

**The Politics of Decentralisation and Indigenous Revivalism in
Sulawesi, Indonesia**

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The candidate confirms that the work submitted is his own and that appropriate credit has been given where reference has been made to the work of others.

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Abstract

The political transition in May 1998 set the stage for the passing of Indonesia's framework decentralisation laws (numbers 22 and 25 of 1999). These laws include both political and technocratic efforts to devolve authority from the centre (Jakarta) to the peripheries. Contrary to expectations, enhanced public participation often takes the form of indigenous (adat) revivalism, a highly contested and contingent process linked to intensified political struggles and conflicts throughout the archipelago.

This thesis considers the ways in which decentralisation and adat revivalism intersect by foregrounding specific, localised struggles for rights and recognition in Sulawesi, eastern Indonesia. Year-long research for this thesis was conducted at national, provincial, and local levels, with an emphasis on case studies from the districts of Bulukumba, East Luwu, Gowa, Majene, North Luwu, Palopo, and Tana Toraja.

The core chapters of this thesis suggest that the innate, primordial givens of indigenous communities are being selectively drawn upon, finely-tuned, and exemplified in the search for political rights and recognition. It is argued, therefore, that village communities are increasingly engaged in a process of "becoming indigenous," a process largely driven, instrumentalised, and distorted by external actors such as NGO activists and legal advocates. Local disputes increasingly derive from the primary, exigent right of recognition, and then extend to remedial rights including customary tenure, resource entitlement, and the right to return to antedated systems of governance.

In the era of decentralisation there is no unified, grand procedural strategy for dealing with the political challenges posed by adat revivalism. In response to the devolution of authority from Jakarta to the peripheries, however, the political contours of conflict mediation and dispute resolution are being reconfigured, and the roles of all protagonists are evolving (or regressing) accordingly.

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Abbreviations

AMAN	Indigenous People's Alliance of the Archipelago
AMAT	Indigenous People's Alliance of Toraja
AMDAL	Environmental Impact Analysis
AMK	Alliance of Kajang Communities
Bapedalda	District Environmental Impact Management Agency
BPL	Lembang Representative Council
BPN	National Land Agency
CIFOR	Centre for International Forestry Research
DAK	Special Allocation Fund
DAU	General Allocation Fund
DPASS	Alliance of Customary Leaders of Sallombengan Seko
DPR	People's Representative Council
DPRD	District People's Representative Council
HGU	Land Cultivation Rights
HPH	Timber Concession Rights
HuMA	Legal Revitalisation based on Social and Ecological Reform
JAPHAMA	Network for the Defence of Indigenous Peoples
JATAM	Mining Advocacy Network
KARSA	Institute for Rural and Agrarian Reform
KMAN	Congress of Indigenous Peoples of the Archipelago
KomnasHam	National Human Rights Commission
KPA	Consortium for Agrarian Reform
KPU	General Election Commission
KRAPASKAD	Indigenous Karongsi'e Dongi Organisation
KWAS	Indigenous Soroakan Organisation
LBH	Legal Aid Institute
LIPI	Indonesian Research and Education Institute
MPR	People's Consultative Assembly
Perda	District Regulation
SK Bupati	Mayoral Decree
SKEPHI	Indonesian Network on Tropical Forest Conservation
SNUB	National Solidarity for Bulukumba
SOfEI	Support Office for Eastern Indonesia
SPK	Farmer's Union of Kajang
T5D	Team Five Dongi
UNHAS	University of Hasanuddin
UNPAR	University of Parahyangan
WALDA	Wahana Lestari Persada (a Torajan NGO)
WALHI	Indonesian Forum for the Environment
YBS	Sawerigading Earth Foundation
YPR	Community Education Foundation
YTM	Yayasan Tanah Merdeka (a Central Sulawesi NGO)

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Chapter One: Introduction

This thesis engages with the politics of decentralisation and indigenous (adat) revivalism in Sulawesi, eastern Indonesia, by foregrounding specific local struggles for rights and recognition. Since Indonesia's "big bang" political transition in May 1998, a highly visible process of adat revivalism has been gaining momentum. Adat is a fluid, contingent concept encompassing a wide range of customs and traditions unique to each of Sulawesi's ethnic groups. Depending on the local context, adat may represent antedated systems of governance based on oral traditions and customary law, provide ceremonial protocol for marriages and funerals, or determine patterns of land usage and entitlement, among other things.

Beyond simply "being indigenous" (Alfred and Corntassel 2005:597), this thesis argues that adat revivalism is a matter of "becoming indigenous" based on selective representations, articulations, and deployments of the past. Critics such as Kaldor (2004:164) argue that appeals to indigenism are counterproductive and paternalistic, a form of "blocking pastism" that "obscures the everyday experiences and concerns of present generations". By contrast, Smith (2004:204) contends that the aim is not to "recreate the past in the present," but rather to use the past as an "inspiration and means for renewing decayed or fragmented societies, so as to make them viable and confident in the face of the pressures of modernity". This contention is echoed by Morrell (2001:440), who found that representations of indigenous culture in South Sulawesi are based on "selective appropriations of the past" which are relevant to the needs of modern society.

Consistent with Azarya's (2003:2) path-breaking findings in Africa, there seems to be no contradiction in Indonesia between primordial and instrumental aspects of indigenism. Indeed, they often reinforce each other. Primordial attachments have been defined as the "assumed givens" of a community's innate social existence, including kinship, birthrights, shared histories and languages, territorial attachments, and social connections (Geertz 1973:259; Geertz 1994:31). Instrumentalism refers to the mechanisms and processes through which social "givens" are appropriated and

propagated by actors with the capacity to shape political outcomes. This involves social transformation, influencing perceptions, inflecting meanings, claiming “guardianship” over the past, and ensuring acceptance by the wider community through subtle or coercive means (Coakley 2004:531-534).¹

By framing the debate around the socially constructed process of “becoming indigenous,” this thesis highlights the instrumental roles played by all parties actively intervening in localised settings “in the name of adat” (Henley and Davidson 2007:1). In response to the devolution of authority from Jakarta to the peripheries, the contours of conflict mediation and dispute resolution have been reconfigured, and the roles of all protagonists have evolved (or regressed) accordingly.

Van Klinken (2001:324) underscores the broad distinctions in nationalist discourses: there are inclusive, democratising forms of nationalism known as “civic,” as well as exclusionary, essentialist forms known as “ethnic” that tend to “highlight myths of origin”. The nation-building project in Indonesia has made use of both of these forms (van Klinken 2001:324). Since 1998, notions of ethnicity and adat have become increasingly instrumentalised, tied to specific political projects and interests. The primordial traits of the archetypal Indonesian village are subject to constant reconfiguration as actors compete over finite resources and lucrative lands. Power brokers continue to devise new and innovative ways to capture and shape the politics of tradition in particular local settings.

In the context of decentralisation, disputes over land rights, political recognition, and resource entitlements have proliferated and intensified throughout Indonesia. Contemporary scholarship is both conceptually rich and empirically sound, though it has yet to keep pace with these rapid changes. This thesis therefore examines both the constructed perceptions and real consequences of adat revivalism by foregrounding complex, contingent, politicised struggles in specific local settings. The core research questions are:

¹ On the debate between primordialism and instrumentalism, see McKay (1982) and Eller and Coughlan (1993).

1. Looking at both processes and outcomes of decentralisation, to what extent have district regulations in recognition of adat become tools of emancipation for local communities?
2. To what degree have third-parties, external supporters, government officials, and corporate strategists driven (or captured) the process of adat revivalism, inflecting meanings, shaping perceptions, and articulating local strategies?
3. In terms of consequences, has third-party intervention fostered a growing dependency on outside representation, marginalising ordinary villagers in dispute resolution processes?
4. In the enabling context of decentralisation, to what extent has adat revivalism created opportunities for peaceful collaboration between all protagonists?
5. Conversely, to what extent has it exacerbated local land conflicts, fomenting divisions within and between communities, corporations, and government?

Conceptualising Adat Communities

In his analysis of nationalism and ethnic conflict in Indonesia, Bertrand (2004:5) argues that the democratic transition in 1998 triggered widespread actions and struggles which revolved around questions of political representation. Regional and local conflicts often coalesce around forms of ethnic representation, which are constantly being renegotiated, along with resource allocations and entitlements, and efforts to preserve (or reinvent) cultural identities.

While this thesis may appear to present 'adat' as a received and tangible reality, this form of presentation is essentially a heuristic device. I am fully aware that adat is a contested and constructed term, framed by a set of quasi-ideological understandings. But to place adat literally within quotation marks throughout what follows would place a heavy burden on both the author and the reader, requiring constant refocusing and reframing. I have therefore elected to omit those quotation marks in the rest of the thesis, while providing here a constructivist lens through which to view the notion of adat.

Discourses of adat are being deployed with great frequency in Sulawesi, eastern Indonesia. Power brokers are attempting to exploit Indonesia's volatile decentralisation process in order to capture and shape the politics of tradition in particular local settings. In many cases, adat revivalism becomes the basis for local land claims (ownership, resource entitlements, compensation), sets the terms for exigent struggles (recognition), and provides the model for autonomous village governance. When speaking of adat communities, it must be acknowledged that identities and boundaries are constructed in the course of long-range social and political processes. As observed in Africa, selective representations of local indigenous communities are subject to constant negotiation and reconfiguration (Azarya 2003:1).

Representing local communities through the accentuation of adat serves specific purposes, goals, and interests. Communities may work with local leaders, activists, organisers, entrepreneurs, and opportunists in order to improve their relative positions over perceived opponents. They may attempt to enlarge adat boundaries (building a broad, inclusive basis of support), or contract them (stressing exclusivity, distinction, and superiority). The dangers of clientelism—the reciprocal, dependency relationship causing the weak to sell their autonomy to powerful and wealthy patrons for protection—are always present (Lemarchand and Legg 1972; Szeftel 2000).

In decentralised settings, the local has become a focal point for struggles over rights, recognition, autonomy, resource entitlements, land ownership, power, and legitimacy. Notions of adat are redeployed and reformulated as conflicts unfold and political conditions change. Land title and tenure conflicts are of central importance in the era of decentralisation. A local community may determine (internally) or be convinced (externally) that “becoming indigenous” or reviving adat is in their best interests. Thus new representations emerge based on shifting attributes such as religious beliefs, collective names, languages, geographical territories, shared histories, myths of origin, shared grievances, customs, traditions, land tenure, and cultivation patterns.

There are, of course, primordial aspects of adat communities that are more than simply colonial creations, post-colonial constructions, or invented traditions. Throughout Indonesia there are local adat communities with recognisable ascriptive features, including blood, kin, and ancestral ties, which inform their beliefs and behaviours. This thesis, however, is more concerned with the constructivist impact of colonial and post-colonial periods, along with selective representations of adat in highly contested and politicised locations.

At different stages in history the reification of adat occurred, particularly when it suited the interests of colonial authorities or embattled indigenous rulers (Gibson 2000:54; Pelras 1993:142). There were many instances during which Dutch authorities recreated adat tribunals, codified adat laws, celebrated indigenous culture, and empowered loyal chiefs in the hopes of restoring order (undermining religious extremism and political radicalism), and achieving stability (investment, trade, resource extraction).

It is clear that colonial imperatives such as administration and resource extraction led to the reification of ethnic identities and the selective empowerment of native rulers. Anthropologists, linguists, educators, missionaries, Leiden law experts, romanticists, Orientalists, and colonial officials also contributed to this reification. In the authoritarian post-colonial era this resulted in the domestication of adat through territorial delineation and ethnic classification, along with the indexing, codifying, microfilming and archiving of customs and traditions. In the era of democratic decentralisation (post-1998), these “transmissions of indigenous knowledge” have been selectively adopted and constructed by local communities and their supporters, those eager to accentuate adat and reclaim control over customary lands (Azarya 2003:13).

In terms of positive framing, the accentuation of adat serves specific political and technocratic goals that align with donor discourses and mainstream NGO agendas. Examples include sustainable ecological management, agrarian reform, indigenous rights, good governance, efficient administration, genuine autonomy, capacity building, poverty alleviation, community driven development, public

participation, and village emancipation. There are substantial financial resources and support facilities available from donors such as the World Bank, the United Nations Development Programme (UNDP), the United States Agency for International Development (USAID), the Canadian International Development Agency (CIDA), the British Department for International Development (DfID), the Ford Foundation, and the German Technical Assistance (GTZ) in support of such objectives.

Framed negatively, the politics of adat revivalism is vulnerable to capture and containment, the misrepresentation of communities, the vices of clientelism, patronage and cooptation, and the often violent consequences of exclusionary, chauvinistic ethnicisation (Elmhirst 2001:293; Li 2001:662). This indicates that fundamental issues of political representation and ethnic accentuation have yet to be fully resolved. Hence the hanging questions about “who” is a member of an adat community, “how” the balance of power within these communities is determined, “where” they are to be found, and “under what circumstances” adat communities are to be recognised as legitimate bearers of rights and entitlements (Bourchier 2007:124).

Subsequent chapters examine the extent to which conflicts and political struggles are represented as indigenous in nature, and the ways in which adat discourses are used in the management of such conflicts. References to local communities and adat communities are contained throughout this thesis. “The local” in Indonesia has long been a site of political struggle and contestation. Any local community claiming indigenous status will be able to draw upon a repertoire of cultural symbols and meanings.

There are, of course, indigenous characteristics (reverence for land, elaborate ceremonies and rituals) unique to adat communities in South Sulawesi, allowing observers to distinguish between Sa’dan highlanders in Tana Toraja and coastal spirit cults in Kajang Dalam, Bulukumba. That said, indigenous identities and boundaries are constructed in the course of long-term social processes, political transitions, and conflict management. Selective representations of local adat communities therefore

result from constant negotiation and reconfiguration, the processes and implications of which shall be examined throughout the substantive chapters of this thesis.

Briefing: Decentralisation and Adat

Chapter two provides detailed analysis of each critical phase in Indonesia's history as it pertains to the creation of the modern state, the administration of land, and the cumulative forging of the "constitutive political conditions" that stand in the way of emancipation for rural indigenous communities (Lipschutz 2005:242). Meanwhile, the following is a brief account of the features of the Indonesian state which are pertinent to customary land tenure and indigenous revivalism.

By May of 1998 economic crisis and mounting pressures for democratic reforms culminated in the resignation of President Suharto, the "father" of Indonesian development. Prior to this much lauded transition, an era known as the New Order (1966–1998) was characterised by developmental authoritarianism and premised on a highly centralised military and bureaucratic system. During this period, local differentiation was suppressed and overt attempts to standardise village and regional affairs hastened the decline of traditional sources of authority throughout Indonesia. Indeed, policy during this era was believed to have "seriously eroded the varied local governance regimes across Indonesia that had their roots in local customary institutions and sensibilities" (Warren 2005:50).

Since 1998 Indonesia has joined the ranks of Southeast Asia's emerging democracies. One of the most far reaching policies tabled during the interregnum period was that of decentralisation. Considering the geopolitical features of the Indonesian archipelago², decentralisation seems a logical way to usher in reforms in order to meet demands for greater participation, representation, legal recognition and accountability—the so-called pillars of local democracy. These pillars were markedly

² Indonesia is the fourth most populous country in the world with a population of some 220 million, and is the world's largest Muslim nation. There are approximately 17,000 islands that constitute the archipelago, although some 4,000 are uninhabited. The decentralisation legislation is said to impact upon at least 62,500 villages throughout Indonesia (Antlov 2003a:194), representing a highly complex political and administrative experiment.

absent from the first decentralisation experiment in Indonesia in 1903, where the Dutch established local councils for natives with limited powers and strict central oversight (Legge 1980:136). Contemporary devolution serves to bring politics “closer to the people,” encouraging local forms of autonomy and democracy, cultural diversity and tolerance, popular participation, civic and ethnic empowerment, and government accountability (Crawford 2008:235).³

Adat revivalism is one of the most visible manifestations of the public participation project in Indonesia. Li (2007:365) refers to this as a “contradictory conundrum,” whereby harmonious indigenous communities possess innate political rights and authentic lifestyles, yet are in need of protection and renewal in order to be “brought into line with new standards”. These new standards are set out in Indonesia’s framework decentralisation laws (numbers 22/1999 and 25/1999). Since decentralisation, adat “has acquired great symbolic and rhetorical importance,” as well as fuelling political activity, enhancing participation, and forging new activist alliances in support of formerly disenfranchised constituencies (von Benda-Beckmann et al. 2001:33).

As a cornerstone of decentralisation, public sphere or popular participation is a highly contested concept. Local groups, actors, and associations are increasingly agitating for change, though their methods and strategies differ dramatically. In instances where political participation is equated with “becoming indigenous,” it may spur popular mobilisation, divisiveness, exclusivity, resistance, emulation, withdrawal, rejection, or affirmation. There is no decisive way to predict with any reliability how these reinvigorated forms of participation will translate into substantive changes on the ground. This uncertainty stems from the fact that people are motivated in different ways, some acting for personal gain, some vying for exclusive control over and access to resources, and others committed to community development and the common good.

There is an immensely complex ethno-history behind processes of indigenous revival, which are perfectly suited to Armstrong’s (1982) and Smith’s (1986) analysis

³ See chapter two for a comprehensive discussion on decentralisation.

of *la longue durée* (the long-term approach to exploring the layered nature of ethnicity and patterns of cultural identity). Such explorations are not of primary concern to this thesis; however, some historical background on adat is needed.

Historically, there was never an exact word in any Indonesian language for the English “law” or the Dutch “recht”. In the “modernised, Europeanised Malay” adapted by Republican leaders after independence, however, the Arabic terms *‘adat* (custom) and *hukum* (law) were officially adopted as “customary law” (Prins 1951:283-284). Adatrecht was first popularised by the Dutch in the early 1900s, though for centuries adat was said to comprise “all things Indonesian,” including societal rules, customs, politics, perceptions of justice, and even the “personal habits of an individual” (Prins 1951:284). In other words, adat provided “the cosmological order, the primary, perhaps sometimes the only, explanation that rendered the world intelligible and informed one as to how to act in it” (Acciaioli 1985:152).

Broadly speaking, adat encompasses a wide range of customs and traditions unique to each region of Indonesia.⁴ It is, moreover, a fluid concept, not fixed, and for much of history it existed as an oral tradition encompassing local law, authority, marriage, investitures, land use, traditional house-building, the holding of annual feasts, rituals, and the arts. By transposing the traditional concept of adat onto a contemporary political platform, a situation tends to emerge where it is selectively “defined in different ways in different places and among different groups” (Elmhirst 2001:292).

Recent efforts by local communities and their supporters to link notions of adat with burgeoning political movements towards local democracy must be scrutinised further. While the recent convergence between decentralisation and atavistic struggle has given rise to new opportunities for redressing decades, even centuries of repression and maladministration, it also harbours unforeseen threats and uncertainties that must be investigated. Particular reference will be made to adat struggles over land, resource entitlement, and the revitalisation of antedated systems

⁴ Geertz (1967:24) distinguished over three hundred cultures and more than two hundred languages in Indonesia, without even accounting for the great complexities of Papua (Irian Jaya).

of governance by drawing on empirical findings from Sulawesi, an island in resource-rich eastern Indonesia.

Briefing: Sulawesi

Eastern Indonesia is host to 79 per cent of the country's ethnic and linguistic diversity, and throughout the four peninsulas⁵ of Sulawesi there is an intriguing process underway to make use of traditional knowledge and to support its application in contemporary politics (SOFEI 2006:15). Makassar, the capital of South Sulawesi province, is often referred to as the gateway to Eastern Indonesia. Therefore it follows that the city of Makassar is a suitable location from which to begin investigating ethno-historical reconstructions, indigenous articulations and the political revival of adat in Sulawesi.

Since the implementation of decentralisation (January 2001), a process of administrative blossoming has occurred, meaning that new provinces have been formed and districts have fragmented.⁶ For instance, the Greater Luwu district of South Sulawesi has been subdivided into four districts, and West Sulawesi became a separate province in 2004. There are currently 25 districts⁷ in South Sulawesi, the average population of which is approximately 300,000 people. As a testament to the ethnic diversity of the province, there are 35 officially recognised ethnic groups interspersed throughout modern district administrative units, including the four major ethnicities: the Bugis (some four million people), the Makassarese (some two million), the Mandar (approximately half a million) and the Toraja (approximately half a million).⁸

⁵ The "orchid-shaped island" of Sulawesi contains four peninsulas, with Makassar located in the south-western peninsula, Kendari in the south-east, Luwuk and the straight of Maluku in the centre-east, and finally, Manado in the north-eastern peninsula (Errington 1989:14).

⁶ Prior to 1999 there were some 168 districts in Indonesia; by November 2004 that number had risen to 440 districts (Duncan 2007:726).

⁷ For clarification there are two designations, kabupaten (district) and kota (city), both of which are basically administrative equivalents. In South Sulawesi there are 22 districts and three cities, though there are ongoing negotiations to sub-divide Tana Toraja into two districts, so these figures are constantly changing.

⁸ The 35 recognised ethnic groups as listed by the Ministry of the Environment, Republic of Indonesia, in 2001; the population figures for the four major ethnic groups are from Robinson (1998:4).

In the 1980s the national Department of Education and Culture began to promote the architectural traditions of South Sulawesi, including Kajang, whose adat communities are often held to be exemplars of pre-modern Sulawesi; that is, an authentic representation of pre-Islamic and pre-colonial society (Robinson 1997:81). Despite deliberate campaigns to depoliticise adat, the Kajang territories of the Amma Toa continue to be governed in accordance with customary law (see chapter seven).

Scholars began a collaborative study in 1992 to highlight the distinctive cultural and historical traditions of South Sulawesi through an archival project involving the microfilming and cataloguing of indigenous manuscripts (Robinson 1998:1). By 1996 the archive contained approximately 4,000 such manuscripts, which are called lontará based on the fact that they were originally written on the leaves of the lontar palm (Robinson 1998:17).⁹

In 1996 a conference was held in order to disseminate the findings of the archival research to an audience in Makassar. During these proceedings, “new dimensions” to the analysis of the lontará arose (Robinson 1998:9). Audience members explained how these manuscripts “affect the conduct of everyday life in contemporary Sulawesi” and how, in turn, they are “bound up with current social dynamics, including issues of cultural continuity and renaissance” (Robinson 1998:9).

On 13 October 1999 the historic name Makassar was revived as part of the capital city’s autonomy project.¹⁰ One local newspaper headlined with a sentimental story titled “Makassar, the prodigal child has returned” (Morrell 2001:437). To many, this represented a reassertion of local identity and a celebration of Makassar’s past fame as a cosmopolitan centre for trade.¹¹ South Sulawesi was also the focus of an international forum focusing on the “Origins of Complex Societies in South Sulawesi” held in Barru district from 18–19 August 2000 (Macknight 2000:117).

⁹ According to Caldwell and Bougas (2004:457) writing was first developed in South Sulawesi in the fourteenth century.

¹⁰ In accordance with Government Regulation 51/1971, the name Makassar was replaced by Ujungpandang.

¹¹ Morrell (2001:448) adds that this “valorisation of history” was based on selective reconstructions.

Events such as these indicate that Sulawesi is an active region where the pace of political change invites further research into these increasingly atavistic trends.

Moving from historical reconstructions to contemporary deployments, there are significant differences between the adat that was collected for the microfilm archive in Makassar and that which has come to form an oppositional basis for political struggle.¹² From 2001 onwards, the most visible manifestation of this oppositional struggle has been land reclaiming in forest zones designated as productive or protected, thus representing a new challenge to the legal norms and regulatory notations of the state. However, in Sulawesi, as in other resource rich, heavily forested islands in the eastern archipelago, most land and resource conflicts involving adat communities remain unresolved, despite the influx of local NGOs, provincial mediators, national trustees,¹³ and international donors.

In the new era of local autonomy and reform, it is necessary to examine the extent to which the recognition of customary land rights is permitted only insofar as it does not threaten to “dismantle the dominant logic of the state” (Kinsella 2005:255). Starting from the colonial era, succinctly characterised by the *volksverheffing* principle,¹⁴ it can be argued that manifestations of state power have come to “constitute not only what activists seek to change, but also the activists themselves” (Lipschutz 2005:243). In other words, subtle reconfigurations of power prompted by the decentralisation process come to influence and shape the agendas of activists, including *pemangku adat* (customary leaders), village advocates, domestic NGOs, third-party mediators, or cadres of legally-trained, internationally-funded trustees.

Determining the extent to which this legacy has been overcome requires the foregrounding of specific local struggles, coupled with an examination of the changing relations between all protagonists in the wider context of decentralisation. It is evident that the continuous relocation of authority, along with the enhanced

¹² See Acciaioli (2007) and Li (2007) for further analysis of “officialising” and “oppositional” strategies.

¹³ Concept of “trustees” developed by Blair (2000), explained further in chapter two.

¹⁴ *Volksverheffing* refers to the emancipation of the native population, along with elite participation in socio-economic development, without posing any genuine challenge to the durability of the colonial state (Weber et al. 2003:407-409). See chapter two for more on this concept.

capacity of local actors to participate in politics, creates opportunities for peaceful collaborations in governance, expanded human rights protections, and rising standards of living. For the many thousands of adat communities in Indonesia, this translates as an opportunity for recognition of their rights (real or perceived) over lands, resources, and autonomous governance. Conversely, such a process also threatens to exacerbate conflicts (ethnic, communal), undermine social cohesion, and lead to worsening environmental conditions.

In the most recent collected works on adat, scholars sought to examine the various “manifestations of adat revivalism in the post-New Order era,” with particular emphasis on the decentralisation process (Henley and Davidson 2007:1). The analytical focus was to be fixed upon the “particular forms of adat revivalism,” rather than adat itself (Henley and Davidson 2007:2). Similarly, Li (2007:337) sought to develop an “inventory or map” of contemporary deployments of adat, which requires an outline of the “contexts in which they have arisen and the projects they serve”.

At one end of the spectrum there are idealistic efforts to seek out exemplary cases of pristine tribal communities, returning to the authentic indigenism of the past, and recreating socially harmonious and environmentally sustainable normative orders. This celebratory form of adat revivalism has been referred to as “museumisation and showcasing” (Erb 2007:247-248). At the other end of the spectrum, there are the political forms of revivalism in pursuit of tangible goals such as tenure security, resource entitlement, and autonomous governance.

Distinctions between festive showcasing and political resistance are largely the product of choices (consciously or unconsciously) made by local communities and their supporters. However, once adat has been deployed and claims have been articulated, a multitude of possible scenarios arise that are often beyond the control of the target constituencies. Such scenarios can be divided into two main categories. On the one hand, there are attempts to “institute orderly rule through adat” (Li 2007:337). This has been referred to as an “officialising strategy” which can be deployed by a variety of actors for a variety of purposes (Acciaioli 2007:302). The strategy would have district government officials seeking to integrate an optimal, formalised version

of adat into the service of the local administration. Similarly, intervening activists may unwittingly promote a sanitised version of adat that, while appearing democratic and environmentally friendly, ultimately fails to constitute a genuine challenge to dominant power structures or constitutive political conditions.

On the other hand, there are attempts to “challenge state authority” (Li 2007:337). This has been referred to as an “oppositional strategy” which has multiple dimensions (Acciaioli 2007:303). Support networks and sympathisers may seek recognition for adat claims (land, resources), not as part of official government structures, but rather as “parallel forms of sovereignty whose adherents’ rights need to be guaranteed” (Acciaioli 2007:303). In the search for recognition, such networks must work with local communities, promoting “popular rights and capacities for self-government and social justice” (Li 2007:337).

One interpretation of adat revivalism holds that its origins and subsequent political deployments lie in the “concrete struggles of marginalised communities” against the expropriation of customary lands by the state for developmental purposes (Bourchier 2007:122). Building on this “grievance-based” interpretation (van Klinken 2007b:2), local villagers and their allies have frequently managed to align their political struggles for the recognition of adat with global movements for indigenous rights and sustainable forest management. In the enabling context of decentralisation, the realignment of authority has prompted some optimism, with suggestions that local politics has come to matter to local people, who are now “free to determine their own destinies, express their own views and participate in the decisions that shape their lives” (Antlöv 2003b:74). However, few foresaw the intensity with which atavistic trends such as “becoming indigenous” would come to constitute and even overtake Antlöv’s (2003b:74) civic-minded freedoms of expression, participation, and the shaping of destinies.

The process of becoming indigenous has, for some groups, become the ultimate expression of local autonomy, pluralism, and participation, combining primordial notions of traditional wisdom and antedated governance with modern political prerogatives such as recognition, land tenure, agroecological management,

and resource entitlement. For this form of emancipatory positioning to achieve any substantive gains, however, it must come to challenge aspects of the dominant, constitutive political order. This involves courting external supporters as well as engaging with self-serving and cautious politicians, entrenched and emerging elites, nepotistic power brokers, predatory bosses, corrupt bureaucrats, a vitriolic security apparatus, cunning corporate managers, unscrupulous entrepreneurs, and elusive ad hoc criminal networks.

The prospect of power has the obvious capacity to corrupt, challenging notions of communal harmony and indigenous unity, with the consequence that self-interested actors or groups frequently distort notions of adat in order to capitalise on compensation packages, land allocations, or corporate goodwill funds. A more penetrating view on the different manifestations of power is therefore needed to help discern the interests and motivations of the various actors influencing adat revivalism.

Power and Resistance

Since colonial times, regionalism and ethnic diversity have been allowed to flourish insofar as no fundamental changes occurred in the relations of power. Power tends to be exercised by those who have control over patterns of resource use, systems of governance, land entitlement and bestowal, law enforcement, and surveillance; in short, all the elements of the constitutive political order. In their systematic analysis of global governance, Barnett and Duvall (2005) propose a “taxonomy of power” involving four types of power—compulsive, structural, institutional, and productive.¹⁵ Applied to Indonesia, this taxonomy helps comprehend some of the dilemmas of adat revivalism, providing a critical analytical framework from which to examine the processes and consequences of becoming indigenous.

