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Policies and Polls: Elections and Land Conflicts in Paser, Indonesia

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This paper deals with the impact of direct bupati (district head) elections on local politics with regard to land conflicts in the district of Paser, Indonesia. I discuss the position and influence of non-governmental organizations (NGOs) in this process and their usage of adat-based land claims. The paper is concerned with the internal political context of government-NGO power relations as well as with the position and profiling of these parties in Paserese society at large. The subject is approached through a discussion of two 'land' occupations (one in fact being a sea occupation) by groups claiming adat rights, and of the measures taken by the local government and NGOs alike. The new importance of regional politics and local responsibility of those in power in Paser are reviewed against the background of Indonesian political reform. I argue that results are likely to be determined by a specific local context and momentum rather than by nationwide developments.

Keywords: *adat-based claims, conflicts, politics, governance, Indonesia*

In diesem Artikel untersuche ich die Auswirkungen der Direktwahlen des bupati (Distriktsvorstehers) auf die politische Lage innerhalb des Bezirks Paser, Indonesien. Dabei diskutiere ich die Einflussnahme diverser Nichtregierungsorganisationen (NGOs) auf den Wahlprozess und auf die Lösung lokaler Landkonflikte. Die NGOs unterstützen adat-basierte Forderungen der Bevölkerung auf gesicherte Landbesitzverhältnisse. Sowohl der interne politische Kontext als auch die Position und Selbstdarstellung der Regierungs- und Nichtregierungsakteure innerhalb der Gesellschaft Pasers werden untersucht und anhand der Diskussion zweier Landbesetzungen (eine dieser Besetzungen ist faktisch eine 'Meeresbesetzung') veranschaulicht. Regionalismus und die Haftbarkeit lokaler Regierungsakteure werden im Zuge der derzeitigen politischen Reformen Indonesiens zunehmend wichtiger. Ich argumentiere, dass lokale politische Ereignisse in erster Linie durch lokale Kontexte bzw. Eigendynamiken und nicht etwa durch landesweite politische Trends verursacht werden.

Schlagworte: *adat-gestützte Forderungen, Konflikte, Politik, Governance, Indonesien*

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Introduction²

In 2004 Ridwan Suwidi was elected *bupati* (district head) of Paser, the southernmost district of East Kalimantan. During his campaign Suwidi promised that, if elected, he would do his utmost to alleviate the daily problems of the poor. Suwidi was elected and the people looked at him expectantly. Suwidi came up with solutions – among others he implemented programs to provide free healthcare and education in the district. In this paper I discuss changes in Paserese land policy; a field in which much conflict and discontent exist which essentially revolve around insecurity of tenure. Poor land users often are unable to pay for the procedure of registering their land, and the reputation for corruption of the National Land Agency (*Badan Pertanahan Nasional*) makes registration even less attractive. Under Indonesia's so-called 'New Order' regime (1966-98), unregistered land in Paser was frequently given in concession to oil palm plantations notwithstanding contesting claims from the population. After the fall of president Suharto in 1998, such popular land claims returned with a vengeance. In Paser, Suwidi had to balance such local interests with national ones in finding a solution. He did, and the result was unusual.

In this paper I focus on the effects of such new power relations in the field of land tenure.³ By comparing the policies of two consecutive *bupati* and looking at the influence of Paser's two most powerful *adat*⁴ non-governmental organizations (NGOs), I want to show that the importance of local politics in Paser has certainly increased, but not necessarily in the transparent and responsible rule of law fashion that reformers aspired to.

Changed times and leaders

Following massive calls for more democracy and an end to authoritarian New Order government and its corruption, Suharto resigned as president of Indonesia in 1998.

2 This paper is based on fieldwork carried out in the district of Paser, called Pasir until 2007, by the author between 2004 and 2007 as part of his Ph.D. research.

3 The districts (*kabupaten*) and municipalities (*kotamadya*) together make up the regional (*daerah*) level of government. Several regions form a province governed by a provincial government, and all provinces together are controlled by the central authorities of the national government.

4 The term *adat* is usually translated as 'custom' or 'tradition'.

The nation's future was uncertain. Riots had taken place in many large cities while violent clashes between ethnic or religious groups occurred in various areas. As civil war and possible disintegration of the state seemed by no means unlikely, Suharto's successor B. J. Habibie introduced Law 22 of 1999 on regional government and Law



Fig. 1: Poster issued by the Indonesian Museum of Records congratulating Ridwan Suwidi on his election as the oldest Indonesian district head ever (Photo by L. Bakker)

25 of 1999 on fiscal relations between the central and the lower regional levels of government as the government's political countermove.⁵ Named 'regional autonomy' (*otonomi daerah*) the laws emphasized the national government's intention to increase administrative authorities at the district level of government. With decision-taking power in local affairs in the hands of the regional government rather than in those of unknown bureaucrats in remote Jakarta, the regions became relatively autonomous units in which local political participation greatly increased.⁶ With hundreds of regions throughout the nation, regional government gained a multitude of shapes and varieties.

