not agreed to any such arrangement after a change in management. A village in Landau Leban was promised clean water, a new school, jobs and a road, but after three years none of these benefits had materialized. In all of the *plasma* communities in Landau Leban, respondents referred to the company's 'sweet words' (*kata manis*) that were not matched by actions. And in every affected hamlet (except for Bunyau, where all commercial activities have been refused), local respondents reported that these 'sweet words' were used to meet the AMDAL requirement for community agreement with land-use decisions and that they are frustrated these promised have not been kept.

Other communities were also frustrated by changes to company management in oil palm initiatives. In the case of PT GAL, some community members were engaged in a blockade of a disputed portion of the plantation that started in 2008. According to reports from community members involved in the blockade,¹⁶ in 2009 a manager assisted them with negotiations and an agreement was signed, but the manager was subsequently reassigned and there was a change in company ownership. They later realized that the agreement did not, in fact, permit them to retain control of the disputed land and appealed to the company. According to one community member, "[Changing management] is just their trick for fooling with us."

Similar 'sweet words' were apparently used in the TNBBBR case in which communities were promised protected forests, but were not aware of the costs of such protection in terms of their livelihoods and cultural identity. They were told that signing the agreement would ensure the forest would not be felled by timber companies, which were expanding rapidly in the area at the time. However, community members claim they were not informed that protecting the forest also meant they would no longer be able to enter it and access its resources as they had customarily done for generations.

Expectation setting includes having a clear contract that stipulates the terms and conditions of agreement. Conflicts arose where no such contract existed (TNBBBR, PT CK1, PT GAL and Landau Leban), but there was a broad perception among actors that the process was fair in most cases in which they did (Bokol Kumuo, PT CUS/ JV and Laman Satong).

It is important to consider the issue of expectations from the company and NGO perspective, however. In the Landau Leban and PT CK1 cases, the oil palm company stated that working with the community was the most difficult part of plantation operations, in part because of expectations that all the benefits would accrue immediately. At the same time, community members in Landau Leban felt strongly that the company had not honored its promises and pointed out that other communities had already received benefits (in the form of land compensation).

REDD+ projects also faced problems with expectations, especially KFCP, which began with a bold public announcement in 2007, but later readjusted expectations downward to position itself as a demonstration project, according to the Project Design Document from 2009. The initial fanfare likely contributed to the later public perception, which the project was never able to get back under control in spite of multiple attempts to do so (Olbrei and Howes 2012). KFCP respondents highlighted the complexity of implementing large-scale projects with multiple actors and myriad expectations, as well as the pressure to show results over relatively short timelines. At the district level, a local NGO and district government both expected to be involved in the project, but this proved difficult at least in the early stages due to a lack of clarity regarding the rules for engagement and project leadership. At the

¹⁶ The company's perspective has not been reported as its management declined the request for an interview.

village level, despite a fairly extensive consultation process, communities struggled to understand the concept of REDD+ and the project goals, as well as being concerned about land tenure. Communities expected to receive ongoing financial, employment and livelihood benefits through participation in the project and the restoration of their local environment. However, these benefits were ultimately compromised by the project's early termination due to media pressure and Australian domestic politics (Davies 2015).

6.3 Lessons for REDD+

Based on the number of cases included in our study, it is not possible to observe a clear pattern in relation to process or outcome legitimacy associated with either the type of initiative (e.g. REDD+, conservation, or land clearing for investment) or the proponent (NGO, private sector, or government). Nevertheless, we did identify clear patterns with regard to factors affecting legitimacy. Consent, participation and communication are core factors considered to be integral to process or procedural legitimacy, and that was confirmed by our case studies. Notably, those cases that featured procedural legitimacy were the same ones that displayed outcome legitimacy. In no case did a high level of procedural legitimacy lead to dissatisfaction with outcomes, and in no case did poor procedural legitimacy result in high outcome legitimacy.

With regard to benefit sharing, non-monetary benefits such as land tenure, capacity building, infrastructure and access to natural resources have been especially important in REDD+ initiatives. However, in most cases there are non-monetary burdens associated with the intended benefits. These involved decreased access to natural resources (BOS Mawas and KFPC) and weakened land tenure claims (especially in TNBBBR).

Our research revealed that results are contingent upon process, and FPIC can be a strong process if conducted using a robust method that includes broad community consultation. Failure to do so can lead to misunderstanding, distrust, conflict and rejection of or opposition to the initiative. Consultation that enables community input during the design stages of projects and of benefit-sharing arrangements can strengthen process legitimacy.

We found a direct link between levels of participation and legitimacy, regardless of the type of land-use initiative. REDD+ initiatives are not necessarily better positioned than non-REDD+ initiatives to engage community members in participatory processes, although they may receive higher public scrutiny. International conventions require FPIC principles only when the land-use initiative affects indigenous populations, so they do not have to be applied to all villages or communities. While there are some compelling arguments for indigenous rights to be distinct, there are also justice concerns affecting non-indigenous communities.

REDD+ is also very difficult to explain. Concepts such as carbon and the tenuousness of carbon markets make it particularly difficult to grapple with to ensure informed consent. It may be difficult to manage expectations and care must be taken to ensure that sufficient, accurate information is given while obtaining consent, preferably with provisions to ensure flexibility so that adjustments are possible during later stages of the project. Proponents need to be transparent and cautious, which implies being specific about what benefits will accrue to whom on what timeframes, as well as risks and trade-offs. Our findings suggest that legitimacy was highest when the benefits were put in writing in advance and when proponents demonstrated flexibility to address other issues as they arose. Communities need to be clear about what they are or might be giving up, not just what they will gain.

Extra effort and time may be required to compensate for internal power dynamics within communities in order to enable broad-based adherence to FPIC principles. Also, since land-use decisions are traditionally made through customary processes, it is important for REDD+ projects to understand, respect, and integrate customary processes, such as *adat* institutions and methods of allocating land

or acknowledging rights, into governance structures. But it is also important to incorporate elected, representative leaders, while assuring broad-based participation and information sharing.

Similarly, the research finds that gender considerations are underdeveloped. There is therefore a risk that further inequities could develop through REDD+ initiatives unless gender analysis is fully integrated into plans and activities (Chhatre et al. 2012; Colfer 2013; Larson et al. 2015; Thuy et al. 2012). Failure to address gender or other social inequities may also facilitate elite capture of benefits among stakeholders, resulting in reduced outcome legitimacy.

Requiring participation or consent, such as through safeguard rules, will not guarantee effective implementation of processes of community consultation, participation and expectation setting, which are highly variable in practice. Our findings demonstrate that not all actors in a position of power use their power in the same way, and their use of it is also constrained or enabled by local conditions and other actors. As seen across several oil palm and other land-use initiatives, strong accountability mechanisms, monitoring, verification, safeguards and rule making are important, but may not make a difference on the ground if attention is not also paid to social inequities and enabling conditions. Consent may be granted without having full information or obtained by relying on a small group of leaders, and full implementation of FPIC may not be taken seriously due to cost and time implications and the pressure to show results. In terms of legitimacy, the strongest initiatives were those embedded in the communities themselves, including the two that emerged from the villagers' initiative and the unusual oil palm initiative that treated villagers as respected partners.

7 Conclusions

In this report, we have examined a range of issues, assessing who holds power over land use in Central and West Kalimantan in decentralized Indonesia, unpacking the multilevel REDD+ politics in these provinces and analyzing the factors affecting the legitimacy of land-use decisions. The findings presented above raise further questions for research and have implications for policy makers and civil society that we discuss below.

First, our findings regarding power and influence over forests and land use show that while many actors play a role in land-use governance in Indonesia, the Ministry of Forestry was particularly influential and dynamic. The Ministry of Forestry supported conservation and forest protection in some cases, while facilitating forest degradation or conversion in others. It also granted communities rights to forests through management schemes in some cases, while failing to recognize any customary claims at all in others. One of the most common multilevel governance tensions identified was between the Ministry of Forestry, with its responsibility for managing forests, forestlands and forest resources, and other government officials directly elected by the people living in communities. This tension was manifested in several cases and demonstrates the complexity of managing land resources in a multilevel governance context, especially once other actors like corporations and NGOs become involved in advocating from their own perspectives and interests, often aligning themselves with different government levels or communities.