Most frequently, power is wielded in the coercive fashion, whereby the state exercises direct influence over the public sphere, coordinating the actions of citizens’ groups and NGOs so as to align their interests with those of the state (Barnett and Duvall 2005:14). By contrast, power may take the institutional form whereby control

¹⁵ Classic works on power (Weber 1947; Dahl 1957) use term coercive rather than compulsive power.

is achieved indirectly, extending the reach of the state into peripheral, socially distant domains (Barnett and Duvall 2005:16). Degrees of “patterned regularity” (Biersteker 1992:104) and “routinised behaviour” (Rosenau 1992:7) may be achieved through national laws, district regulations and local ordinances. Control in this sense is manifested through agenda setting, dictating the range of permissible actions, limiting the choices of dependent actors (those with fewer resources), imposing subtle behavioural constraints, perpetuating governing biases and privileges, and embedding power asymmetries and differentials.

One may also encounter a form of structural power that shapes the capacity of actors in direct relation to one another, as well as the interests that underlie their actions (Barnett and Duvall 2005:18). Early colonial legibility projects geared towards efficient administration, taxation, and resource extraction attempted to entrench a hierarchical system of order, with an essentialised view of highland or frontier populations as “objects of governance” (Muppidi 2005:276).

The colonial binary construction of governors and the governed, as well as subjects and objects of development, echoes in the present political constellation (Muppidi 2005:280). However, it is not enough to imagine a colonial or authoritarian order; it must materialise. Thus the objects of governance must be “locked in to various forms of institutional and structural power, [and] must know their responsibilities,” otherwise the deployment of coercive power will be required (Muppidi 2005:283).

Finally, a form of productive power may serve to constitute the actors themselves, concerned mainly with the discourses, social processes, and systems of knowledge through which meanings are produced, fixed, lived, experienced, and transformed (Barnett and Duvall 2005:20). This implies that power may influence the ordinary practices of life, define the social fields of action, produce social identities and capacities, and orient particular discourses of developmental action.

Visible manifestations of power in the context of local adat struggles for land and resources assume each of these forms—coercive, institutional, structural, and productive. The most obvious (and frequently reported) form is coercive power,

involving the deployment of mobile police brigades or private security forces hired by corporations to suppress demonstrations and protests. In a typical scenario, local villagers and their NGO counterparts are treated as provocateurs in the field, subject to coercion, intimidation, imprisonment, and violence. Subsequent chapters shall examine whether the reform era in Indonesia (1998 onwards), heralded for freedoms of press, association, and protections of democratic rights has led to a reduction of coercive power.

One would expect that a reprieve from the stifling, authoritarian tendencies of the New Order would prompt a shift away from compulsion and towards more subtle forms of power. As such, it is necessary to consider instances where institutional power has been deployed, tempering political movements through quaint, gradual, donor-friendly processes of deliberation and negotiation. When the status of customary rights is disputed, local communities must be dissuaded from adopting a radical stance (land reclaiming, direct action). Rather, the shackles of elegant policy must be reapplied, as witnessed through the promulgation of several redundant district regulations in recognition of adat in Sulawesi.¹⁶

While drawing on the “authentic” features of adat to legitimise claims, some of those involved in the current revival are striving to transcend the notion of customs and traditions by realigning them to fit more comfortably into legible platforms for political struggle. This is not the same as Scott’s (1998) usage of the term legibility, which referred to neo-colonial “state simplification” programmes aimed at “standardising the subjects of development” in the interests of “legibility and control” (cited in Warren 2005:50). Rather, standardisation focuses on the creation of ideal subjects capable of maximising the use of developmental assistance, rendering local struggles compatible with the discourses of international rights movements. In this sense, legibility may be pursued through activities such as participatory community mapping, multi-stakeholder initiatives, and village deliberation, with the aim to render disparate customary claims coherent or compatible with reformist programmes such as environmental sustainability, eco-friendly development, or the protection of

¹⁶ See chapter three for examples of redundant district regulations on adat.

indigenous lifestyles. Such programmes may reduce the threat posed to the state or entrenched interests through a process of normalisation, one which is less costly than overt, coercive exertions of power.

In cases involving reassertions of adat rights over land and resources, there are many variables that require attention, such as village heterogeneity, divergent interests, and the elusiveness of some ad hoc support networks that mobilise around specific land conflicts. Therefore the “confrontations and complicities” involved in localised struggles require a closer reading, one that “belies a simple dualism” between state power and local resistance (Elmhirst 2001:285).

A closer reading of these complex dilemmas suggests that there is also a “human inclination” to resist in the face of power, with local agents and actors throughout Indonesia seeking to influence or transcend the social forces that once “defined them and their parameters of action” (Barnett and Duvall 2005:22). Taxonomies of power thus generate taxonomies of resistance. Specifically, resistance may include direct confrontation to counter coercive power, interpretive legal measures to institutionalise indigenous rights, strategies to transform the structures that perpetuate inequality, as well as actions to disrupt social processes and challenge dominant discourses.

In the enabling context of decentralisation, the likelihood of a diffusion of power allowing for “ruptures in the web of governmentality” increases markedly (Lipschutz 2005:245).¹⁷ Such ruptures may represent zones of agency, autonomy, resistance, and contestation in the name of indigenous revival or environmental sustainability, which can serve to expose “inherent contradictions” in the governance system (Lipschutz 2005:245).

What is less clear, however, is the extent to which such forces can transcend this dominant system, as opposed to simply exposing inherent contradictions. In other words, further research is needed in specific local contexts to decipher between mere political disruptions and the potential for genuine change. Political disruptions occur when activists do not resolve problems but merely define problems to be solved and

¹⁷ Lipschutz (2005) drawing on Foucault’s (1991) conception of “governmentality”.

engage with inherent contradictions; genuine political changes occur when the dominant discourses and structural prerogatives of the state are altered (Lipschutz 2005:247-248).

Based on evidence from Central Sulawesi, it has been suggested that contemporary efforts to restore customary rights and re-appropriate lands have been unsuccessful, despite “some individual exceptions” (Acciaioli 2007:312-313). These exceptions include isolated cases such as the Katu and Lindu of Central Sulawesi, or the Kajang Dalam of South Sulawesi. However, many local communities and their allies are said to have come to the “sad realisation” that, although they have achieved many micro-level successes, the “systems and structures that determine power and resource allocations—locally, nationally, and globally—remain largely intact” (Mohan and Stokke 2000:254).

Despite their popular characterisation as forces of resistance and change, community allies and civil society actors in any given situation may “unwittingly support the logics of governance,” or indeed may be satisfied with the status quo, thus reducing their efficacy to single issue-areas without posing a broad challenge to existing structural relations of power (Lipschutz 2005:238). In this sense, while the adat revival is couched in terms of resistance and opposition, it may be little more than a permissible form of alternative politics encapsulated within persistent, dominant structures of power.

In the event that adat communities and their supporters are able to mount a sustained challenge to existing conditions (flawed land tenure systems, maladministration of the forestry sector), government officials may deploy a variety of counter strategies. For instance, threatening actions such as forcible land reclaiming or destruction of corporate property can be criminalised, representing an exercise of institutional power, or violently suppressed, representing coercive power (Lipschutz 2005:240). By contrast, reforming actions such as struggles for the recognition of adat rights may be absorbed by government officials, redirected through official channels and converted into drawn-out regulatory processes or tenorial negotiations.

As a significant feature of decentralisation, adat revivalism highlights the fact that “polycentric societies have a variety of forms of order, some of which do not answer to the ideals of democracy” (Bohman 2005:57). Informed by this dilemma, the practical knowledge needed to promote the democratisation of “uneven and hierarchical social relations” requires an “empirical analysis of current transformations and [their] embedded possibilities” (Bohman 2005:61-62). In Indonesia, analysis of the embedded possibilities resulting from the convergence of decentralisation and atavism remains incomplete, owing mainly to the continuous reconfiguration of adat and the constantly shifting parameters of power at the local level.

Henley and Davidson (2007:37), editors of a rich collected works on adat, make “no pretence to comprehensive coverage, either in regional or in thematic terms, of the politics of tradition in Indonesia”. In order to contribute to the burgeoning literature on adat and decentralisation, therefore, this thesis examines the process of “becoming indigenous” in Sulawesi, foregrounding specific local struggles for recognition and land rights. Thus far the perceptions of adat emanating from local communities have been understated, as have the impacts of newly promulgated regional regulations (research question one–Q1). Similarly, the impact of third-parties and trustees have been overlooked at the local level (research Q2 and Q3), and the consequences of the selective redeployment of adat in conflict areas have yet to be fully gauged (research Q4 and Q5).

Research Methodology

The voluminous works on adat in recent years have brought together a multitude of scholarly disciplines and approaches. Historians and archaeologists continue to grapple with the mystique of the concept itself, while cultural anthropologists and political economists focus on contemporary manifestations of adat revivalism, querying the extent to which this elusive and contested concept may challenge the dominant structures of power in Indonesia.

It is argued that scholarly investigations into complex political phenomena “must travel to a variety of different cultural locations” in search of the “voices of the silenced or subdued” (Pensky 2005:12; Steinman 2005:115). Such assertions resonate with McCargo’s (2006:118) call for the “subtle readings” of political texts and the “teasing out of layers of ambiguity” through firsthand fieldwork. Applying these criteria to adat revivalism in Indonesia requires one to undertake intensive, systematic field research with an orientation towards qualitative methodology. In the context of decentralisation, this involves primary document analysis, semi-structured interviews, and participant observation.

Having undertaken research in South Sulawesi since 1967, Pelras (2000:18) found that local informants are very fond of speaking about social hierarchy, genealogy, and the origins of kingdoms. Moreover, his (mainly Bugis) informants believed strongly in the study of local history, and they “insisted very much on the force of traditional values” expressed through indigenous concepts such as *siri* (honour or shame) and *pesse* (compassion) (Pelras 2000:18).

One concern raised by Pelras (2000:19) regarding fieldwork in South Sulawesi was that, upon arrival in Makassar, he was almost instantly “entangled in bonds of clientship” and unwittingly ended up being associated with one particular local faction.¹⁸ The unintended consequence was to be excluded from interviewing rival adat groups. Thus the field researcher must try to be aware of the formidable divisions that can exist between local communities, and avoid becoming associated with one particular faction.

Working closely with local informants for sustained periods of time in the field reinforces perceptions about the gracious nature of Indonesian hosts, and the different conceptions of privacy.¹⁹ It is not uncommon, for instance, to receive invitations to dine with or stay in the homes of local activists and their extended families after only one meeting. As I observed in Soroako (East Luwu), Madandan

¹⁸ Esther Velthoven of the Royal Dutch Institute of War Documentation had similar experiences during her years of fieldwork in Sulawesi (personal communication, 15 April 2005).

¹⁹ One of the most endearing features of rural Indonesia is the generosity of local villagers, many of which face daily struggles on a subsistence level.

(Tana Toraja), and Palu (Central Sulawesi), several of the aspiring young researchers from Europe, Japan and North America accepted these offers and became in a sense embedded with their informants.

Some of the one-sided, inaccurate reporting coming out of these highly contested and politicised locations hints at the potential drawbacks of embedded research, which may compromise one's objectivity. Therefore, as politely as possible, I declined numerous invitations and thus avoided becoming overly domesticated whilst in the field. Consequently, a number of local informants took umbrage, were reluctant to participate in interviews, and were not as forthcoming as might have been expected, making it harder to negotiate access to villagers in certain conflict areas.

From his work on adat and decentralisation in Central Kalimantan, McCarthy (2004:1199) found that one is "likely to come across a muddled and rather chaotic state of affairs that hardly seems to resemble the scenario described in [mainstream] decentralisation policy narratives". Indeed, culture can "seem an all too slippery, interpretive and potentially conservative concept for those concerned with nitty-gritty questions of institutional design and fiscal transfers" (Bebbington et al. 2004:188).

With these difficulties in mind, van Klinken suggested that a study of the "real people and real contestations where adat claims are being made" would be interesting and feasible, leading the researcher to then "make a judgment about how democratic it all is."²⁰ The focus, therefore, should be on the interests of those doing the actual reinterpreting of adat. In Sulawesi, this includes official sources such as district heads and parliamentarians, along with traditional elites and community representatives, as well as NGO activists and supporters in the field.

The field research for this study was undertaken in stages from August 2005 to August 2006. The initial phase was conducted in Bandung (West Java) and Jakarta from August 2005 to January 2006. This involved key informant interviewing and the gathering, translation, and analysis of primary Indonesian-language materials. This helped establish pertinent research locations and a list of key informants and accessible non-government organisations (NGOs) in the field. From discussions with

²⁰ Personal communication with Gerry van Klinken, 23 February 2005.

scholars and professionals, it was unanimously felt that research on adat should be conducted in eastern Indonesia rather than Java, and therefore Sulawesi was selected.²¹

The former director of the National Secretariat of the Indigenous Peoples Alliance of the Archipelago (Aliansi Masyarakat Adat Nusantara or AMAN) in Jakarta, Emil Kleden, and his staff (particularly Yuyun Indradi) granted interviews as well as access to their databases.²² These contained key reports on national congresses, along with bio-data and membership applications for all local communities in Sulawesi that had registered with AMAN (see Table 1.1 below). On file were 107 community profiles from South Sulawesi province, all of which had to be translated and analysed in order to determine which communities were engaged in politicised processes of adat revivalism.

²¹ The list includes Ryaas Rashid (drafted the decentralisation laws), Philips J. Vermonte (CSIS Jakarta), and Jeffery Ong (Development Programme Officer–Canadian Embassy, Jakarta).

²² Visitations to AMAN Jakarta took place between November 2005 and January 2006.

Table 1.1: Revised Membership Form²³ for New Members–AMAN

A. Individual Data

1. Name
2. Place and date of birth
3. Occupation and institution/organisation
4. Ethnicity/adat community
5. Home address
6. Mailing address
7. Position and designation/Title in your adat organisation

B. Adat Community Data

1. Name/Designation for adat community
2. Name how many managers/leaders of adat communities or adat organisations
3. Ethnicity/sub-ethnicity
4. Location of adat territory
5. Size of adat territory (estimate in hectares)
6. Amount of members (population) in the adat community ___ people or ___ households
7. Prominent problems facing the adat community

C. Expectations from AMAN

List the reasons why the adat community and adat organisation which you represent feels the need to become a member of AMAN.

List the type of support or services that you expect to be given by AMAN to the adat communities or adat organisations that have already become members.

D. Commitment to fulfil Rights and Obligations

[Applicants must give their signature showing they acknowledge various stipulations]

²³ Prior to filling out and returning this form to the Management/Board of AMAN or sending it through the post office or fax to the National Secretariat of AMAN, please confirm that you already understand what AMAN is, what aspirations it has and it's line of struggle, along with the rights and obligations for the adat community that will become a member.

In accordance with the decisions from the first Congress of Adat Communities of the Archipelago (KMAN) in 1999, communities eligible for AMAN membership are defined as follows:

Communities that live in accordance with the origins of their ancestors and in a manner based on inheritance over a certain adat territory, possessing sovereignty over the land and its natural wealth, whose social and cultural lifestyles are arranged by adat law, and under adat organisations that directly manage community lifestyles.²⁴

Examples of such adat communities listed by AMAN include the Nagari in Minangkabau (West Sumatra), the Kemukiman and Gampong in Aceh, the Binua in several regions of West Kalimantan, the Marga of South Sumatra, and the Negeri in Central Maluku. All of these criteria for membership are contingent and contextual, subject to long histories of intrusions and constructed over long periods of time.

A shortlist of research locations was drafted based on relevant district-level administrative units boasting adat communities with strong representation in AMAN, evidence of legislative activity regarding the recognition of adat, and involvement in protracted land disputes.²⁵ Based on these criteria, the most relevant of South Sulawesi's 25 districts appeared to be North Luwu, East Luwu, Palopo, Tana Toraja, and Majene.²⁶

While these preparatory activities were taking place, I undertook a three-month intensive course at the Language Centre for Cross-Cultural Communication (IMLAC) in Bandung. This provided a sound basis for communications in Bahasa Indonesia (the national language), though some additional support was needed for the intensive period of field research in Sulawesi. Two graduates from the Faculty of

²⁴ Definition of the criteria for adat communities from the revised AMAN membership form obtained at AMAN Jakarta.

²⁵ Based on the data collated from section B (Q7) and section C of the AMAN membership forms, it became apparent that adat communities from some districts elicited a higher level of political awareness, clarity of expectations, and articulation of demands than others.

²⁶ Since 2004 Majene has been part of West Sulawesi province. At the time that their membership applications were received by AMAN, however, they were still within the jurisdiction of South Sulawesi province.

Social and Political Studies (FISIP) at UNPAR in Bandung were therefore hired as research assistants. Conducting research with a small team was useful for building rapport with local informants as well as translating the large volume of documents obtained in the field. In the event that villagers did not speak the national language, such as in parts of Mandar speaking Majene and Konjo speaking Kajang, additional assistance was required.

The second phase of research was conducted from February 2006 to July 2006 in four provinces of Sulawesi. This was the integral phase as it involved intensive fieldwork for sustained periods in remote locales. Makassar, the capital of South Sulawesi and the “gateway to the east,” is host to the prominent Universitas Hasanuddin (UNHAS), from which the historian Dias Pradadimara agreed to sponsor my research visa application (KITAS). Makassar is host to many regional head offices of international organisations and multilateral donor agencies, including the Support Office for Eastern Indonesia (SOfEI) led by Richard Manning.

Having prepared a shortlist of districts while still in Jakarta, it was necessary to visit AMAN’s regional branch in Makassar to get local input into the selection of research locations. This branch has 116 registered adat communities from throughout the province. In addition to the shortlist already prepared, staff recommended visiting Bulukumba district, where local communities are embroiled in a controversial land dispute with a profitable rubber plantation (PT London Sumatra). AMAN staff provided invaluable contact information for all of their local partners, revealing a well-organised activist network operating throughout Sulawesi.

However, one dilemma did arise on several occasions. Informants from some of the villages and local organisations clearly expected to benefit from their participation in the interview process. Some made direct enquires as to what they would gain if they took the time to contribute to research projects. In general there was an expectation that they would be assisted or facilitated in some way, and that their participation as interviewees should bolster their local campaign, their funding options, and the resources available to them and their support networks. Care was thus taken from the outset not to mislead anyone, and it was made clear that all data

gathered would be used for academic purposes only, rather than serving the specific agendas of NGOs or donors active in the region. No misleading promises were made to any informant, even if this resulted in the termination of interviews.²⁷

The provincial governor's complex in South Sulawesi hosts all of the relevant government bureaus (see Table 3.1 'State Hierarchies' for clarification). For instance, the Bureau of Law and Institutions is responsible for administrative reorganisation in conjunction with the implementation of regional autonomy laws in 2001. The director of this Bureau consented to interviews about the challenges facing civil servants in the process of implementation, as well as the legal mechanisms for oversight of regulations promulgated by districts with newly devolved authority. The head of the provincial Bureau of Finance provided reports and data on district budgets, grants, and allocation funds.

Staff from the newly minted Bureau of Regional Autonomy described their oversight functions, which include reviewing and verification of district elections. This requires constant liaising with the General Elections Commission (KPU), which reports on election proceedings and collates electoral statistics from all district elections in the province. Most of the provincial officials were forthcoming and accessible, although the information was of a highly procedural nature, more suited to a study of "optimising blueprints" of decentralisation rather than local political contestations.

At district level, government officials are better suited to comment on local land disputes and processes of adat revivalism. All formal enquires begin with the office of the mayor, which stands at the centre of the district government complex. Key district departments include the National Land Agency and the Forestry Agency, along with the District Parliament and Court, all of which play a role in dispute resolution processes. These agencies have asserted their autonomy from Makassar

²⁷ In some cases a promise was made to deliver a copy of my thesis once it was completed. Other researchers working in Central Sulawesi have done the same, including Claudia Francesca D'Andrea, who provided activists in Palu, Central Sulawesi, with a copy of her Ph.D. thesis 'Coffee, Customs and Capital' (2003).

and Jakarta, however most land disputes are not contained within carefully drawn administrative boundaries, and thus require intervention from multiple districts.

Once a conflict bleeds into multiple districts, a degree of provincial intervention is required, as matters of jurisdiction become blurred. Most often the governor's office will issue decrees and appoint provincial mediation teams to assist in resolution processes. Moreover, when disputes reach the courts, nearly every district ruling will be brought to the provincial court of appeal in Makassar, which keeps records of all the trials. With persistence, provincial trial transcripts and mediation team records have been obtained, translated, and used for research purposes.

Interviewees from particular districts and villages were selected purposively, on the basis of research questions and geographic base. In the district of Bulukumba (chapter seven), for instance, respondents came from all relevant quarters. At the community level villagers were interviewed from the Konjo-speaking customary domain of Kajang Dalam, as well as surrounding villages affected by the land dispute with rubber producer PT London Sumatra (Lonsum).

Government officials from relevant departments were also approached, along with PT Lonsum's plantation estate managers and the relevant civil society organisations intervening in the conflict. Since this protracted dispute had been taken to trial, all the court transcripts were obtained and interviews with legal representatives sought. Further, given that provincial mediation teams were appointed and the National Commission for Human Rights was invited to oversee proceedings, more documentation was gathered for factual cross-checking and verification.

Primary documents included Indonesian press releases, court rulings, election data, transcripts of official meetings and workshops, mediation team reports, local regulations and ordinances, field data collected and documented by NGOs eliciting community aspirations, chronologies of land disputes and legal proceedings, and other relevant documents. All documents were translated from Bahasa Indonesia into English, and most of these were translated between January 2006 and September 2006.

Semi-structured interviews were the most appropriate form of interviews in order to cope with the extent of local variation encountered in the field. Prior to each scheduled interview, the framework for questioning was catered to the particular informants and adjusted based on specific local settings. Since fieldwork is not entirely predictable, impromptu interviews were also conducted, during which the mode of questioning remained on topic although a degree of improvisation was required.

Overall, the research was premised on the fact that a significant number of variables and factors are beyond the control of the researcher, and thus a degree of flexibility was built into the methods and timeframe from the outset. Subsidiary questions were thus left open-ended and were allowed to evolve accordingly. Any temptation to reduce the cultural-political dynamics of adat to models and formulas was resisted. Finally, contingency plans were established in order to cope with the multitude of dilemmas that arise, from outbreaks of communal violence and urban rioting (expulsion of Danish nationals, “sweepings” against westerners, kidnapping of Chinese-Indonesians), to natural disasters (mainly floods) and collapsing bridges, to the contraction of debilitating illnesses (dengue fever).

Structure of Thesis

This thesis sets out to disaggregate the concept of customary rights and examine what recognition consists of by foregrounding adat as an ongoing forum of struggle. Thus adat will be examined in all its local forms in order to draw conclusions as to its potential as an emancipatory force serving to “concretise complex and contradictory historical experiences” into atavistic campaigns or struggles (Steinman 2005:118).

Chapter two provides relevant historical background and theoretical positions in order to locate the broad political phenomena of decentralisation, land disputes, and indigenous revivalism in the Indonesian context. Chapter three addresses the first core research question (Q1) by establishing the legal framework under decentralisation for the recognition of adat, after which the cases of Gowa, Majene, and Palopo are examined in order to illustrate some of the political dilemmas

associated with district regulatory processes. Chapters four and five provide detailed empirical accounts of the politics of recognition in Seko and Tana Toraja, considering the extent to which regulatory initiatives have tempered oppositional political struggles, rendering them quaint and donor-friendly (research Q1, Q2 and Q3).

Chapter six reaches the shores of Lake Matano in East Luwu district, where a plethora of actors are reclaiming land and challenging the legitimacy of International Nickel of Canada's subsidiary in Indonesia, PT Inco (research Q3, Q4 and Q5). Chapter seven engages with long-standing disputes in the district of Bulukumba, where local farming communities have for decades been challenging the rubber estates of PT London Sumatra (research Q3, Q4 and Q5). Chapter eight concludes the thesis. It summarises and expands upon the conclusions of previous chapters, considering the political implications of "becoming indigenous" in terms of primary rights (recognition), and remedial rights (over land, resources, and autonomous governance).

Chapter Two: Critical Conjectures

This chapter reviews centuries of intrusions that have shaped the cultural and political landscapes of Indonesia. Given the long-standing, unresolved tensions surrounding customary land tenure and indigenous rights, it is important to examine the historical context behind the current revival of adat. Each key historical phase carried different possibilities for promoting, co-opting, or tempering the political impulses of adat communities.

Emphasis is then placed on the era of decentralisation, which according to mainstream accounts allows for the unleashing of community aspirations and the celebration of local diversity. A critical reading of decentralisation in Indonesia, however, reveals that adat revivalism has become a central manifestation of the public participation project, leading to unforeseen political dilemmas. The subtle ways in which discourses of adat are constructed shall be discussed, along with political representations of adat communities and the use of institutional power to shape and contain local struggles.

Pre-colonial Period

Prior to the arrival of Europeans, conditions in the Indonesian archipelago were characterised by the rise and fall of kingdoms, which served as centres of custom and commerce. In social and political terms, the pre-colonial reality of the archipelago was characterised not by “autocratic kings from whom all power descended, but by a complex web of contractual mutualities at the local level” (Reid 1998:32).

There was a recurring tension throughout the pre-colonial era, signified by the “ebb and flow of the great Hinduised dynastic kingdoms, Muslim sultanates, petty kingdoms and trading interests, all vying [...] for political and economic supremacy” (McWilliam 2006:45). South Sulawesi’s principal kingdoms were Luwu, Gowa, and Bone, though there were several smaller kingdoms, all connected in some way through tributaries and vassals.

From a historical perspective, Caldwell (1998:30) identifies fifty-odd small and large kingdoms that existed in South Sulawesi, the largest and most important of which was the Kingdom of Luwu.²⁸ Evidence from historical chronicles suggests that, “prior to the emergence of kingdoms after 1300 the largest political entities in South Sulawesi were simple chiefdoms” (Caldwell and Bougas 2004:459). The Kingdom of Luwu has been characterised as the “cradle of Bugis civilisation” and is believed to be the oldest of South Sulawesi’s kingdoms (Schrauwers 1997:356).

With regards to matters of governance, the Kingdom at one stage consisted of sixteen autonomous principalities, answerable to the ruler (*datu*) of Luwu only in matters of tribute or war (Schrauwers 1997:360). There was differentiation within each principality, some domains being within the central orbit of power, and others occupying a more peripheral position. Peripheral domains retained autonomy over local political affairs, an arrangement typical of the “segmentary state” model found throughout Southeast Asia (Robinson 1986:62-63).

The incorporation of peripheral domains such as Matano (chapter six) into the larger Bugis Kingdom of Luwu was formalised through intermarriage and the payment of tributes. One consequence was that local customs and traditions gradually became synonymous with Bugis customs. The Buginisation of peripheral domains throughout Luwu was just one of a series of intrusions upon the customs and traditions of local indigenous communities. Other major intrusions included the spread of Islam (1475 onwards)²⁹; the expansion of mercantile trading networks (1800s); the establishment of direct colonial control after 1905; the Indonesian struggle for independence (1945–1949); the Darul Islam rebellions (1953–1965); and the New Order era (1966–1998).

By the seventeenth century the power of Luwu had been eclipsed by the Makassarese Sultanate of Gowa (Andaya 1978:277). Custom and tradition within peripheral domains such as Bulukumba (chapter seven) were shaped largely by relations with the larger Kingdom of Gowa, relations often described in familial or

²⁸ Based on historical Bugis texts there is information about the major kingdoms of South Sulawesi dating back to circa 1300 (Bulbeck and Caldwell 2000).

²⁹ See Cammack (1989) for more on the origins and spread of Islamic law in Indonesia.

organic terms (Cummings 2001:433). With Gowa as the centre of power in South Sulawesi from 1608 onwards, all subordinate polities within its sphere of influence would orbit around this focal point. Subordinate polities would be characterised as “siblings,” invoking a sense of kinship and shared blood, or as “gourds attached to a stem,” invoking a symbiotic, organic relationship (Cummings 2001:433-434).

It appears, however, that direct measures were also needed in order to ensure that subordinate polities remained subordinate. Between 1540 and 1623, for instance, Bulukumba was invaded and subdued four times by the rulers of Gowa, giving rise to forms of local resistance as well as emulation (Cummings 2001:425). Therefore developments in Bulukumba were said to be driven by “contradictory impulses” such as rejection and mimicry (Cummings 2001:435).

The Dutch East Indies Company (VOC) set up its first trading post in South Sulawesi in 1609, opposed only by the forces of Gowa (Ricklefs 1993:48). By 1660 the Dutch and Bugis “decided to ally against their common Makassarese enemy,” precipitating the fall of Gowa (Ricklefs 1993:49).³⁰ All subordinate polities within the orbit of major kingdoms came under the nominal rule of the Dutch East Indies Company (VOC) “by right of conquest in 1667, and passed into the jurisdiction of the Government of the Netherlands East Indies in 1800” (Gibson 2000:44). However, the formal rounding out of the empire did not occur until 1905, when the Dutch forcibly pacified the Celebes and initiated an era of direct rule.

Prior to their acceptance of Islam between 1605 and 1611, the peoples of South Sulawesi had been exposed to regular contact with Muslim traders, teachings, and pressures to convert for more than 125 years (Pelras 1993:139). One explanation for this lengthy conversion period was that the “deep changes it implied provoked strong resistance among a people keenly attached to its custom and proud of its own culture” (Pelras 1993:139). Furthermore it has been hypothesised that, from the

³⁰ Ricklefs (1993:63-64) identifies a common feature in all of the VOC’s wars: the search for a significant party within a hostile state to ally with. In the defeat of Gowa, this “significant ally” was the Bugis prince Arung Palakka. On 18 November 1667 Sultan Hasanuddin of Gowa was “forced to sign the Treaty of Bungaya” which symbolised the cessation of hostilities (though fighting continued until June 1669).

perspective of the indigenous nobility in South Sulawesi, religious teachings “would jeopardise social order and threaten their power” (Pelras 1993:142).

It is likely that the projection of power from the indigenous nobility shaped the response of the ordinary villager to the spread of Islam. For instance, Gibson (2000:44) argues that people have a firm sense of an autonomous history in South Sulawesi, resulting from strong atavistic sentiments. Based on readings of particular historical narratives and texts, Gibson (2000:44-45) suggests that political morals tend to be attached to physical features of the natural environment such as rivers and mountains, providing a mnemonic device for villagers.³¹ Through such atavistic appeals, it is possible that adat rulers were able to maintain control over their principalities, even though it was “clearly in their interest in terms of both foreign policy and trade to adhere to the same religion [Islam] as their main partners in the archipelago” (Pelras 1993:142).