Although optimistic perceptions of Indonesia's future existed, so did

negative ones. The laws contained vague formulations, and few control mechanisms were included. Law 22 of 1999, for instance, explicitly stated which fields remained under the central government's authority, but was vague in defining the exact po-

5 Essentially, these laws decentralised greater administrative autonomy to the regional level of government, and introduced a new fiscal scheme providing the regions with more control over local finances

6 'Region' refers to *daerah*, the third level of government after the national and provincial governments. Regions can be either districts (*kabupaten*) in the case of largely rural areas, or municipalities (*kotamadya*) if the region's main feature is a sizeable city.

wers of the districts.⁷

Scholars and Indonesia observers feared that local elites would capture regional government and resources (Schulte Nordholt, 2003), resulting in a decrease of central government control and possibly in outright violence (Forrester, 1999). Corruption and collusion within regional government would take rampant forms as they would lose the New Order's centralized control and numerous 'little Suhartos' would start pillaging the region under their control (Kimura, 1999, p. 37). Publications dealing with the impact of decentralization showed a considerable variation in regional experiences (for instance Schulte Nordholt & Van Klinken, 2007) with the common characteristic of the emergence of regional struggles for control over regional government, natural resources and social power. Parties in these conflicts are often headed by a region's established economic, ethnic, religious or political elites, making clear that these power struggles indeed often are local affairs.

Yet the prominence of the established elite was increasingly being questioned. Throughout the nation a grassroots counterweight took shape, as NGOs aimed at monitoring government actions or representing specific interest groups came into existence. The New Order government had kept a particularly tight reign on NGO activities (see Eldridge, 1994; Cleary, 1997, p. 14-58), yet rudimentary advocacy organizations had developed in defending the interests of, among others, peasants, labourers, indigenous peoples and the environment against those of 'the state' (cf. Ganie-Rochman, 2002). Following regional autonomy new NGOs, for instance various anti-corruption NGOs (see Rasyid, 2003, p. 70), took highly critical stances towards the government and the functioning of its officials. Others, such as the national indigenous peoples' organization *Aliansi Masyarakat Adat Nusantara* (AMAN), advocated state recognition of indigenous rights to land and natural resources.⁸ NGOs with highly diverse foci came into being throughout the regions. Their power and influence differed considerably, but it is clear that NGO influence has increased after decentralization.

In 2004, revised versions of the 1999 decentralization laws came into force. These

7 The central government's authorities include, among others, international politics, defence, justice, monetary and fiscal policy, and religion (cf. Jaya, 2003).

8 At its first congress in 1999, AMAN's chairman publicly announced that AMAN would not recognize the Indonesian state if the government would not officially recognize AMAN's members as indigenous peoples (see Li, 2003). His message was clear: Indonesia should recognize its indigenous peoples and their traditional claims.

revisions strengthened the control of provincial governments over the regions and further specified the authorities of the central government. Although critics feared the laws would cause ‘recentralization’ and ‘the end of regional autonomy’ (e.g. Su-giarto, 2003), Law 32 of 2004 (which revised Law 22 of 1999) stipulated that the regional head would henceforth be elected directly by the population of the region, thus making a *bupati* directly accountable to the population of the district. Whereas regional affiliation and backing already were important factors for aspiring regional heads (see, for instance, Benda-Beckmann & Benda-Beckmann, 2001), these direct elections officialised the ‘localization’ of regional heads. Localization provided space for the prioritization of regional identity and a foundation to claims of indigeneity-derived rights (cf. Duncan, 2007, pp. 726-727), and was the driving force behind new regions splitting off from existing ones (see Fitriani, Hofman, & Kaiser, 2005). Campaigning candidates for the *bupati* position had to take these issues into account and paid homage to such *adat*, ethnic and religious sentiments that existed in the region. *Bupati* campaigns emphasized earlier personal successes and rivals’ shortcomings, and ensured votes through favours, gifts and promises.⁹ Almost by default, candidates would have to deal with insinuations of corruption which – whether true or false – have been added to parties’ political arsenals (cf. Schulte Nordholt, 2005). No candidate would emerge fully ‘clean’ from the campaigning period. The same goes for NGOs. As local NGOs can play a prominent role in the election process through support or opposition, it is not uncommon for NGOs and *bupati* candidates to form alliances. Yet whereas such alliances may provide NGOs with influence in local government, it makes them vulnerable to – possibly political – allegations of corruption as well (see Hadiwinata, 2003, pp. 113-119; Eldridge, 2005).