Communication and coordination among different government offices and with other types of actors were weak in most cases. The reasons for this have to do with differing visions for the landscape, limited budgets for coordinating with other actors, excessive bureaucracy and unclear rules, as well as a failure to address political problems or addressing political problems with technical solutions. As projects and initiatives are brought under a nationally-driven jurisdictional approach with influence from international donors, REDD+ runs the risk of strengthening vertical structures and increasing the gap between national and local actors (Phelps et al. 2010). Unsurprisingly, in our research smaller projects with a focus on community participation and bottom-up approaches generally had better communication and more consistent understanding, while larger projects were more problematic, suggesting particular challenges for REDD+ due to the variety of actors and organizations involved. These complex relationships need to be appreciated by policy makers and improved communication and understanding could lead to more integrated, equitable and sustainable land-use decisions. Also, as we detailed in this report, even though land-use changes involved a wide range of actors, the voices of local communities were often the weakest and relied on support from external actors such as NGOs.

Second, it is important to consider the underlying factors that drive forest conversion, especially for oil palm plantations. A particularly important factor in this regard is the broader development model in Indonesia, which prioritizes high economic growth and has made oil palm attractive for provincial and district governments in terms of meeting national targets. Both domestic and foreign companies coordinate with authorities to gain access to this land and develop businesses that assist the economic development of these natural resource-dependent provinces. A broad coalition of actors therefore promotes investments that involve the conversion of forests and smallholder agricultural lands to plantations. Meanwhile, financial incentives to support low emissions alternatives have been limited so far and have not been reliable. In the case of KFCP, for example, the district government issued a new oil palm plantation license in the area in 2014 that comprises the former project site, suggesting little change in investment patterns or financial incentives despite increased awareness of REDD+. These issues raise questions about the efficacy of the emphasis on redistributing legal responsibilities to improve oversight or improving land-use planning without addressing these central, underlying drivers.

On the other hand, the village and community forests in West Kalimantan were largely established precisely to resist the advance of oil palm plantations. Policy makers involved in REDD+ and REDD+ project proponents need to be aware of the limitations of carbon finance-based REDD+ initiatives to date and to consider the lessons from successful initiatives like those that have actually addressed large drivers of deforestation, albeit on a smaller scale.

Third, because all land-use initiatives generate benefits, characterizing those benefits and understanding how they are distributed is critical (more detail in this respect is available in a companion Infobrief to this report: Myers et al. 2015b). One of the relatively few laws governing how benefits are shared at the local level is the *inti-plasma* law for oil palm plantations. However, we found that the implementation of these laws is highly variable and participation processes are easily avoided. As the government seeks to regulate income distribution from carbon sales, it should apply lessons from *inti-plasma* and other benefit-sharing arrangements. Most commonly, the information provided to communities was not complete or independently sourced, while overdependence on specific community representatives to approve land-use changes created vulnerability to manipulation for personal gains. This suggests that while laws and regulations are critical to the legitimacy of land-use initiatives, there need to be stronger accountability mechanisms with more transparency to safeguard community interests.

Fourth, there are several important lessons from this research regarding the legitimacy of land-use initiatives. For example, even *extensive* communication is not always *effective*. Government officials in several cases stated that there were misunderstandings despite extensive meetings and communications protocols. In KFCP, for example, substantial investment in communications and well-documented meetings did not lead to universal perceptions of legitimacy. Key actors from the district government and local NGOs saw REDD+ as the purview of external forces, failing to take into account local ideas, concerns and experience.

The most locally-legitimate initiatives were those that most deeply engaged local communities through bottom-up processes in which a broad cross-section of community members had the scope not only to ask questions and voice concerns, but also to engage in broader aspects of decision making and management, including for the allocation of rights and benefits. We suggest that legitimacy was strengthened by effective communication, broad-based participation, effective representation and a clear definition of roles and expectations.

Communities with strong histories of collective action and/or communal land management appeared to have a notably better ability to negotiate on their own behalf (most clearly in Bunyao, but also seen in Bokol Kumuo and Laman Satong). On the other hand, those with histories of internal political division and/or disagreements over land management appeared to have greater difficulty in negotiating with external actors, making it hard for proponents to navigate these divisions to achieve a clear definition of roles and expectations. This can be seen in three of the four oil palm cases and in the heavily degraded areas of the MRP. As we saw in several cases located in the MRP area in Central Kalimantan, the history of previous government policies and interventions also shaped communities' experiences and expectations, affecting process and outcome legitimacy.

REDD+ and other initiatives have large obstacles to overcome based on past experiences and distrust. At local levels, the question of what constitutes a 'community' becomes vastly more complicated and diverse than the ways they are understood by powerful external actors. As we found in KFCP and KPRCP, communities in several villages were internally divided over different land-use proposals, or seemed likely to opt to strategically support several initiatives, including REDD+ and oil palm plantations, to compensate for a lack of livelihood alternatives. This underscores how complex land-use dynamics on the ground and the politics of land tenure affect the legitimacy and, ultimately, success of initiatives. Government and non-government proponents of land-use initiatives should therefore pay close attention to both the short- and long-term implications for the land tenure security of local people.

The question of how land-use initiatives, including REDD+ projects, might affect local people's land tenure should also be recognized by REDD+ proponents. The politics of land tenure are central to land-use decisions and moreover have profound implications in terms of how benefits are shared. Ongoing debates surrounding the recognition of customary-claimed land rights merit the attention of policy makers, researchers and activists at all levels.

Finally, our research demonstrates the importance of the values and perspectives of leaders or organizations that choose to take exceptional stances. With regard to conservation, we have seen a district head in Ketapang who chose to reject oil palm in spite of its economic benefits and an oil palm company that chose to keep a conservation area in spite of economic losses and opposition from the government. With regard to social inclusion, we found that different types of actors carry out processes that demonstrate lower and higher levels of commitment, with the best levels going far beyond formal regulations. These decisions matter and change will be far more difficult without such leadership, although, of course, these leaders cannot act alone.

Overall, our research has revealed a complex set of multilevel governance dynamics in decentralized Indonesia in which many actors negotiate land use and land-use changes, as low-emissions development initiatives like REDD+ introduce a new set of interests while endeavoring to alter incentives that support business as usual. As REDD+ continues to emerge and evolve, actors at multiple levels will benefit from better understanding of and engagement with the social and political processes and practices of governance and land use in Indonesia. This will allow low-emissions development, REDD+, and other land-use initiatives to be implemented legitimately, generate benefits that are distributed equitably, and balance the numerous conservation and development objectives that they must satisfy.

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Appendix: Case study summaries

This appendix contains a short introduction to each of the cases covered in this study, presenting each as concisely as possible, but with the goal of providing enough detail to contextualize the analytical sections (Table 4 in the main text provides a summary of the cases involved). Some names have been changed due to agreements to ensure anonymity.

We present the cases from Central Kalimantan first and then those from West Kalimantan. The cases corresponding to sites under land-use change that decreases emissions are presented first, followed by those associated with drivers of deforestation and degradation. Given the economic importance and social and environmental impacts of oil palm development in the two provinces, we selected four oil palm sites for this study. The case descriptions explore both the process and results of each land-use change. We pay particular attention to institutional arrangements, participation in decision making and benefit sharing as a result of the changes.

A.1 Central Kalimantan¹⁷

A.1.1 Borneo Orangutan Survival Foundation's Mawas Conservation Program (BOS Mawas), Kapuas and Barito Selatan

Established in 1991, the Borneo Orangutan Survival Foundation (BOSF) is a nationally-headquartered NGO that works in East and Central Kalimantan. The Mawas Conservation Program (BOS Mawas) began in 2001 based on an agreement with the provincial government of Central Kalimantan. The program has regional offices at both the provincial and district levels and local base camps for forest monitoring, education and research purposes. While activities have sought to involve nearby communities and provide alternative livelihoods, the main focus of the program is conservation and rehabilitation of the peat swamp and lowland forest as orangutan habitats. According to the provincial-level agreement, the site area covers 309,861 ha. This comprises Block E and the northern half of Block A of the Mega Rice Project (MRP) area (explained in Box A1) in four sub-districts and two districts. Due to the MRP and subsequent illegal logging and fires, most of the area of Block A is highly degraded, whereas the lowland peat swamp forest in Block E is relatively intact and provides a habitat for at least 3,000 orangutans. The local population is primarily Dayak Ngaju in Kapuas and Dayak Ma'anyan and Banjarnese in Barito Selatan. There are approximately 29,000 households and 53 villages and hamlets (*desa* and *dusun*) spread out along the Kapuas and Barito rivers.