Despite evidence of extensive interaction with external forces, historians remain “struck by the long-lived survival of pre-Islamic elements” in Sulawesi (Pelras 1993:133). At the extreme, pre-Islamic elements include clans led by transvestite pagan priests called bissu, communal offerings made to guardian spirits, or rituals and rites of passage performed during inaugurations of houses, harvests, or ancestral worship (Pelras 1993:113). More relevant to the current adat revival, however, are the ancient Bugis-Makassarese scripts known as lontará.

These scripts contain chronicles about the “people of the olden days,” including a range of historical facts, descriptions of auspicious events, notes on adat laws and customs, collections of treaties between kingdoms, social contracts, king lists, royal diaries, agricultural manuals, medical lore, myths, and legends (Abidin 1971:159-160).³² Furthermore, focal Bugis and Makassarese cultural concepts such as

³¹ In the Matano domain (chapter six), the identity of indigenous communities is closely linked with a sense of place, ties to their village of origin, often demarcated by physical landmarks, natural borders, and symbolic trees such as the Banyan.

³² The most prominent Bugis chronicle is *I La Galigo*, which for many contemporary authorities in Luwu represents their golden age. It is held that this work “must rank among the longest pieces of literature in the world,” given that European scholars alone “assembled about 6,000 folio pages of it” (Abidin 1971:160).

siri (honour or shame) and *pesse* (compassion) have been “widely elaborated in the lore” of lontará manuscripts as well as “orally transmitted precepts and aphorisms” (Pelras 2000:15).

The principal ethnic groups of Sulawesi are known to have “produced a historiographical literature unique in Indonesia” (Abidin 1971:166). In 1907, Dutch Assistant Resident of Bone, de Greeve, attributed this accomplishment to the character of the people of South Sulawesi, who “always paid great attention to their history,” chronicling important historical events, genealogies, and anthologies that were bequeathed to succeeding generations (cited in Abidin 1971:166-167). It is worth noting that recorded events were not limited to local matters, with the consequence that any effort to write the history for a given area “requires comparison of numerous lontará from all over” (Abidin 1971:167).

While there is evidence of the survival of pre-Islamic elements in Sulawesi, social and cultural formations have long been shaped by “histories of migration, long-standing links to markets and state or chiefly regimes, and the influence of world religions” (Li 2007:337). After the period of Islamisation, Dutch conquest in Sulawesi (1667 onwards) became the major intrusion upon the customary order.

Colonial Legacy

While customary laws, tenure and practices were said to have “flourished under the shifting geo-politics of Indonesia’s dynastic history,” for the most part they remained “ill-defined and diffused as coherent systems of bounded customary practice and authority over defined jurisdictions” (McWilliam 2006:46). It is held that none of the present Southeast Asian states are “based on a homogeneous cultural tradition,” but rather consist of a variety of different ethnic groups, each possessing their “own languages and their own cultural heritage” (Schefold 1998:259).³³ Most of these states “emerged from colonialism and inherited boundaries that were imposed from the outside” (Schefold 1998:259-260).

³³ See Henley (1996:13-16) for an illuminating account of the “origins of nations,” succinctly divided into five models.

The story of Indonesia is said to have begun “when a discrete, compact territory was excised by sharp colonial boundaries from an indigenous political geography characterised by aterritoriality, fluidity and fragmentation” (Henley 1996:143). Despite disagreements among historians about the precise “birthdate” of the Indonesian state, its “birthplace” is quite clearly the “swampy coastal township of Batavia, which the VOC made the center of its islandempire at the beginning of the seventeenth century” (Anderson 1983:478-479). With the outward appearance of a business, the VOC quickly manifested itself in the archipelago as a “state,” one capable of “raising armies, concluding treaties, imposing taxes, punishing lawbreakers” and so forth (Anderson 1983:479).

Broadly speaking, the Dutch model for the East Indies was characterised by policies of “nonassimilation” and a preference for indirect rule, including little or no attempts to westernise the Indonesian (Vandenbosch 1943:498-499). The extent of this nonassimilation even drew reproaches from other European colonial officials (such as the French) for not having brought the Dutch culture to the East Indies. Studies of early Dutch attitudes towards indigenous communities and their adat law reveal a “considerable indifference” and “neglect,” the only exception being the British interregnum in Java between 1811 and 1816 (Gall 1996:116-118).³⁴

In other ways, however, Dutch systems of governance did impact upon the cultural landscapes of native populations. For instance, Dutch officials after 1870 sought to preserve, revive (where necessary), and strengthen “native institutions and cultures” (Vandenbosch 1943:499). Moreover, Dutch administration was known to be intensive, with a comparatively large number of colonial officials (relative to British colonies), who were able to penetrate deeply into native society and wield extensive authority through “gentle compulsion” (Vandenbosch 1943:499).

Having previously served as a refuge for all forces hostile to the Dutch, the fall of Makassar after 1667 prompted the migration of Bugis people throughout Sulawesi, signifying the “first indirect impacts of Dutch rule on the cultural

³⁴ Thomas Stamford Raffles was appointed Lieutenant-Governor of Java from 1811–1816, replacing Herman Daendels (Ricklefs 1993:113).

landscape” of Sulawesi (Weber et al. 2003:402). Direct rule was extended to the outer islands of Sumatra, Kalimantan and Sulawesi only after 1870, when “indigenous states were incorporated into the Dutch hierarchy as *Zelfbesturen* [autonomies]” (Weber et al. 2003:406). The Dutch colonial impact is best understood by making distinctions between different eras (see Table 2.1 below).

Table 2.1: Phases of Dutch Colonial Rule

Period	Description
Fifth Century–1601	Pre-colonial period
1602–1800	Dutch East Indies Company (VOC) period
1800–1830	Consolidation period; closing of the VOC, rule transferred to the Dutch state/crown
1830–1870	Forced cultivation (<i>cultuurstelsel</i>) period
1870–1900	Liberal era
1900–1941	Era of Ethical Policy
1942–1945	Japanese Interregnum
1945–1949	Proclamation of Independence; continued Dutch presence
1949	Final admission of independence (<i>merdeka</i>)

Adapted from Weber et al. (2003:401)

Following the Vienna Congress of 1815 and the lifting of restrictions on the spice trade, colonial interests shifted to the development of plantations (Weber et al. 2003:403). This precipitated the era of forced cultivation, where policy was to “extract agricultural commodities as expeditiously as possible” (Lev 1985:58). From 1830–1870 the Cultivation System introduced by the Dutch King William I forcibly restored the profitability of the Dutch possessions in the East Indies (Bosma

2007:275). In the Liberal Era of Dutch rule (1870–1900) that followed, the focus was on capitalist expansion; this was then superseded by the Ethical Era (1900–1941), during which moral and social progress was promoted (Gibson 2000:54).³⁵ Colonial treatment of adat communities varied significantly between 1870 and 1942, serving different agendas in response to periods of rapid political change.

One common feature, however, seemed to be the Dutch exploitation of internal ethnic diversity. Rather than being viewed as a “cause for concern,” such diversity could “serve as a welcome instrument in the endeavour to play off indigenous anticolonial movements against each other [...] to render them harmless” (Schefold 1998:260). However, the extent of this harmless instrumentalism is questionable. In South Sulawesi, no serious attempt was made to impose direct administration until the 1860s, and even then it is held that local resistance hindered the creation of a colonial regency system meant to consolidate village affairs (Gibson 2000:44).

The passing of a new Agrarian Law in 1870 sought to formalise land usage and entitlement, creating new legal categories and serving to guarantee the liberty and security of entrepreneurs.³⁶ Policy from the 1870s onwards ensured that the “gates were now open for the development of capitalism in the colony” (Weber et al. 2003:405). Java’s first railway line was opened for business in 1870, primarily for the transport of sugar (Anderson 1996:26). In 1880 the Coolie Ordinance was enacted, regulating and controlling labour (Brown 2003:93-94). Between 1870 and 1930 the primary exports of the Indies reaching European markets were coffee, sugar and tobacco, along with the “garden products” of the eastern islands such as mace, cloves, nutmeg and pepper (Legge 1980:91).

Though this was in essence unfettered capitalism, there was an emergent liberalism in colonial discourses, and by 1900 the Ethical Era was ushered in. This

³⁵ The major historical eras (Liberal, Ethical) are commonly agreed upon by scholars of the Netherlands East Indies. See, for instance, Ricklefs (1993) or Weber et al. (2003). In 1860 the novel *Max Havelaar*, published by Eduard Douwes Dekker, exposed the brutality of rule in colonial Java.

³⁶ The issue of land rights was dealt with directly through the *Domeinverklaring* (Domain Declaration) stipulations of the Agrarian Law. For more on this, see Peluso and Vandergeest (2001) or Fitzpatrick (2005).

paternalistic era was marked by direct administration and intensified intervention into native affairs, which would come to have a profound impact on the cultural landscapes of Sulawesi (Weber et al. 2003:407). Indeed, the evolving colonial state came to be known as “the most centralised model of state power Southeast Asia had ever experienced” (Reid 1998:35).

Beyond trade, agriculture and commerce, it is held that one of the “most perplexing and ambiguous themes in Indonesia’s colonial history” was the treatment of local customary law (Lev 1985:63). Policy makers of a liberal persuasion argued that native subjects should be drawn “into the modern world and subject to the same law, [with] legal unification for all population groups, maybe improving the natives’ commerce and civil relations” (Lev 1985:65).

By contrast, the influential Leiden School of legal jurists and Orientalists³⁷, led first by Jacques Oppenheim and then Cornelis van Vollenhoven (1874–1932)³⁸, succeeded in convincing colonial officials to maintain a dualistic system and redouble efforts to “understand local [adat] law and preserve its integrity” (Lev 1985:65).³⁹ Dutch scholars came to identify within Indonesian village practices a “model of Eastern democracy which represented an advance on the individualistic and mechanistic conceptions of politics” associated with Western liberal democracies (Bourchier 2007:114-115).

Despite the rising influence of van Vollenhoven, some Dutch colonial officials and members of the Utrecht School expressed doubts about the viability of customary adat institutions. For instance, Professor J. de Louter felt obliged to ask whether adat could really be a useful political or legal instrument for “responding to the needs of

³⁷ Preceding the Leiden School, British Orientalist scholars such as Sir William Jones and Henry Colebrooke gained fame by “discovering” in the 1780s a Hindu Aryan Sanskrit civilisation in North India, proclaimed as the “original civilisation of humanity” (Hutchinson 2004:111).

³⁸ See Burns (2004) and Holleman (1981) for a comprehensive study of the Leiden legacy. See Benda (1958:340) for an account of Christiaan Snouck Hurgronje, one of the “great statesmen of the Netherlands”. Even after departing from Indonesia in 1907 to accept a professorship at Leiden University, Hurgronje remained highly influential over Dutch Islamic policy and continued to exert a lasting influence as a consultant on native affairs.

³⁹ By the 1920s policymakers endorsed the revival of tradition in order to offset the growing influence of religious extremists, communists, and the Dutch-educated revolutionary nationalists (Gibson 2000:54).

the individual and society in a rapidly changing and modernising Indonesian world” (cited in Fasseur 2007:60). The following dilemma was raised in the 1920s:

Is it enough [...] to judge the policy of a colonial government according to the degree to which it respects native institutions and adat law, or should the criterion be that such a government must give the law that best suits the needs of modern society, thus preventing Indonesia from turning into an open-air adat museum (de Louter cited in Fasseur 2007:60)?

Paradoxically, despite the genuine respect held for diverse Indonesian cultures and customs, the Leiden School helped to “imprison [them] in a cage of elegant policy that rendered them even more vulnerable to outside manipulation” (Lev 1985:64). Specifically, the preservationist approach succeeded in divorcing adat law from its own economic and political environment. As such, it was relegated to a brand of folk law that, while still important as the “repository of kinship organisation and values,” held little capacity for “internal evolution and elaboration as conditions changed” (Lev 1985:64).

Further, it is held that Dutch legal dualism established the “genetic pattern of the Indonesian state,” which was intended primarily to “make exploitation efficient” (Lev 1985:57). Consistent with contemporary officialising strategies, colonial adatrecht (customary law) policy had “always helped to define Indonesian communities in ways that kept them manageable, even docile, and subject to authorities upon whom the administration could rely” (Lev 1985:65).⁴⁰ While there has always been a primordial flavour to the ways in which adat has been articulated, Dutch interventions from 1905 onwards in Sulawesi set in motion a direct, deliberate process of “constructing” adat in non-threatening terms (Elmhirst 2001:292).

For instance, Dutch efforts in “mapping adat communities and drawing up administrative frameworks” would have been couched in predictable terms such as “protection and preservation” of unique, vulnerable communities, or emancipation in

⁴⁰ See Kingston (1991) for more on the “manipulation of tradition”.

modernising, rationalist terms (Elmhirst 2001:292). More to the point, colonial mapping efforts and legibility campaigns would have served pragmatic ends such as improving the scope and reach of the colonial apparatus, including the ability to penetrate into remote regions, expand resource extraction, and limit or co-opt potential sources of resistance. Teams of legal experts were deployed in order to consult village chiefs and document oral traditions, establishing borders and mapping remote terrains, and engaging in activities that “assumed as well as sought to engineer” native populations (Li 2000:159).

From 1906, Dutch occupation of the “previously self-governing areas” of South Sulawesi allowed for the extension of indirect rule, a form of rule that introduced many changes “in order to ‘optimise’ the efficiency of administration” (Pelras 2000:28). Key changes included the redrawing of administrative boundaries, systematising the hierarchy of government titles, reallocating tasks, and the creation of the *kampung*, a new low-level administrative subdivision (Pelras 2000:28). This precipitated the decline of traditional leadership in parts of South Sulawesi, as the Dutch determined final appointments of rulers or high officials, severing the links between these rulers and their followers, and nullifying their status as patrons and protectors (Pelras 2000:28).

Optimising colonial administration required control of the population and therefore resettlement was encouraged, typically from inaccessible highlands to coastal regions. Taxation and forced labour followed, and regulations were imposed in order to “sedentarise” dispersed forest dwellers and curtail their shifting, slash and burn swidden cultivation that characterised agrarian practice in many indigenous communities prior to rice paddy field cultivation (McWilliam 2006:54). Such ill-regarded practices were replaced by the introduction of permanent cultivation, which also brought the concept of private land ownership into the region.

By 1910 the colonial state, acting through its own military force, the Royal Netherlands Indies’ Army (Koninklijk Nederlandsch-Indisch Leger or KNIL), had successfully imposed “tranquility and order” (*rust en orde*) throughout its vast possessions, a “system of control” not seriously disturbed until 1942 (Anderson

1983:479). During the Ethical Era there was a “huge extension of the state apparatus deep into native society” (Anderson 1983:479). Along with the intensification of administration and the construction of a unifying infrastructure, rapidly expanding officialdom established the constitutive conditions for the modern state, based on “education, religion, irrigation, agricultural improvements, hygiene, mineral exploitation, [and] political surveillance” (Anderson 1983:479).

There was even talk of the *volksverheffing* principle, which refers to “the emancipation of the native population” without threatening to undermine colonial power (Weber et al. 2003:407-409). This was part of an officialising strategy meant to support the continued existence of the colonial state, based largely on the loyalty of a new class of educated native elite (Weber et al. 2003:407). Even at the height of the Ethical Era no substantive targets were set concerning national income levels, rice yields or infanticide; rather, politicians promoted emancipation in vague terms such as consciousness, aid, education, participation, and social uplifting (Weber et al. 2003:409). This was meant to ensure that no connection was drawn between emancipation and independence or anti-colonialism, thus not challenging the constitutive political conditions.

By the 1930s the Dutch administration was seriously concerned about nationalist movements and calls for independence in Indonesia. Evoking fond memories of the old kingdoms and the indigenous nobility, which had been “loyal vassals,” colonial officials endorsed the preservation of native legal and political institutions as advocated by Cornelis van Vollenhoven (Gibson 2000:54).

In South Sulawesi this trend went beyond preservation, however, as colonial officials sought to actively reconstruct the customary order in accordance with their political objectives. This kind of conservative, politically motivated notion of customs and traditions (*adat istiadat*) was articulated as early as the sixteenth century by the indigenous nobility in South Sulawesi, in the effort to preserve their authority and resist change (Pelras 1993:142).⁴¹ Just as the indigenous nobility failed to prevent the

⁴¹ For different reasons, nationalist leaders also set about reconstructing identity and tradition through a broad, elite-based process of “moral innovation” that presented populations with “new maps of identity

spread of Islam, however, the Dutch were unable to contain the rise of revolutionary nationalism four centuries later.

Independence

In 1850 George Windsor Earl determined that the “brown races” of the vaguely defined Indian Archipelago should be afforded their own designation, proposing, among others, “Indu-nesians” (cited in Elson 2005:146). James Richardson Logan, a British geographer, is then said to have coined the name “Indonesia” by combining India with the Greek *nêsos*, meaning Indian islands (Brown 2003:2). In 1908 Indonesia’s “national awakening” was led by the medical students of STOVIA in Batavia, what is now the capital Jakarta (Elson 2005:146).⁴²

Javanese awakenings were also led by Raden Ajeng Kartini (the inspiration behind the women’s education movement), Budi Utomo (the beautiful endeavour), the Taman Siswa (or Garden of Pupils) education movement, Sarekat Islam (Islamic Union), and Muhammadiyah (Elson 2005:146-147; McVey 1967:130-131; Ricklefs 1993:156-158). The struggle for independence began in Java with the Indies Party (Indische Partij), founded in 1912 and banned the following year, while the “indigenous concept of Indonesia” was first expressed in political terms in 1917 (Schefold 1998:264).⁴³

These early nationalist awakenings were inspired primarily by a core constituency of education young. This constituency was often “alienated from their traditional values by their secular education and imbued with new expectations of social and political mobility” (Hutchinson 2004:116).⁴⁴ While the objective was to

and political prescriptions” at a time when established traditions were “shaken by modernisation” (Hutchinson 2004:116).

⁴² The medical students of STOVIA established the first native political organisation (called Budi Utomo) in 1908 (Elson 2005:146). Other organisations that directly contributed to pre-war nationalist movement were Sarekat Islam, Muhammadiyah, Taman Siswa, as well as Islamic pesantren schools (Bunnell 1996:181). For a rich literary account of the Indonesian national awakening, see Pramoedya Anata Toer’s *Buru Quartet*.

⁴³ See Schefold (1998:264) for a vignette on Soewardi Soerjaningrat, co-founder of the Indies Party. Malay was selected as the unifying language of nationalism and archipelagic independence.

⁴⁴ Hutchinson (2004:116) was not writing in the context of Indonesia, though cites similar cases of “national awakenings” in Italy, Poland, Ireland, and Egypt.

“reconnect with their society by leading it from backwardness,” the youth movements often found themselves “blocked by the established holders of power and status” (Hutchinson 2004:116). It was nationalism that offered them an “alternative moral vision” and a way to circumvent entrenched interests (Hutchinson 2004:116).⁴⁵ In transitional periods such as Indonesia’s national awakening, the most creative ideas were found to have come from the “confluence of traditional and modern thought,” and it is held to be “impossible to credit the one or the other exclusively” (McVey 1967:130).

As the world descended into war, a Tripartite Pact in September 1940 sealed the Japanese-German-Italian alliance (Ricklefs 1993:194). On 10 January 1942 the Japanese invasion of Indonesia began; by 8 March 1942 Java was surrendered by the Dutch. The next three and a half years of Japanese occupation was a period of “extraordinary changes” which made the Indonesian Revolution possible (Ricklefs 1993:199). Two days after the unconditional Japanese surrender, Indonesia’s revolutionary nationalist leaders gathered in the front yard of Sukarno’s private home in Jakarta, raised the red and white flag and sang Indonesia Raya, which marked the beginning of the proclamation of independence on 17 August 1945 (Anderson 1983:480).⁴⁶ This was followed, however, by the arrest of Sukarno (the first president), five years of conflict with Dutch forces (1945–1949), and regional rebellions (1950–1965). Such volatility was said to have precipitated an “enormous upheaval in the social system” (Pelras 2000:28).⁴⁷

During this period of upheaval a new class of nationalist leaders was thrust onto the political stage, some of whom were “endowed with a charismatic cultural authority” (Hutchinson 2004:120). Following the protracted wars of independence, a new set of “national legends” arose with the ability to legitimise a post-colonial social

⁴⁵ To mitigate the tensions surrounding Java-centrism, Malay became the language of nationalism as it was not associated exclusively with any region of Indonesia (Schefold 1998:265).

⁴⁶ Sukarno was “elected” by twenty-odd members of the Committee for the Preparation of Indonesian Independence, a body hastily set up by the defeated Japanese prior to their withdrawal (Anderson 1983:480).

⁴⁷ For an account of the “dark side” of the independence struggle (from 1945 to 1949), see Scagliola (2007).

and political order (Hutchinson 2004:120).⁴⁸ However, the core challenges facing the new Indonesian state became highly visible as the euphoria of independence receded. These challenges derive from the multi-ethnic composition of the archipelago, the abolition of the external unifying power structure (colonial apparatus), and the power of local rather than national affiliations, all of which demanded a “new legitimation of the state” and the “activation of a national consciousness” (Schefold 1998:262).

Early movements to unify the diverse archipelago under one (mainly Javanese) central authority encountered resistance on several fronts. The Royal Netherlands Indies’ Army (KNIL) sought to enforce a federal solution to the Indonesian question, and conducted several military operations (known as Police Actions) to ensure the integrity of the federal state (Kahin 1949:227).⁴⁹ In 1947 KNIL forces received specific orders to pacify Sulawesi (known then as Celebes), during which time Captain Raymond ‘Turk’ Westerling executed a ruthless campaign to ensure that Makassar maintain its autonomous status, and resisted republican (Javanese) overtures.⁵⁰ What emerged was an amalgam of two adversarial states, the “united state” of eastern Indonesia, now deprived of its “inner Dutch spine,” and the “republican half,” struggling to recover from its “pulverisation” in the second Police Action of 1948–1949 (Anderson 1983:482).

Formal Dutch recognition of Indonesia’s independence on 27 December 1949 was followed by a series of violent “outbreaks of regionalism” (Errington 1989:16). In 1953, forces from South Sulawesi led by Kahar Muzakkar adopted the mantle of Islamic struggle, and aligned their opposition to a centralised, unitary state with the wider Darul Islam (or House of Islam) movement.⁵¹ It is widely reported, however,

⁴⁸ Hutchinson (2004) was writing about general trends in nationalist revivalism, many of which were relevant to the Indonesian case. In Indonesia, national heroes included Sukarno, Hatta, Nasution, and Sudirman.

⁴⁹ The Linggadjati and Malino Agreements for federalism, both promulgated in Sulawesi, led to the declaration of the United States of Indonesia; as a result, Sulawesi was incorporated into the State of Eastern Indonesia on 24 December 1946 (Kahin 1949:227).

⁵⁰ See, for instance, the controversial account of Westerling (1952), or van der Kroef (1954).

⁵¹ Darul Islam began in 1948 as a rebellion in West Java. Kahar Muzakkar and his forces led a separate rebellion in South Sulawesi in 1950, officially proclaiming their alignment with Darul Islam only in 1953. Kahar was killed in 1958, though fighting continued until 1965. For an extensive account of the

that the origins of the Sulawesi rebellion had more to do with issues of army personnel screening than with Islamic purity and the purging of syncretic practices (Errington 1989:17). After years spent fighting the Dutch in Java, Kahar Muzakkar expected to command a battalion in South Sulawesi which included all of his men, but instead was excluded from the newly independent Indonesian army. This provided the backdrop to more than a decade (1953–1965) of anarchic and devastating rebellion (Errington 1989:17).

Radical attempts to achieve the Islamisation of South Sulawesi required, among other things, the suppression of all “feudal aspects of traditional society” and the “abolishment of the old forms of hierarchical politics” (Pelras 1993:152; Errington 1989:16). Feudalism was linked adat and condemned for its superstitions, rituals, myths of origin, ceremonies, and visitations to sacred sites, all of which were in contravention of Islamic law (Pelras 1993:152). Many customary rulers had further discredited themselves by aligning with the transitional Netherlands Indies Civil Administration (NICA). With the departure of the Dutch in 1949 republican aspirations had risen to the ascendancy, and subsequent rulers took care not to foreground their noble origins. Two distinct movements, the religiously-inspired Darul Islam and the democracy-oriented Pemuda youth, wished to “wipe out all traces of the old order” in South Sulawesi, including the customary adat order (Pelras 2000:28).

Early Dutch rationalisation projects (in administration, agriculture and law) were accelerated by the national revolution, disrupting and overlaying the customary order, but not eradicating it. As Anderson (1983:477) observed, the “lineaments of older states” remained highly visible despite these historic upheavals, lineaments such as organisational structures, distributions of functions, memoirs, lontará (chronicles), travelogues, and biographies. Similarly, “important historical antecedents” continued to inform the lifeways of local communities, representing focal points for ethnic

Darul Islam rebellions, see Harvey (1974) and Harvey (1996); for the “Andi Aziz Affair” in South Sulawesi, see Feith (1962).

identities, cultural sentiments, living memories, and oral traditions (Gerber 2004:253).⁵²

Analysis of indigenous discourses in the decolonisation era helps one understand the different representations of adat in current rights-based struggles throughout Indonesia, with particular emphasis on land, resources, and autonomous governance. Positive framing involves representations such as indigenous communities as “stewards” of nature, “repositories” of environmental knowledge, and “bearers” of unique and vulnerable cultural traditions (Henley and Davidson 2007:6).⁵³ Negative framing links adat with exclusionary ethnic practices, divisive politics, violent resource conflicts, and the accentuation of chauvinistic indigenism.

Just as the Leiden Orientalists may have inadvertently relegated adat to the status of folklore in the early twentieth century by divorcing it from its economic, political, and power base, post-colonial romantics and preservationists may have unwittingly contributed to the circumvention of adat’s potential as an oppositional force for political change. For instance, the “ubiquitous political mantras” of *musyawarah* (deliberation) and *mufakat* (consensus), so often associated with modern adat campaigns, are evidence of the distillation of diverse customs and traditions into “simple formulas,” which were then used as “cultural-ideological instruments” by Sukarno’s Guided Democracy and Suharto’s New Order (Bourchier 1997:158).

Prior to the arrest of Indonesia’s first president (Sukarno) in 1965, the Indonesian Communist Party (Partai Komunis Indonesia or PKI) was rapidly gaining popularity throughout the archipelago. Islamist movements were also growing increasingly restive, and the experiment in Guided Democracy⁵⁴ (involving the

⁵² Gerber (2004:253) provides a succinct overview of the major theoretical debates on nationalism between Benedict Anderson (2006), Ernest Gellner (1983), and Anthony Smith (1986).

⁵³ Bourchier (1997:159-162) details the vision of highly influential customary law expert Supomo, whose promotion of adat during early constitutional debates was linked to “totalitarian” notions of the “integralist state”. Indonesian integralism was conceived of as an organic whole without distinctions between rulers and ruled, which resonated with Europe’s *Weltanschauung*, fascist and totalitarian philosophies.

⁵⁴ Beginning on 9 April 1957, the Indonesian government was led by an “extra-parliamentary cabinet of experts” personally appointed by Sukarno (van der Kroef 1957:113). This era of “Guided Democracy” was prompted by economic decline, political crises, and regional rebellions. For further information see Feith (1963).

dissolution of parliament and the permanent rule of Sukarno) was faltering (Thorburn 2004:36-37).

Polarisation between right and left, secular and Islamist, modern and traditional came to a head on the night of 30 September 1965, when six senior generals and a lieutenant were kidnapped and executed “as part of an attempt to establish a governing ‘revolutionary council’” (Zurbuchen 2002:565). The 30th September Movement (usually referred with the acronym G-30-S) was quickly suppressed by Major General Suharto (McGregor 2002:41).⁵⁵ What followed was a phase of communist purges that claimed as many as 500,000 lives across the archipelago between October 1965 and April 1966. (Collins 2002:598).⁵⁶ In the wake of such terror and violence, a new era was born.

New Order Era

The newly established Suharto⁵⁷ government was immediately confronted by a legacy of “hyper-inflation, debt and infrastructure collapse” (Hadiz and Robison 2005:220). After “reigning in” rebellious regional military commanders and “brutally” restoring order in the countryside, there was a rapid shift towards “export-led economic growth and development” (Thorburn 2004:37). Essential to this new orientation was the passing of a series of laws to attract investment, laws mainly concerned with natural resource management, the legacy of which is still visible in contemporary Indonesia.⁵⁸ Thus the “legal machinery” for exploitation and control was set in motion during this stage of the New Order (Lucas and Warren 2003:100).

⁵⁵ A commemorative ceremony (Hari Kesaktian Pancasila) was held at the elaborate memorial site (Monumen Pancasila Sakti) for the fallen generals for thirty consecutive years under the New Order regime. Critics argue that this commemoration was premised on “a very selective memory of both the coup attempt and the transition years from Sukarno to Suharto,” events still shrouded in mystery (McGregor 2002:39). Pancasila, Indonesia’s national philosophy, consists of five principles: belief in one God, humanitarianism, nationalism, democracy, and social justice.

⁵⁶ While these figures are disputed, many observers consider 500,000 casualties to be fairly accurate.

⁵⁷ Suharto held de facto presidential power from March 1966, though formally supplanted Sukarno only in 1968 (Anderson 1983:488).

⁵⁸ These laws included Forestry Law 5/1967, Mining Law 11/1967, Oil and Natural Gas Law 8/1971, Resettlement and Transmigration Law 3/1972, Irrigation Law 11/1974, and Fisheries Law 9/1985 (Thorburn 2004:37).

Most notable was the betrayal of the principles of the Basic Agrarian Law (or BAL) Number 5/1960, which was intended to nullify the colonial Agrarian Act of 1870.⁵⁹ The BAL contained provisions for the harmonisation of parallel legal systems established by the Dutch, as well as the promotion of adat as the basis for national land law (McWilliam 2006:50). It also asserted the “social function” of land and resources, which were to be managed and redistributed in the interests of “the people” (Lucas and Warren 2003:94-95). Such assertions and provisions were conditional as the primacy of national interests was still upheld through the BAL. Land serving social and collective functions was also easily linked to communism, and thus vulnerable to misrepresentation. Incontrovertible notions of unity and development limited the prospects of collective tenure and hak ulayat (the customary right of avail). While customary rights and tenure were recognised in principle, in practice they were denied legitimacy, were poorly defined, and people remained “vulnerable to the dictates of state policy and development programmes” (McWilliam 2006:51).