Paser’s adat NGOs

With a territory of 11,600 square kilometres and almost 173,000 inhabitants, Paser is sparsely populated. Geographically it consists of an extensive coastal plain bisected by several rivers and a mountainous hinterland. Oil palm plantations as well as coal

⁹ See for discussions of regional elections for instance Vel (2005) on Sumba, Choi (2004; 2007) on Yogyakarta and on Riau, Buehler (2007) on South Sulawesi, and Brown & Diprose (2007) on Central Sulawesi.

mining make up the major economic activities. Paser is an immigration destination and houses a population from all over Indonesia. Those not working in the district's plantations are mainly farmers or fishermen. Ethnically diverse, the district has sizeable populations of Javanese, Buginese, Banjarese and Paserese; the latter are considered to be the original inhabitants of the area and form about 25 percent of the population. Usually Paserese and migrants live together without problems. Inter-marriage between the major groups is common as all are Muslim. In the mountains, where the Paserese are the dominant population group, Paserese culture strongly resembles that of neighbouring Dayak groups.¹⁰ Even though the people feel themselves connected to the Paserese of the plains through language and culture, their history is relatively independent from political events in the coastal area.

From the 1960s onwards the national government encouraged the implementation of economic and agricultural development programmes in Kalimantan. In Paser logging operations were followed by mining projects and oil palm plantations. Large numbers of migrants arrived to provide labour for these enterprises. Especially in the coastal areas government officials gave out concessions to land which was being claimed by Paserese as theirs by *adat* right.¹¹ Popular protests against these concessions proved ineffective, while official law, in the shape of Paser's district court, refused to accommodate claimants arguing *adat* rights. Accepted proof in land cases usually takes the shape of a land certificate, receipts of land tax payments, written statements by village heads or other documents pertaining to national law or government, none of which function in *adat*.

Paserese *adat* NGOs attempted to gain influence within the district government. These were primarily bent on upholding *adat* claims to land by indigenous Paserese and on providing a counterweight to the denial of such rights by government authorities. Paser's two main NGOs, the LAP (*Lembaga Adat Paser / Paser Adat* Foundation) and the PBA-PDB (*Pertahanan Benuo Adat-Paser Dayak Serumpun / Defence of our Adat-Dayak Paser Branch*; hereafter PBA), were both founded in 2000. They were fierce rivals, publicly disputing each other's sincerity, honesty and knowledge of *adat*, but not engaging in open conflict. The LAP, whose cadre and members mainly consisted

10 'Dayak' generally refers to the non-Muslim, non-Malay original inhabitants of Borneo, who generally live in the interior of the island.

11 The question of recognition of *adat*-based land claims continues to divide Indonesian legal experts as well as the population. National land legislation is not clear on the issue.

of civil servants, swiftly succeeded in gaining influence within the district government which, in searching for a way to deal with Paser's various NGOs, made the LAP its official NGO discussion partner.¹² In this function all NGOs wanting to address the government had to do so through the LAP, which thus shielded the government from direct NGO interference.¹³ On the one hand this position earned the LAP a reputation of being a 'governmental non-governmental organization', on the other hand supporters felt that the LAP had gained a highly effective position. Either way an important consequence was that the LAP became unable to speak out in direct opposition to the government. As a critical member of another Paserese NGO put it to me in an interview: "the biggest watchdog has had its political teeth pulled".

The PBA followed a different strategy through emphasizing the link between Paserese and Dayak, thus associating themselves with the reputation for wildness and fierceness that Dayak have among non-Dayak.¹⁴ The PBA believed the district government to be incapable of understanding Paserese *adat* or assessing the quality of *adat*-based land claims, as nearly all officials originated from other parts of Indonesia. Therefore they specialized in assisting Paserese involved in *adat*-based land conflicts. The PBA did not provide assistance in court or at the local land registration office; their assistance consisted of deciding the case according to what they claimed to be Paserese *adat* in a meeting with both parties. Especially if the defendant party was non-Paserese and non-complying they would return for another visit, if necessary in force. PBA members have a threatening appearance; grim-looking, uniformed young men arrive to support their leaders' decisions *en masse*, bringing thoughts of Dayak violence to mind as a former opponent remarked. In many cases their opponents gave in or negotiated a deal to avoid further problems. Operating at the margins of legality, the success of PBA actions gained them the trust and support of numerous Paserese and a profile as the organization to contact when one needed support in a case not involving the government, whereas the LAP would be approached for mat-

12 See Paser district regulation number 3 of 2000 on the Empowerment, Preservation, Protection and Development of *Adat* and *Adat* Organizations. (*Peraturan Daerah 3 Tahun 2000 Tentang Pemberdayaan, Pelestarian, Perlindungan dan Pengembangan Adat Istiadat dan Lembaga Adat*).

13 The 'non-government' quality of an NGO largely consisting of bureaucrats can be questioned, as Paserese critics have done in the case of the LAP. They argue that the organization was established to generate government influence and support in the non-government movement. Although this might be an underlying reason for the LAP's benevolent relation with the government, it does not do the LAP justice. Realizing their need for public credibility the LAP has increasingly developed a policy of critically distinguishing itself from the government.