After the MRP was abandoned, several large donor-funded projects sought to improve living conditions and rehabilitate the peat swamp. These involved multiple levels of government and a broad range of stakeholders. Previously, BOS Mawas worked as part of the Central Kalimantan Peatland Project (CKPP).¹⁸ More recently, REDD+ introduced a new set of actors and governance arrangements and the program later collaborated with KFCP (see next case). It also proposed a REDD+ project in Block E in collaboration with Shell Canada in 2008. Although this proposal did not materialize, it shows the program's efforts to generate funding based not only on habitat protection for orangutans, but also on carbon sequestration linked to REDD+. The program relies on funding from overseas donors or as part of larger projects, which varies, affecting its size (for example, the number of staff employed) and the specific projects implemented at different times.

¹⁷ Written by Anna Sanders and Rut Dini Prasti H.

¹⁸ CKPP (2005–2008) was funded by the Dutch Government. It was the first large-scale attempt at peatland rehabilitation, covering the entire area of the MRP. According to several key informants, community participation was limited, and CKPP had coordination problems due to the number of organizations involved.

BOS Mawas has a cooperation agreement (*perjanjian kerjasama*) with the provincial government that sets out basic principles and expectations for the program to conduct activities that are consistent with the agreement and other land-use planning regulations within the 309,861-ha site area. This agreement does not establish management authority or any other rights and does not specify any source of funding for activities. It covers a range of activities that include orangutan rehabilitation; conservation and rehabilitation of the forest and peat swamp; community welfare and local economic development; knowledge, skills and management transfer for district governments and communities; and environmental education and the publication of materials for awareness raising. The Environmental Agency (BLH, *Badan Lingkungan Hidup*) is the main department responsible for facilitating coordination and communication through a provincial-level working group (TTKP, *tim teknis kerjasama program*). The agreement also stipulates the establishment of district-level TTKPs as a mechanism for activity implementation, coordination and communication. It does not stipulate any institutional arrangements at the village level within the site area, and several community members in Block E reported that the program reports to the village heads but does not always obtain wider permission such as through village-level agreements to conduct activities, particularly in relation to research collaboration with domestic and foreign universities.¹⁹

The district TTKP has already been established in Barito Selatan and holds three fixed monthly meetings and any additional meetings required. Although progress toward establishing a TTKP has been slower in Kapuas, the agreement was signed in December 2014. Whereas the district government in Barito Selatan mostly plays an observer role, program staff reported that the district government in Kapuas seeks to be more actively involved, possibly due to having more experience working with larger projects, including KFCP. Program staff said that the TTKP is an important mechanism for improving coordination and information dissemination in the district, which district-level actors have complained about. BOS Mawas believes it will help ensure that district governments are involved and informed about projects and activities, and facilitate coordination with the newly-established Protected Forest Management Unit (KPHL) in Kapuas, which was under district-level authority at the time of writing.

The BOS Mawas program conducts forest patrols to monitor illegal logging and peat fires, which contribute to deforestation and peatland degradation. Proponents consider this important for habitat protection and carbon sequestration. The program informs regularly on illegal forest activities in monthly reports distributed to all relevant departments at the provincial level, which are later reported to the KPHL in Kapuas. Although this reporting is not directly linked to any government law enforcement programs, some community members interviewed blame the program for past arrests for illegal logging. According to interviews, senior program staff were instrumental in lobbying the provincial government for changes to provincial-level regulations (RTRWP of 2003) for the establishment of the conservation zone in Block E to restrict logging and other extractive land uses. Hence, local communities also mistrust the program due to land-access restrictions and livelihood impacts associated with changing regulations. However, some community members also credit it with helping to secure the remaining forest from commercial logging and supporting fire prevention, which is important due to problems of peatland degradation and fires stemming from the history of the MRP and their dependence on the local environment for livelihoods.

The program seeks to involve communities through forest monitoring activities as a means to provide employment and education. Within the limits of its funding, the program intends to employ local staff where possible. It also seeks to provide communities with livelihood alternatives as a way to reduce their dependence on the natural environment, thus also reducing the extraction of wood and forest resources from the site. During the KFCP time period, BOS Mawas concentrated livelihood activities in Barito Selatan to avoid any overlap. In Barito Selatan, the program recently provided training in

¹⁹ The universities do not necessarily have formal collaboration with the program for activities on the ground, adding further complexity in terms of institutional and informal relationships between organizations, especially from community perspectives. Universities with a history of field research conducted in the Mawas area include Rutgers University, Zurich University and *Universitas Nasional Jakarta* (Jakarta National University).

several villages to improve access to rubber markets and financial literacy, as well as initiating a credit union focused on working with vulnerable groups, including women. Indirect benefits may include financial capacity building in addition to the direct financial benefits associated with better access to credit. These activities have only been implemented in a few villages due to budget limitations, but the aim is to apply the lessons learned to other locations in the future.

Box A1. Mega Rice Project Area.

Several cases located in the Mega Rice Project (MRP) area are affected by multilevel governance arrangements that involve changing regimes and government projects. Beginning in the 1970s, central government policies supported large-scale commercial forest exploitation, but the area was still mostly forested prior to the MRP despite a history of logging. The MRP was a large agriculture project implemented during the Suharto era that aimed to convert more than 1 million ha of peatland for rice production. The transmigration program implemented during this period shifted populations from other parts of Kalimantan and from Java and Bali. Warnings and protests from local experts, governments and communities, based on their knowledge of local environmental conditions and the unsuitability of non-tidal peatland for large-scale wet rice cultivation, were not heeded by the national government and experts employed from non-local universities. Primary peat swamp forest was cleared and canals were constructed to drain the peat swamp, but the northern non-tidal sections were unsuitable for large-scale wet rice cultivation and the project was abandoned. For the transmigrant population that settled in the MRP area, not only did the expected continued work not appear, but the different soil conditions proved difficult for agricultural practices better suited to other locations, such as the Java and Bali islands.

The MRP divided vast portions of the districts of Pulang Pisau, Kapuas and Barito Selatan into five Blocks. The BOS Mawas and KFCP sites are located in Blocks A and E. The local livelihoods of communities living in Block A, based on swidden and agroforestry systems, were some of the worst affected by direct land clearance during the MRP and by subsequent illegal logging and fires during the early 2000s. The 1997–1998 fires devastated local environments and livelihoods. By comparison, Block E has fairly intact peat swamp with primary and secondary lowland forest, which is therefore the focus of BOS Mawas activities aimed at habitat conservation. Communities in villages along the Kapuas River (spanning Blocks A and E) remain heavily dependent on the local environment, while employment and direct market opportunities (such as for rattan and other resources) are limited due to the remote location. Following decentralization and based on district government authority, the first oil palm concession license was issued in 2004 and several oil palm plantations are now located in the surrounding area, including PT GAL in the transmigration area, and PT CK1 in another section of the MRP.

Land tenure and customary claims are contested and land uses are commonly overlapping and legally ambiguous due to the history of the MRP and subsequent land-use changes, including logging and oil palm plantations and conservation and REDD+ initiatives (McCarthy 2013). The MRP also disturbed customary arrangements for individual and communal land uses under traditional swidden agricultural systems, while the pace of environmental and land-use changes has caused further disruptions and social upheaval. Although no logging concession licenses were in operation after the MRP, Blocks A and E were still mostly zoned as production forest (*hutan produksi*, or HP) to allow this type of land use. From the perspective of BOS Mawas, changes to provincial-level regulations (see case summary) clarified the rules for the restriction of logging and other extractive activities, making them consistent with habitation conservation and forest protection. However, many of the forest boundaries and land-use classifications are not resolved. The establishment of the Protected Forest Management Unit (KPHL) in 2012–2013 adds new boundaries and multilevel governance arrangements. As is often the case with forest boundaries and land-use classifications based on production, protection and conservation forests, the new KPHL boundaries do not acknowledge customary (*adat*) forest and land uses. Therefore, communities that we interviewed viewed the establishment of the KPHL as having uncertain implications in terms of access, customary land uses and local livelihood activities. Based on national-level zoning regulations, Blocks A and E currently consist of protected forest (*hutan lindung*, or HL), with conservation forest (*hutan konservasi*, or HK) in the northern half of Block E.

A.1.2 Kalimantan Forests and Climate Partnership (KFCP), Kapuas

The Kalimantan Forests and Climate Partnership (KFCP) was the largest REDD+ demonstration project in Indonesia and officially ended in June 2014. It sought to contribute to policy development and capacity building around carbon markets and to provide technical support for national forest carbon accounting and monitoring systems. The project piloted approaches to reduce emissions, which focused on reforestation and rehabilitation of degraded peatland in the MRP area. The former project site of 120,000 ha was located in Block E (70,000 ha), which has relatively intact forest, and Block A (50,000 ha), which is mostly highly degraded (Graham et al. 2014). There is spatial overlap with the BOS Mawas site (309,861 ha) and the recently-established KPHL (105,372 ha). The local population is mostly Dayak Ngaju, with approximately 9,000 people living in 14 villages or hamlets (*desa* and *dusun*) in two sub-districts.