Throughout the New Order traditional adat lands, practices and laws were largely ignored, and land was used by the central government to generate revenue through resource extraction. Emphasis was placed upon the mining sector, along with palm oil plantations, golf courses, and the dubious designation of “sleeping lands” to be bought by speculative investors (Lucas and Warren 2003:88). The result was a “remarkable economic recovery” bolstered by Western creditors, concessionary loans, foreign investment in sectors such as petroleum, forestry and mining, “massive infusions” of foreign aid and finance, licensing agreements with transnational corporations, “windfall profits” from the Organisation of the Petroleum Exporting Countries (OPEC) price increases in the 1970s, and a surge in raw material exports (Thorburn 2004:37-38; Elmhirst 2001:286).

Technocratic economic reform was coupled with administrative refinement, and the managerial vehicle for military-bureaucratic order became Golkar (Reid

⁵⁹ Gall (1996:122) notes that the BAL eliminated Book II of the Dutch Civil Code along with the Agrarian Law of 1870. Then in 1963 the Civil Code was declared by a “supreme court circular” to be no longer in force.

1998:27).⁶⁰ The New Order regime sought to extend its reach throughout the archipelago, imposing standardisation and uniformity at the village level through Regional Government Law 5/1974 and Village Government Law 5/1979 (Kato 1989:91).⁶¹ A “crippling uniformity” would come to exact a heavy price in some regions, leaving a legacy of “anti-politics” which fostered violence rather than deliberation, monopolisation of power, manipulation of interests, and patronage (Antlöv 2003b:75).

New Order policy is also said to have “neutered” adat institutions once capable of managing local conflicts (Erb 2007:263). Village Government Law 5/1979 in particular was seen as a reaction against local differentiation in political terms, which threatened to render the archipelago ungovernable. Efforts to standardise village administration were thus designed to strengthen the central state and weaken or eliminate traditional adat institutions (Antlöv 2003a:195). The regime sought to “reduce the capacity” for expressions of autonomy from the centre, and to “extend centralised authority in ways that appear to iron out difference and diversity” (Elmhirst 2001:290).

Power relations during the New Order era have therefore been characterised as “pyramidal,” with Suharto at the apex of a dominant presidency, supported by politically active armed forces and centralised bureaucratic decision-making processes (Liddle 1985:70).⁶² Sustaining this pyramidal system involved surveillance and control, along with the strategic channelling of state funds to build a massive national bureaucracy, one stretching to the “farthest reaches of the archipelago” (Thorburn 2004:38).

It is held that Suharto was supported by a “phalanx” of authoritative figures, which “organised, ordered, constructed, [and] constituted society” in accordance with

⁶⁰ Golkar (or Golongan Karya) means “functional groups” based on organicist ideas of political representation, ideas such as duties before rights and the general interest, as opposed to individualism and political participation (Reid 1998:27).

⁶¹ Thorburn (2004:39) calls Village Law 5/1979 the “cookie cutter” law because of its arbitrary nature, the tendency to blur ethnic boundaries, and the disruption of customary systems of land management.

⁶² Kato (1989:106-107) characterises the structural chain of command in New Order Indonesia as a “baseless” and “equilateral” triangle.

the comprehensive goals of the New Order (Leng 2003:71). Maintaining power requires a balancing act, and Suharto established private sector monopolies (such as controlling the supply of cloves), state-owned enterprises gifted to members of rank from the armed forces, and a chain of “franchises” awarded to lower-level government officials, foundations and business cronies (McLeod 2000:17-18).⁶³

Suharto’s franchise model allowed for the controlled distribution of benefits from the centre to the periphery, and in return ensured a “flow of information to the top regarding individuals or organisations that might threaten the existence of the system” (McLeod 2000:18). In addition, the “territorial command structure” based on a dual function security apparatus allowed for an extended military presence throughout Indonesia, increasing regional dependency upon the power centre in Java (Liong 2002).⁶⁴ A dual economy also emerged, with an “unofficial private military economy” operating under the façade of an “illegal financial union of public and private funds” (Holtzappel 2002:66). The “financial blurring” that resulted made accounting very difficult, and formed the basis of the “coalition between export trade, army and industry” which helped consolidate the rent-seeking Suharto regime (Holtzappel 2002:66).

Indonesia’s progress, signified by development indicators, was positive, with gains in infrastructure, education, health, and industry, ensuring its status as one of Asia’s “emerging tigers”. Economic growth reached the “spectacular rates” of eight per cent during the 1970s and five-point-three per cent during the 1980s (Colombijn 1998:305). Some of the Suharto regime’s performance legitimacy derived from its capacity to “deliver development” based on a nepotistic model, without imposing too much of a tax burden on the people (Elmhirst 2001:286). Another aspect was the apparent willingness of the regime to comply the international “human development”

⁶³ Restrictions on cloves (an essential ingredient in Indonesia’s kretek cigarettes) enriched Suharto’s family and business associates, including Indonesia’s richest citizen Liem Sioe Liong (McLeod 2000:18).

⁶⁴ Malley (2003:107) notes that, in Suharto’s first decade in power, army generals “increased their share of provincial governorships” from 40 per cent to 78 per cent, and by the mid-1970s colonels and lieutenant-colonels “received nearly three-quarters” of all mayoral appointments at the district level. For more on the Indonesian military, see Crouch (1979), Mietzner (2003), or Rinakit (2005).

agenda by allocating a share of its 1970s OPEC “oil bonanza” towards public expenditures, including rural development (Bunnell 1996:182).

The view from below, however, casts a different light on this economic miracle, as the social and environmental costs of such modernising progress were substantial. Vast tracts of diverse tropical rainforest were “reduced to smouldering moonscapes,” converted for productive purposes such as rubber, oil palm, and pulp plantations, or rendered inaccessible to thousands of forest-dependant communities through conservation programmes including national parks, reservations, and sanctuaries (Thorburn 2004:38).

Cumulative New Order policies “left a heritage of bitterness towards Jakarta and the Javanese dominated bureaucracy,” enriching politico-business elites from Jakarta while “local communities have been deprived of land and livelihood opportunities” (McCarthy 2004:1202). What little wealth trickled down went to provincial capitals such as Makassar, leaving local people with little but “denuded hillsides and poisoned rivers” (Henley and Davidson 2007:11).

Further, transmigration schemes guided significant numbers of Javanese, Balinese and Buginese entrepreneurs along newly paved logging roads winding deep into the interiors of Kalimantan, Sumatra, and Sulawesi (Thorburn 2004:38). This created a new wave of “pioneer slash-and-burn” agriculturalists whose practices rapidly depleted soil fertility (Thorburn 2004:38). Local and national transmigration was an important mechanism used by the New Order regime in the attempt to “secure the conditions for capitalist accumulation” (Elmhirst 2001:286). The majority of transmigrants were “land-poor Javanese,” relocated (often forcibly) as part of deliberate state policy to “manage divergent development paths,” as well as “forge national unity through population resettlement and administrative control” (Elmhirst 2001:286).

Controversially, international financial institutions (IFIs) such as the World Bank and International Monetary Fund (IMF) were major sponsors of transmigration in Indonesia during the 1970s. For example, the World Bank provided US\$30 million for the resettlement of 4,500 families in the Batumarta transmigration project in South

Sumatra as well as the rehabilitation of transmigration settlements in North Lampung involving 12,000 families from 1975–1979 (Elmhirst 2001:288). The government of Indonesia then went further by introducing a local transmigration policy (translok) which some believe was meant to secure the conditions for deeper capitalist penetration into remote areas of the archipelago as well as to improve administrative uniformity.⁶⁵

Widespread displacement, disenfranchisement, and land alienation destroyed patterns of land use which had sustained local communities for generations. The sweeping changes of the 1970s divorced people from swidden fields, hunting and gleaning grounds, and the multitude of nuanced agrarian practices that are (often romantically) attributed to indigenous adat systems. Moreover, it has been argued that a “rabidly plundering” New Order regime was responsible for the organising and nurturing of powerful elites, the likes of which have recently been reconstituted in order to capture the fruits of an unstable decentralisation process (Hadiz 2004:711). Rabid plundering would not have been possible over three decades without sophisticated methods of control.

Within a “rigid state-corporatist system” all societal organisation was “compartmentalised into state-backed corporatist institutions” for business, labour, youth groups, civic activists, media and the like (Hadiz and Robison 2005:237).⁶⁶ For the effective functioning of this corporatist model, control of land was paramount, though this was coupled with other imperatives, including control of ideas and control of the population (the floating mass concept).

During the New Order era of accelerated development and modernisation, “official state doctrine emphasised sanitised and authorised versions of cultural difference subservient to national goals, national unity” (Robinson 1997:71). While sharing many of the characteristics of the colonial era, the penetrating, systematic interventions of the 1970s marked the most intensive alteration of the cultural landscapes of Indonesia.

⁶⁵ For more on resettlement and identity politics, see Hoshour (1997).

⁶⁶ The Village Deliberative Council (Lembaga Musyawarah Desa or LMD) was one such institution (Kato 1989:94).

The hallmarks of this era inspired prominent works such as Rendra's (1979) play entitled the Naga Tribe and Robinson's (1986) book *Step-Children of Progress*. The New Order legacy was also essential to Erb's (2007) sympathetic analysis of the Manggarai of western Flores, Elmhirst's (2001) study of the "politics of place" in north Lampung of Sumatra, Warren's (2005) examination of the resurgence of Balinese adat, and Avonius's (2003) assessment of adat revivalism in north Lombok. The common thread among all of these studies is the assumption that externalities caused the decline of the customary order and the unravelling of communal bonds, rather than the inverse, an unwillingness or inability within the community to respond to rapid social, economic and political changes.

From 1971 onwards a "closing down of politics" occurred with the floating mass policy, and the "stultifying cultural homogenisation and political centralisation" of the New Order gradually "ruptured the social texture" of local politics and community institutions (Aspinall and Fealy 2003:8; Antlöv 2003b:74). Adat as art, festival and display was embraced insofar as it remained a vibrant, colourful, diverse, non-political representation of the various archipelagic ethnic groups, which the New Order deliberately sought to ensure through various programmes of "engineering identities" for the generic purposes of nation-building (Erb 2007:269).

Post-revolutionary Indonesian leaders sought to domesticate notions of indigenous tradition that were useful for the consolidation of power. Notions such as "the state as a family, organically united in love" and governed by an all-knowing father-head, were turned into "tools of control to shape and exploit people" (Erb et al. 2005:144; Reid 1998:25). Essentially, the regime's power brokers were entrusted with "guardianship" over the past, using state agencies and media to "propagate" particularistic images throughout society (Coakley 2004:534).⁶⁷

Starting from the late 1960s organisations such as the Legal Aid Institute (LBH) and Yogyakarta-based CD Bethesda (a developmental NGO founded by Dr. Paulus Santosa in 1974) began to devise strategies for political reform (Bunnell

⁶⁷ Coakley (2004) wrote on nationalist images of history in general, though his analysis relates to the Indonesian case.

1996:184-185). Environmental NGOs in the 1970s were also becoming prominent, enjoying the protection of the progressive Minister of Environment and Population, Emil Salim (Bunnell 1996:181). Advocates of political reform began to effectively operate under the coalition of the Indonesian Forum for the Environment (WALHI) and its “more militant offshoot,” the Indonesian Network on Tropical Forest Conservation or SKEPHI (Bunnell 1996:181).⁶⁸

As national movements progressively adopted the notations of international organisations (from “holistic” health, ecology and development to “human” security), activists and legal aid workers pushed the boundaries of permissible political activism. However, there were reversals and crackdowns as Suharto’s rule became unpredictable in the 1990s. While the period between 1991 and 1994 was known for experiments in keterbukaan or “openness,” the fluctuations and unpredictability of the regime is clearly illustrated by the decision in spring 1992 to suspend all official governmental assistance from the Netherlands “for reasons of sovereignty” (Bertrand 1996:320; Bunnell 1996:183-184).⁶⁹ Moving beyond the terms of the government’s unreliable commitments to openness and its officialising partnership strategies, it was determined that Indonesian NGOs needed to “shed their fear of politics in favour of a new political activism” (Bunnell 1996:196).

Transition

In the build-up to Suharto’s fall from power, there were several ominous signs. For instance, in 1997 some of the “most extensive forest fires in the century” spread through Indonesia, consuming between seven and ten million hectares of forest and agricultural land (McCarthy 2000:91). The New Order apparatus was then “unravelling by capital flight and panic” in the wake of the Asian economic crisis of 1997–1998 (Hadiz and Robison 2005:225).

An increasingly desperate government turned to the IMF on 8 October 1997 and was offered a conditional US\$43 billion bailout. Economic shock therapy in

⁶⁸ WALHI is funded by Oxfam and CARE international, among other donors.

⁶⁹ It is reported that 80 per cent of the funding for the Legal Aid Institute (Lembaga Bantuan Hukum or LBH), Indonesia’s “most vocal NGO,” came from the Netherlands (Bunnell 1996:183).

Indonesia required millions of rural citizens to ingest the “bitter pill” of structural adjustment, including trade liberalisation, fiscal austerity, and the lifting of subsidies (Tyson 2005:146). Caught playing a “duplicitous” game with the IMF in order to stall reforms, failing to stabilise the currency and inflation, provoking dissent within the regime, exacerbating the swelling metropolitan student movements, and struggling to contain high-level desertions, Suharto was forced to resign his fractured office in May 1998 (Hadiz and Robison 2005:225).⁷⁰

The transition in May of 1998 ushered in the *era reformasi*, giving rise to great expectations for political reforms as well as generating uncertainty in terms of territorial integrity and fragmentation. Eager to demonstrate its democratic credentials in the face of great domestic pressure, the interim government of B.J. Habibie included regional autonomy in its mandate for reform. There are many indications that the hastily drafted decentralisation laws of 1999 were “primarily designed by bureaucrats, with no feedback whatsoever from the regions” (Nordholt 2003:564).

External pressure was an important factor driving the interim administration to undertake a policy of decentralisation. The dominant neo-liberal agenda of the World Bank and IMF prescribed decentralisation with the aim to reduce centralised corruption and bureaucratic stagnation, to promote a dynamic and open economy, to improve the investment climate, and to enhance democratic local governance and community-driven development.⁷¹

In the spirit of reform, the state appeared willing to tolerate and even encourage local diversity to an extent previously unheard of. This reduced the language of uniformity and standardisation typical of the New Order era, giving rise instead to local discourses and atavistic movements in which regional identities,

⁷⁰ In the crisis of 1997 the search for political scapegoats escalated; there are reports of the circulation of hundreds of documents entitled “The Conspiracy to Overthrow Suharto” in elite conservative Muslim circles in Jakarta, Bandung, Bogor and elsewhere (Hefner 2000:44). This 50-page document contained “startling facts” about the economic crisis and the prodemocracy movement, deflecting attention away from the maladministration of the New Order and towards the “international conspiracy uniting Jews, the American CIA, the Vatican, and Chinese-Indonesians” against Suharto (a Muslim) and Indonesia (a majority Muslim country) (Hefner 2000:44).

⁷¹ Between 1997 and 2000 the Indonesian government was reportedly required by the IMF to sign as many as sixteen ‘Letters of Intent’ outlining its agreement to fulfil reform programmes (Hadiz and Robison 2005:225).

customs and traditions are actively being reconstructed, reasserted and rearticulated. Therefore, decentralisation can be said to open up “a new and conscientious arena for political struggle” (Eaton 2001:102).

The passing of Law Number 22/1999 on ‘Regional Governance’ and Law Number 25/1999 on the ‘Fiscal Balance between the Centre and the Regions’ laid the foundations for penetrating reforms. These reforms would have substantial powers devolved not to the provinces but to the district (*kabupaten*) and village (*desa*) level. Specifically, Law 22/1999 “gives local government great autonomy over most of the functions that affect people most directly, including urban services, education, public health services, environmental management, planning and local economic development” (Hadiz 2004:707).

B.J. Habibie’s interim regime ceded power to Abduraham Wahid following national elections held on 7 June 1999, though this presidency was short lived. A special session held by the National People’s Assembly (MPR) on 23 July 2001 “formalised the removal of Wahid,” who had been plagued by impeachment charges and was reportedly in ill-health (Tyson and Tyson 2007:261). This paved the way for Megawati Sukarnoputri, the daughter of Sukarno, to assume the presidency; she was far from enthusiastic about decentralisation, though her stewardship proved cautious and no dramatic changes were ushered in.

There are suggestions that the granting of residual powers to the districts was a reactionary manoeuvre, one premised on fears that the “provinces could be politically more difficult to control and may use their new powers to foster dreams of independence” (Bell 2003:120). To support the newly devolved functions, the central government has restructured corporate contributions and made available a program of block grants called General Allocation Funds (*Dana Alokasi Umum* or DAU) and Special Allocation Funds (*Dana Alokasi Khusus* or DAK) to “help defray the costs of the regions’ new responsibilities” (Fanany 2003:177).⁷²

⁷² For a detailed account of regional income and centre-region financial balancing in Indonesia see Alm et al. (2001), Erawan (1999), and Seymour and Turner (2002).

Within two years Indonesia underwent a transition from a highly centralised state with complete authority linked to Jakarta to one in which authority was devolved to more than 360 district-level governments and parliaments (Aspinall and Fealy 2003:3). In terms of deconcentration and delegation, some two million civil servants, 239 provincial-level offices, 3,933 local-level offices, and 16,000 service facilities (schools, hospitals) were transferred from the centre to the regions (Duncan 2007:718). The speed and scope of change gave rise to claims that this “big bang” was one of the “most radical decentralisation programs attempted anywhere in the world” (Aspinall and Fealy 2003:3; Guess 2005:220).

The logic of decentralisation suggests a transfer of responsibilities and power to the local sphere. A derivative of this responsibility and power is greater participation and representation. Participation, however, is a contested concept and once put into practice it may in fact run contrary to conventional theories. For example, the participation of local groups or actors may take the form of mobilisation, organisation, resistance, withdrawal, rejection, or affirmation. Firsthand fieldwork was therefore needed in order to better understand how participation translates into substantive changes at the local level, and how different representations of adat impact upon exigent struggles for rights and recognition.

Uncertainty related to participation and representation stems from the fact that people are motivated in different ways, some acting for personal gain, some vying for exclusive control over and access to resources, and others committed to community development and the common good. Within this context, there are opportunities for positive interactions between the centre and the periphery, opening spaces for local innovation and expression while also nurturing a sense of national identity free from coercion. Conversely, there are also threats that the process will lead to greater fragmentation and expose the vulnerability of regions to exploitation, manipulation, and regressive aspects of tradition such as chauvinism and patrimonialism, possibly heightening ethnic tensions in remote regions.

At this juncture it is necessary to revisit the research questions set out in the introductory chapter by tracing the convergence of adat revivalism and regional

autonomy in Indonesia. For Mohan and Stokke (2000:247), this begins with an examination of the broad links between development theory and political action, and the specific ways in which “new political spaces are being imagined and constructed”. Political discourses of participation and empowerment are now part of the established vocabulary of international financial institutions, multilateral donor agencies, global civil society, recipient nations from the developing world, local activists, and even local client communities that are frequently subjected to good governance and sustainable development initiatives.

To the extent that authority has been devolved in Indonesia, adat revivalists have been presented with an opportunity to “animate” political struggles from below, encouraging an upsurge of grassroots activism that could influence existing power holders and mount a serious structural challenge (Hutchinson 2004:115).⁷³ This polycentric process has led to the emergence (or construction) of “the local” as the “site of empowerment and hence as a locus of knowledge generation and development intervention” (Mohan and Stokke 2000:247-248).

Within this potential site of empowerment, local cultural representations are “contingent and embedded in a particular social and political context,” and the way they are articulated depends upon a particular positioning (Morrell 2001:440). This is common throughout Indonesia, including Sulawesi, where “political culture has long drawn upon the past, selectively appropriating elements of tradition and history relevant to the needs of modern society” (Morrell 2001:440).

Antiquity is often employed “as a source of legitimacy” for political-cultural communities ranging from autochthonous villages to nations (Guibernau 2004:136). Used selectively, historical antiquity may be deployed in order to forge collective identities, highlight continuities, provide a “distinguished pedigree” with regards to collective origins, exemplify ancestral deeds, feed subjective beliefs in kinship relations, and ultimately provide the intended community with a memory of “transcendental moments” which represent the “cradle” of their collective character

⁷³ Hutchinson (2004:115) wrote in the context of “political communities of sacrifice” animating nationalist struggles to mount a revolutionary attempt on the state.

(Guibernau 2004:137).⁷⁴ Engendering a sense of a shared past, therefore, is not simply an “ideological package that emanates from an ‘objective’ historical experience,” but rather is based on “selection and over-simplification” if not outright “misinterpretation and fabrication” (Coakley 2004:533).

In Indonesia, the selective appropriation and deployment of adat by groups positioned within a “local site of empowerment” signifies a deliberate process, something akin to what Giddens (1990:37) called “conscious recontextualisation”. This involves the selective application of “modern knowledge to the utilisation of tradition,” which then forms the “basis of cultural intervention for the assertion of power and influence” (Morrell 2001:440).

When confronting entrenched political interests, the communities and activists behind adat revivalism tend to draw upon “historically sedimented practices, landscapes, and repertoires of meaning,” which emerge through “particular patterns of engagement and struggle” (Li 2000:151). Assertions of power by the disaffected are often met with counter-resistance, and those behind the struggles often succumb to manipulation or reorientation, thus provoking a cautious ambivalence amongst observers of adat revivalism.

As these struggles unfold, cultural identities are “subject to the continuous ‘play’ of history, cultural and power” (Li 2000:152). Far from being “eternally fixed in some essentialised past,” constantly equated with “fixity and tradition,” it is important to recognise the ways in which “the local” is “actively constructed, imagined and struggled over” (Li 2000:152; Elmhirst 2001:290). Social and political constructions occur as a result of external influences, exertions of power, representation, and active manipulation by actors and groups seeking to legitimise their claims to autonomous authority or control over territory (land and resources).

Since 1998 there has been an “unprecedented ease of global communications,” allowing campaigners to “interact directly with their intended beneficiaries” (Henley

⁷⁴ Hutchinson (2004:112) provides an illuminating account of historical reconstructions, instances where “romantic nationalists” overlay (but do not obliterate) existing ethnic traditions by “recreating the past as one of continuous creativity,” as well as “identifying a golden age that authenticated tradition”.

and Davidson 2007:6). Often the political ideals and struggles of such intended beneficiaries are shaped by their interactions with other actors, as they are drawn to the “economic resources and media attention which it provides” (Henley and Davidson 2007:6). Interaction with the global indigenous movement has been characterised as “oxymoronic” in the sense that the adat communities of Indonesia are being embraced under the umbrella of “cosmopolitan nativism” (Henley and Davidson 2007:6). Put another way, the practice of indigenous revival is “determined less by ancestry, culture, or marginality” than by “familiarity with international discourse and the politics of indigenous rights” (Henley and Davidson 2007:6). As such, the authenticity of adat revivalism and all subsequent political claims have been rigorously challenged by proponents of the constructivist approach.

Consistent with the critical conjectures developed throughout this chapter, it is necessary to examine the emergence of the local as a potential site for oppositional political struggles, set against the dominant tendencies of the state. Again, this section revisits earlier propositions that adat revivalism may not threaten the constitutive political order, this time drawing on the comprehensive body of literature dealing with Indonesia’s recent transition towards democratic decentralisation.

Decentralisation: Opportunities and Dilemmas

Decentralisation as a modern development strategy was first introduced in the 1950s and 1960s throughout the developing world, from Latin America to Africa and Asia. Contrary to most expectations, this first wave of decentralisation did not achieve its stated objectives and was, in most cases, abandoned by the governments of the developing world. This failure was put down to the fact that decentralisation policies were “largely initiatives in public administration without any serious democratic component” (Blair 2000:21).

More specifically, early decentralisation initiatives had been vitiated by the 1970s as a result of the growing distrust of central authorities. This distrust was based on the central authorities’ tendency to interfere in the reform process, as well as

internal problems such as factional infighting, shortages of resources, and insufficient guidance for local elected councils and communities (Crook and Manor 1998:2).

It is held that the second international wave of decentralisation (late 1980s) departed from the experiments of the past—many of which were initiated by departing colonial authorities—by introducing the democratic element into the equation, and thus democratic decentralisation has been heralded as a new developmental paradigm with significant potential (Cheema and Rondinelli 2007:2). Blair (2000) uses the term democratic local governance (DLG) to distinguish the new, third wave of decentralisation from the failed experiments of the past. The new DLG discourses seek to “build popular participation and accountability into local governance” by increasing the accessibility of authorities and making them more responsive to the local citizenry, who should begin to enjoy full political rights and recognition (Blair 2000:21).

There are a variety of forms which decentralisation may assume, ranging from deconcentration to delegation to devolution. Deconcentration is often characterised as undemocratic, involving political manoeuvres by central authorities to reassert their power by relocating bureaucrats and officials from the centre to the periphery (Eaton 2001:103). This is intended to reinforce the centre’s ability to penetrate into localities, increasing their sphere of control (Eaton 2001:103). Delegation requires that central governments shift managerial authority for specific functions (regional planning, development) to lower administrative tiers (Cheema and Rondinelli 2007:3). By contrast, the process of devolution is held to be a form of genuine decentralisation as it allows for the transfer of meaningful authority over governance and finances to sub-national political units, giving local actors the autonomy to act outside the direct control of the central government (Eaton 2001:103).

Of the three broad forms decentralisation may assume, it seems devolution alone would foster the democratic criteria sought after by pragmatists. Key among these criteria would be downward accountability, whereby local authorities represent the interests of their constituents who, in turn, have a greater platform to articulate their demands and participate in politics and decision-making at the local level.

Antlöv (2003a) suggests that, despite concerns over implementation, regulation and the extent of local contestation, the process of devolution is occurring in many regions of Indonesia. In cases where central authorities challenge the devolution of authority or threaten to renege on their promises, there is always the possibility that local initiative and innovation will take on an impetus of their own.

Unusual for a development policy, decentralisation has won support from those on both the left and right of the political spectrum (Goldfrank 2002:51-52). Neo-liberals see decentralisation as a means of cutting back the bloated, inefficient and corrupt bureaucracies of highly centralised states that were generally thought to stifle creativity, prevent fair competition (in politics and commerce) and ultimately hinder development. Meanwhile, those on the left applauded the capacity of decentralisation to reduce state dominance by redistributing power to civil society, expanding political participation, increasing local representation in decision making, and drawing on the creativity of local communities (Arghiros 2001).

Classical liberal theorists such as Rousseau, Tocqueville and Mill saw decentralisation as a way “of spreading political power to broad segments of citizens, thereby allowing them to exercise it on a limited scale” (Kulipossa 2004:769). These theorists held similar views about the relevance of citizen participation and local institutions in sustaining democracy, thus perceiving ‘the local’ as the “cradle of democracy” (Kulipossa 2004:769). Moreover, the classic liberal position was that “civic participation educates people to become full citizens, reduces conflict by helping people accept government decisions, and integrates the community” (Goldfrank 2002:54).

Colongon (2003) states optimistically that democracy is best observed at the local level, where the key actors engage in cooperative activities to improve local governance. These range from greater transparency, downward accountability, and responsiveness in governance, to economic probity, frugality, and efficiency in service delivery, as well as participation, empowerment and representation in local communities. Specifically, it is asserted that “devolving government decision-making authority” to allow civil society to flourish, as well as bringing “local government

closer to its client-citizens,” will make it “more vulnerable to citizens pressures” (McCarthy 2004:1202). In the same way, the principle of downward accountability is intended to “increase the ability of local government to generate revenue and deliver services,” while strengthening the “capacity of local civil society to monitor and pressure local government” (McCarthy 2004:1202).

Mainstream neoliberal narratives are predominantly shaping and steering governance initiatives such as democratic decentralisation in the developing world. Examples of this trend abound. The International Monetary Fund, World Bank, and other international financial or developmental organisations have incorporated decentralisation into their wider policy prescriptions and aid conditionality programmes. The World Bank in particular has increasingly sought to “deliver development” through its fastest growing projects such as community driven development (Dasgupta and Beard 2007:229).

Principal indicators of such programmes are informed by the Washington Consensus, including structural adjustment, restoration of markets, fiscal austerity, as well as good governance, basic needs and rural development (Cheema and Rondinelli 2007:4). Government downsizing should improve top-down responsiveness by rationalising the bureaucracy, making it internally accountable, reducing the discretionary powers of civil servants and officials, and reigning in corrupt authorities.

Having filtered out the noxious elements of an oversized, inefficient government, it would be expected that top-down responsiveness would improve, particularly as “local representatives are best placed to know the exact nature of local needs and how they can be met in a cost-effective way” (Kulipossa 2004:769). International financial institutions and development agencies tend to assess decentralisation and customary rights through the lens of a ledger, weighing costs and benefits.

Proponents of this expansive, technocratic, neoliberal approach have been grouped into the “pragmatic school,” those constantly searching for, and fine tuning,

an “optimising blueprint” for decentralisation (Schönwälder 1997:758).⁷⁵ Such a blueprint calls for, among other things, analysis of the level of efficiency in service delivery, improvements to the technical and administrative capacity of local government, the design and implementation of local initiatives, and responsiveness to local needs (Malley 2003:103).

The pragmatists’ optimising blueprint also involves technical design and sequencing, with emphasis on prerequisites for successful implementation (economic stability), the establishment of legal frameworks and local capacity, facilitation of support networks, effective monitoring mechanisms, stable financing for newly autonomous districts, restructuring and streamlining of local offices, and performance standards for local officials with newly devolved tasks (Guess 2005:223-225).

The pragmatic approach to decentralisation has generated a “wealth of empirical evidence about practical problems and obstacles” encountered in the implementation process (Schönwälder 1997:758). There is little indication of a naïve belief in decentralisation as a panacea for the social and political ills of the developing world. However, it is argued that the “liberalisation–decentralisation–good governance” discourse that dominates mainstream development policy employs technical solutions, institutional tinkering, and policy fixes as a “means of avoiding the complex and uncomfortable facts of power and conflict” (Hadiz and Robison 2005:222). Similarly, the dominant tendency has been to relegate politics from the equation, thereby failing to engage with existing power relations, as well as limiting popular participation to “passivity” and an “instrumental” role in the execution of standardised development programmes (Schönwälder 1997:758).