14 A reputation that was notably strengthened by the ethnic fighting between Dayak and Malay against Madurese that took place in West and Central Kalimantan between 1998 and 2002.

ters involving district authorities. The LAP's official position as partner to the district government and the rivalry between the two groups meant that the PBA had no access to the government. The LAP, on the other hand, could not afford to engage in the radical actions that earned the PBA its reputation of boldness and effectiveness.

Neither organization could surpass the other in influence, resulting in intense rivalry over the status of foremost representative of Paser's *adat* population. 2005 proved to be a good year for both, as I will discuss next.

Plantations and elections

From 2001 onwards, a serious land conflict had the hitherto quiet backwater of Paser in the national newspaper headlines. For more than a year the population of ten Paserese villages and PTPN Sawit Indonesia¹⁵, a national oil palm plantation company, had been at odds over the rights to part of one of the latter's plantations. The villagers claimed that the area was their *adat* land and threatened to occupy the land if no return or indemnification was undertaken. They had no formal proof of land ownership, but they were many. Local estimates came at 4,000 villagers and sympathizers. Paser's *bupati* of the time, Yusriansyah Syarkawi, was reluctant to act against the villagers. East Kalimantan had been peaceful for decades and local police intelligence estimated that such actions would spark unrest and possibly violence.

Tension over land ownership had been building for decades. The Paserese felt indignant over the near casualness with which migrants and outside companies were awarded rights to 'their' *adat* land by the district authorities. Should fights break out, the police feared, there was no telling whether Paserese would not use the occasion to drive out migrant communities or receive help from Dayak in neighbouring districts. Although the police commander had agreed to do nothing for the moment, district headquarters had two companies of mobile brigade (BRIMOB), the militarized police force usually dealing with mass demonstrations, standing by. Yet the Paserese occupiers were not interested in a fight, but in land and income. They maintained that the oil palm company only had permits to operate on the land of two villages,

¹⁵ Not this company's actual name.

and had steadily extended its activities illegally onto the land of the other eight (“Gugatan Baru”, 2001). They proposed to the district government to allow them to operate the illegal plantation land under a *Plasma* scheme.¹⁶ Such a scheme would help the villagers secure formal rights to the land which would remain state land if the rights remained with the company. Paser’s government was willing to agree to the proposal, as was the local PTPN Sawit Indonesia management but, as the company was a state-owned one, it needed the consent of its superiors in Jakarta.

The national plantation department, from its side, was slow to reply. On May 17, 2001 the villagers denied PTPN Indonesia Sawit’s workers entry to a plot of 2,400 hectares and kept up a steady blockade. It became impossible to harvest fruits while the houses of the (mostly migrant) workers living on the terrain were sealed by the villagers, forcing the inhabitants to find shelter elsewhere. In early June a company representative from Jakarta attended a meeting organized by the chief of police, but found the meeting ignored by all but a few representatives. The majority wanted the meeting to be chaired by the *bupati* or the provincial governor, who both had declined, rather than by a police official who, they feared, would bully and threaten them into giving in. Nonetheless the plantation company’s representative declared that his superiors were willing to agree to the *Plasma* scheme but had to await an official decision from higher up, which, the representative thought, was short in the coming (“Tak Terkabal”, 2001). Two months later the conflict appeared in the national media (“Konflik Pertanahan”, 2001) for the last time. By then the plantation was suffering from severe neglect and the migrant workers had moved away, while no news had come from Jakarta. The article in the national newspaper “Kompas” (“Konflik Pertanahan”, 2001) gave ample attention to Syarkawi’s comments of how the problem had been haunting him almost since his appointment as *bupati* and he really wanted to see it settled. Indecisiveness or indifference in Jakarta, where he had gone to discuss the issue with central government officials, as well as stubbornness by the local population had killed the plantation off, Syarkawi felt.

The next three years saw little change of the situation. No solution was forthcoming from the company’s headquarters in Jakarta, and the contested area became overgrown. Villagers would not invest time and effort into maintaining the oil palms

¹⁶ ‘Plasma’ are small village enterprises often supported and financed by a large company that buys the end products. As the company in question owned all oil palm processing plants in the area the villagers had little choice but to opt for cooperation, but their choice to make the first proposal gave them the initiative.

if accommodation of their demands was uncertain. It became clear that Syarkawi's passive stance had not endeared him to the Paserese population and could work against him in the 2005 *bupati* elections. He had no NGO support. The PBA had come to prominence advising and supporting the villagers in the above case, while the LAP, after initially supporting Syarkawi's stance, had begun to distance itself from him. Moreover, Ishak Usman, the head of the LAP, made it clear that he would enter the district head elections as running mate for another candidate emphasizing the position of poor farmers in general and of the indigenous Paserese in particular. Syarkawi and Usman went reasonably well in the polls, but were steadily outmatched by the more charismatic Ridwan Suwidi.