As part of the Indonesia Australia Forest and Carbon Partnership (IAFCP), the project was based on a bilateral agreement between the President of the Republic of Indonesia, Susilo Bambang Yudhoyono, and the Australian Prime Minister, Kevin Rudd, signed on 13 June 2008. The initial public announcement in 2007 claimed that KFCP would prevent 700 million tons of greenhouse gas emissions over a 30-year period and relood 200,000 ha of degraded peatland (Downer 2007). These targets were later revised based on available funding.²⁰ The goals stated in the 2009 Project Design Document repositioned KFCP as a demonstration project, but the canal blocking was not completed as planned.²¹

Reflecting the bilateral nature of the agreement, the project's organizational structure affected decision making at various stages and levels of the project. Although project offices were located at both provincial and district levels and local staff were employed for community engagement in the villages, the primary contractor (Aurecon-IDSS) responsible for implementation was based in Jakarta. A project director based in Central Kalimantan was not appointed until 2013. The project's high public profile meant that the Australian government, through AusAID,²² remained heavily involved during project implementation. Based on interviews with senior staff involved in the project, many key decisions required input or approval from the IAFCP office in Jakarta or the Australian government in Canberra. Overall, this meant reliance on sub-contractors, procedural delays due to the complicated approvals process and a lack of flexibility for staff to make changes at the project level, especially given the absence of a local program director until 2013.

The Ministry of Forestry (MoF) was the national-level executing agency, but in practice the relationship between the IAFCP and the MoF was not clear in terms of project implementation. As the executing agency, the MoF should in principle have facilitated the project, establishing a relationship with the district government in Kapuas via the provincial level. As this did not occur, the project's engagement with district government was initially slow and agreement about rules and administrative arrangements was reached only after implementation had begun in the villages. The structure of the KFCP office in Kapuas also meant that a senior manager based there was only assigned to work with

20 At the time of the initial public announcement, it was anticipated that other sources of funding would become available to contribute to the project, but this did not happen. According to Atmadja et al. 2014 (p. 293) total funding disbursed from the Australian government through AusAID to IAFCP was AUD 37.47 million. According to key informants, this was less than anticipated (and otherwise reported as AUD 47 million) due to budget cuts in 2013 affecting the final year of the project.

21 The 2009 Project Design Document states that the project's goal was "to demonstrate a credible, equitable, and effective approach to reducing greenhouse gas emissions from deforestation and forest degradation, including from the degradation of peatlands, that can inform a post-2012 global climate change agreement and enable Indonesia's meaningful participation in future international carbon markets."

22 Currently the Department of Foreign Affairs and Trade (DFAT).

communities and district governments in 2013,²³ which affected planning and coordination for the handover to the Kapuas district government when the project ended.²⁴

KFCP collaborated with BOS Mawas and CARE International based on their previous work as part of the CKPP. While this arrangement provided technical input and other support, communities were initially confused by the overlap between staff employed as part of KFCP and earlier projects. The relationship between the project and local NGOs was more difficult as the latter did not necessarily have the same level of technical and administrative capacity as larger organizations. While local NGOs were initially consulted, they perceived the project to be externally driven because it did not build on their knowledge and experience working in the area.²⁵ In addition, the district- and provincial-level NGOs that were frustrated with different aspects of the project had close ties to national and international networks critical of REDD+, including Friends of the Earth activists in Australia. These networks, which facilitated visits by these external actors, contributed to a high level of media scrutiny around the project.²⁶

The project provided support to a range of local institutions, including the establishment of the KPHL at the district government level in Kapuas. A regional forum was also established to support communication between the villages (*Forum Komunikasi Antar Desa*). At the village level, the project provided support for income and livelihoods and for capacity building. It established new local institutions – the activities management team (*Tim Pengelola Kegiatan*, or TPK) and the monitoring team (*Tim Pengawas*, or TP)²⁷ – to oversee work activities and manage the delivery of payments to communities for the nurseries and tree planting.

Village agreements formed the basis for all activities implemented and included three components: principles, standard conditions, and the work packages that specified the costs of discrete activities. The consultation process leading to the signing of the first round of village agreements was extensive and time-consuming, and the additional time required to build trust and working relationships among the different actors involved was initially under-estimated. Abstract concepts such as ‘REDD+’ and ‘carbon’ were not easily translated in ways that the communities could understand, while language barriers affected the timeframes and processes for negotiating the village agreements based on free, prior and informed consent (FPIC). Land tenure issues were some of the most sensitive and communities initially mistrusted the project based on their previous experiences of land-use changes. The project sought to respect and where possible address or resolve local land use and tenure issues, but due to their complexity and history of the MRP, this was more difficult than initially anticipated, as was building trust and working relationships among the different actors involved in the project.

23 Prior to this, there were several managers with different responsibilities for implementation of work components in the villages, and no specific person responsible for managing communication with the Kapuas district government.

24 For example, support for the establishment of the Protected Forest Management Unit (KPHL) was a key priority area, but the KPHL reports that it only began working with KFCP from mid-2013, during its final year of implementation, so there was not enough time to build district-level support for the handover when the project ended. This was also the case for village land-use planning (PTGLD), as there was not sufficient time to build support and approval from the district government.

25 Several local activists and community members who were opposed to KFCP and collaborated with local NGOs later worked with the project on village land use planning (PTGLD) and training and data-sharing was aimed at supporting them to continue similar work in other villages. This happened during the final stages of the project following the appointment of a new project director.

26 Media reports from this time period were often based on partial information, such as interviews with community members who were aligned to local NGOs opposed to the project. While project staff were not permitted to speak to the media at the time, they later reported that the involvement of non-local NGOs and interest groups added to the confusion among community members over sensitive issues, particularly land tenure.

27 TPK positions were democratically elected by community members in each village and therefore represented the community. TP positions were appointed by the village head and village government, except when the village preferred this position to be elected as well, and therefore represented the government. The reason that TP positions were mostly appointed was to enable village heads and village governments to be involved in the process of monitoring the implementation of activities and TP positions would later report directly to the village head. This meant that TP positions often included members of the village government or other appointees including *adat* leaders, women and youth.

There were two rounds of village agreements. A total of nine villages originally signed such agreements in January 2012, but a new village was later created and the two southernmost villages did not sign the second round of agreements in 2013.²⁸ For the first round, activities included planting trees, supplying materials, building palisades in preparation for constructing dams, blocking small canals and training for fire reduction (Week et al. 2014). While communities received financial benefits, the design of the ‘work packages’ was fixed, with little scope to renegotiate budgets and expectations once work had started. From the total work package allocated to each village, 5% was reserved to meet development needs based on the village’s individual preferences upon completion of the work. Under the work packages, a broad demographic range of people participated in tree planting and other activities. The tree planting was perceived as low-paid relative to working conditions, but provided supplementary income at the household level. Many women participated in the nurseries to grow seedlings due to the flexibility of being able to do this alongside other work and family commitments. Elected representatives (TPK and TP members) managed the village-level payments in three installments based on the communities’ inputs, with proxy measures for performance (e.g. the number of trees planted or seedlings grown).

During the second round of village agreements, payments related to the reforestation work did not continue and the planned rehabilitation work of blocking canals to restore the hydrological function of the peatland did not commence, despite preparations having already been undertaken (including payments to customary landholders for potential disruptions and customary ceremonies related to traditional beliefs and relationships to land). This means that the degraded area remains highly vulnerable to fire. The communities received livelihood packages, which were allocated on a per-household basis. These included options for 1 ha of rubber seedlings or fish stock of an equivalent value, farmer training and cash payments. The livelihood packages were more flexible and responded to community requests, but any longer-term benefits such as capacity building are unclear since they were designed with the continuation of the project in mind. The Australian government’s decision in 2013 to scale back and then discontinue the project was not based on consultations with communities or district governments, which wanted it to continue, and did not involve wider public consultation. It is likely that a range of factors contributed to the decision, including sustained negative media reporting of the project and perceived public disappointment, domestic political issues in Australia, and lack of clarity about the project’s wider goals in terms of demonstrating REDD+ in Indonesia (Davies 2015).