Further, Hadiz (2004:698) critiques the “intellectual production lines” of development organisations (World Bank, USAID), those concerned with sequential planning, institutional fine tuning, and the “technocratic weighing of policy options”. These concerns also extend to international civil society networks, whose seemingly

⁷⁵ Pelras (2000) made similar observations with regards to colonial era administrative reforms, which were designated as ‘optimising’ endeavours. In eras old and new, optimisation concerns ‘technical, spatial, and administrative’ aspects of decentralisation (Schönwälder 1997:758).

cosmopolitan ideas and actions appear “uncomfortably like those of the civilising mission behind colonialism” (Munck 2006:328).

On the heels of such criticism, there is an opposing “political school” of thought focusing on the empowerment of the “lower strata” by promoting a form of decentralisation that “challenges existing power relations and the established distribution of economic and social resources” (Schönwälder 1997:761). Antlöv (2003b:74) argues for a shift of emphasis away from the “high politics” of elections, constitutions and parliaments, and towards everyday forms of “low politics” where “society itself needs to be politicised”.

Slater (1989) proposed that, under the banner of decentralisation, activists could use the “mystique, ambivalence and allure” of the concept to mobilise support for something quite different. This could involve the nurturing of oppositional strategies with the potential to transcend the dominant, constitutive conditions of the local-national-global order that have thus far served to perpetuate power differentials, hindering the resolution of long-standing grievances in rural communities throughout Indonesia.

This must be an enterprising, innovative endeavour, for any effort to confront existing power structures will be fraught with complications and obstacles. For instance, it is noted that many local initiatives have emerged as reactions to “immediate and particularistic concerns, and therefore lack continuity and organisational coherence” (Schönwälder 1997:762). Some see this as a weakness, implying the need for local communities to be “propped up by benevolent allies” (Schönwälder 1997:763).

A variety of benevolent allies exist in Indonesia, better known as civil society associations, that work with and support local communities. Blair (2004:81) describes one such association, known as “trustees,” that wield increasing influence over local communities. “Trustee organisations” claim to act on behalf of another constituency, for instance human rights groups, who represent the interests of disenfranchised citizens (Blair 2004:81). In the case of adat revivalism, there are a number of internationally funded trustee organisations that deploy a “small cadre of highly

trained advocates,” usually human rights lawyers, economists, or ecologists, to support local adat communities in their struggles for recognition and rights (Blair 2004:82-83). This tends to involve “upper-level advocacy” rather than grassroots participation (Blair 2004:83).

Trustees attempt to defend their local clients through a host of formal measures, including appeals to the legal system, the publicising of subversive state actions, attempts to uphold democratic norms such as transparency, rights of assembly, and free speech, and engagement in a range of oppositional activities meant to enhance the level of contestation in the polity (Blair 2004:83). Insofar as such actions force members of the state apparatus (officials from the forestry department, district police chiefs) to publicly address long-standing civic grievances, it could be argued that trustees play an indispensable role in local politics.

One potential criticism, however, is that “upper-level advocacy” may enforce state accountability to civil society actors, but these same civil society actors may “remain unaccountable to the constituency they claim to benefit” (Blair 2004:83). Others are wary of the dependency that upper-level advocacy fosters, with political action resigned to the “political will” of sympathetic state authorities or the “voluntarism” of benevolent allies from civil society (Schönwälder 1997:764). Ultimately, observers of contemporary adat revivalism suggest that it is “questionable whether the people most concerned are really being consulted” (Erb et al 2005:144). In light of these potential deficits, it is argued that civil society organisations must undertake “self-critical reflection” with regards to their internal workings (Scholte 2004:230).

Another obvious danger when working at the grassroots level is the tendency to “essentialise and romanticise the local,” a critique that is often levied against the proponents of indigenous rights in Indonesia (Mohan and Stokke 2000:249).⁷⁶ There are also tendencies to highlight exemplars, honing in on “nature loving natives” and “ecologically noble savages” and advocating on their behalf (Li 2007:344; Henley

⁷⁶ See Reid (1998:28) for more on the dangers of “attempts to peel the onion of culture down to an original, indigenous core”.

and Davidson 2007:34).⁷⁷ In the conservation zones of Mozambique, where similar external interventions have taken place, “radical environmentalists” along with international project managers have been known to depict traditional communities as “harmonious” idealised groups, living in “natural territorial units” as opposed to “man-made administrative or political territories” (Virtanen 2005:358).

Disputes have been known to arise among the putative representatives of adat communities about “for whom they speak” (Bourchier 2007:124). It is important to be wary of homogenising tendencies, as an “idealised local community” masks very real differences in terms of social, economic and political power (Schönwälder 1997:761). Furthermore, it is imperative not to overlook the “conflictive relations” that often arise *between* the members of popular movements and their various allies (Schönwälder 1997:765).⁷⁸ Finally, Schönwälder (1997:765) warns that villagers and their activist supporters currently engaged in political struggles risk “wading into a minefield,” in the sense that their participation risks “blockage, instrumentalisation, cooptation, or the loss of autonomy”.

Observers have consistently highlighted the potential for adat revivalism to empower “conservative elites,” those favourably positioned to use the new opportunities created by decentralisation to “enforce their power at the expense of less privileged groups” (Bourchier 2007:124). By “adopting the mantle of adat,” for instance, powerful figures may seek to further their political and commercial interests by a variety of means, including “collaborating with foreign enterprises” (Bourchier 2007:125).

Some of the actors and factions “nurtured” and “incubated” under the New Order regime have survived within the new decentralised framework, “albeit through new and more diffuse alliances and vehicles” (Hadiz and Robison 2005:231). When speaking of “old and new” elites (Hadiz 2005; Antlöv 2003b), the distinction is that some are already entrenched (old) and must adapt to changing political conditions, while others are emerging (new) and therefore seize opportunities as they arise.

⁷⁷ See, for instance, Chambers (1983) for a critique of “rural developmental tourism”.

⁷⁸ Chapter seven on the conflict in Bulukumba highlights these tensions and imperatives.

In Indonesia, this allegedly involves “many elements of the old rapacious, authoritarian regime,” elements capable of “reconstituting” themselves in rapidly changing conditions (Hadiz 2004:699). Owing to the relative “weakness of newly created institutions” and “strength of old social forces,” the introduction of new political rules has not prevented embedded political elites from “reconsolidating” their power (Malley 2003:103). These forces are drawn from the pool of political entrepreneurs and fixers, military commanders, business and bureaucratic interests, henchmen and enforcers that had been part of the “vast network of patronage that was the New Order” (Hadiz and Robison 2005:233).

With specific reference to adat, there are concerns that “unaccountable adat elites are being substituted for government-appointed resource gatekeepers” (Elmhirst 2001:293).⁷⁹ This often results in the re-branding of a movement with the slogans and rhetoric of indigenous rights and environmentalism while leaving the dominant power structures fundamentally unaltered. More extreme still, it is suggested that the adat movement may be reluctant to “consider whether the ethnic violence, discrimination, and profiteering that has already occurred might not be a direct consequence of their attempt to make indigeneity the issue in the struggle over resources” (Bourchier 2007:126).

With these potential challenges in mind, Schönwälder (1997:768) concluded that the best option for local communities would be “simultaneous coalition building” or the formation of “multiple alliances”. Blair (2000:26) echoes this call for broad coalition building, warning of the possible limitations of targeted political campaigns that appeal to particularistic rather than universalistic interests. While the articulation of land claims and rights on the basis of adat may arise out of a genuine concern for local livelihoods, a growing body of empirical work suggests that “forging alliances between disenfranchised groups” may be a “better route” to achieving justice where resource struggles persist (Elmhirst 2001:304).

⁷⁹ Resource gatekeepers in the Philippines are known to capture decentralisation processes, turning them into “vehicles for protecting familial interests” through land ownership, commercial networks, plantation agriculture, or sub-contracting (Rood 1998:112). For more on local ‘bossism’ and elite capture in the Philippines, see Sidel (1999).

Confronting power in this way may or may not empower people or communities. But even the perpetually disempowered may nevertheless reap the benefits and gains of such confrontation, be it through the granting of land entitlements, compensation, or legal recognition. Whether this is an acceptable compromise depends on the specific domain within which conflicts occur, as well as the specific actors involved. All the findings to date are unpredictable, demonstrating that “these factors combine in different ways,” are “context-specific,” and therefore need to be “assessed empirically” (Malley 2003:105).

Conclusion

This chapter demonstrated that each key historical phase carried different possibilities for promoting, co-opting, or tempering the political impulses of adat communities in Indonesia. Leiden Orientalists played a key role in the conjuring of adat myths and symbols, which were later codified and rationalised under direct colonial administration. There are at the same time very real historical antecedents that continue to capture the public imagination, from the Bugis and Makassarese chronicles to the Torajan animist rituals to the spirit cults of Kajang.

Socially constructed identities and perceptions have advanced well beyond the myths and legends recorded on lontará, regulated by Dutch controlleurs, captured by New Order bureaucrats, and microfilmed by teams of international scholars. The primordial traits of adat communities are subject to constant reconfiguration, at times contrived and manipulated in order to bolster claims over land and resources. There is also a degree of popular resonance as local communities respond to and mobilise around perceptions of authentic customs and traditions. Subsequent chapters reveal that degrees of popular resonance are evident in cases as diverse as Majene, Seko, Madandan, Kajang, and Soroako, where villagers are mobilised and choose to align their grievance-based struggles with discourses of adat. Therefore, as stated in the introduction, the primordial and instrumental aspects of adat may prove to be compatible and reinforcing when deployed in disputes over compensation, resource entitlement, land control, or the freedom to govern according to customary law.

Adat revivalism in its present form, aligned with the processes of decentralisation, is still very new, and most of the disputes centred on concepts of indigenous rights, tenure, and recognition have yet to be resolved. As stated, the latest studies on adat make “no pretence to comprehensive coverage, either in regional or in thematic terms, of the politics of tradition in Indonesia” (Henley and Davidson 2007:37). Therefore, the substantive chapters of this thesis shall examine the process of adat revivalism in Sulawesi, foregrounding specific local struggles for recognition and land rights. Specifically, the perceptions of adat emanating from local communities will be examined, along with the impact of third-parties and trustees at the local level, and finally the consequences of the selective redeployment of adat in conflict areas.

Chapter Three: In Search of Recognition

This chapter provides the background information and analytical framework needed to address the first core research question set out in the introduction, which reads as follows: looking at both process and outcome, to what extent have district regulations in recognition of adat become tools of emancipation for local communities? Conversely, to what extent do they represent an extension of the colonial-era shackles of elegant policy? With reference to case studies from Gowa, Majene, and Palopo, this chapter then begins to address the second core research question: to what degree have third-parties, patrons, and external supporters driven the process of adat revivalism, inflecting meanings, shaping perceptions, and articulating local strategies? These questions are dealt with more thoroughly in chapters four and five.

Along with land reclaiming, resource conflicts, and struggles for recognition, the passing of Indonesia's framework decentralisation laws in 1999 prompted a return to antedated systems of customary governance throughout the archipelago. An early example was the "recreation of the nagari" in West Sumatra, skilfully assessed by von Benda-Beckmann et al. (2001). If one assumes these systems to be the innate units of political and social order, within which primordial attachments are to be found, one needs to consider how this can be reconciled with concepts of modernisation and national unity.

In line with the critical conjectures set out in chapter one, coercive deployments of state power to eradicate the threat posed by autochthonous societies is less effective than diffuse methods of incorporation and domestication. Therefore, this chapter re-examines the constitutive political order and the ways in which adat revivalism is domesticated and contained through subtle institutional processes, regulatory procedures, and village deliberation.

As stated in chapter two, during the New Order, notions of adat such as family, community and tradition were often turned into "tools of control to shape and exploit people" (Erb et al. 2005:144). This corresponds to Hobsbawm's (1983:1) notion of "invented traditions," the norms and values of which are inculcated

repetitiously by rules, rituals, and systems of governance. When combined with the new emphasis on local autonomy, these notions may be deployed in order to further penetrate the village, enhancing bureaucratic capacity, stymieing local opposition, or fomenting divisions within the community. Of course, the very opposite may also occur.

The dismantling of the repressive state apparatus in place during the New Order era has led to a proliferation of local contestations, conflicts, and rights-based struggles. It is generally accepted that the nature of customary claims over land varies significantly, and depending on the country, region or even village in question, there will be different criteria as to what constitutes customary land, and what form of recognition (if any) is being sought. Likewise, there are different criteria for establishing what constitutes a legitimate customary claim, as well as the extent to which local or national governments are willing to acknowledge these claims.

Given the volatility of Indonesia's democratic transition, there remains a crisis of "procedural legitimacy" as newly empowered district authorities grapple with central bureaucrats for control of decision-making processes (Bohman 2005:55). For example, the issuance of district-level forestry concessions often contradicts the rulings of the powerful Ministry of Forestry or the regulations of the National Land Agency. Similarly, the recognition of antedated systems of governance must comply with higher laws and regulations, from the constitution downwards, in order to uphold the democratic imperatives of the reform era.

Given the "buzzing complexity and plasticity" of customary tenure and law (McWilliam 2006:58), it is of little surprise that the treatment of adat in the Indonesian legal system remains ambiguous. Therefore, any strategy for the recognition of adat must take into account highly localised political circumstances, including the ethno-historical and socio-cultural features of the customary domain in question.

Seeds of Opposition

Prior to the transition in 1998, local activists were working on oppositional strategies and appealing to global networks for support. In the early 1990s local activists from Tana Toraja district in South Sulawesi began setting up meetings with domestic partners such as the Indonesian Forum for the Environment (Wahana Lingkungan Hidup Indonesia or WALHI) and the Indonesian Network on Tropical Forest Conservation (SKEPHI). The aim was to initiate and develop new collaborative political strategies to address serious concerns about land tenure and resource entitlement.

Having been banned in both Jakarta and Makassar, a series of “illegal” meetings were held in 1993 in Lembang Madandan, Tana Toraja district, drawing some 40 prominent activists from throughout Indonesia.⁸⁰ The repressive New Order apparatus was still fully-functioning at the time, though it has been suggested that the “moral authority” and prominence of the village chief of Madandan, L. Sombolinggi, was enough to “keep local government and military authorities at bay” (Moniaga 2007:281).

All these activities culminated in a workshop held from 25–29 May 1993 in Tana Toraja entitled “Workshop on the Development of Adat Community Legal Resources and Natural Resource Management in the Forestry Sector”.⁸¹ This workshop, led by WALDA and WALHI, culminated in the formation of the Network for the Defence of Indigenous Peoples (Jaringan Pembelaan Hak-Hak Masyarakat Adat or JAPHAMA).⁸²

JAPHAMA was among the earliest rights-based movements in Indonesia to attempt to revitalise the concept of adat and redeploy it for specific political objectives. Significantly, 1993 was also declared by the United Nations as the Year of

⁸⁰ Anonymous source from Lembang Madandan, Tana Toraja, interviewed in March 2006.

⁸¹ According to an academic document produced by Yayasan Merah Putih (YMP) Palu in July 2005.

⁸² According to Moniaga (2004:2) several prominent adat leaders converged upon Tana Toraja in 1993, including Nai Sinta from North Sumatra, Petinggi Aris from West Kalimantan, L.B. Dingit from East Kalimantan, Den Upa Rombelayuk and Lasso Sombolinggi from Tana Toraja, Oom Ely from Maluku, and finally Tom Beanal from West Papua. They were reportedly accompanied by many youth advocates from human rights and environmental NGOs.

Indigenous Peoples (Persoon 1998:281). Many of the debates and initiatives that led to the formation of the Indigenous People's Alliance of the Archipelago (AMAN) in 1999 began with the JAPHAMA network, and the first working definitions of the customary community (*masyarakat adat*) came out of the Madandan meetings in 1993 (Moniaga 2007:282).⁸³

The conservative Toraja definition of *masyarakat adat* is translated as follows: social groups with ancestral origins in a specific geographical territory and possessing a particular system of values, ideology, economy, politics, culture, society, and territory of their own.⁸⁴ D'Andrea (2003:100) criticises this definition for its idealised and "utopian" portrayal of the *adat* community, yet suggests that the wider intention was to align the *adat* revival with international policy narratives in support of indigenous peoples. Further, the Toraja definition has been criticised for its "conceptual vagueness" and its detachment from "empirical realities" (Sangaji 2007:321). There are also concerns about campaigns to "elevate the status of *adat* on a national scale" without a clear sense of what *adat* is (Bourchier 2007:123).

Having initially promoted the distinctiveness of customary communities, which were in need of protection and preservation, rights campaigners working in Sulawesi have begun to move beyond this static, insulated view by referring to "progressive values such as justice and democracy," as well as emphasising the "dynamics of development as empirically experienced by *adat* communities" (Sangaji 2007:321).

From 15–22 March 1999 the first Congress of Indigenous Peoples of the Archipelago (Kongres Masyarakat Adat Nusantara I or KMAN I) was held in Jakarta, during which 208 *adat* communities were represented. The proceedings helped establish a network of domestic activists, ultimately leading to the deployment of a

⁸³ The language used in this original definition was relatively conservative given the repressive tendencies of the entrenched New Order regime.

⁸⁴ The Indonesian version reads as follows: *Kelompok masyarakat adat yang memiliki asal-usul leluhur secara turun-temurun di wilayah geografis tertentu serta memiliki system nilai, ideology, ekonomi, politik, budaya, sosial, dan wilayah sendiri.* Minor semantic differences are to be found in the translations of the Toraja definition of *masyarakat adat* from 1993 (see, for instance, D'Andrea 2003; Moniaga 2007; Sangaji 2007).

revised concept of masyarakat adat, one which had evolved from orderly reinforcement to an oppositional, atavistic agenda. At the close of KMAN I a manifesto was drafted for the protection and promotion of indigenous rights, local autonomy and customary law, and the slogan “if the state does not recognise us, we will not recognise the state” was popularised (Acciaioli 2001:87-88).⁸⁵

Perhaps the most visible manifestation of the adat revival has been the establishment of AMAN in 1999, an umbrella organisation led by a cadre of anthropologists and legal experts situated in the national secretariat in Jakarta. AMAN nominally represents thousands of local communities throughout the archipelago, and maintains some sixteen regional branches and affiliates. Indicative of Blair’s (2004) conception of trusteeship, AMAN’s (internationally funded) national, regional, and local directors possess a wealth of cumulative experience and knowledge about the nuances of indigenism throughout Indonesia.

They have managed to pressure the Indonesian government to publicly acknowledge the grievances of adat communities, as well as engage in multi-party deliberations and negotiations. However, AMAN’s leadership has yet to consolidate their efforts into a coherent, nationwide movement, one capable of challenging the constitutive conditions that continue to marginalise their constituents, the millions of disempowered rural citizens occupying Li’s (2000) “tribal slot”.

By 2003 and the second Congress (KMAN II), the masyarakat adat movement seemed to have progressed beyond the struggle for official state recognition. This progression was achieved by focusing on the “practical problems of implementing programmes that would actually ensure not only such recognition but also respect and legal protection for the rights of Indonesian ‘indigenous societies’” (Acciaioli 2007:295). KMAN II participants sought to operationalise social and political articulation through the “explicit assertion of sovereignty (*kedaulatan*) over land and natural resources,” coupled with the “explicit allusion to the ordering of local social life by customary law (*hukum adat*)” (Acciaioli 2007:299).

⁸⁵ While new proclamations were issued and strategies formulated, the agreed upon definition of masyarakat adat that emerged from KMAN I did not differ significantly from the original Toraja definition.

Among other things, AMAN's directors asserted that indigenous communities (masyarakat adat) existed prior to the Indonesian nation, possessing sovereign legal and political systems that are "co-equal" with national laws, not "subsumed within or subordinate to them" (Li 2001:653). However, the paradox is in the frequent adoption of the "notations" of the state, replicating government ordinances, statutes, and classifications in pursuit of recognition, thus acknowledging the "legitimacy of the nation even as they challenge it" (Li 2001:653). In other words, the strategies of AMAN and partners actually "concede to the power relations that frame and limit [their] most radical demands" (Li 2001:653). For more clarity on the matter, the following section reviews the laws, regulations and ordinances concerning adat.

Notations of the State

On 17 August 1945 Indonesia's independence was declared. During this volatile period there was much debate surrounding the status of customary law and the rights of customary communities. While the original Constitution of 1945 did not explicitly mention adat, Chapter VI Article 18 on Regional Governance stated that "the division of the territory of Indonesia into large and small regions shall be prescribed by law in consideration of and with due regard to the principles of deliberation in the government system and the hereditary rights of special territories".⁸⁶

In 1999 Article 18 was revised in accordance with the Second Amendment of the Constitution of 1945, declaring that "the State shall recognise and respect customary law communities [masyarakat hukum adat] with their traditional rights as long as they still exist and are in accordance with community development and the principle of the Unitary State of the Republic of Indonesia, as regulated by the laws".⁸⁷

Building on these revisions, Law 39/1999 on Human Rights also dealt with adat. Specifically, the law states that "in the interests of upholding human rights, the differences and needs of indigenous peoples must be taken into consideration and

⁸⁶ Government of Indonesia, *Ungang-Undang Dasar 1945*.

⁸⁷ Government of Indonesia, Second Amendment to the Constitution 1945, Article 18[B][2].

protected by the law, the public and the government,” and “the cultural identity of indigenous peoples, including indigenous land rights, must be upheld, in accordance with modern development imperatives”.⁸⁸

Further, the revised Forestry Law Number 41/1999 recognises the existence of a “customary forest,” though only in one of McCarthy’s (2004) “shades of grey”. According to the law, “a customary forest is a state forest that is located within the territory of the customary law community”.⁸⁹ On rights, the law is ambiguous; while there is no explicit stipulation about customary rights (by default all lands without certificates are state lands), forestry authorities are instructed to “consider the rights of the customary law community, so long as these rights exist in reality, are recognised, and do not contradict the national interest”.⁹⁰

With regards to governance, the framework Decentralisation Law (number 22/1999) stipulated that the village is a “single legal community that possesses the authority to govern and administer the local community based on local origins, customs and traditions [adat istiadat] that are recognised in the National Governance System and exist in the District”.⁹¹ In the elucidation to this article, it is stated that the village is a “unified legal community that possesses indigenous structures based on the special rights of origin as intended in the elucidation of Article 18 of the Constitution of 1945,” and further that the “conception of the regulation concerning Village Governance is based on diversity, participation, original autonomy, democratisation and community empowerment”.⁹²

Districts and villages have been given the option under the new decentralisation framework to reassert their uniqueness and shed the restrictive uniformity of the past. This transition, therefore, gave rise to the notion that the

⁸⁸ Government of Indonesia, *Undang-Undang Nomor 39/1999 tentang Hak Manusia*, Article 6[1-2].

⁸⁹ Government of Indonesia, *Undang-Undang Nomor 41/1999 tentang Kehutanan*, Article 1[6].

⁹⁰ *Undang-Undang Nomor 41/1999*, Article 4[3].

⁹¹ Government of Indonesia, *Undang-Undang Nomor 22 Tahun 1999 tentang Pemerintahan Daerah*, Article 1[o].

⁹² *Undang-Undang Nomor 22 Tahun 1999*, Elucidation of Chapter I.

“resolution of issues of development is intrinsically interrelated with the need to formulate alternative modes of democratic governance” (Reid 2001:779).⁹³

Law 22/1999 on regional governance has been said to provide “a space for diversity and responsiveness to local aspirations” consistent with the loosening of restrictions on local diversity (Antlöv 2003a:197). This supposedly constitutes an alternative to the uniformity of the past by allowing for a village to be called by any traditional name and to be based on local origins and customs.⁹⁴ Indirectly, it also allows various actors to attempt to secure their interests by reconstructing local customs and traditions in order to benefit from the new opportunities that arise.

Revised Decentralisation Law Number 32/2004 on Regional Governance further clarifies the definition of a village. In strictly procedural terms, it allows for legal space and autonomy for adat communities at the village level:

[The village is] a unified legal community that possesses territorial borders with the authorisation to regulate and manage local community affairs, based on local origins, customs and traditions [adat istiadat] that are recognised and respected in the Government System of the Unitary State of the Republic of Indonesia.⁹⁵

Furthermore, the law makes direct reference to village affairs, detailing the organisation of village administration and calling for direct elections for village heads. As one notable section reads:

Elections of village heads within a unified customary law community where their traditional rights have long existed and are formally recognised shall comply with local customary law as stipulated in District Regulations, in compliance with [higher] Government Regulations.⁹⁶

⁹³ Fauzi and Zakaria (2002:13) argue that the stipulations contained in the Decentralisation Laws constitute an indirect admission of the detrimental impact of New Order policy, which undermined and disenfranchised adat communities.

⁹⁴ Government of Indonesia, *Undang-Undang Nomor 22 Tahun 1999*, Article 1.

⁹⁵ Government of Indonesia, *Undang-Undang Republik Indonesia Nomor 32 Tahun 2004 tentang Pemerintahan Daerah*, Article 1[12].

⁹⁶ Government of Indonesia, *Undang-Undang Nomor 32 Tahun 2004*, Article 203[3].

In theory, therefore, the law recognises the autonomy that each customary village possesses. In practice, the real test is whether autonomy translates into meaningful changes that have a positive impact on village affairs (Lucas and Warren 2003; McWilliam 2006).

In the event that certain aspects of village authority remain ambiguous, district regulations are to be drafted in order to rectify this situation. Such regulations must comply with the “rights, origins, customs and traditions” of the village in question.⁹⁷ While the existence of adat was reserved exclusively for the village level, the guidelines of the decentralisation laws determined that the recognition of adat must first be proposed through a district regulation (see Table 3.1 below for the legislative hierarchy).⁹⁸ It would be impractical for each customary community to undertake separate legislative processes because they tend to require many years of negotiation and can be quite costly, especially in districts where resources are stretched and capacity is limited.

⁹⁷ *Undang-Undang Nomor 32/2004*, Article 216.

⁹⁸ *Undang-Undang Nomor 22/1999*.

Table 3.1: State Hierarchies

Administrative Hierarchy	Institutional Hierarchy	Legislative Hierarchy	
National <i>Nasional</i>	Office of the President	Constitution 1945	
	People's Consultative Assembly	People's Consultative Assembly Resolution	
	People's Representative Council	Law	
			Government Regulation
			Presidential Decree
			Presidential Instruction
			Ministerial Decree
Province <i>Propinsi</i>	Office of the Governor	Provincial Regulation	
	Provincial People's Representative Council	Governor Decree	
District <i>Kabupaten</i>	Office of the Mayor	District Regulation	
	District People's Representative Council	Mayoral Decree	
Sub-district <i>Kecamatan</i>	Sub-district Head	<i>Not applicable</i>	
Ward <i>Kelurahan</i>	Ward Head	<i>Not applicable</i>	
Village <i>Desa or Kampung</i>	Office of the Village Head	Village Regulation	
	Village Council		
Neighbourhood <i>Rukun Tetangga</i>	Neighbourhood Head	<i>Not applicable</i>	

In the process of drafting, deliberating and promulgating regulations, the district government is obliged to “recognise and respect the rights, origins, and customs and traditions of the village”.⁹⁹ Therefore each district has been provided with a broad legal framework within which to consider requests for the granting of formal recognition (of the existence and rights) of adat communities within their administrative jurisdiction.

In an effort to clarify procedures, it was stated in Law 32/2004 that district regulations must be jointly approved of by the mayor (Bupati) and the district people’s representative council (Dewan Perwakilan Rakyat Daerah or DPRD), and that the regulations must serve to further outline the laws and regulations that have higher legal status, taking into account the unique characteristics of each region.¹⁰⁰ Without challenging the supremacy of the Unitary State, these regulations are intended to promote diversity, taking into account the extent of regional variation throughout the archipelago.¹⁰¹

One of the principles stipulated for the drafting of district regulations is transparency¹⁰²; therefore while the responsibility for initiating such regulations is deemed to be that of the district head and representative council, the public also reserves the right to provide oral and written inputs into the drafting process.¹⁰³ In the event that such input is provided, the process of drafting and promulgating district regulations tends to be lengthy and complex. In South Sulawesi, such regulations have taken up to three years to complete, and all of them have to be stringently reviewed to ensure they comply with higher laws and regulations. It is a matter of policy that all district regulations must be submitted to the central government no later than seven days after their enactment.¹⁰⁴

This central oversight is designed to ensure that district regulations do not contradict the public interest or higher laws and regulations; the Ministry of Home

⁹⁹ Government of Indonesia, *Undang-Undang Nomor 22/1999*, stipulated in Article 111[2].

¹⁰⁰ Government of Indonesia, *Undang-Undang Nomor 32/2004*, Article 136.

¹⁰¹ *Undang-Undang Nomor 32/2004*, Article 138.

¹⁰² *Undang-Undang Nomor 32/2004*, Article 137.

¹⁰³ *Undang-Undang Nomor 32/2004*, Articles 138-139.

¹⁰⁴ *Undang-Undang Nomor 32/2004*, Article 135.

Affairs therefore reserves the right to annul regulations within 60 days of receiving them if it is deemed that they are in violation of the stipulations mentioned above. An official Presidential Decree must be issued in order to nullify a district regulation; however the regions may contest this and bring their objections to the Supreme Court for further ruling, though this is a rare occurrence.

Set against the lofty principles of community empowerment, popular participation and downward accountability often espoused in decentralisation policy narratives, the movement towards ‘empowering, preserving and developing customs, traditions and customary organisations’ seems rather vague and lacking in substance. However, a legal responsibility to protect customs and traditions at the village level implies that some form of external intervention is required. NGOs and activists frequently intervene in local politics to ensure that the rights of their client communities are upheld by government authorities.

As such, the implementation of the regional autonomy laws may be synonymous with a rise in the creativity and innovation of local actors, taking the form of “place-based cultural reassertions” (Elmhirst 2001:291). Therefore the following section must question the extent to which adat revivalism constitutes an oppositional, alternative, and locally-relevant way of organising lives and livelihoods (Elmhirst 2001; Li 2007; Reid 2001).

The Politics of Recognition

While recent developments in eastern Indonesia suggest that demands for recognition of adat rights will continue to increase, this poses a dilemma when set in the context of productive lands and concession zones. It may serve to strengthen the resolve of local elites determined to protect their own interests, or solidify resistance from the productive sector towards encroachments upon their concession zones. As a result of this highly contested political landscape, it has been suggested that “the fate of adat or customary law will continue to depend on the willingness of the state to accord legal space and autonomy to local customary communities” (McWilliam 2006:57).