Suwidi was an outside candidate with a claim to local identity. Born to immigrant parents but raised in Paser, he appealed to both immigrants and Paserese. He was a devout Muslim, which is of importance in highly religious Southeast Kalimantan. Although in his eighties, he was an athletic and energetic man who had gained extensive political experience as a former member of East Kalimantan's provincial parliament and, quite important, was not associated in any way with the failure of Paserese authorities to settle the district's land disputes. Suwidi promised that if elected, he would focus on improving the lives of Paser's masses rather than concentrating on company interests. His fame spread when he announced that those with problems which the district government could relieve should come to his office during the day or visit him at home in the evening. Shortly before the election date, when interim polls and low-profile discussions had provided some indications of likely outcomes, the PBA came out in support of Suwidi.

Suwidi won the elections, the people came to his office and it became clear that



Fig. 2: Election poster for Aksa Arsyad and Ishak Usman as *bupati* and vice-*bupati* (Photo by L. Bakker)

adat-based land claims were prominent among the problems stated. Aware of the issue's sensitivity, Suwidi recognized the practical problem of involving the district court. Although his candidacy had been endorsed by the PBA – who henceforth would receive government funding – and the LAP had been reaffirmed in its official position, Suwidi was unwilling to closely align his reputation and position to the *adat* NGOs. Instead he decided upon an alternative course of action; land conflicts were to be mediated by laymen who focussed on the welfare of Paser's society as a whole. The public administration division (*tatapraja*) of the *bupati*'s staff were given this task.

The responsibilities of the public administration division can be broadly described as studying, developing, implementing and reviewing district government policies, and advising the district government when this is deemed necessary. On the whole, the division works relatively independent and is expected to use a reflexive and holistic approach. *Tatapraja* staff and their colleagues in the legal division were responsible for understanding and implementing the responsibilities and authorities of the regions as set out in the 1999 and 2004 decentralization laws. For the larger part of Syarkawi's term as *bupati* (2001-2005) *tatapraja* personnel was engaged in studying these laws and advising on their implementation, leaving little time to consider the actual effects of the policies. Although the staff were aware of the PTPN Sawit Indonesia plantation dispute, they had not been involved at any stage.

When Suwidi came into office in 2005 he found Paser's oil palm sector in poor shape and deteriorating. Although Syarkawi had managed to prevent escalation of the PTPN Sawit Indonesia conflict, his government had not been able to solve the problem. The blockade had paralyzed a considerable percentage of the plantation while its unopposed continuation made oil palm companies hesitate to make new investments in Paser. As many trees in the older plantations no longer bore fruit, Paser's plantations were in need of replanting with young palms in order to guarantee a continuation of the district's main agrarian product. PTPN Sawit Indonesia did not consider replanting while new investors proved hard to find.¹⁷ Suwidi applied for assistance to the central government in Jakarta and managed to convince the national plantation department to act as guarantor for a bank loan to Paser. The money was to be used to revitalize old plantations. The money would be made available as loans

¹⁷ Government sources which I prefer to keep anonymous told me that at that time the company's board considered evacuating Paser in favour of other districts with a less hostile population and a more energetic government.

to the local population to replant 20,000 hectares of oil palm, including the 2,400 hectares claimed in the PTPN Sawit Indonesia case, and 10,000 hectares of rubber trees under a population plantation (*kebun rakyat*) scheme intended to prevent further conflict and stimulate stability in the district.¹⁸ The *tatapraja* division was found to be an ideal vehicle both for monitoring the implementation of these and other, private, new plantation projects. Three officials on its staff, an ethnic Paserese and two migrants, were specifically tasked with preventing new conflicts and solving those still in existence. A demanding and sensitive task, as the following example illustrates.



Fig. 3: Trucks loaded with oil palm fruit in Tanah Grogot (Photo by L. Bakker)

Fishing for coal boats

The Adang bay is Paser's largest coastal inlet. With a length of around fifteen kilometres, it has a maximum width of almost ten kilometres and penetrates deeply inland. The water along the bay's banks is shallow and runs out into extensive mangroves and marshlands, a breeding ground for fish and shrimps. Many of the mainly Paserese inhabitants of the main villages along the bay, Paser Mayang and Air Mati, make a living as fishermen. Yet Adang bay also functions as the loading point for coal barges. The barges – big, square, open lighters – cannot come close to the shore and remain

¹⁸ The first two years of Ridwan Suwidi's term are discussed at length at sadurangas.net, a discussion forum on Paser.

in the deeper water of the bay's centre. Smaller boats ferry the coal to the barges twenty-four hours per day.