A.1.3 Katingan Peatland Restoration and Conservation Project (KPRCP), Katingan

The Katingan Peatland Restoration and Conservation Project (KPRCP, also known as the Katingan Project) is a privately-financed REDD+ project. The company responsible for the project’s design and implementation, PT Rimba Makmur Utama (RMU), was founded in 2008 by two Indonesians. Although the company does not explicitly refer to the project as a REDD+ project, it aims to generate carbon credits for sale on the voluntary market through activities that support peat forest restoration and conservation of the peat swamp for avoided emissions.²⁹ The site was selected based principally on the carbon value and size of the peat dome. Due to a history of logging, there are mixed primary and secondary peat swamp forests. Drivers of deforestation and peatland degradation include small-scale mining and logging, agricultural expansion and land conversion to establish oil palm plantations, but the location was not part of the MRP.

²⁸ Based on interviews with project staff and communities, these two villages (Mantangai Hulu and Kalumpang) chose not to participate partly due to concerns over the level of participation and distribution of payments during the first round of village agreements, and partly to internal political factors involving different local land-use interests and proposals affected by nearby oil palm developments.

²⁹ At the time of writing, the company was applying for certification through Verified Carbon Standard (VCS) and Climate, Community and Biodiversity Standards (CCBS).

The current project site of 108,255 ha is designated as production forest based on government zoning regulations. The local population is Dayak Ngaju and lives in 14 villages spread along the Katingan River. Sebangau National Park is located to the east and the Park Authority prohibits entry to the area for livelihood activities. Communities also report that there are few employment opportunities, although some men leave the village to work as labor for oil palm companies or in nearby small-scale gold mining. Local land uses and livelihoods, which vary among the villages, are based on swidden and agroforestry systems and also fishing. Most communities still depend on timber and non-timber forest products for livelihoods (Indriatmoko et al. 2014b).

In late 2013, the company obtained a 60-year ecosystem restoration concession (ERC) license from the Ministry of Forestry. However, during the final step the Minister of Forestry approved a much smaller area than the approximately 200,000 ha requested, which would have included the western portion of the peat dome in neighboring Kotawaringin Timur district. Project proponents reported that the decision to halve the concession potentially affects the project's long-term financial viability. The excluded area covers more than 20,000 ha of production conversion forest (*hutan produksi yang dapat dikonversi*, or HPK) in Katingan and approximately 90,000 ha of production forest (*hutan produksi*, or HP) in Kotawaringin Timur. At the time of writing, the company was in the process of reapplying for 50,000 ha in the latter area.³⁰ Land-use changes – particularly the establishment of oil palm plantations in the buffer zone surrounding the project site due to vegetation clearance and the construction of drainage canals – have the potential to affect the project's ability to implement plans to meet regulatory requirements for ecosystem management of the peat dome.

The company experienced several delays in the ERC license application process, which began in 2008. While the Ministry of Forestry had final authority for approval because the concession area is state forest (*hutan negara*), support was required from the provincial and district governments at various stages. Some of the procedural delays were simply due to a lack of clarity in the regulations, but others were caused by political and economic factors. For example, the district government has the authority to issue licenses for oil palm and mining concessions in the buffer zone around the project site. The district government in Katingan was therefore initially reluctant to support the company's application because this would restrict other options to develop the area. There was also a significant delay during the final step of national-level approval from the former Minister of Forestry, Zulkifli Hasan. At the time, the decision to approve only half of the concession area requested along with subsequent changes to the regulation limiting the size and number of applications suggested a lack of support for the ERC license from the minister, even if there appeared to be support for the application within the ministry.

Since obtaining the ERC license, the project has established a partnership with Permian Global, a company with experience in other REDD+ projects. The two PT RMU founders retain management of the project under that company, meaning that the project's organizational structure is relatively straightforward. The founders work with several other organizations, such as Starling Resources and Wetlands International, for technical support and other inputs. Prior to the ERC license being approved, the company supported the national-level NGO Yayasan Puter and two local NGOs – POKKER SHK and Yayasan Cakrawala Indonesia (YCI) – to obtain short-term funding to support community engagement and participatory mapping in several villages.³¹ Additional participatory mapping was conducted in 2014 to address land tenure issues and support the management plans based on village spatial area and land uses. Although POKKER SHK and YCI have developed working relationships with the communities based on previous support for participatory mapping, since obtaining the ERC license the company has made a formal community engagement agreement with the Bogor-based Yayasan Puter as part of its efforts to ensure FPIC principles are met.

30 This is the maximum permitted due to subsequent changes to the ERC regulation in 2014 that limit the size and number of applications.

31 The funding for NGOs came from several sources, including USAID (IFACS), the Packard Foundation and the Clinton Climate Initiative (CCI).

The regulation governing benefit sharing of future carbon (REDD+) revenues stipulates the distribution of income share, but any specific mechanisms for the distribution of the percentage share of future carbon revenues have yet to be negotiated. Working with Yayasan Puter, in May 2015 the company signed agreements (MoUs) with 13 villages that are intended to support these negotiations.

Interviews and field observations conducted in several villages showed that the communities' support for the project was varied. In particular, they had a negative perception of their experience of the establishment of the Sebangau National Park due to its lack of consultation, unclear boundaries and the access restrictions imposed with few compensatory benefits. Communities were therefore cautious about how the project would impact their livelihoods and land uses, such as with respect to timber extraction from within the project site. During consultations in early 2014, this prompted the company to address these community concerns by making commitments to allow communities to harvest timber for personal use.

The location of the villages and associated differences in livelihoods and land uses also influenced the level of community support for the project. Several oil palm companies are in the process of establishing plantations in the buffer zone, and one of these companies is located close to the project site. During consultations in early 2014, community members in several villages expressed confusion about which type of land use they should support, with their concerns based on not only possible financial benefits, but also potential risks and implications, such as affecting access and livelihoods in the future. Some communities may choose to support both the project and nearby oil palm plantations to establish in the area surrounding their villages. As a way of building community support, management focused on efforts to support livelihood alternatives and economic development opportunities, as well as to encourage communities to make proposals for village forests (*hutan desa*) in the buffer zone to secure it from further oil palm development.

A.1.4 PT Globalindo Agung Lestari, Kapuas and Barito Selatan

PT Globalindo Agung Lestari (GAL) is an oil palm company that is part of the Genteng Group from Malaysia, a foreign investment group that holds a large land bank in Indonesia. The Genteng Group acquired the plantation from the Chinese Sintek One Group in 2013, along with several other companies and oil palm concession licenses covering more than 74,390 ha in Central Kalimantan. The company holds several location permits across more than two districts and a number of sub-districts. The company completed the AMDAL and in 2014 was in the process of applying for voluntary certification through the Roundtable on Sustainable Palm Oil (RSPO). The plantation is already operational (meaning that fruit is harvestable), with plans to establish two processing facilities nearby. In terms of benefit sharing, the *inti-plasma* scheme reserved 20% of the concession for smallholder production. As the company has yet to obtain the use rights permit (HGU) from the National Land Authority, however, benefit-sharing arrangements based on the *inti-plasma* smallholder scheme were not formalized.

The main concession area of approximately 29,850 ha was established in the mid-2000s along with several other oil palm plantations nearby. It is located in a transmigration area of the Lamunti sub-district in Block A of the MRP.³² During the MRP, the forest was cleared and public roads were constructed that are now also used by the company. The land was subsequently either abandoned, due to the low fertility of peat soils, or used by smallholders for rice production and other agricultural purposes. The affected population consists of both local Dayak Ngaju people and transmigrants from other parts of Kalimantan and Indonesia. The Kapuas district government issued the location permit (*ijin lokasi*) for this concession area in 2006, and the licensing division of the Kapuas district-level plantation office was the main contact for the company. The Kapuas district government played a role in administration and reporting, but otherwise had a limited financial and administrative capacity to address land conflicts or other issues. The Environmental Agency (BLH) reported that it relied on the company to undertake reporting because budget constraints prevented officers from going to the field.

32 Field research was conducted only in the transmigration area in this location and not other nearby plantations.

Based on government zoning regulations, the land is designated as APL (other use area) for non-forest use, meaning that private ownership is permitted. Transmigrants who settled in the area during the MRP held formal land certificates (*surat hak milik*, or SHMs) in 2-hectare allotments, while the local Dayak population often held land certificates dating from the Dutch colonial period and, more recently, customary land certificates (SKTAs) based on provincial government regulation.³³ Local NGOs and communities reported that land clearance occurred prior to the company consulting with the landholders, when it was part of the Sintek One Group. Landholders interviewed state that they were not aware the license had been issued until they discovered that their gardens had been cleared to establish the plantation. The company subsequently offered compensation payments to landholders along with participation in the smallholder scheme. The plantation's smallholder section (*plasma*) was established, but is further from the villages than the main area utilized by the company (*inti*). Some landholders engaged in a long-standing dispute with the company were seeking higher compensation payments. They suggested there had been little progress in resolving this dispute with the current management and verbal agreements were not acknowledged when the management changed. Some landholders who accepted compensation did so because they felt intimidated or out of poverty, as their gardens had already been cleared and planted with oil palm seedlings. District government officials reported procedural issues with the company, and questioned some of the signatures of landholders in documents presented for land transaction purposes. The current management declined requests for an interview to obtain the company's perspectives on these issues or the benefits provided to local communities.