Having examined the legal ambiguities, political complexities and cultural dilemmas surrounding resource conflicts in central Kalimantan, McCarthy (2004:1217) observed that, in the “absence of formal recognition of adat rights and effective forms of accountability, local people are significantly disadvantaged”. Indeed, in scenarios where villagers and adat authorities are “vulnerable to coercion and cooption,” the achievement of official recognition for their adat claims (or even their existence) would be considered a welcome (if preliminary) development (McCarthy 2004:1217). Therefore decentralisation presents an opportunity to overcome some of the structural inequalities inherent in legal definitions of tenure and resource use which have long worked against villagers.

In highly charged local settings, where villagers are beginning to overcome their fear of the repressive state, representations of adat increasingly serve to galvanise community members and activists around particular political struggles. However, there is rarely consensus regarding strategy or objectives, even in the smallest of villages.

According to Acciaioli (2001:88) the decentralisation laws created a framework for district authorities throughout Indonesia to reassert the centrality of local customs, which was held to be “one of the most significant recognitions of the autonomy legislation in the current era of *Reformasi*”. Such changes could possibly mark a genuine departure from the past by unleashing the “long-suppressed creativity and innovation in the regions” and celebrating genuine village initiative (Antlöv 2003a:208). Moreover, the revival of customary governance as stipulated in the decentralisation laws requires district governments to open political spaces for the replacement of uniformity with “regionally variable organisations and procedures of governance that encode community aspirations in terms of adherence to local custom” (Acciaioli 2001:88).

At the same time, such optimism has been tempered by sober analysis of both the opportunities and potential threats associated with the emergent “revival of what has been presented as customary (*adat*) institutions of governance” (Acciaioli 2001:87). Statements such as this are indicative of the ambivalence surrounding such

a revival, where systems of governance are presented as indigenous for politically complex reasons. For instance, it has been suggested that the term Toraja, so often used as a “badge of ethnic identity,” can be misleading without an awareness of historical usage and contemporary representations (Bigalke 2005:7).

Much has been written of the possibilities for elite capture, clientelism, predatory interests, and the hijacking of local politics that arise from ambiguities in the laws and ordinances of decentralisation.¹⁰⁵ However, less attention has been paid to the ways in which local customary communities and their supporters may use the new opportunities granted them to exploit legal ambiguities and turn them to their advantage. While the village is the principal setting for such activities, the campaign must be directed towards district authorities, those occupying the office of the mayor and the district representative council.

There have been cases in South Sulawesi where local communities participated in the regulatory process, from inception right through to completion, providing valuable input throughout. As a result, the *volksverheffing* tradition of replicating regulations to provide government with a symbolic cover for continued dispossession of rural communities has, in some instances, been challenged. One such case was found in the district of Tana Toraja. On 11 April 2001 District Regulation Number 2/2001 concerning Lembang Governance was promulgated. This was the first regulatory process to achieve official acknowledgment of customary governance, replacing the Javanese *Desa* system with the Torajan *Lembang*.

The passing of Regulation 2/2001 prompted a convergence of NGOs and activists upon Tana Toraja district, engaging local communities in the process of adat revivalism and debating the merits of the new regulation. Similarly, the regulations passed in Seko, North Luwu district were the result of three years of community consultation and multi-party negotiations sponsored by international advocates and domestic trustees. Tana Toraja and Seko will be discussed further in chapters four and five. The following is a brief account of recognition in Gowa.

¹⁰⁵ See chapter seven on Bulukumba for specific examples of the ways in which political processes are captured and local communities manipulated.

Recognition of Adat: the Gowa Model

As stated previously, it is expected that the drafting of district regulations will be conducted in a transparent manner; it is also expected that the public will be afforded the opportunity to participate in the process, and that their input will be acknowledged. However, there is a significant difference between the public right to provide input into legislation that is meant to affect their lives, and the actual exercising of this right, as well as the certainty that negotiations and legal drafting will be an inclusive, transparent process.

As mentioned, from 2000 onwards district governments throughout South Sulawesi began introducing legislation concerning adat in their respective jurisdictions. There were three instances in which identical district regulations entitled ‘empowerment, preservation and development of customs, traditions, and customary institutions’ were enacted. On 5 September 2000 the district government of Jenepono was the first to promulgate such a regulation, followed by Majene on 28 February 2001, and Gowa on 31 December 2001. These were virtually identical regulations, and there is little evidence of any input or participation from adat leaders or community members. The following is a brief account of the process of recognition in the historic Gowa district.

As stated in chapter two, the former Kingdom of Gowa was one of the major Makassarese kingdoms of Sulawesi, its influence penetrating much of the southern peninsula (Cummings 2001; Pelras 1993). By the first decade of the seventeenth century, the Makassarese kingdom of Gowa “succeeded in forcing its major rival Bugis kingdoms to acknowledge its overlordship” to become the most powerful state in South Sulawesi (Andaya 1978:277).¹⁰⁶ While it is beyond the scope of this study, historians tend to analyse the Chronicles of Gowa and Talloq when discussing the

¹⁰⁶ See Carey (2003) for an account of the sacred role of poisons and blowpipes in Gowa, which helped ensure the kingdom’s survival through military protection, judicial executions, and social control.

particulars of the old Makassarese kingdoms, including myths of origin, treaties, power structures, king lists, and chronologies.¹⁰⁷

The coming of Islam occurred in the seventeenth century (Noorduyn 1987; Pelras 1993; Reid 2000). Prior to Dutch occupation in 1906, the kingdom of Gowa consisted of several kakaraengang or minor principalities (Rössler 2000:540). By the 1960s the kingdom of Gowa was incorporated into the administrative structure of the newly unified Republic of Indonesia. The last karaeng (or king) of Gowa thus became the first mayor.¹⁰⁸ Despite a series of external intrusions that accelerated the erosion of adat, Gowa's historical legacy remains a matter of pride in the district. There are still annual meetings held in Gowa during which historical sites are visited and restored.

According to the head of the district parliament, Gowa has been path-breaking in its legislative activities, being the first district to pass regulations concerning public participation and transparency in governance.¹⁰⁹ On 31 December 2001, District Regulation Number 44/2001 about 'Empowering, Preserving and Developing Customs, Traditions and Customary Institutions' was established. Far from path-breaking, however, Regulation 44/2001 seemed to follow the pattern of replication identified by Li (2007).

In Gowa, official records are kept for the promulgation of all district regulations. In 2001 there were eighteen such regulations promulgated, and a thirteen-member district Oversight Committee for Regulations was appointed to oversee this process. Members of parliament claimed that all but two of the elderly committee members had passed away, indicating a pattern of gerontocracy in district politics. Of the two surviving committee members, only one was available for comment. This

¹⁰⁷ Formative studies of Makassarese kingdoms include Andaya (1978), Cummings (2001), Noorduyn (1987), Pelras (1993), Reid (2000), and Rössler (1990).

¹⁰⁸ H. Syafruddin Kaiyum, District Secretary, believed this king to be the 37th in the line of Gowa's kings. Further, he claimed that there were nine minor principalities in the former kingdom, which he called Ba'te Salapang (interview on 08 March 2006).

¹⁰⁹ Interview with H. Mallingkai Maknun, head of Gowa's district parliament, on 08 March 2006.

informant, now retired, was in poor health and unfortunately could not recall the specifics of Regulation Number 44/2001 concerning adat.¹¹⁰

There was one official document, however, that provided some insight into the intentions behind Regulation 44/2001. The following excerpt is contained in a document published by the mayor of Gowa in 2001:

Regulation 44/2001 was proposed and expected to support the realisation of an active role for customary organisations and customs and traditions in the implementation of village governance, such as in representing the opinions of the community, resolving conflicts related to the rights of customs, traditions, and habitual customary actions, and also in supporting the realisation of acts of democracy, justice and objectives at the community level as well as cultural openness to influence the values of other areas that are positive and constructive.¹¹¹

The language used is quite telling. Adat is envisioned as a support mechanism for the district government, rendered quaint and non-threatening, and even meant to ease the burdens of administration as communities are expected to resolve their own disputes in an optimal way. Even if there were progressive stipulations about land rights, resource entitlements, and the endorsement of antedated systems of village governance, there would be little chance of realising them, for there was no evidence of public consultation prior to the promulgation of Regulation 44/2001.

In the centre of Gowa, the former Palace (Istana) of Balla Lompoa has been converted into a museum, showcasing cultural artefacts and regalia from the golden age of the former kingdom. This would have been an appropriate venue for officials to visit in search of local perspectives on Regulation 44/2001. When I visited in March 2006, staff and curators from the museum expressed an interest in local customs, traditions and history, and were enthusiastic about research being conducted

¹¹⁰ Interview with Abdul Khalik Mone, former member of the Oversight Committee for Regulations in Gowa District, on 09 March 2006.

¹¹¹ Attachment II Item 12 of the opening speech by the mayor, contained in the document titled 'Meeting Summary about 18 Regional Regulations in Gowa District' obtained in Gowa on 08 March 2006.

about the revival of adat in their district.¹¹² One of the curators was a well-known pemangku adat (or customary leader) from Gowa district, yet the copy of the regulation that I provided was the first anyone had seen.

In accordance with principles of consultation and deliberation, it would have been logical for the district government to send a committee member to Balla Lompoa during the legislative process, or even after the promulgation of the regulation in order to “socialise” it. However, interviews revealed that none of the informants at the palace had heard of Regulation 44/2001. In this sense, the politics of adat revivalism has been replaced by an officialising procedure couched in terms of recognition, one carried out by an insulated district legislative and promulgated by an indifferent executive.

In order to expand on these observations, the following section visits the district of Majene in West Sulawesi province, the modern administrative domain that overlays the antiquated Mandar Kingdom.

Adat Revivalism in Majene

Majene is one of the four modern administrative districts of West Sulawesi province, which is host to the Mandar ethnic group, one of the largest in Sulawesi. The Mandar are a coastal people residing principally between Polewali and Mamuju, the provincial capital. They have developed a “reputation as Sulawesi’s finest, and perhaps fiercest, sailors,” and are known for their devotion to the Muslim faith and aggressive defence of their dignity or “siri” (George 1991:548). The fish-trade from the Makassar Strait is significant for the livelihoods of Mandar men, while the Mandar women are renowned for the weaving of “darkly checked silk sarongs” of “extraordinary beauty and refinement” (Volkman 1994:564).

All of the hallmarks of ferocity and refinement were seemingly lost when, on 28 February 2001, the mayor of Majene saw fit to put his seal upon District Regulation Number 17/2001 in recognition of adat. The opening considerations of this document indicate that the district government was fulfilling its duties as

¹¹² Interview with Andi Kumala Idjo and staff from Balla Lompoa Museum, Gowa, on 09 March 2006.

stipulated in the Decentralisation Laws of 1999. Beyond this procedural stamp of approval, however, there is little information about the reasoning behind such a regulation. Judging from the response of local informants interviewed in May 2006, it was little more than an act of administrative posturing, one perhaps intended to appease critics or simply to bolster the reformist credentials of the district government.

In Majene, as in cases from Central Sulawesi, “many more questions are opened up by the regulation than are answered by it” (Li 2007:365). In its original top-down form, this regulatory process does not correspond to the emancipatory project of resistance and struggle set out in the introductory chapter of this thesis. Rather, it is indicative of Acciaioli’s (2007) officialising strategy, where regulations are simply “copied directly from higher laws” in the hope that adat communities and their supporters will adopt the “notions of the state” (Li 2007:364-365).

McCarthy (2004) skilfully details the discretionary powers wielded by adaptive government officials since decentralisation. Discretionary powers create “opportunities for regional government innovation beyond those suggested by the reading of formal laws,” creating flow-on effects from legal ambiguities and conflicting regulations (McCarthy 2004:1206). Hadiz (2004:711) reinforces this argument, suggesting that “the design of decentralisation is obviously faulty, as reflected in numerous legal contradictions and ambiguities about the functions and role of different levels of government under the current legal framework”.

In order to investigate this situation further, firsthand field research was undertaken in Majene. Semi-structured interviews were conducted with protagonists from the activist community and NGO networks, from randomly sampled villages, and from relevant district government agencies. The district’s first direct mayoral elections were also taking place during this period of research, providing a unique opportunity to observe polling stations and survey voters on Election Day (15 May 2006).

As in Gowa, activists and prominent figures from Majene had no knowledge of the existence of a regulation recognising adat. When presented with a copy of

Regulation 17/2001, informants were partly intrigued and somewhat bemused over the fact that their district representatives had undertaken such a legislative process without public consultation.¹¹³ Activists from an environmental NGO called Yanmarindo were the first to offer their perspectives on this regulation, and the response was generally positive. Members of Yanmarindo saw this as a clear opportunity to initiate a process of regulatory revision, and the existence of an older regulation provides them with a clear mandate for reform.¹¹⁴ It is much easier to engage in a process of revision than to lobby for a new regulation.

Official recognition and bureaucratic approval are still dominant themes amongst activists. Members of Yanmarindo were therefore asked what it was that they wanted recognition of, and whether they would pursue remedial rights, including land tenure, access to resources, environmental management, compensation for past injustices, or the autonomy to govern local affairs in accordance with adat principles. The response was that it was too early to tell. In order to establish the contours of their campaign, a comprehensive process of community consultation was needed.¹¹⁵ Only then could Yanmarindo press for specific stipulations in a revised regulation. However, community consultation is a lengthy process, and a strategy to recruit local partners was deemed necessary.

Unlike the recent land conflicts pitting local Indonesian communities against multinationals such as Freeport, Rio Tinto and International Nickel of Canada, Majene remains a frontier case without a high-profile dispute behind which to unify local positions or rally external supporters. While this leaves local activists relatively isolated, it also limits the divisive impact of political opportunists, spoilers, and predatory entrepreneurs that tend to gravitate towards conflicts in resource-rich areas. Yanmarindo has relations with a village-based adat organisation in Tande, sub-district Banggae, members of which agreed to review Regulation 17/2001 and provide

¹¹³ Local people are by no means surprised that legislation remains a top-down affair, or that elites still control political parties; however, the fact that a regulation specifically concerned with adat was established in this way struck people as unusual.

¹¹⁴ Interview with Ikhsan Welly, director of Yanmarindo, in Majene on 10 May 2006.

¹¹⁵ Interview with Ikhsan Welly from Yanmarindo, Majene, on 10 May 2006.

feedback. Whereas the preliminary response from Yanmarindo was to seek to revive and instrumentalise adat for political purposes, the response from Tande was a staunch rejection of the notion that adat can be subject to reconstructions and reinventions.¹¹⁶

Particular attention was paid to Article 1[j] of Regulation 17/2001, which reads: “the adat organisation is a community organisation that was established either intentionally or has developed in the history of the local community”. In response, informants from Tande argued that “adat organisations are not something which can be intentionally established because they have already existed for a long time,” bequeathed by the ancestors before Indonesia was an independent, legally recognised state.¹¹⁷ This clause encourages the construction of new, modern, rationalised adat organisations, something “which is not allowed, not correct, and will make various [incompatible] versions of adat in the community”.¹¹⁸ This critique relates to the primordial position that customary communities have existed since time immemorial.

Despite these fundamental differences, it was agreed that a sequential strategy was needed to revise Regulation 17/2001. To begin, Yanmarindo and the community organisation from Tande resolved to produce an academic document detailing their intentions and strategy. Then they would establish a small working team, the purpose of which was to unify local perceptions on adat. If and when this was achieved, the team would conduct public consultations, the outcome of which would provide them with a popular mandate and a legitimate basis for demanding a meeting with district parliamentarians. By that stage, a comprehensive draft regulation would be available for the relevant communities to review. Final recommendations would be collated and delivered to the executive branch of the district government.

At the time of researching this emergent process of adat revivalism, activists were only in the planning stages, and there had yet to be any public consultations. In lieu of any reliable sources detailing community aspirations, an opportunity did arise to gauge public opinion as a result of the mayoral elections held on 15 May 2006. On

¹¹⁶ Interview with Anshary, adat expert from Tande village, Majene, on 10 May 2006.

¹¹⁷ Interview with Anshary from Tande on 10 May 2006.

¹¹⁸ Interview with Anshary from Tande on 10 May 2006.

Election Day, voting stations (Tempat Pemungutan Suara or TPS) were open from 7:00–13:00, after which the open-air public ballot counting took place.¹¹⁹ A total of 53 voters¹²⁰ were interviewed after having cast their votes; respondents came from two villages in Banggae sub-district, one village in Pamboang sub-district, and three TPS in the city of Majene.

The presence of foreign researchers in the frontier villages of Majene generated a significant amount of public interest. Each of the 53 respondents that agreed to be surveyed were surrounded by onlookers, including neighbours and family members. Many of the respondents consulted with these onlookers prior to making any final statements about the elections, indicating a degree of nervousness and indecisiveness (for many this was their first opportunity to participate in a direct, open mayoral election).

Nevertheless, it was possible to discern that people desired a peaceful electoral process, regardless of the quality of political debate. They hoped for “honest political leaders,” “better roads,” and “public safety,” but there was no mention of empowering, preserving or developing the customs and traditions of their villages (the replicated notations of district regulations). Adat revivalism, it seems, was a non-issue among voters as well as mayoral candidates throughout the election campaign.

The candidate pairing of Tashan (for mayor) and Mahmud (for deputy), for instance, made consistent reference to Majene’s Human Development Index (HDI) in their vision and mission statements, citing modern developmental imperatives, efficiency in resource management, and discourses of good governance.¹²¹ With regards to socio-cultural issues, there was emphasis on gender equality, educational

¹¹⁹ When polling stations close at 13:00, General Election Commission officials open the ballot boxes at each of the 308 TPS in Majene and read aloud the results of each ballot, one by one, in front of a public gallery in an effort to maximise transparency and to guard against accusations of fraud and corruption. Based on personal observations and interviews with General Election Commission officials from 11–15 May 2006.

¹²⁰ There were 34 male and 19 female respondents, ranging from 17 to 71 years of age (though many villagers are not certain of their precise age). All 53 respondents were asked the same open-ended questions, which addressed the motivations for voting, opinions about the campaign period, problems encountered in the electoral process, and expectations over the next five years.

¹²¹ Based on the document entitled “Vision, Mission and Development Programme, Candidate for District Head Year 2006–2011” circulated by the candidate pairing of Dr. Ir. Hj. Hamdana A. Tashan and H. Syamsiar Muchtar Mahmud SH., MM.

achievement, and religion, without any explicit reference to adat. The long-term desire to elevate Majene to the status of “the Jakarta of West Sulawesi” is indicative of the general modernising thrust of the campaign.¹²²

A second candidate pairing, Darwis (for mayor) and Mappangara (for deputy), stressed Majene’s place in the new global era, focusing on a laundry list of political dilemmas including deforestation and ecosystems, and encouraging supporters to “think local, act global”.¹²³ Good governance, tsunami early-warning systems, and telecommunications were emphasised, along with the virtues of religious and cultural dialogue. Finally, their vision and mission included “preserving and developing Mandar culture,” which requires the facilitation of historical documentation, publications, museums, and archaeological discovery.

The politics of adat revivalism was, therefore, conspicuously absent from the election campaign in Majene. According to several local informants (names withheld), party politics continues to be dominated by the wealthy and powerful, excluding potential leaders with a surplus of integrity but a deficit of funds. Estimates of the money required for a successful campaign range from 250 million to two billion rupiah.¹²⁴ In many ways this level of fundraising, for which there is little accountability and oversight, determines the candidate’s loyalties, priorities, and the trajectory of their term in office.¹²⁵

In the event that activists and politicians are willing to collaborate in the revival of adat, it must be noted that notions of adat are tied to specific locations,

¹²² Mrs. Tashan, the only female candidate in the mayoral race, was candid in an interview about the difficulties facing women in politics, particularly in regions with strong Islamist sentiments. She also commented on the lack of political debate during the campaign in Majene; public debates were discouraged because of the potential for violence between rival supporters. Instead, candidates limited their public appearances, offered only brief speeches, and preferred to introduce performing artists from Jakarta (usually sexy Dangdut singers). Based on personal observations of the campaign and an interview with Mrs Tashan in Majene on 12 May 2006.

¹²³ Based on the document entitled “United, People Working Together for a Prosperous Majene” circulated by the candidate pairing of Drs. H. Muhammad Darwis and Ir. H. A. Surianto B.

Mappangara.

¹²⁴ The exchange rate as of August 2008 was approximately 18,000 rupiah to one British pound.

¹²⁵ Haj Hadidjah Katta, the head of the General Election Commission for Majene, defended the legitimacy of the electoral process by referring to Presidential Decree Number 6/2005 which regulates campaign fundraising, as well as the appointment of ‘auditing teams’ from Majene and Makassar.

which for long periods of history determined patterns of land use and community relations. Each hamlet, village, and customary domain remains intricately linked, and each has been exposed to various external intrusions. Westerling's war of pacification, along with the Darul Islam rebellions, displaced many Mandar communities.¹²⁶ As such, one informant from Pallarangan sub-district was adamant that no authoritative proclamations based on adat in Majene were possible without widespread deliberations between peoples spread throughout the peninsulas of Sulawesi.¹²⁷

Indeed, the Mandar peoples of West Sulawesi province have historic connections to the peoples of northwest Luwu, Toraja, and north Mamuju (some 100 miles away), who are all bound by shared histories despite the difficult terrains that physically separate them. Therefore, it has been suggested that, for any consensus to be reached on adat (particularly one that is to be written and documented), there must be a coming together of a council of customary leaders committed to a sustained period of deliberation and dialogue.¹²⁸ It was felt that a failure to reach out to these other territories could provoke conflicts.

Locally, the various actors claiming to speak authoritatively on matters of adat (descendants of nobility, local activists, or NGO directors) often disagree over specific representations. Broadly speaking, there is a distinction between local elites with some genealogical links to the nobility of the past, those considered natural conveyors of customs and traditions, and local activists aligned with external support networks, those pursuing specific political objectives. The former tend to caution against irresponsible deployments of adat based on tenuous links to the past, while the latter frequently embrace any versions of adat (regardless of concerns over authenticity) that offer utility in their local campaigns.

¹²⁶ During an interview in Tande, Majene, on 12 May 2006 Pak Hasan, a prominent community figure, claimed to have been a member of the resistance movement Baruga 531 which opposed Westerling's army in 1947.

¹²⁷ Interview with Muhammad Abdu, an adat expert from Pallarangan, in Majene on 11 May 2006.

¹²⁸ Interview with Muhammad Abdu from Pallarangan, Majene, on 11 May 2006.

Between these opposing positions, there is an organisation in Majene that seems to represent the middle ground. This is KAPPMAM, led by Muis Mandra, a prolific writer on Mandar history, from Sendana sub-district in Majene. Born out of the first Congress of Archipelagic Communities (KMAN I), KAPPMAM is an alliance of adat communities from the traditional Mandar lands (what is now West Sulawesi province, part of the modern administrative grid). In conjunction with the proclamations of adat leaders during KMAN I, the struggle for adat rights emanating out of KAPPMAM is based on the search for recognition as well as compensation for past injustices.¹²⁹

On 25 May 2003 a meeting was held in Sendana to consolidate the AMAN membership applications for 21 adat communities, one foundation, and the KAPPMAM organisation itself.¹³⁰ In attendance were 65 adat representatives, all of which signed the membership applications, which contained details of their political struggles along with pronouncements of their loyalties to the unitary state, the constitution, and the dominant ideology of Pancasila.¹³¹

Beyond vague calls for recognition, there were allusions to land disputes, with particular reference to hak ulayat (the indigenous right of avail), the need to revisit negotiations over compensation, and the rejection of the designation “state lands,” which has disenfranchised local communities since colonial times. As proof of the timeless, immemorial existence of tribal, indigenous, adat systems of land tenure, Muis Mandra cites the physical evidence of yellow bamboo, ceramics, sea shells, and banyan trees planted on customary lands.¹³² The banyan trees in particular symbolised traditional places of worship and communal activities.

To what extent do such symbols translate into concrete political claims to land? The head of the Forestry Bureau of Majene gave a measured but favourable appraisal of adat claims, citing the revised Forestry Law Number 41/1999.¹³³ There

¹²⁹ Interview with Muis Mandra, head of KAPPMAM, in Sendana, Majene, on 13 May 2006.

¹³⁰ According to report number 23/KAPPMAM/V/2003 detailing the ‘general consolidation meeting’ held in Sendana; report obtained from AMAN Jakarta.

¹³¹ Interview with Muis Mandra in Sendana on 13 May 2006.

¹³² Interview with Muis Mandra in Sendana on 13 May 2006.

¹³³ Interview with the head of the Forestry Bureau in Majene on 12 May 2006.

are criteria for determining the status of adat forests, for instance, beginning with an investigation into the continued existence of adat, for which the local history has to be tracked.¹³⁴

One such investigation was reportedly undertaken in the Sendana domain, headquarters of KAPPMAM. While the historiography tracked by the Forestry Bureau revealed traditional patterns of cultivation, there was little evidence of legible, antedated systems of governance, or coherent social organisation. Therefore, without a new, expansive district regulation, the Bureau could not endorse claims for the recognition of adat lands in Sendana.

According to one seemingly well-informed family from Sendana, there is a legal exception in the Indonesian system of land ownership.¹³⁵ If land has been cultivated for more than twenty years, then the cultivator has a right to claim the land or propose that the land is his own. It is then the prerogative of the National Land Agency to issue a certificate of land ownership. The Basic Agrarian Law (BAL 5/1960) contains the most detailed provisions regarding land entitlement, access, and ownership, as well as the criteria for hak adat (customary rights), although there is no specific mention of a twenty year period of cultivation as the final requirement for ownership.

As a rejoinder, Fitzpatrick (2007:141) skilfully argues that Indonesian land law is designed to ensure that underlying conditions of dispossession persist, even if there are exceptional cases and isolated victories. Therefore the recognition and bestowal of customary rights is dependent on discretionary administrative measures taken by authorities in the field, the results of which are revocable, rarely replicable, and would not stand up to legal scrutiny or judicial review.

Neither Fitzpatrick (2007) nor the family from Sendana, however, are aware of the Supreme Court decision in 1991 granting customary land rights to 243 households in sub-district Kajang (discussed in chapter seven). The legal ruling was

¹³⁴ Interview with the head of the Forestry Bureau in Majene on 12 May 2006.

¹³⁵ Interview with one family (names withheld) from Sendana on 10 May 2006.

based on a derivative of squatter's law, where by virtue of persistent cultivation for 28 years the claimants were entitled to remain on the land (measuring 200 hectares).

Definitional and legalistic matters aside, some villagers from Sendana are acutely aware that district regulations in recognition of adat are not a panacea for their tenure insecurities and livelihood struggles. Indeed, it was held that "when the community attempts to claim land" they face many "complications and obstacles," indicative of the political dilemmas reviewed in chapters one and two.¹³⁶

Writing in the context of Central Sulawesi, Li (2007:363) observed that the intention to strengthen the role of adat values and institutions provides a "window into the bureaucratic mind," with mayors and bureau chiefs "imagining how easy it would be to rule over people who are already governed by their adat, whose leaders take responsibility for their conduct".

Rather than succumb to these bureaucratic imaginings, members of Yanmarindo and activists from Tande have stated their commitment to comprehensive processes of community consultation, which would then form the basis for a new round of negotiations over a revised district regulation concerning adat. Judging from the campaign and electoral observations made on 15 May 2006, however, informed public opinion will not be forthcoming, and village consultations may end up being rather more selective than first envisioned.

With few local alternatives, Yanmarindo hopes to align their struggles with new social movements that are high on the agendas of provincial, national or international organisations, including ecological sustainability, indigenous and minority rights, democratic local governance, and pro-poor development. As this process is still in its infancy, the protagonists behind the revival of adat will need to guard against the forces of cooptation and coercion, those factions within the district with an interest in continuity and orderly rule.

¹³⁶ Interview with one family (names withheld) from Sendana on 10 May 2006.

Adat and the Bureaucratic Mind in Palopo

The final case study concerns the coastal township of Palopo, which was the former centre of the Luwu kingdom and played a vital role in the administration of peripheral domains, vassals and tributaries. Adat disputes that could not be resolved locally would be brought to the court of Palopo for adjudication. After independence Luwu became a district within the new administrative hierarchy of the Republic of Indonesia, with Palopo as its capital.

There is a keen (and sometimes cynical) interest in Palopo to revive notions of its “golden age” that antedate the modern era (VOC onwards). This is represented most obviously by the great Bugis chronicle *I La Galigo*.¹³⁷ From a bureaucratic perspective, adat revivalism offers a variety of opportunities, particularly in terms of tourism, trade, and efficient governance. These are encapsulated in the mayor’s broad vision for his city, set out in an officialising strategy called the “Seven Dimensions”.¹³⁸

The fourth dimension of the mayor’s political programme involves “custom and culture,” the rediscovery and promotion of Luwu’s history to ensure that successive generations do not lose their sense of identity, loyalty, and belonging.¹³⁹ Budgetary allocations have thus been approved for the restoration of historical sites in Palopo, and regulations have been drafted (though not yet approved) for the revitalisation of adat institutions and governing structures at the village level. The draft regulation replicates those found in Gowa and Majene, claiming to “preserve, empower and develop customary institutions, customs and traditions” so long as they do not contradict any higher laws or the national interest.¹⁴⁰

In relation to efficient governance, Li’s (2007:363) characterisation of the “bureaucratic mind” certainly applies in Palopo, where officials expected that recognition of adat would encourage people to take responsibility for their own affairs

¹³⁷ See Abidin (1971) for more on the *I La Galigo* and other historical chronicles from Sulawesi.

¹³⁸ Interview with H.P.A. Tenriadjeng, mayor of Palopo, on 01 March 2006.

¹³⁹ Interview with H.P.A. Tenriadjeng, mayor of Palopo, on 01 March 2006.

¹⁴⁰ Government of Palopo draft regulation proposed by the mayor (H.P.A. Tenriadjeng) and the secretary (H.M. Jaya).

and resolve local issues autonomously. According to the mayor, adat institutions can only be permitted to handle social relations at village level, and do not constitute a functioning system of governance.¹⁴¹ Autonomy is thus viewed in a narrow sense, as officials guard against the empowerment of local constituencies that may present a political challenge to their authority in the future.