In October 2005 fishing boats occupied the bay and prevented coal barges entering or departing. The fishermen claimed that the continuous activity in the bay was disturbing fish breeding and hence diminishing the fish stock, making PT Batubara¹⁹, an international mining company and the major coalmine operator in the area, responsible for their loss of revenue. Whereas Paserese villagers claimed *adat* rights to land in the PTPN Sawit Indonesia case, Paserese fishermen claimed *adat* rights to the Adang bay's fishing grounds. A delegation went to speak with PT Batubara's management but did not receive any commitments. The management was not convinced that their ships were responsible for diminished catches and was unwilling to take responsibility.

The fishermen decided to bring their claim before the district court.²⁰ At the first summoning the mining company failed to appear. At the second summoning, a week later, a representative of the company attended to inform the court that PT Batubara maintained that there was no ground for the fishermen's complaint as the company possessed all the required permits and had no obligations towards the villages. In case the fishermen would wish to continue with their claim, the representative added, they should contact the company's main office in Jakarta. The management based in Paser was not entitled to decide such matters independently. Upon receiving this information the district court judge ruled that his court was incompetent to decide the case. As PT Batubara formally resided in Jakarta, the case had to be brought before the relevant municipal court there.

The next day the coal barges found their way blocked by numerous fishing boats from the two villages. In the run-up to the court appearance two enterprising villagers had requested assistance of the PBA in founding a representing organization. These two men now visited the *bupati's* office to explain their action and request assistance. The fishermen feared that PT Batubara's management would ignore their demands now that the district court had referred them to Jakarta. As simple village fishermen they neither had the means, the confidence nor the knowledge to travel to Jakarta and accost the capital's bureaucracy. Unwilling to renege on their demand

¹⁹ Not this company's actual name.

²⁰ See "Warga Berteriak" (2005) for a presentation of the claims.

the fishermen had decided to try and force the miners to cooperate. The *tatapraja* mediation team was charged to assist in the matter.

The blockade remained in place for two days but was eventually ended when the police arrested an individual from each of the two villages and instructed them to tell the fishermen to end the blockade as otherwise outside police would be called in since the mining company had lodged an official complaint. The blockade was duly lifted.

Ahmed²¹ of *tatapraja*, an ethnic Paserese, was instructed to initiate a dialogue between the parties. This proved a tough task. PT Batubara's management emphasized their lack of authority and kept referring both the fishermen and Ahmed to its Jakarta headquarters, while the fishermen's organization presented calculations showing that each family suffered a yearly loss of 1,500,000 to 2,500,000 Indonesian Rupiah (approximately 120 to 200 Euro). When no progress was made after several months of meetings, discussions and negotiations, the fishermen, with PBA advise, concluded that the mining company was stalling. Without informing Ahmed, they reacted by targeting the barges' loaders. Fishing nets were cast along the loaders' route from the docks to the barges, creating a maze for the boats to navigate. When the nets got caught in the loaders' screws, the waiting fishermen would demand a compensation of several times the actual value of the net. The captains of the coal loaders paid up to avoid trouble with the fishermen parties, but got into problems when PT Batubara's management made it clear that they would not submit to blackmail and refused to refund their captains.

In May 2006, Suwidi became personally involved. Vexed that the conflict remained unsolved he organized a meeting with PT Batubara's national board, which sent a delegation from Jakarta. Suwidi publicly put on pressure by presenting the delegation with copies of a concept district regulation instructing companies operating in Paser to include a specific percentage of locals in their workforce and stated publicly that he hoped that PT Batubara and the district population would have a long and fruitful future of cooperation (see "Bupati Sosialisasikan," 2006). A few days later, however, some 1,000 locals held a protest march against PT Batubara, protesting its limited interests in the welfare of the population and demanding it to close down its

21 Not this individual's actual name.

operations.²² Although PT Batubara's local management was swift to point out that the company had donated billions of Rupiah to community projects since it began operating in Paser, the spokesperson for the protesters maintained that the company should focus on relevant issues, such as the percentage of Paserese in its workforce ("Seribu Warga", 2006). The mining company agreed to prioritize Paserese candidates for its workforce, possibly urged on by an additional new idea voiced by Suwidi to request a yearly voluntary contribution to the district treasury from each company working in Paser ("Kontraktor Perioritaskan", 2006). Relations with the district government had become strained by PT Batubara's unwillingness to help Ahmed and his colleagues solve the conflict, yet Suwidi's suggestions and the protest moved things along. PT Batubara stepped up its support programs to include road construction, school building and various other mainly non-financial contributions in the wide area of the Adang bay.

Politics behind the scenes

The PTPN Sawit Indonesia and PT Batubara cases appear to have been managed in relative unison by the district government and NGOs, with a leading role for Suwidi. This is however a simplistic depiction of the situation as both the PBA and the LAP took the initiative, forcing the government to follow up or risk exclusion.