In 2013, the newly-elected head of district in Kapuas signed a stop work order applying to PT GAL and other plantations that were already operational without all the required licenses,³⁴ and in late 2013 the district government confiscated a load of oil palm seedlings en route to the main plantation. However, this does not involve any sanction applied to the company and operations have continued, with several other companies under the Genteng Group having recently received approval from the district government for previously-expired licenses. In July 2015, the former governor of Central Kalimantan issued an administrative sanction against the company based on the AMDAL for planting seedlings along the riverbank and canals and planting outside the approved area. However, the effect of the sanction is unclear especially as a new governor is to be elected at the end of 2015.³⁵

According to official copies of the company's reporting to Kapuas district government and for RSPO certification, direct benefits to communities included income through direct employment and business opportunities and the provision of health and other services. Although some transmigrants are employed by the company, they occupy low-skilled positions due to the lack of education or qualifications. Several landholders reported that these benefits were not sufficient compensation for the loss of their community gardens or to meet their living costs. According to local activists and community members interviewed, officials at the village and sub-district levels received monthly payments from the company in exchange for their support, and these officials acted as intermediaries between the company and landholders for land acquisition and dispute resolution. Meanwhile, local activists and NGOs had limited financial resources to support landholder claims. They reported that the district government did not adequately support landholder claims and that there was lack of political will to resolve disputes due to its financial dependence on oil palm plantations as a source of revenue. As this activity was occurring in an area that was not a priority for conservation and REDD+, there were few larger NGOs or organizations to provide communities with legal or financial support.

33 Customary land certificates (SKTAs, *surat keterangan tanah adat*) issued by the customary leader at the sub-district level (*Damang*) based on the decisions of the (former) governor of Central Kalimantan (*Peraturan Gubernur, Pergub*) (13/2009 and 04/2012).

34 Decision No. 525.26/1460/DISBUNHUT/2013.

35 Decision No. 188.44/354/2015. Although the administrative sanction says that the company will receive legal sanction unless it immediately restores vegetation along the river banks and canals and ceases operations outside of the approved area, it is unclear how this would be enforced or who would be responsible for doing so.

A.1.5 PT CK1, the Mega Rice Project area

PT CK1 is a domestically-owned oil palm company that at the time of the fieldwork was not connected to any larger foreign investment group. The company holds a location permit (*ijin lokasi*) for approximately 15,000 ha in the MRP area. Due to its proximity to the river, there are several villages located nearby. Although previously forested, the land was cleared during the MRP. The land closest to the river is planted with community gardens in two- to four-hectare allotments containing mixed crops, such as rubber and rattan. These gardens are located along the canals constructed during the MRP and other smaller waterways accessible via small boats (*ces*). The local population is Dayak Ngaju. Communities reported that fishing and swidden agriculture (*ladang*) are their main sources of livelihoods and there are few opportunities for employment outside of the villages.

The district government issued the location permit around the time that a national moratorium on new forest concession licenses came into effect (Presidential Instruction 10/2011). Although the surrounding area is designated as state forest (*hutan negara*) and protected according to government zoning regulations (peat depth >3m), the company's land is located on shallow peat (<3m) and mineral soils already designated for non-forest use (APL). This means that private ownership is permitted and the land is not subject to the moratorium. Although the provincial government is involved through administration of the AMDAL, the district government is the main point of contact for the company, and the licensing division of the district plantation office is responsible for ensuring that the company meets administrative and reporting requirements. Neither the provincial nor the district government levels are formally involved in the process of land acquisition or dispute resolution involving direct negotiations between company representatives and communities and individual landholders, with financial limitations constraining the governments' ability to meet directly with communities and undertake ground checks.

The company intends to reserve 20% of the concession area for smallholder production (*inti-plasma*) under a partnership (*kemitraan*) in which the company directly negotiates the terms of benefit-sharing arrangements with the individual landholders. The company has completed the environmental impact assessment (AMDAL). It is also still in the process of land acquisition and planting to establish the plantation, but has yet to obtain the land-use rights permit (HGU) from the National Land Agency³⁶ and infrastructure development is also required. Land ownership is either informal, based on customary (*adat*) recognition (no certificates), or involves local land documents issued by elected officials at the village or sub-district government levels.³⁷ Although landholders are formally able to register their land certificates at the district level, they report that the cost of doing so is prohibitive, there is no formal registry of land at the provincial or district levels, and that most land documents held by individual landholders are not registered with the National Land Agency due to the costs involved. Although the company says that most of the land was abandoned after the MRP, communities claim that this land is important as a common pool resource used to harvest low-grade timber or to open up new land under swidden rotational land-use systems. Some landholders reported that they felt pressure to sell their land because of poverty or tenure insecurity. Even if they believe that the company is not forcibly taking their land, they are worried that someone else may obtain a local land document to sell to the company.

After obtaining the location permit, the company conducted village-level consultations. Compared to PT GAL, the process of land acquisition and clearance occurred incrementally based on consent from the landholders. A notary facilitated agreement on the terms of the land transaction, including compensation payments and/or participation in benefit-sharing arrangements. For landholders who have already joined as part of the smallholder scheme (*inti-plasma*), the company provides direct inputs such as equipment

³⁶ The land-use rights permit represents the final step for investors in terms of legally establishing the plantation and formal (legally-recognized) benefit-sharing arrangements based on the smallholder scheme (*inti-plasma*).

³⁷ Land documents (SP, *surat pernyataan* – previously called SKT, *surat keterangan tanah*; and SPT, *surat pernyataan tanah*) are issued by the village head and require the signature of the head of sub-district.

for land clearance, seedlings and fertilizer, as well as technical inputs to supervise planting and maintenance. The company management reported that they are supporting these landholders to establish local cooperatives to work in partnership (*kemitraan*) with the company, as well as direct employment opportunities based on the interests and skills of landholders who join. However, employment opportunities are currently negligible and the company is establishing the plantation in small increments due to the efforts involved in negotiating and reaching agreements with individual land holders.

The company reported that it mostly relied on local intermediaries to facilitate negotiations with individual landholders, which included elected officials at the sub-district and district government levels, the police and military at the sub-district level, and customary (*adat*) leaders. The village head in particular played a key intermediary role, because the company relied on this leader to provide knowledge of the local area to verify landholder claims. While the company appeared to trust the role of elected officials, it was suspicious of some landholder claims due to the unclear legal status of local land documents and the lack of formal registry. Community members, for their part, were scrambling to obtain local documents in order to claim rights over their land and prevent others from doing so. In one village, there was evidence of a land dispute in which members of a local cooperative group claimed that the land document relied on by the company to acquire a parcel of land owned by a member of the cooperative was falsely issued by the village head, who also played a role as intermediary in the negotiation. When interviewed, the village head reported feeling pressured by some community members to issue land certificates but was unable to always undertake ground checks for verification purposes due to the costs. The community members involved in the dispute suspected that the village head issued a land certificate to a known individual living in another village. They reported that this individual had falsely claimed ownership of the land belonging to someone in their village, and along with the village head had financially benefited from the transaction through sale of land to the company. They also expressed frustration about procedural barriers that prevented them from addressing their concerns at both village and sub-district levels, where the leaders prevented escalation of the dispute to the district level.

A.2 West Kalimantan³⁸

A.2.1 Bukit Baka-Bukit Raya National Park, Melawi

The Bukit Baka-Bukit Raya National Park (TNBBBR) was officially established in 1992 and currently encompasses 236,610 ha in two districts in West Kalimantan and two districts (Katingan and Gunung Mas) in Central Kalimantan. The nature reserve that preceded TNBBBR was established in 1981 and boundary markers were installed in 1984 using the labor of villagers who were not informed as to their purpose (Agus and Setyasiswanto 2010). The signatures of six heads of village, obtained between January and March 1985, suggest support for the establishment of the nature reserve and its borders, but there are varying accounts of how the consultation process occurred. Heads of village were apparently told that a nature reserve would protect the forest against logging concessions and illegal logging, which were expanding rapidly at the time (Barr et al. 2006a; Soetarto et al. 2001).