The notion that “full freedoms” could be afforded to these communities was dismissed by the mayor, who warned of isolationism, separatism, and incompatibility with the unitary state and Pancasila.¹⁴² However, if adat communities wanted to be formally recognised, they were welcome to come to Palopo to be registered by the government, though the mayor doubts that Luwu’s approximately 215 distinct adat communities would heed this call. Recognition was reserved for customs, culture and symbols, to be used as a support mechanism for the township of Palopo to monitor and collect data about its diverse constituencies. Any attempt to conflate notions of rights and recognition would cross into the realm of oppositional politics and thus has been rejected from the outset.

Beyond the instrumentalisation of adat for myopic bureaucratic purposes, there is an emerging associational network in Palopo dedicated to political struggle and oppositional campaigning. Foremost in this network is the Sawerigading Earth Foundation (Yayasan Bumi Sawerigading or YBS). Though based in Palopo, this foundation’s activities and networks extend throughout South and Central Sulawesi.¹⁴³ YBS features prominently in the struggles for recognition in Seko, North Luwu (see chapter four), as well as Tana Toraja district (see chapter five).

Another noteworthy umbrella organisation based in Palopo is the To Tana Lalong Customary Deliberative Council (Dewan Musyawarah Adat To Tana Lalong) founded by Daud Pakondongan Tandigau. This council claims to represent the customary territories of Rongkong, Seko, Masapi, and Rampi. A variety of strategies are being deployed in the effort to secure official recognition for these territories,

¹⁴¹ Interview with H.P.A. Tenriadjeng, mayor of Palopo, on 01 March 2006.

¹⁴² Interview with H.P.A. Tenriadjeng, mayor of Palopo, on 01 March 2006.

¹⁴³ According to YBS’s ‘Organisational Profile’ (Profil Lembaga) obtained at YBS Palopo on 27 February 2006.

along with the protection, preservation and development of local adat communities. The first manoeuvre by Tandigau was to register 32 adat communities from these isolated territories with AMAN in May 2001.¹⁴⁴

Since its inception, Tandigau has been steering the To Tana Lalong Council towards environmentalism and the promotion of kearifan lokal (local wisdom), confronting plantation and extractive companies for human rights violations and ecological degradation.¹⁴⁵ One example of confrontation was the Seko Fajar tea plantation that was allegedly awarded concession rights over 70,000 hectares in Seko, North Luwu in 1992. With the death of Haj Musa, the owner of Seko Fajar, in 1998, tea production ceased, though there are many other prospective investors.¹⁴⁶

While still committed to AMAN's defining slogan from 1999 ("if the state does not recognise us, we will not recognise the state"), Tandigau is markedly sceptical about the intentions behind district regulations as well as their efficacy. Rather than publicly endorsing the mayor of Palopo's proposed regulation on adat, which is little more than an officialising and instrumentalist bureaucratic procedure, Tandigau has been lobbying for specific development projects.¹⁴⁷ These are primarily infrastructure projects, such as the construction of bridges and service roads to improve access to remote adat territories, as well as a proposed "miniature theme park" (taman mini) located in Rongkong, representing Luwu's diverse indigenous communities.

If Tandigau and the To Tana Lalong Council are opposed to bureaucratic capture in principle, they have in practice emulated the notations of the state by forming a trustee organisation (Lembaga Adat Rongkong) with the capacity to enact regulations and make proclamations on behalf of local communities. The first order of business was to promulgate a decree setting out the organisational structure and

¹⁴⁴ Registration forms contained in AMAN's national secretariat database in Jakarta. Tandigau was also one of the founders of AMAN, playing a pivotal role in the first national congress (KMAN I) in Jakarta in 1999.

¹⁴⁵ Interview with Daud Pakondongan Tandigau in Palopo on 27 February 2006.

¹⁴⁶ The family of Haj Musa accused Tandigau of "using magic" to kill him.

¹⁴⁷ Interview with Daud Pakondongan Tandigau in Palopo on 27 February 2006.

membership criteria of the Lembaga Adat Rongkong.¹⁴⁸ The next step was to mobilise support for a day of rituals called “Ma’bua Kalebu” held on 12 January 2006 in order to celebrate the rich heritage and customs of Luwu.

The mayor of Palopo, who admitted in an interview to being opposed to any notion or interpretation of adat rights that was linked to land claims and resource entitlements, was quick to endorse this cultural celebration by co-signing an “Official Report” of the event itinerary along with Tandigau.¹⁴⁹ This same pattern has been replicated in East Luwu where the district government has enthusiastically promoted Bugis cultural events, and PT Inco, the major nickel mining corporation, has commissioned reports on ancient oral traditions. In each case, it was hoped that adat revivalism could be reduced to a form of “museumisation and showcasing” without the political connotations, thus detracting from the pursuit of tangible (potentially threatening) objectives such as land reclaiming and resource entitlement (Erb 2007:247-248).

Conclusion

It has been acknowledged that, in some instances, local negotiations will result in the granting of semi-formal land use rights from district officials; however, for many observers this does not constitute an adequate solution to the wider problems of community dispossession in eastern Indonesia, particularly the “right of control” principle that favours the state in national law and forestry department policy (Fitzpatrick 2007:138).

Further, it has been argued that the new adat regulations promulgated at district level signify symbolic reform at best; while appearing to recognise traditional communal rights, the reality is that the underlying conditions of dispossession remain in place (Fitzpatrick 2007:141). In this view, encouraging local activists to pursue standard-form district regulations may serve as diversion, as a move away from

¹⁴⁸ Based on Decree Number 65/DAR-TM/XII/2005 issued by the Lembaga Adat Rongkong on 11 December 2005.

¹⁴⁹ Based on Official Report Number 66/DAR-TM/I/2006 co-signed by Tenriadjeng (the mayor) and Tandigau.

oppositional politics. In other words, it may undermine the emancipatory spirit of local movements, reducing the efforts of activists to singular, instrumental, issue-area challenges rather than structural or systemic challenges against constitutive political conditions.

The formal recognition of adat communities as bearers of rights is thus rendered vague, as something akin to the Dutch colonial principle of *volksverheffing*.¹⁵⁰ It does not automatically confer land title, lead to the bestowal of land, or secure the payment of compensation. Stated simply, the preferred strategy in search of recognition of adat rights does not dismantle the dominant logic of the state, it merely reconfigures it (Kinsella 2005:255). Some observers have therefore criticised organisations such as AMAN for their pursuit of “legislation empowering adat communities as if they existed as distinct, harmonious, self-regulating entities,” suggesting a failure on the part of activists to critically examine the complexities and political realities of local communities “on the ground” (Bourchier 2007:123).

Examples of these realities include the fact that adat communities may not be coherent or self-managing, that they have long histories of interaction with outsiders and thus cannot be “discreet entities,” and that cultural essentialism may potentially sharpen distinctions between communities, culminating in horizontal conflicts, or oppression within communities (Bourchier 2007:124). There are also allegations that local governments may benefit from the promulgation of adat regulations as it allows them to exploit resources and enhance administrative legibility (McCarthy 2004:1216). Under the guise of local autonomy, dominant modes of clientelism are not only preserved, but they are often extended. While the integration of adat into local law “affords no real rights” to constituents, it does serve as “a cover for the government” to capture local processes, extract rents, and maintain networks of patronage and clientelism (Moniaga 2007:289).

Research in Central Sulawesi seems to confirm these suspicions, revealing the tendency for district governments to replicate regulations concerning adat, which are “copied directly from the national regulations on village and regional autonomy,” and

¹⁵⁰ *Volksverheffing* refers to “lifting the population from their situation” (Weber et al. 2003:409).

thus “have not been drafted in the region with a view to addressing regional realities and concerns” (Li 2007:364).¹⁵¹ This was also the case in South Sulawesi, where identical regulations were passed in Majene, Jeneponto and Gowa about ‘Empowering, Preserving and Developing Customs, Traditions and Customary Institutions.’

Taking their cues from the decentralisation laws of 1999, mayors and district officials have sought to retain (or impose) institutional control by “creating categories of action, fixed meanings, [and] shaping subjectivities” (Barnett and Finnemore 2005:179). In order for this form of control to materialise, the objects of governance must be “locked in to various forms of institutional and structural power” (Muppidi 2005:283).

In Gowa, Majene, and Palopo districts, where adat revivalism has been domesticated by subtle and diffuse regulatory processes, manifestations of institutional power have been most visible. Consistent with the bureaucratic imperatives of the district, control has been achieved indirectly, with attempts to penetrate into peripheral (socially distant) domains without coercion or compulsion (Barnett and Duvall 2005:16).

Indeed, as the mayor of Palopo stated, adat communities are encouraged to voluntarily register with the government, which would appear to promote local autonomy while actually enhancing surveillance and the monitoring of peripheral constituencies. There was never any indication that the government would extend this formal recognition of adat to include notions of rights over land and resources, nor allow the revitalisation of antedated systems of governance beyond simple village affairs.

Thus through the calculus of “agenda setting,” officials are able to dictate the range of permissible actions, limit the choices of dependent actors (those with fewer resources), impose subtle behavioural constraints, perpetuate governing biases and privileges, and embed power asymmetries and differentials. Regional activists and trustees are building local partnerships in Majene in order to overcome these forms of

¹⁵¹ Such regulations have been promulgated in the districts of Poso and Donggala, Central Sulawesi.

institutional control. However, their first order of business has been to undertake community consultation in order to legitimate calls for the revision of a redundant district regulation.

When mobilising traditional notions of adat for thoroughly modern political projects, therefore, one must consider what exactly is being represented. Writing on the phenomenon of the return of the sultans, van Klinken (2007a:157) found that some revival efforts have been “complete symbolic reinventions,” the original entity having faded in the mists of time, meaning there is “no longer any question of a living connection”.

In the cases examined in this chapter, there are living connections to adat (albeit tenuous and broadly defined) which are being reinvented as optimal bureaucratic tools, objects of tourism, authentic platforms for rights-based struggles, and justifications for infrastructure projects with potentially disastrous environmental implications. By foregrounding indigenous issues, therefore, perceptions of customs and traditions have been largely inflected by external ideas, domesticated by institutional power, and captured by subtle, diffuse regulatory processes.

Given that most activists and village representatives willingly engage in these domesticating processes, they are largely responsible for the outcomes. Their cases now at the foreground, the protagonists of adat revivalism from Gowa, Majene and Palopo appear to have a long process ahead before the visible manifestations of their struggles lead to substantive, emancipatory changes on the ground.

Chapter Four: Recognition of the Seko Domain

In the cases of Gowa, Majene and Palopo (chapter three) it was found that the process of adat revivalism was largely captured by bureaucrats and channelled into the patterned regularity of the state. Many local activists were found to have willingly subscribed to this process. This chapter revisits the debate surrounding rights and recognition in the context of the Seko customary domain in North Luwu district. Unlike the previous cases examined, adat revivalism and public participation in Seko has become intermingled with international donor projects.

In Majene, it was established that an increasingly associational and network-oriented public sphere was eager to court international donors, promising to undertake comprehensive village consultations. The ultimate objective was the revision of an older, redundant regulation concerning adat, replacing it with legislation that would provide activists with a legitimate basis for further political struggles. In Seko this process has already occurred, and therefore needs to be reviewed in detail, for most adat communities and their allies in Sulawesi are committed to similar procedural struggles in search of recognition.

Along with primary document analysis, key informants responsible for negotiations on behalf of the Seko community were interviewed in Masamba (the capital of North Luwu district), Palopo (headquarters of Sawerigading Earth Foundation–YBS), Palu (capital of Central Sulawesi province), Makassar, and Kendari (capital of Southeast Sulawesi province). In the absence of firsthand field research in Seko, these sources have been rigorously cross-checked to determine their reliability. Furthermore, this chapter critically examines the available records and testimony concerning the multi-party negotiations and processes of community consultation that have taken place in Seko, drawing on detailed and voluminous reports from NGOs, government agencies, and international donors, as well as key semi-structured interviews.

As Li (2007) observed, most regulations concerning adat promulgated in Sulawesi are copied directly from higher laws without local differentiation, and then

replicated by district governments with limited regard for local political realities. In the Seko territories as well as Tana Toraja district, this officialising regulatory trend has to some extent been broken. Specific stipulations regarding the return to customary governance, village autonomy, and control over land have for the first time been included in district regulations and mayoral decrees.

While some scholars allude to these types of local ordinances (in recognition of adat), there are no comprehensive studies of the negotiation processes that precede the passing of such ordinances, no thorough analysis of their content, and therefore little commentary on the divergent political interests involved. Therefore, this chapter sets out to fill this gap by foregrounding the specific case of Seko, where a plethora of actors are engaged in negotiations about the nature and legitimacy of adat claims. With constructivist and instrumentalist debates in mind, the perceptions and positions of all key protagonists are examined, including village leaders, NGO activists, third-party mediators, and government officials. This concludes with an assessment of the real political consequences of adat regulations in highly contested areas.

Background: Seko

Very little has been written about the history, politics, customs, and geography of Seko. Suwito (2006), having published a short pamphlet about land tenure in Seko, provides the most detailed account. In their study of decentralisation and forestry, Ngakan et al. (2005) mention Seko in passing. Caldwell (1991) remarked upon the importance of a lucrative fifteenth century trade route that ran through the fertile Seko valley. Ngelow (2004) refers briefly to the immense suffering of Christians from the Rongkong and Seko territories of North Luwu during the Darul Islam rebellion. Finally, Zerner (1981) has written about iron forging and smiths in Toraja and Seko, focusing on the swords and keris (traditional daggers) of the ancestors. The following background section is based primarily on Suwito's (2006) work, and supplemented by interview material.

The customary territories of Seko are located approximately 90 kilometres inland from Masamba, the district capital of North Luwu. Still largely forested, the

Seko domain measures approximately 211,030 hectares, and is inhabited by some 12,735 people.¹⁵² Administratively, Seko is divided into three regions, known as Seko Lemo, Seko Tengah, and Seko Padang, within which there are nine officially recognised customary law territories (*wilayah hukum adat*).¹⁵³

There are many natural features that define the Seko landscape and capture the imagination of its inhabitants. For instance, two rivers flow through this domain, the Betue and Uro Rivers, and there are mountain ranges with three visible peaks that stand out, which are Kambuno mountain to the southeast, Malimongan mountain to the west, and Kasinturu mountain to the north (Suwito 2006:14).

Recent research has uncovered several sites within Seko that are symbolically important, all of which contain rock formations that resemble different aspects of village life. These include rock formations that resemble water buffalo in the Turong territory, three human shapes in Hoyane territory, and a mortar (for pounding rice) along with a hearth (for cooking) in Hono territory (Suwito 2006:15).

According to local legend, a ritual called Sallombengan was to be performed annually by the Seko communities in order to ensure peace and safety (Suwito 2006:14). During the ritual there are expressions of gratitude to God, community deliberations, as well as art and cultural performances. The term Sallombengan roughly means a string of beads consisting of a variety of shapes and sizes, signifying ethnic variation, social status and economic conditions throughout the nine distinct *adat* territories of Seko (Suwito 2006:14).

While there is no written evidence, local informants suggest that a system of governance called the *lipu* is indigenous to Seko, though it only became operational following colonial restructuring in the early 1900s (Suwito 2006:14). The hierarchical *desa* model from Java is structured vertically while the *lipu* delegates power horizontally, with an elected leader and a cabinet responsible for all aspects of village

¹⁵² According to membership data obtained at the National Secretariat of AMAN in Jakarta on 23 November 2005.

¹⁵³ The nine customary territories of Seko are: Singkalong, Turong, Lodang, Hono, Ambalong, Hoyane, Pohoneang, Kariango, and Beropa.

governance.¹⁵⁴ This includes areas such as law, security, agriculture, forestry, health, communications, property, and religion. The leadership structure has historically been decentralised, with one leader in each territory known by one of the following titles: To Bara', To Key, or To Mokaka.¹⁵⁵ Local decision-making is based on the principles of musyawarah (deliberation) and mufakat (consensus), as well as consultative processes that encourage popular participation and rule by consensus.

While some of these historical features may persist, it must be recognised that a series of intrusions have largely undermined the traditional systems of governance throughout Luwu. These include the colonial legacy that brought forced cultivation and missionary activity, the Darul Islam rebellions that displaced so many in Sulawesi, and New Order era standardisation policies such as Village Law Number 5/1979.

In accordance with the ratification of Law Number 21/1950, Sulawesi joined the unitary Republic of Indonesia, and each of the major kingdoms (Luwu, Gowa, and Bone) became diminutive districts, standardised administrative units in a newly-united Republic. In the same year, Emergency Statute Number I/1950 was issued in order to unify the structures of governance and the powers of the civil courts, leading to the abolishment of most of Indonesia's adat courts (Bourchier 2007:118). Sulawesi was then reorganised into four separate provinces based on Law Number 47/1960. Gradually, Javanese desa-style systems of village governance were imposed, contributing to the overall decline of adat leadership and the severance of the chains of oral history throughout Sulawesi.

Recent efforts to revitalise the traditional systems of governance in the Seko domain have been hindered by this legacy. Local disagreement and divergent interpretations of adat are the result of this severed chain as mentioned above. There are very few ketua adat (tribal elders) and pemangku adat (customary leaders) with a complete knowledge of traditional systems, making it hard to reach consensus.

¹⁵⁴ Interview with Sahbuddin Umar, executive director of YBS Palopo, on 27 February 2006.

¹⁵⁵ According to the Draft Regional Regulation about 'Recognition of the Seko Customary Community and their Rights over Natural Resources,' obtained at YBS Palopo on 27 February 2006.

In an effort to overcome these obstacles, a collaborative effort has been undertaken by a network of donors and activists determined to engage in a thoroughly modern political struggle for the rights of Seko communities. As a result, the revival of adat has been linked with a variety of political campaigns, ranging from forestry preservation and resource management to poverty reduction and good governance.

Intervention in Seko

North Luwu is the largest district in South Sulawesi, covered mainly by tropical rainforest consisting of several high-value commercial timber species (Ngakan et al. 2005:5). As well as wet tropical forests, the district contains swamp-forest ecosystems which also “provide valuable ecological and financial services to local communities, including water source preservation, non-timber forest product collection, timber production, eco-tourism, etc.” (Ngakan et al. 2005:5).¹⁵⁶

Rainforests cover some 72.86 per cent of district land, which is the equivalent of 1,045,273 hectares; 55 per cent of these forests are hutan lindung (protected), fifteen per cent are designated as cagar alam (nature reserves), and the remaining 30 per cent is open to hutan produksi terbatas (limited production), according to 2001 figures (Ngakan et al. 2005:7).¹⁵⁷ Focusing on the limited production zone of North Luwu, there have been several examples raised by local activists of concession rights granted to companies that threaten livelihoods in the Seko territories.¹⁵⁸

There has been a history of mineral exploration in Seko, the latest being an Australian company called PT North Mining searching for gold and copper deposits in 1997.¹⁵⁹ It is certain that prospective investors are aware of the potential in North

¹⁵⁶ The research team working in North Luwu and led by Ngakan et al. (2005) was sponsored by the Centre for International Forestry Research (CIFOR), Hasanuddin University (UNHAS) Makassar, the Australian Centre for International Agricultural Research (ACIAR), and the Department for International Development (DfID).

¹⁵⁷ Suwito (2003:16), citing figures from 2003, suggests that 63 per cent of forest land in North Luwu is protected, 36 per cent is productive, leaving a mere one per cent of forest land for conservation purposes. On balance, however, the study by Ngakan et al. (2005) seems to have more reliable figures.

¹⁵⁸ Interview with Mahir Takaka from AMAN-SS on 17 February 2006. There are allegedly eight concession permits (HGU) that have been granted in North Luwu, though none are currently operational.

¹⁵⁹ Interview with Mahir Takaka, head of AMAN South Sulawesi, on 17 February 2006.

Luwu's rainforests. However, in contrast to the protracted land disputes examined in Soroako (chapter six) and Kajang (chapter seven) involving entrenched corporate interests, adat revivalism in Seko has not faced the same level of resistance, manipulation, or provocation.

Beginning in 1985, concession rights for 25,000 hectares of land were reportedly obtained by PT Seko Fajar, a tea plantation company, without the knowledge or consent of local communities. This was said to have disrupted the local food system as rice fields were converted into tea plantations.¹⁶⁰ However, it has been reported that extractive activities from this company have ceased.¹⁶¹ According to data published by the district Agency for Forestry and Plantations in North Luwu in 2001, the business licence application of PT Seko Fajar was re-categorised as a Limited Production Forest (HPT) concession, measuring only 975 hectares (Ngakan et al. 2005:38).

Another example was the granting of significant concessions to PT Kendari Tunggal in 1994, allegedly covering some 105,000 hectares of forest land in North Luwu.¹⁶² This productive venture has been met with accusations of environmental mismanagement (leading to floods), local conflicts, and incidents of sexual abuse.¹⁶³ It was reported that, in 2001, local communities from Seko brought their grievances directly to PT Kendari Tunggal, requesting that logging operations cease because of the environmental impact (Ngakan et al. 2005:9).

Forests serve to prevent flooding and soil erosion; therefore, widespread logging in and around Seko was determined to be the cause of severe downstream flooding that destroyed community plantations. It has been reported that a total of five

¹⁶⁰ Interview with Sahbuddin Umar of YBS Palopo on 27 February 2006.

¹⁶¹ Interview with Mahir Takaka from AMAN-SS on 17 February 2006. The granting of such concession rights are also reported by Suwito (2006), as well as members of YBS in Palopo, however the latter gave a figure of 50,000 hectares. As mentioned in chapter three, Daud Pakondongan Tangidau from To Tana Lalong in Palopo confronted the owner Haj Musa and was accused of witchcraft following his death in 1997.

¹⁶² Members of YBS Palopo suggested that the infamous 'Tommy' Suharto, son of former president Suharto, owns PT Kendari Tunggal.

¹⁶³ Interview with Mahir Takaka from AMAN-SS on 17 February 2006.

sub-districts in North Luwu were affected by these floods, and that one family died after drinking water with high mercury content.¹⁶⁴

Since 2002, all forestry concession holders are said to have ceased operations (Ngakan et al. 2005:7). Prior to this, there were records of seven large-scale concessionaries based in North Luwu district, with joint control over approximately 354,525 hectares of land. The cessation of productive operations in North Luwu is explained by the following facts: logging activities were not generating sufficient profits; concession holders were faced with increasing pressure from local communities (land contestations); and the district government introduced additional taxes and levies as well as using its newly devolved authority to impose greater accountability and restrictions on the productive and extractive sectors (Ngakan et al. 2005:7-8).

Arriving at a time when productive activities were minimal, domestic NGOs began courting international donors in 1999 with the aim of formulating a strategy for Seko and raising sufficient funds to implement this strategy. A new organisation called the Alliance of Customary Leaders of Sallombengan Seko (Persekutuan Dewan Pemangku Adat Sallombengan Seko or DPASS) was established to bolster local representation as well as to create a focal point for village activism.¹⁶⁵ Having an organisation with recognisable objectives and structures also presents international donors with a capable partner in the field.

The first formal meeting held by DPASS and associates in Seko reportedly took place on 21 May 1999, in the village of Padang Balua, followed by a seminar in Bengke village on 18 January 2000.¹⁶⁶ From this moment onwards, the revival of adat in Seko has been driven largely by organisations such as AMAN South Sulawesi, YBS Palopo, the Legal Aid Institute (LBH) Makassar branch, the organisation for Legal Revitalisation based on Social and Ecological Reform (HuMa) Jakarta, and

¹⁶⁴ Interview with Sahbuddin Umar of YBS Palopo on 27 February 2006.

¹⁶⁵ According to membership data obtained at the National Secretariat of AMAN in Jakarta on 23 November 2005. The head of DPASS, Mr Jafar M., is also a member of YBS Palopo.

¹⁶⁶ According to the Draft Regional Regulation about 'Recognition of the Seko Customary Community and their Rights over Natural Resources,' obtained at YBS Palopo on 27 February 2006.

Bantaya Palu.¹⁶⁷ Mahir Takaka, the head of AMAN-SS, hails from Seko and makes frequent trips to his village of origin. The aim of these organisations is to secure official recognition of the existence of adat communities, providing a legitimate, legible platform from which to launch specific campaigns for land rights, resource entitlements, and the return to antedated systems of customary government.

Internationally, the UK government's Department for International Development (DfID) deployed a cadre of trustees from the Multi-stakeholder Forestry Programme (MFP) to work in Seko; the Ford Foundation has supported local partners such as HuMa; and the Support Office for Eastern Indonesia (SOfeI), a multi-donor organisation funded mainly by the World Bank, has formed partnerships with indigenous rights activists from AMAN and YBS.

Buoyed by the political transition of May 1998, the international donor community has been seeking out recipients for their well-endowed programmes in support of democratisation, human rights, community-based development, and sustainable environmental management in Indonesia. The Seko territories presented a clear opportunity for the convergence of all these campaigns under the umbrella of adat revivalism.

International donors were therefore able to align their causes and channel resources towards an emerging political movement, one arising organically from the village to be spurred on (and reconfigured) in partnership with local, provincial and national NGOs. Representations are frequently made on behalf of vulnerable or aggrieved adat communities, those thought to be in need of protection from the encroachments of predatory state and business interests.

Since 1998 there has been an "unprecedented ease of global communications," allowing campaigners to "interact directly with their intended beneficiaries" (Henley and Davidson 2007:6). Often the political ideals and struggles of such intended beneficiaries are shaped by their interactions with other actors, as

¹⁶⁷ Bantaya (meaning roughly 'a place to meet' in Kaili) is an environmental and indigenous rights NGO from Palu, Central Sulawesi. Interview with Marce from Bantaya on 23 February 2006.

they are drawn to the “economic resources and media attention which it provides” (Henley and Davidson 2007:6).

Interaction with the global indigenous movement has been characterised as “oxymoronic” in the sense that adat communities such as those in Seko are being embraced under the umbrella of “cosmopolitan nativism” (Henley and Davidson 2007:6). Put another way, the practice of indigenous revival is “determined less by ancestry, culture, or marginality” than by “familiarity with international discourse and the politics of indigenous rights” (Henley and Davidson 2007:6). Therefore, the ongoing construction of adat discourses, the selective accentuation of ethnicity, the patterns of political representation, and the prevalence of clientelism all challenge the authenticity of adat revivalism and related demands for recognition and rights.

Observers have long challenged notions of exemplary communities “eternally fixed in some essentialised past” and constantly equated with “fixity and tradition” (Elmhirst 2001:290). It is important, rather, to recognise the ways in which the local is “actively constructed, imagined and struggled over” (Li 2000:152). Forms of political representation and particular local circumstances may determine the degree to which adat is perceived as genuine, superficial, ephemeral, popular, or politicised. While this is not a perfect science, the search for greater accuracy requires some acknowledgment that notions of antiquity, of golden ages, genealogies, kinships, ancestral bestowals, cultivation patterns, and vibrant oral traditions have some popular resonance. Not all customs and traditions in Seko are wholly invented, nor are all local communities simply imagined. Degrees of popular resonance are evident in Seko, although there are deliberate processes underway to capture and contain the politics of adat.

From the outset, therefore, the challenge has been to examine the ways in which discourses of adat are being framed and constructed over time in order to mobilise or domesticate local communities. In the context of decentralisation, discerning the patterns of political representation, atavism, clientelism, public participation, and the deployment of institutional power are all key to understanding the process of adat revivalism in Seko. One of the MFP benchmarks for success in

Seko was to ensure that their initiatives (political reform and ecological management) did not necessitate the erosion of the “unique character” of the adat communities, nor undermine their solidarity.

Going Global: DfID and the Multi-stakeholder Forestry Programme

In 2000 a bilateral agreement was signed between Indonesia and the United Kingdom allowing for the MFP to begin planning operations. The MFP was a UK government DfID initiative designated for a five-year period (2001–2006) in Indonesia with a budget of approximately £24 million.¹⁶⁸ The Indonesian archipelago covers some 193 million hectares of land, of which approximately 60 per cent is under the nominal administrative control of the Ministry of Forestry (MFP 2006a:2). Therefore from the outset MFP planners sought to ensure that their objectives were compatible with those of the Ministry (combating illegal logging, revitalising forest-based industries, conserving the natural habitat).

In the Sulawesi regional branch, MFP headquarters was located in Kendari, the capital of Southeast Sulawesi province. It is estimated that between 1985 and 1997 some 29 per cent (3,242,050 hectares) of forestland in Sulawesi was destroyed (MFP 2006b:2). The devolution of authority to district-level government created an opportunity for local stakeholders to cooperate in slowing or even reversing this unsustainable trend. In procedural terms, the authority of a newly empowered, autonomous district covers the following: district government agencies, harbours, airfields, residential zones, industrial zones, mining zones, plantation zones, forestry zones, tourist sites, highways, and related areas within a specific jurisdiction.¹⁶⁹

District authorities are meant to exercise control over mining, plantations, fisheries and forests that fall within their administrative boundaries, which suggests that, in theory, they are to manage all concessions, contracts and licenses for the extraction of natural resources within their designated borders. However problems

¹⁶⁸ Interview with Anas Nikoia, regional facilitator of MFP-Sulawesi, on 11 March 2006.

¹⁶⁹ Government of Indonesia, *Undang-Undang Nomor 22/1999 tentang Pemerintahan Daerah*. As stipulated in Article 119[1].

arise when district governments attempt to exercise real authority over resources and lands within their jurisdiction.

Central ministries responsible for mining, fisheries and forestry, for instance, continue to operate under conditions where central planning is paramount and their jurisdiction extends throughout the archipelago. Decentralisation is therefore loosely interpreted as a process whereby district actors must only be notified of concessions, contracts and licenses issued from the centre and carried out in the periphery.¹⁷⁰ Moreover, the granting of concession rights often transcends district boundaries, involving multiple district authorities in protracted negotiations. Mayors often rely on the advice or intervention of provincial authorities or even central ministries in order to resolve such disputes.

District authorities continue to be wary of the central Ministry of Forestry, which has regained significant power and influence after years of extreme decentralisation.¹⁷¹ Since the implementation of decentralisation, district authorities have attempted to exercise control over the issuance of small-scale concessions and commercial permits.¹⁷² By contrast, all policies with a major impact on forestry development continue to be controlled by the central ministry; these include forest area designation, zoning, forestland conversion, and the granting of permits for large commercial concessions (Ngakan et al. 2005:37).