When Suwidi defeated Usman in the 2005 elections his willingness to have the LAP maintain its favoured position put the LAP in a dependent position. The organization could not overtly critique Suwidi's actions, yet was unwilling to give up the prominence and independence it had developed during Syarkawi's last year in office and the election campaign. Ostensibly consenting, it invested in enlisting Paserese government officials in order to further its influence through them. One of those rising through the LAP's ranks was Ahmed, one of the *tatapraja* mediators brought in by Suwidi in an attempt to establish a non-NGO and non-judicial negotiation vehicle. Ahmed frequently referred to Paserese *adat* and land rights and would bring in Usman, the LAP leader, as paramount expert. Ahmed frequently organized meetings

²² Various informants mentioned the PBA as one of the organizers of the protest.

between parties at Usman's house, thus giving the LAP access to negotiations where Suwidi preferred their absence. Initially a low rank member, Ahmed gained prestige and influence within the LAP until his superiors in the administration found out and 'promoted' him to another department. Likewise, the PBA had been disappointed that the LAP was not demoted from its formal position and felt that whereas it had given up its autonomy, the government influence it received in return was weaker than the LAP's. The PBA chose to cling to its well-known role as supporters of the Paserese common people rather than embark upon an uncertain course of diplomacy with the district government and engaged in demonstrations rather than assisting in settling these disputes. These factors led to a situation in which Suwidi's new and 'objective' negotiators were 'kidnapped' by the LAP and frustrated by 'friendly' PBA advisors. Ostensibly government partners, the two NGOs chose to continue their vendetta and continue to follow their own agendas from within their government alliances.

Concluding remarks

The regional level of governance has certainly come to the fore in the wake of decentralization. Whereas the fear of 'little Suhartos' or a well-entrenched local elite taking control on this level seems justified by examples from other areas, the example of Paser illustrates the possibilities of change that political reform could offer. Suwidi's election victory was furthered by his identity as a relative outsider who was not part of the established elite, contrary to Usman who – despite his best efforts in the LAP – was an established career bureaucrat and popularly perceived as part of the local elite. Promise is debt and Suwidi was aware of that. His lack of established interests in the district allowed him to act accordingly and introduce considerable reforms in government-population relations. Nonetheless, the PBA and LAP maintained an undercurrent of competition with the government. From a strategic perspective they had to: How can a non-governmental organization claiming to represent the interests of local *adat* profile itself apart from in defending this *adat*? Almost by default, the opponent would, especially in matters of land, be the local government. Suwidi's policy of incorporating the NGOs and establishing his own team of negoti-

ators furthermore largely stole their thunder, giving rise to counter-coups along the same lines.

For both government and NGOs, the policies referred to in the title mean the obtainment and maintenance of as much social relevance vis-à-vis the other as possible, while at the same time presenting, if not claiming, rival successes as own results. The polls are the measure for success. Confirming election results, polls set the conditions – election promises – by which the *bupati*'s performance will be judged. Afterwards, however, the success and popularity of the *bupati* and the respective NGOs vis-à-vis one another can be seen as a permanent indicator of the social preferences in the district. Direct elections have introduced a permanent unofficial polling of the performances of the *bupati*, the district government in general, and local NGOs. All require social support, and society is critical in its appreciation.

Land conflict, the social arena I chose to focus on in this article, illustrates these conditions quite effectively. As a material, immovable commodity, land is a prize to be fought over that cannot be embezzled or palmed in an inattentive moment. Results will be out in the open and so, by default, will be the underlying decisions and stances of the various parties.

References

Note from the author: For Kompas and the two East Kalimantan newspapers, the online archive sections have become 'members only' which means that direct links to the articles no longer work. However, interested readers can register with each archive free of charge. The material will then become accessible. I have listed the dates of my own downloads of the articles and hold copies on file.

Benda-Beckmann, F. von, & Benda-Beckmann, K. von (2001). *Recreating the Nagari: Decentralization in West Sumatra* (Max Planck Institute for Social Anthropology Working Paper No.31). Retrieved March 21, 2009 from <http://www.eth.mpg.de/pubs/wps/pdf/mpi-eth-working-paper-0031.pdf>

Brown, G., & Diprose, R. (2007). *Bare-Chested Politics in Central Sulawesi, Indonesia: The Dynamics of Local Elections in a 'Post'-Conflict Region* (University of Oxford CRISE Working Paper 37). Retrieved March 21, 2009 from <http://www.crise.ox.ac.uk/pubs/workingpaper37.pdf>

Buehler, M. (2007). Local Elite Reconfiguration in Post-New Order Indonesia: An Analysis of the 2005 Elections of District Government Heads. *Review for Indonesian and Malaysian Affairs*, 41(1), 119-147.