There was little activity after the initial inauguration and gazetting of TNBBBR (called Cagar Alam Bukit Baka at the time) and villagers could not perceive any significance of the markers or effect of the national park on their lives. In 1992, when the nature reserve was converted into a national park (Ministry of Forestry Decree 281/Kpts-II/1992), the Park Authority created an outpost for the forest police and the following year held an information session. Nevertheless, according to villagers, the authority failed to mention that they could not use the park. They also say that the park borders have moved closer to the villages over time, and although there is no official map showing these changes, the size of the park in official documents has increased on several occasions. Traditional rubber

38 Written by Rodd Myers.

plantations are now inside the park boundaries. Since 2005, there have been numerous conflicts between villagers and patrols, and the villages have rejected proposals for ‘benefit sharing’ or compensation for their losses based on their claim to customary land rights.

In this case, the villages of Belaban Ella, Mengkilau, Musa Poring, Dawai and Laman Mumbung are examined, with a focus on the hamlet of Sungkup, in Belaban Ella, which is a locus of dissent among villagers. Competing claims regarding the legitimacy of the process – and the national government’s lack of recognition of indigenous people’s customary claims to the forest – lie at the heart of this case. The communities claim that the land is their customary forest, as evidenced by cultural artifacts in the park, customary usages for farming and gathering forest products, and a participatory map drawn up together with the Ministry of Forestry.

Part of the failure to recognize customary rights can be interpreted through a multi-level governance lens, as the lack of effective representation for local people through government was due to a certain extent to failures of decentralization. Essentially, centralized decision making has been persistent in the forestry sector in particular, which controls national parks, despite decentralization in other sectors. This has led to a situation in which local people have no formal means to contest the park’s current boundaries and must instead turn to NGOs and indigenous organizations to voice community concerns and advocate recognition of *adat* institutions. Furthermore, the failure of compensatory benefits to reach indigenous communities is related to the extent to which such benefits might compromise claims for recognition and customary ownership.

Shortcuts in the participation and engagement of communities created a superficial appearance of legitimacy, but increased community resentment against the park authorities. These processes included basic consultation with heads of village without full disclosure of information. This means that the involvement of other local leaders, such as *adat* leaders, and the community in general was not part of the process. According to the interviews, village heads were misled into signing agreements based on incomplete information. Lack of government transparency has fostered the communities’ deep-rooted mistrust of government and refusal to participate in any activity that serves to further legitimize government control over the forest, which conflicts with *adat* land claims. For more on this case, see Myers and Muhajir (2015).

A.2.2 Laman Satong Village Forest, Ketapang

In 2008, the government of Indonesia passed Law P.49/Menhut-II/2008, which enabled villages to manage forestland through a village forest (*hutan desa*) with a 35-year management permit. Assisted by Flora and Fauna International (FFI) as the project implementer, in 2010 the village of Laman Satong applied for and established a 1070-ha village forest, as well creating a benefit-sharing agreement that describes how they will manage the forest together and how the benefits of the forest are to be divided among community members. The village forest’s medium-term plans are to gain accreditation to sell carbon in the voluntary market and explore links with REDD+ as it takes shape.

When this village of about 400 households applied for the village forest, it also formed a forest management committee that was charged with patrolling, monitoring changes and managing the benefit-sharing mechanism. Benefit sharing includes fund allocation for specific village facilities in addition to providing a proportion of the land for its traditional rights holder. The largest landholder has about 10% of the land within the forest. The village forest has both protection and limited production functions, as determined by the Ministry of Forestry. Therefore, forest management was limited to certain activities involving tree growing and use and excluded oil palm production. Timber can be cut and sold by approval of the committee, which monitored a total annual allowable cut of 50 cubic meters, as approved in the village forest permit.

The village was established in the 1960s. In the early 1990s, the government classified both the forest and the village itself as production forest (*hutan produksi* - HP), since there had been prior logging activities

in the area. Logging activities around the village ceased in the mid-2000s and oil palm companies started exploring the area in 2005, receiving their operating permits in 2009 after the nearby production forest was re-classified to APL for non-forest use, which does not require community consultation. The current status of the forest immediately surrounding the village is production conversion forest (*hutan produksi yang dapat dikonversi- HPK*), meaning it is eligible to be converted to APL, which can then be granted to oil palm concessions. PT KAL was the biggest company in the vicinity of the village.

In 2010, fearing encroachment of companies onto traditional village forest, the community explored the village forest designation as a means of avoiding deforestation and ensuring it could continue to be used by the community. This required some community members to move farming activities out of the village forest area to align land-use activities with the conservation and production areas prescribed by the village forest plan.

Current land-use practices in the village forest include agriculture and some secondary forest access. Most of the village forest area is bushland as the area was heavily logged more than 50 years ago. The village forest has the potential to increase carbon stocks through silvicultural practices and enriching the secondary forest area by planting trees useful to villagers. The village forest comprises two distinct areas close to the village and protects all of the remaining second-growth forest accessed by the village.

At the time of the interviews, the village forest had had a benefit-sharing arrangement in place for less than a year that respondents perceived to be fair, as extensive and broad-based consultation led to community ownership of the process. Village rights to access forestland are protected for the term of the usage permit (IUP), but the land remains within the purview of the Ministry of Forestry. This means that community members have semi-secure access to forestlands for a fixed duration, as although they have the permit, it is subject to conditions and reviews by provincial and district forest officials. Failure to comply with the permit could result in its cancellation and there is no obligation for the provincial government to renew it upon expiry. Village forests thus facilitate temporary access to land, but do not resolve land claims. The application process for the forest management rights was extensive and involved several government levels and departments. According to various community members and district officials we interviewed, the process would have been impossible to navigate without the assistance of FFI due to the bureaucratic requirements of the application and verification processes (see also Intarini et al. 2014).

A.2.3 Bokal Kumuo Community-Managed Forests, Sanggau

Nggalok is a hamlet with 84 households in the village of Sejuah, Sanggau. Community members lay customary claim over 1191 ha, 700 of which were designated production forest in the 1980s and therefore available for industrial logging concessions. Nevertheless, no concession (location permit, or *izin lokasi*) has been issued in recent years. The area is surrounded by oil palm operations on former forestland that was converted to APL for non-forest use to make it available for oil palm concessions.

The forest was heavily logged, reportedly legally and illegally, more than 50 years ago. Following this, communities settled there and used the land for agricultural and some timber production. Although this was illegal, the forest police did not try to evict them. The land is now a mix of secondary forest with a small pocket of primary forest, rubber plantations and general farmland. In 2009 and 2010, oil palm and rubber companies began to express an interest in this area of production forest and approached the Ministry of Forestry to convert it to APL. The citizens of Nggalok were concerned that their access to the forestland would be restricted if it were given to an oil palm company. Oil palm investors also frequented Nggalok to request permission to use land on individual *adat* plots in the forest for oil palm production, which is illegal in production forests. A few community members secured APL land outside the production forest, which they sold or contracted to oil palm companies. Other community members were concerned that the effects of oil palm in their forest would be similar to those in nearby villages: land conflicts, environmental degradation, and, especially, loss of water resources.

The community acted to protect its land by registering a portion of it as community forest (*hutan kemasyarakatan* - HKm).³⁹ With the help of YPSBK, a local NGO, and the District Department for Small Business and Cooperatives, they formed the Bokal Kumuo Farmer Group,⁴⁰ which gave them the legal status required to apply for HKm. They then submitted the required participatory maps, outlining land designation according to customary land uses. Only wetlands, which were not used by the community, were excluded from the final permit; all of the customary land outside the village itself is included in the HKm.

Within the HKm, there is sufficient land for three pigs and 10 chickens per member and 320 head of cattle. Forestland is primarily used to protect the hamlet's water source. A total of 196 ha are available for logging in the future, for which a separate permit is required. It is also planned to convert agricultural land to agroforestry, with the use of 80 ha of *gaharu* (agarwood), rubber, kadam (used in the furniture industry) and other species of trees recommended by the Department of Forestry. Although HKm laws were only adopted in 2007, a participatory map drawn up during a GTZ project (1994–1998) was key to moving their application forward.

In 2012, about a year after they started the process, the district head signed off on the Bokal Kumuo HKm. The district head worked with a verification team, which included officials from the Watershed Management (and Social Forestry) Authority (BPDAS-PS), a provincial body under the national Ministry of Forestry. In West Kalimantan, the district head has the final authority, but works closely with other levels of government. While this status did not immediately change the communities' access to land, their rights to use and manage the land are secure for 30 years and, more importantly, other actors are prevented from using it.

YPSBK was critical to ensuring the project could be implemented. Several commentators noted that the bureaucratic requirements of HKm processes were a barrier to any community that might want to submit an application on its own, and that the District Department of Forestry had insufficient funds to facilitate communities' applications, let alone generate interest through outreach. Close relationships between the NGO and government at multiple levels were instrumental in launching the project. The NGO invested considerable social and human capital into building relationships with government to the extent that the District Department of Forestry now subcontracts HKm extension work to the NGO. Because the process is ultimately the Department of Forestry's responsibility, it needs to be engaged in every step and the NGO needs to be willing to secure its involvement while ensuring the process moves forward and meets community needs.

Extensive participation was found to be key to an effective process. Several respondents noted that multiple meetings were held, sometimes several times per week, to develop the application and define the benefit-sharing agreements. The incorporation of *adat* institutions was also found to be key to obtaining results considered acceptable to villagers. Since land use is defined by *adat* principles, according to the community, it was important to consider customary principles from the beginning, not just to determine property boundaries, but also to establish sanctions for noncompliance with the agreement. Political pressure for HKm may be threatened by the financial advantages of other land-use types, especially oil palm plantations. There is a conflict of political and financial incentives in this respect. According to a local NGO, in addition to official fees, oil palm provides more opportunities for district officials to gain from bribes, kickbacks and 'unofficial fees' than HKm. In contrast, there is a clear mandate from the governor for the establishment community forests.

39 Community forests (HKm) and village forests (*hutan desa*) differ in their structure. An HKm is managed by a farmer association or cooperative and a village forest by the village, with the democratically-elected head of village as the local leader. In West Kalimantan, districts make available one or both to communities wishing to gain management rights over forests. The approval processes differ as village forests must be approved by the governor.

40 Bokal Kumuo means "Stock for the Future" in the local language.

A.2.4 Landau Leban Oil Palm Plantations, Melawi

Landau Leban is a village in the Menukung sub-district of Melawi. The village is comprised of five hamlets that were consolidated under the Suharto regime into a single village, but otherwise have little in common and are spaced up to several kilometers apart. Although administratively a single village, they are in practice five independent hamlets. For the purpose of this case study, the administrative boundary has been used, but there is great diversity within that boundary and each hamlet has experienced its own land-use change.

The primary land-use change that Landau Leban is experiencing is conversion to oil palm plantations. The land used for conversion was all previously production forest (*hutan produksi* - HP), but the logging in these areas is beyond the memory of current residents. There are four primary types of land under cultivation in Landau Leban: abandoned swidden agricultural land, active agricultural land, rubber plantations and secondary forests. Each of these de-facto land conversions is accompanied by its own challenges. In Landau Leban II, Kenolin and Temawan, agricultural land is mostly unused, with residents in these communities favoring rubber cultivation and collection and gold panning over other forms of agriculture. The land is described as bushland and has not been used by communities for at least two generations. So far, the areas of land that have been cleared for oil palm have been relatively limited, in no small part due to the challenges involved in getting signatures from community members faced by the company PT Bintang Permata Khatulistiwa (PT BPK), which is the use permit (*hak guna usaha* - HGU) holder. At the time of writing, the company had only begun clearing on 25 ha of land in Landau Leban II, while 100 ha have been planted in Kenolin, even though its HGU is for a total of 11,197 ha, which includes land both inside and outside Landau Leban's customary land.

A second oil palm company, PT Citra Mahkota (PT CM), has been active since 2010 in Landau Leban I, the village's administrative capital. National regulations stipulate that the *inti-plasma* scheme's benefit-sharing agreements must be in place before the oil palm begins producing to capacity, which will be in 2015. Although compensation has been paid for most of the available land in Landau Leban I and villagers are employed by the company, discussions to start the cooperative and receive *plasma* payments have not yet begun in earnest.

Bunyau, another of the hamlets, responded completely differently to companies seeking access to natural resources in customary-claimed land, presenting a united refusal to engage with any company on its land. It successfully resisted not only oil palm in recent years, but also timber and mining operations. It took us about three hours by boat and another hour by motorbike to get to Bunyau from Landau Leban I or II. Bunyau had customary control over 4619 ha, which it has diligently mapped with the help of local NGOs and a Catholic priest. Its land included 2025 ha of scrubland, 881 ha of rubber plantation, 293 ha of dryland rice, 334 ha of swampland, 746 ha of forest and 333 ha of rice paddies. The border of its land was clearly marked by a transition from oil palm plantations in neighboring Oyah to the scrublands of Bunyau.

Bunyau was the only hamlet in the village without significant internal conflicts, with a strong sense of the commons and collective decision-making. In the other hamlets, there was a perceived lack of livelihood alternatives, to such an extent that villagers felt forced to accept working with companies, saying they had little other choice. Conversely, in Bunyau there was a clear priority for producing local food and selling agricultural and natural resource products (like rattan baskets). They stated that they were not reliant on markets for their livelihoods since they provided for their own means. In the other hamlets, the lack of land-based livelihood opportunities distanced community members from their land, making it easier to support investments in commodities like oil palm. Similarly, the lack of infrastructure (roads, schools, water and electricity) was a driving force for communities to engage with the oil palm companies.

The companies appeared to be working well with all levels of government, being in good communication and providing mutual assistance. Although this was efficient for governance at those levels, there was a perception among villagers that the government was more accountable to the companies than to them.

A.2.5 The PT CUS and PT JV Oil Palm Plantations, Kayong Utara and Ketapang

PT Cipta Usaha Sejati (CUS), PT Jalin Vaneo (JV) and PT Jalin Vaneo II (JV2), collectively referred to as PT CUS/JV, are palm oil companies owned by the Jakarta-based PT Pasifik Agro Sentosa (PAS). PT PAS is an agribusiness whose tagline is “go sustainable forever.” Managers claim to be driven by “planet, people, and profit.” The company has several oil palm and sugar cane concessions in Sumatra and Kalimantan. PT CUS/JV has contiguous HGUs covering 30,809 ha in the Kecamatan Simapng Hilir sub-district and the Kayong Utara and Ketapang districts. The area was logged extensively from 1978 to the early 2000s by several companies, which logged primary forest and “left dust,” as one community leader described it. By the time the HGUs were issued to PT CUS/JV, most of the land in the concession had been logged. Prior to logging activities, communities were highly forest-dependent. They engaged in commercial activities, including selling rubber latex and rattan, to buy “sugar and cigarettes,” but depended greatly on the forest to gather fruits, herbs and for basic food requirements. At that time they had no road access and it could take several days to reach the nearest town by boat. So in this case there are two major land-use changes: conversion to logging and conversion to oil palm. The former is responsible for increased carbon emissions; and the latter contributes to a small decrease in emissions that is likely better for carbon than other non-forest options, given the conditions of the land when PT CUS/JV started its activities. Another contributing factor to avoiding carbon emissions increase is the 9775 ha within the area defined by the HGUs that the companies are treating as conservation area, which comprises almost 32% of their total operation area.

The companies provided substantial benefits to the villages in the areas covered by the HGUs and have engaged in high levels of consultation and participation with communities (see Colchester and Chao 2012; Colchester et al. 2006; Paoli et al. 2014) that exceed both government requirements and the RSPO’s conditions, making this a model case for benefit sharing. There are five villages and 18 hamlets within the land defined by the companies’ HGUs, representing 2953 households.

This case demonstrates that extensive participatory processes and clear expectation setting have contributed to a perception of the fairness of the oil palm activities among the communities and a sense of mutual trust between the communities and company. This contrasts with the distrust the same communities had with logging companies three decades earlier. The relationships between the company and communities are so effective that the communities are more inclined to discuss community problems with the company than the sub-district government. The companies were performing many of the local planning functions for which the government is responsible, even though they are not democratically accountable to the communities. Benefits began to accrue from the beginning of the company’s interventions, which contributed to the communities’ trust. The oil palm companies came at a time when livelihood options were limited.

Relationships between the company and government are strained by definitions of forest that are difficult to translate between law and practice. In particular, the HGU must legally include activities for which it was approved and must be productive. Conservation is not considered productive and therefore any conserved areas put the company at risk of losing that land to the district, which could allocate it to another company willing to develop it. At the same time, companies and government departments alike recognize the conservation forest within the land covered by the HGUs to be a ‘best practice,’ but ongoing legal interpretations were creating tension between the company and the National Land Agency (BPN) in relation to land use.

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