Bupati Sosialisasikan Perda Tenaga Kerja (2006, May 16). *Kaltim Post*. Retrieved February 1, 2008 from <http://www.kaltimpost.co.id/>

- Choi, N. (2004). Local Elections and Party Politics in Indonesia. *Contemporary Southeast Asia*, 26(2), 280-301.
- Choi, N. (2007). Local elections and democracy in Indonesia: The Riau Archipelago. *Journal of Contemporary Asia*, 37(3), 326-345.
- Cleary, S. (1997). *The Role of NGOs under Authoritarian Political Systems*. London: MacMillan Press.
- Duncan, C. (2007). Mixed Outcomes: The Impact of Regional Autonomy and Decentralisation on Indigenous Ethnic Minorities in Indonesia. *Development and Change*, 38(4), 711-733.
- Eldridge, P. (1994). *Non-Government Organizations and Democratic Participation in Indonesia*. Oxford & New York: Oxford University Press.
- Eldridge, P. (2005). Nongovernmental organizations and democratic transition in Indonesia. In R. Weller (Ed.), *Civil Life, Globalization, and Political Change in Asia. Organizing between family and state* (pp. 148-170). London & New York: Routledge Curzon.
- Fitrani, F., Hofman, B., & Kaiser, K. (2005). Unity in Diversity? The creation of new local governments in a decentralizing Indonesia. *Bulletin of Indonesian Economic Studies*, 41(1), 57-79.
- Forrester, G. (1999). Introduction. In G. Forrester (Ed.), *Post-Suharto Indonesia. Renewal or Chaos?* (pp. 1-21). Leiden: KITLV Press.
- Ganie-Rochman, M. (2002). *An Uphill Struggle: Advocacy NGOs under Soeharto's New Order*. Yogyakarta: Pustaka Pelajar.
- Gugatan Baru untuk PT Perkebunan Nusantara XIII. (2001, January 6). *Kompas*. Retrieved January 29, 2008 from <http://www.kompas.com/>
- Hadiwinata, B. (2003). *The Politics of NGOs in Indonesia. Developing democracy and managing a movement*. London & New York: RoutledgeCurzon.
- Jaya, W. K. (2003). Fiscal Decentralisation and its Impacts on Local Government revenue in Indonesia. In M. Sakai (Ed.), *Beyond Jakarta, Regional Autonomy and Local Societies in Indonesia* (pp. 38-56). Adelaide: Crawford House Publishing.
- Kimura, H. (1999). Desentralisasi: Bentuk Baru Integrasi Nasional?. *Jurnal Ketahanan Nasional*, 4(3), 29-54.
- Konflik Pertanahan, Petaka bagi Paser. (2001, August 28). *Kompas*. Retrieved January 29, 2008 from <http://www.kompas.com/>
- Kontraktor Perioritaskan Tenaga Lokal. (2006, May 31). *Kaltim Post*. Retrieved February 1, 2008 from <http://www.kaltimpost.co.id/>
- Li, T. M. (2003). *Masyarakat Adat, Difference, and the Limits of Recognition in Indonesia's Forest Zone*. In D. Moore, J. Kosek, & A. Pandian (Eds.), *Race, Nature and the Politics of Difference* (pp. 380-406). Durham: Duke University Press.
- Rasyid, R. (2003). Regional Autonomy and Local politics in Indonesia. In E. Aspinall & G. Fealy (Eds.), *Local Power and Politics in Indonesia. Decentralisation & Democratisation* (pp. 63-71). Singapore: Institute of Southeast Asian Studies.

Schulte Nordholt, H. (2003). Renegotiating boundaries. Access, agency and identity in post-Soeharto Indonesia. *Bijdragen tot de Taal-, Land- en Volkenkunde*, 159(4), 550-589.

Schulte Nordholt, H., & Van Klinken, G. (2007). Introduction. In H. Schulte Nordholt & G. Van Klinken (Eds.), *Renegotiating Boundaries. Local politics in post-Suharto Indonesia* (pp. 1-31). Leiden: KITLV Press.

Schulte Nordholt, N. (2005). Corruptie als politiek strijdmiddel. In F. Hüsken & H. de Jonge (Eds.), *Schemerzonen & schaduwzijden. Opstellen over ambiguïteit in samenlevingen* (pp. 156-161). Nijmegen: Roelants.

Seribu Warga Minta Hentikan Kideco. (2006, May 22). *Kaltim Post*. Retrieved February 1, 2008 from <http://www.kaltimpost.co.id/>

Sugiarto, T. (2003, February 20). Quo Vadis Otonomi Daerah? *Sinar Harapan*. Retrieved April 27, 2009 from <http://www.sinarharapan.co.id/berita/0302/20/opi02.html>

Tak Terkabal, Niat Baik Kepala Polda Kaltim. (2001, June 9). *Kompas*. Retrieved January 29, 2008 from <http://www.kompas.com/>

Vel, J. (2005). *Pilkada* in East Sumba: An Old Rivalry in a New Democratic Setting. *Indonesia*, 80, 81-107.

Warga Berteriak Dalam PN. (2005, October 28). *Tribun Kaltim*. Retrieved February 1, 2008 from <http://tribunkaltim.co.id/>