In some ways, any progress made in Seko is a welcome departure from the rigid centralisation of the past, when planning directives filtered down from Jakarta and forest-dependant communities were constantly excluded from deliberations over land use policy.¹⁷³ Conversely, policy advisors from CIFOR (Moeliono and Godwin 2004) and the MFP have reservations about decentralisation, suggesting that the rate

¹⁷⁰ Interview with Anas Nikoia of MFP-Sulawesi on 11 March 2006.

¹⁷¹ Interview with Anas Nikoia. As part of the devolution process, district government has been granted the authority to issue or revoke small-scale concessions.

¹⁷² According to Ngakan et al. (2005:37) small-scale concessions and commercial permits that are within the sphere of control of the district include Timber Utilisation Permits for Privately-Owned Land (IPKTM), Timber Utilisation Permits for Community Forests (IPKR), and Permits for Harvesting Non-Timber Forest Products (NTFPs).

¹⁷³ Interview with Anas Nikoia of MFP-Sulawesi on 11 March 2006.

of deforestation will only increase, reaching critical levels in the near future, if regional policy is not brought under control.¹⁷⁴

The vices of irresponsible forest management, along with new fiscal and budgetary pressures faced by inexperienced district governments, are said to have precipitated the uncontrolled exploitation of forest resources (MFP 2006b:2). The district Forestry Agency in North Luwu, for its part, has also expressed concerns about land use and management, suggesting that forest preservation cannot be handled by the government alone, but rather requires an integrated effort involving all stakeholders, from international donors to local communities.¹⁷⁵

Initial efforts to promote broad political reforms in North Luwu, such as good governance and sustainable forest management, were not intended to delve into the complex realm of indigenous rights; however it quickly became apparent that these issues were inseparable.¹⁷⁶ MFP facilitators thus endorsed the revival of adat in Seko, focusing on the convergence of two key issues: sustainable forest management and indigenous rights, both of which required effective governance at the district level. It was determined that programmes could be instituted most effectively by working with the existing customary authorities. In villages where these authorities were found to have been “neutered” (Erb 2007:263), particular emphasis was placed upon revitalising adat structures and institutions. Thus the finely tuned and selective deployment of history was encouraged in order to build working partnerships at the village level.

In terms of building partnerships, prior to the arrival of the MFP local NGOs had little experience in formulating proposals or running programmes; rather, they often took directives from larger trustee NGOs in Jakarta and then formed local committees to carry out these directives.¹⁷⁷ In order to reduce local dependency, MFP facilitators undertook a strategy of “cultivating” a new generation of independent

¹⁷⁴ Interview with Abdul Madjid Sallatu, Director of the Institute for Local Social Development, University of Hasanuddin, Makassar, on 14 February 2006.

¹⁷⁵ Interview with Sam Sumastomo, head of the Forestry Department, North Luwu district, on 22 April 2006.

¹⁷⁶ Interview with Anas Nikoia on 11 March 2006.

¹⁷⁷ Interview with Anas Nikoia of MFP-Sulawesi on 11 March 2006.

activists capable of drafting their own project proposals, developing their own political concepts, and finding their own sources of funding.¹⁷⁸

One way this transpires is through the imposition of models of economic rationality, making farmers out of peasants and cultivating a new generation of activists, which threatens to upend familial ties and divide the community. This is not the same as a repressive state apparatus implementing agrarian policies that disenfranchise rural communities; rather, it is more subtle and diffuse, and less coercive. Control in this sense is institutional, manifested through agenda setting (controlling actions, limiting choice, constraining behaviour, perpetuating power differentials).

Here we are reminded of the analysis set out in chapter one, where institutional control depends on degrees of “patterned regularity” (Biersteker 1992:104) and “routinised behaviour” (Rosenau 1992:7), achieved through national laws, district regulations and local ordinances. International development agencies and donors such as the UK government’s DfID play a key role in the categorising of actions and the shaping of subjectivities, for instance by intervening locally in order to dictate the framework and minutia of the development agenda.

MFP facilitators not only encountered manipulation and misrepresentation at the village level, but also divergent and incompatible interpretations of land use. For instance, MFP’s rationalising principles such as efficient forest management and conservation were often rejected by local adat communities. One solution was to undertake an exhaustive process of community consultation in Seko in order to satisfy detractors of the inclusiveness of local dialogue and the empowering potential of community-based forestry.

Given that consensus within and between villages is rarely reached, the MFP’s modernising language was often adopted by default, setting local agendas and forming the content of proposed regulations to be sent to district parliament for review. This was then endorsed by MFP’s carefully selected local partners from YBS, AMAN-SS and DPASS, who form another level of trustees working to domesticate

¹⁷⁸ Interview with Anas Nikoia on 11 March 2006.

their village constituencies. Despite the best laid plans, however, the process of cultivating activists and shaping subjectivities (constructivism) in highly charged political settings is never guaranteed. This is particularly salient in cases such as Seko, where villagers are encouraged to mobilise around primordial notions of customary land rights and entitlements (pioneering cultivation, ancestral bestowal, bequeathed lands).

According to members of AMAN Jakarta, following the passing of the framework decentralisation laws in 1999 local authorities responded to the changing political climate by encouraging association, participation, press freedoms, and multi-party negotiation.¹⁷⁹ This was particularly relevant in relation to the issuance of land concessions. However, it is important to question the extent to which these reforms were part of the asymmetric agenda setting and institutional control mentioned above. From the perspective of AMAN, the positive spin put on these reforms did not alleviate concerns about the impartiality of environmental impact assessments (AMDAL), or the reluctance of government to hold concessionaries to account for the adverse effects felt by forest-dependent communities.¹⁸⁰

It is widely felt in AMAN that members of district government agencies, working in tandem with business interests (their supposed natural allies), were able to effectively ignore community concerns while maintaining the appearance of an inclusive, participatory process.¹⁸¹ One method was to gather, cajole, or pay for signatures from villagers claiming to represent adat communities in contested areas. All such claims are difficult to verify, raising deeper questions about political representation. AMAN has established criteria for membership which are quite specific. Members of adat communities must live in accordance with the lifeways and traditions of their ancestors, located within an autonomous, customary law territory,

¹⁷⁹ Interview with Yuyun Indradi from the National Secretariat of AMAN in Jakarta on 23 November 2005.

¹⁸⁰ Interview with Yuyun Indradi of AMAN on 23 November 2005.

¹⁸¹ Interview with Emil Kleden, director of the National Secretariat of AMAN, on 23 November 2005.

exercising control over land, natural resources, governance, and social functions.¹⁸² However, these criteria are subject to constant renegotiation in the field.

In order to “prove” that there was local support for their initiatives, whether proposed development projects, compensation packages, or the granting of forestry concessions, power brokers have reconstructed notions of indigenous identity and boundaries. Authorities responsible for approving proposals for the productive use of forests were thus able to bypass the actual communities that would be affected, and which were likely to raise objections. This has all the trappings of clientelism, where powerful patrons galvanise relatively weak or poor communities and form factions which fight to gain privileged access to resources, contracts, and lucrative lands (Szeftel 2000:430).

Research has shown that the adat communities of North Luwu have a tendency to confuse official designations of land, in particular those concerning customary forests (Ngakan et al. 2005:53). Where an “adat system” is recognised and adhered to, customary land ownership derives from the principle of first cultivation, passed on through a system of inheritance to each new generation, to be bought, sold or allocated accordingly. Customary land claims throughout Indonesia tend to be based on similar criteria, such as histories of forest utilisation, delineation of territorial borders, and evidence of ancestral links to the forest, usually in the form of customary regulations, lontará, ancient burial sites, plantations, and landmarks.

However, these criteria for delineating territory and enforcing customary tenure are not recognised under state law. They are incompatible with Forestry Law Number 41/1999, for instance, which stipulates that customary forests are state lands that may be managed by the customary community, but this must not deviate from the official designation of the lands.¹⁸³ Therefore, if the forests had already been

¹⁸² As defined on the AMAN National Secretariat membership form.

¹⁸³ Government of Indonesia, *Undang-Undang Nomor 41/1999 tentang Kehutanan*. Chapter 1 Article 1[6] defined ‘customary forests’ as state forests located in zones of customary jurisdiction; Chapter 2 Article 5[2] states that ‘customary forests’ may be designated as such so long as they exist in reality and this existence is recognized.

designated as a conservation zone, then customary communities that have been granted managerial rights would be prohibited from selling or cultivating the land.

It has been recommended by the joint research team led by CIFOR that, rather than struggle for the recognition of customary land ownership, which is legally ambiguous, the villagers of North Luwu should strive to have their forests “officially acknowledged as individually or collectively owned (*hutan hak milik*); this would allow them to manage the forests for either subsistence or commercial purposes” (Ngakan et al. 2005:54). This recommendation was not received well in the sample villages surveyed in North Luwu.¹⁸⁴

The following points of contention were raised: firstly, it was considered unfair that adat community members should be bound by formal property rights laws, the likes of which they had never been informed of or consulted over; secondly, forest boundaries were imposed by the state without village consultation, and were not clearly mapped; and finally, there is no formal law that provides a reliable framework for allocating property rights to the poor (Ngakan et al. 2005:54).

One of the conclusions reached by researchers in North Luwu was the “urgent need to facilitate both parties (government and local communities) to promote more active consultation and collaboration on setting up a property rights regime for the future” (Ngakan et al. 2005:54). With these critical challenges in mind, the main objectives behind all local MFP initiatives were to empower community actors, promote responsible forest cultivation the forests, combat poverty, and facilitate multi-party negotiations.¹⁸⁵

It was determined from the outset that all stakeholders should engage in negotiations over the status of the customary territories of Seko, and that the most effective way to recognise these unique territories was through the formal regulatory process. This process was to be facilitated by DfID through the MFP, and driven by the district government in collaboration with NGOs, focusing on participatory

¹⁸⁴ Collaborative research was conducted by CIFOR, UNHAS, ACIAR and DfID about customary land claims in Sepakat village and Sassa village, North Luwu district (Ngakan et al. 2005).

¹⁸⁵ Interview with Anas Nikoia, regional facilitator for MFP-Sulawesi, on 11 March 2006.

community mapping, legal drafting, public forums, comprehensive community consultation, and timely dissemination.

Cultivating Exemplars: The Seko Experience

As stated in the MFP core objectives for the Seko initiative, all proposals must originate from the village and the forest-dependent communities of Seko must be the primary actors responsible for forest cultivation and management.¹⁸⁶ As the previous section indicated, these objectives are combined with efforts to cultivate new generations of local activists willing to subscribe to international discourses of forest management and rational entrepreneurialism. In order to bolster their reformist credentials and offset potential criticisms, MFP operators delegated the task of gauging local opinion through intensive consultation processes to YBS and DPASS.

An initial workshop was held from 15–17 June 2001 in Padang Balua Village, Seko, with the aim of developing a strategy for customary resource management.¹⁸⁷ A comparative study was then arranged whereby volunteers from Seko travelled to the district of Lampung, South Sumatra, to visit communities already involved in drafting regulations concerning the recognition of adat.¹⁸⁸

By the end of 2003 the MFP programme was well established, and citizens' forums, public dissemination workshops, seminars, and village consultations had become regular parts of daily life in Seko. Experts were often invited to consult H. A. Lutfi Mutty, the mayor of North Luwu, about the prospects for a regional regulation acknowledging adat law and land rights in the Seko domain.¹⁸⁹ Consultation papers produced by AMAN-SS, YBS and DPASS were also delivered to the mayor's office detailing community expectations and anxieties, which had evolved significantly since NGOs started campaigning in Seko in 1999.

¹⁸⁶ Interview with Anas Nikoia of MFP-Sulawesi on 11 March 2006.

¹⁸⁷ According to the opening considerations of the Draft Regional Regulation entitled 'Recognition of the Seko Customary Domain and Rights over Natural Resources' provided by YBS Palopo on 27 February 2006.

¹⁸⁸ Interview with Mahir Takaka from AMAN-SS on 17 February 2006. For more on the revival of adat in Lampung, South Sumatra, see Elmhirst (2001).

¹⁸⁹ Interview with Anas Nikoia of MFP-Sulawesi on 11 March 2006.

These consultation papers were based on years of fieldwork and thus reflect the emerging aspirations of the common villagers and peasants of Seko.¹⁹⁰ However, the political language used by NGOs to represent their intended beneficiaries is thoroughly modern, which suggests that testimony recorded in each village was collated and refined prior to being sent to the office of the mayor. It has been found that, in similar cases from Central Sulawesi, NGOs often practiced a form of elitism by “monopolising public relations, publicity, and lobbying in relation to particular communities under their guidance,” practices which threaten to relegate their clients to a position of permanent dependency (Sangaji 2007:330).

Between 2001 and 2003 activists and researchers visited all twelve villages in Seko in order to avoid any accusation of exclusionary practise or elitism.¹⁹¹ During these visitations, meetings were organised so that local adat leaders could participate in the drafting of proposals, the development of key concepts, the clarification (and construction) of community perceptions, and ultimately to approve of a draft version of the regulation to be presented to the district government.¹⁹²

Despite these efforts, the time constraints and shortages of personnel meant that it would not have been possible to verify that the adat leaders participating in these meetings were genuinely representative of the wider community. Based on a degree of nominal consensus, a Memorandum of Understanding (MoU) was signed by the mayor of North Luwu in 2003, confirming that the district parliament would begin negotiations towards the establishment of a regulation in recognition of adat.¹⁹³ Official recognition of the customary domain of Seko, however, required more data and information about the different territories within Seko (geographic, political). In response, the associated members of YBS, DPASS, and AMAN-SS initiated three interrelated programmes in Seko: the first involved participatory mapping of the territories; the second provided legal training at the village level; and the third

¹⁹⁰ Interview with Anas Nikoia of MFP-Sulawesi on 11 March 2006.

¹⁹¹ Interview with Sahbuddin Umar of YBS Palopo on 27 February 2006.

¹⁹² Interview with Anas Nikoia of MFP-Sulawesi on 11 March 2006.

¹⁹³ This would have been possible given the amount of time spent by YBS and AMAN-SS in Seko. Moreover, one member of AMAN-SS actually hails from Seko, and thus has intimate knowledge of the lands, customs, traditions, and the inhabitants of this customary domain.

facilitated the historical documentation of customs and traditions throughout the domain.¹⁹⁴

Having worked towards the establishment of appropriate representative structures for each village in Seko, the next challenge was the training of community representatives for the participatory mapping of the Seko territories. This was a technique increasingly deployed by indigenous rights activists in the Philippines and Indonesia, and has become an integral part of AMAN-SS's regional strategy.¹⁹⁵ The aim is to clearly demarcate the customary boundaries of specific indigenous groups, within which they demand rights over land, resource entitlements, and the freedom to be governed in accordance with antedated systems true to their authentic heritage.

Such training took place in Seko between March 2003 and March 2004.¹⁹⁶ Some villagers are now able to use the technical equipment necessary for participatory mapping, such as Global Positioning Systems (GPS), compasses, and meters. With limited resources and difficult terrain, the mapping of the nine adat territories of Seko required a collective effort. As a result, maps have been produced which can be used as negotiating tools, communities are now aware of the dimensions of their territories, and they have already started preserving their historical and cultural sites.¹⁹⁷

As mentioned, these maps serve to bolster legal claims on a spatial basis, documenting the “presence of human agency,” and advancing the adat claim that “investments of labour confer enduring rights” (Li 2007:339). However, it is argued that “any group can make adat maps of land and natural resources used by its members past and present,” though these are of little help to government agencies

¹⁹⁴ According to the document ‘Final Program Report Program for Promoting Sustainable Resource Management by Adat Communities in the Seko Ecosystem’ dated 20 December 2005, obtained at MFP Head Office in Kendari on 14 June 2006.

¹⁹⁵ For instance, delegates from Indonesia and the Philippines presented papers about land claims and resource entitlement in the ‘ancestral domain’ at the Regional Community Mapping Network Workshop held in Diliman, Quezon City, Philippines from 8–10 November 2004.

¹⁹⁶ According to the opening considerations of the Draft Regional Regulation entitled ‘Recognition of Seko Customary Domain [...]’ provided by YBS Palopo on 27 February 2006.

¹⁹⁷ According to the document ‘Final Program Report [...]’ dated 20 December 2005, obtained at MFP Head Office in Kendari on 14 June 2006.

attempting to identify “which communities qualify for special adat rights protected by national law” (Li 2007:340).

The destructive legacy of the Darul Islam rebellion makes it difficult for activists and local communities to point out sites where their ancestors’ homes once stood, and most of the remnants of ancestral villages in North Luwu have long since been overlain by secondary forest (Ngakan et al. 2005:55). Moreover, where GPS technology has been correctly deployed, the findings may not support the claims being made by village leaders. In Masapi (next to Seko), for instance, adat claims for 500 hectares, based mainly on local recollections of “natural borders” (rivers and mountains), were reduced to only 232 hectares after participatory community mapping efforts, and were found to be located within a larger zone designated as a non-forestry utilisation area according to pre-existing government maps (Ngakan et al. 2005:56).

To fulfil the MoU conditions, a phase of paralegal training was also undertaken at the village level.¹⁹⁸ MFP reports suggest that approximately 30 community members benefited from this training, which bolstered their understanding of law and legislation, legal and administrative hierarchy, and policies that relate to the community-based forestry management. Specifically, there was said to be at least one contact person in each village that possessed some understanding of legal procedure.¹⁹⁹

In order to consolidate local understandings of the legislative process, AMAN-SS, YBS, and DPASS extended their training program to include legal drafting.²⁰⁰ Members of the adat community were expected to be able to draft their own regulations reflecting the diverse interests of the community in a systematic way. The training was specialised, focused on regulations concerning natural resource management, land ownership and customary governance.

Adat communities from neighbouring Rampi, the district of Mamuju in West Sulawesi province, and from Central Sulawesi province were invited to participate,

¹⁹⁸ According to the MFP document ‘Final Program Report [...]’ dated 20 December 2005.

¹⁹⁹ According to the MFP document ‘Final Program Report [...]’ dated 20 December 2005.

²⁰⁰ According to the MFP document ‘Final Program Report [...]’ dated 20 December 2005.

and panels of experts with experience in the Philippines gave consultations on the drafting of regional regulations.²⁰¹ Once the community had been equipped with the necessary tools for negotiation, all stakeholders were gathered together to ensure that the drafting of regulations had a legitimate basis in local customary law.

From 2003 onwards, there was a shift towards activities and initiatives that focused on the drafting of a specific regional regulation for the recognition of adat in the Seko domain. Through the broad political campaign for recognition, activists were hoping to ensure that local adat communities gained control over the lands and resources contained within their designated territories, while simultaneously working towards the reassertion of traditional systems of governance.

From 2003–2004 advocacy networks engaged in lobbying and negotiations with the district government in Masamba, managing to gain an audience with the mayor of North Luwu, H. A. Lutfi Mutty, who proved willing to negotiate. Mr. Mutty has gained a reputation as a reformer, positively embracing decentralisation and governing North Luwu district with competence.²⁰² As a testament to his popularity, he was re-elected for a second term as mayor on 27 June 2005, gaining 47.2 per cent of the overall vote.²⁰³

Final consultations were held in 2004 in order to bring local communities towards consensus on the wording of a final draft regulation. Those working to facilitate each round of meetings did encounter some obstacles. For instance, not all of the communities in Seko were able to attend the meetings because of the difficult terrain and the lack of accessible roads, meaning that communications were delayed and the recommendations were not reaching all concerned parties.²⁰⁴

Certainly there were also villagers that did not subscribe to this process and therefore refused to attend the consultations. Still, the communal fissures and fault lines emerging in Seko were not as damaging as those in Soroako (chapter six) or

²⁰¹ Interview with Mahir Takaka of AMAN-SS on 17 February 2006.

²⁰² Interview with Ryaas Rashid in Bandung on 25 January 2006. Mr Rashid was one of the framers of the original decentralisation laws in Indonesia, working as a minister under the Habibie administration in 1999.

²⁰³ Data published by the General Elections Committee, South Sulawesi Province, on 29 July 2005.

²⁰⁴ According to the MFP document 'Final Program Report [...]'] dated 20 December 2005.

Kajang (chapter seven), where major extractive companies operate. There were some troubling signs from the district government, as many officials on the MFP guest list did not attend the crucial rounds of community deliberations and thus were not willing to be subjected to questioning from local adat leaders.²⁰⁵ Fortunately, the mayor of North Luwu was said to be accessible as well as receptive to the suggestions of the adat communities and their supporters.²⁰⁶

On 8 March 2004 a collective agreement was signed in Masamba by the head of DPASS (B. Usman), the Head of the District Assembly (Dr. H. A. Hasan) and the Mayor (Drs. H. A. Lutfi Mutty).²⁰⁷ This agreement was intended to hold all parties to their commitments towards the drafting of a regional regulation about the ‘Recognition of the Rights of Seko Adat Communities over their Natural Resources’. Later in 2004, however, the mayor released an official statement to the effect that a regional regulation in recognition of Seko was inappropriate, for Seko was but one of the customary domains in North Luwu, existing alongside Rampi, Masapi and Rongkong.²⁰⁸

Prior to this, officials from the National Land Agency in North Luwu had proposed a different policy for addressing customary land claims. According to reports, adat leaders from Masapi were informed that they could obtain official recognition of land ownership if they could “provide proof, or show the natural borders of the claimed areas” (Ngakan et al. 2005:54). However, after sustained deliberation and debate, it was deemed highly inefficient for the district government to undertake separate legislative processes for each customary domain, let alone separate villages. Therefore, the mayor indicated that it was best to formulate one framework regulation for the whole of North Luwu, and then issue specific decrees in recognition of each customary domain in turn.²⁰⁹

²⁰⁵ According to the MFP document ‘Final Program Report [...]’ dated 20 December 2005.

²⁰⁶ Interview with Mahir Takaka from AMAN-SS on 04 May 2006. Members of YBS and MFP also considered the mayor to be relatively professional and affable.

²⁰⁷ According to a document titled ‘Policy Dialogue with Seko Adat Communities in Masamba’ provided by YBS Palopo on 27 February 2006.

²⁰⁸ Interview with Mahir Takaka from AMAN-SS on 04 May 2006.

²⁰⁹ Interview with Mahir Takaka from AMAN-SS on 04 May 2006.

After years of negotiation, Regulation Number 12/2004 about ‘Empowering, Preserving and Developing Customs, Traditions and Customary Institutions’ was promulgated by the mayor of North Luwu on 19 August 2004. This was followed by Mayoral Decree (Surat Keputusan Bupati) North Luwu Number 300/2004 about ‘Recognition of the Seko Customary Domain’ in December 2004. The following section examines these regulations and the strategies for implementation proposed by NGOs with the support of the MFP.

The Politics of Recognition

Based on evidence from Central Sulawesi, Li (2007:365) found that the process of recognising adat through district regulations, as stipulated in the autonomy legislation, captures “the contradictory conundrum of adat in contemporary Indonesia”. Activists venture into remote districts in search of exemplars, natural and authentic systems of customary governance, yet they find adat in need of revitalisation so it can be aligned with contemporary political struggles (Li 2007:365).

In Seko, MFP facilitators intermingled with local activists in order to conduct a sustained campaign for the forestry management and the revival of adat through regulatory processes. Notions of adat were both revived in the primordial sense and reconstructed in the modernist sense. Members of AMAN-SS, YBS and DPASS, while concerned with preservation and continuity in Seko, have simultaneously engaged in a thoroughly modern political campaign. For instance, by undertaking the task of community mapping and the documentation of adat, it was expected that greater control over land and resources would be granted to villagers dependent on the forests for their livelihoods and identity.

While the regulations in North Luwu reflected local realities without any reference to romantic authenticity, they fell short of the demands being made by the Seko communities and their support networks. As Table 4.1 below indicates, there are significant differences between the final draft proposal submitted by YBS on behalf of the Seko communities and the official regulations promulgated by the district government of North Luwu.

Table 4.1: Regulatory Comparison

Proposed Regulation [Draft] 'Recognition of the Seko Customary Community and their Rights over Natural Resources'	District Regulation Number 12/2004 'Empowering, Preserving and Developing Customs, Traditions and Customary Institutions'	Mayoral Decree Number 300/2004 'Recognition of the Seko Customary Domain'
<p>Opening Considerations:</p> <p>(a) that the Seko customary community owns the territory that is rich with natural resources, which is a blessing from God;</p> <p>(f) that the district government of North Luwu must recognise the Seko Customary Community and its rights over natural resources;</p>	<p>Opening Considerations:</p> <p>(b) that in the lands of Luwu there exist customs, traditions and customary institutions that, when recognised by the community, can grow and develop;</p> <p>(c) that the district government must establish a regulation for empowering, preserving and developing customs, traditions and customary institutions;</p>	<p>Opening Considerations:</p> <p>(b) that in the lands of Seko there are customs, traditions and customary institutions that, when recognised by the Seko community, possess the ability to grow and develop in a hereditary manner;</p>
<p>Chapter 1 Article 1[8] The rights of the Seko customary community over natural resources are hereditary rights for authorising and managing these resources both communally and individually;</p>	<p>Omitted → No equivalent section or article</p>	<p>Chapter 1 Article 1[9] The unwritten customary law of Seko is inherited and valid in every customary territory of Seko, and functions to regulate, bind, sanction, honour and defend the values of Seko;</p>
<p>Chapter 2 Article 2</p> <p>The district government recognises the Seko customary community as a community that possesses a customary legal system, customary institutions, and customary rights over natural resources;</p>	<p>Chapter 4 Article 6[1]</p> <p>Customary communities [in North Luwu] have the right to inaugurate customary leaders [pemangku adat], to establish customary regulations that do not contradict higher regulations, and to resolve customary disputes through deliberation [musyawarah]</p>	<p>Chapter 2 Article 2</p> <p>The district government recognises the Seko customary community as a community that possesses a system of values, a system of customary law, and customary institutions;</p>
<p>Chapter 3 Article 10</p> <p>Permission for the use of natural resources in the Seko customary domain cannot be granted without the agreement of the Seko customary community;</p>	<p>Chapter 5 Article 9[4]</p> <p>Regarding the granting of permission by the government for the management and use of state land and natural resources in the customary territories, local customary organisations must be informed;</p>	<p>Chapter 3 Article 10[a]</p> <p>The granting of permission for the use of, and benefit from, natural resources in the territory of Seko must have the agreement of the Seko customary community;</p>

Table 4.1 indicates the key areas of divergence. The main difference is the removal of any indication that adat communities can claim ownership over the resources contained within their territories. Consistent reference is made in the final draft regulation approved of by Seko communities to the rights and ownership of lands and resources within their designated territories. However, in the official regulations all such references are omitted. Mayoral Decree Number 300/2004 dealing specifically with Seko stipulates that the communities are entitled to govern in accordance with customary law; however, when it comes to land ownership and resource extraction, the language contained in the decree is ambiguous.

For critics of community forestry programmes such as the Seko initiative, these final regulations merely point to the futility of such endeavours, which allow activists to entertain the illusion that communities have regained control over their customary lands. It is held that programmes such as the MFP “do not address the basic issues of tenure,” and communal stewardship or managerial rights granted through district regulations do not constitute “clear legal rights to own houses on state forestland, or cultivate crops, or even to exploit forest products” (Fitzpatrick 2007:141). Rather, the communities at the heart of such programmes “retain their status as (at best) revocable licence-holders, mere occupiers who rights depend on administrative discretion rather than clear legal definitions (Fitzpatrick 2007:141).

While these are legitimate criticisms, they are raised with the national context in mind, where legal ambiguity persists and central ministries resist change; however there is no mention of local forestry programmes with the level of commitment shown by the MFP, nor any cases cited where specific communities have been recognised in local ordinances. In Seko, local activists were not satisfied with their achievements, but rather took the promulgation of the two pieces of legislation as a platform for further rights-based struggles.

Even if the Seko programme fails to find a solution to the highly complex dilemma over tenure and resource entitlement, it has introduced the progressive language of sustainable forest management, political participation, and ethnic tolerance into the remote villages of North Luwu. Moreover, it reflects many of the

principles of democratic decentralisation, such as participation, representation and empowerment.

In the preamble to the draft regional regulation submitted by YBS, it is indicated that MFP objectives are considered to be compatible with the rediscovered customs of Seko. Perhaps the most significant aspect of the preamble is the guarantee that “non-members of the Seko community” will be “treated fairly, without discrimination or differentiation”. This is important given the legacy of transmigration in the area, which began in the 1960s. There are many examples of strained, even violent relations between “indigenous” populations and transmigrant communities throughout eastern Indonesia, making this a highly contentious issue.

Indeed, there are very few ethnically homogeneous regions of Indonesia. This is due to instances of spontaneous migration, as well as “social engineering projects” (transmigration, resettlement) carried out by the Indonesian state (Acciaioli 2001:96). Observers have expressed concerns about adat revivalism becoming a “vehicle for mobilising people [that] sharpens distinctions between cultural insiders and outsiders, increasing the potential for horizontal conflict and violence” (Bourchier 2007:124).²¹⁰

Research in the Lindu Plain of Central Sulawesi has found that efforts to revitalise the customary order (concerning governance and land use) has elicited a hostile response from the Bugis settlers (Acciaioli 2001:100). Observers from Lindu note with a “degree of terror” the similarities between their situation and that of Poso, where violent conflict erupted between long-settled Christians and recent Muslim migrants (Acciaioli 2001:100).

In North Luwu district the population is approximately 467,191 (2003 figures), some thirteen per cent of which are listed as transmigrants.²¹¹ There is a significant presence of Javanese, Balinese and Buginese in North Luwu, and these communities tend to have more advanced farming techniques (drainage and pest

²¹⁰ See, for instance, Avonius (2003) on tensions in Lombok; Davidson (2007) on Kalimantan; Duncan (2007) on Maluku; Elmhirst (2001) on Sumatra; and Erb (2007) on Flores.

²¹¹ There are 59,650 transmigrants in North Luwu (thirteen per cent) based on population figures published by the Provincial Government of South Sulawesi, available at: <http://www.sulsel.go.id/wilayah/luwu-utara/>

control) allowing for better crop yields (Ngakan et al. 2005:5). By contrast, it is reported that the indigenous people of North Luwu tend to reside in close proximity to the forests and gather forest produce (rattan or timber) to support their livelihoods, as well as managing fruit plantations for additional income during harvest season (Ngakan et al. 2005:5).

The pressures felt in Seko are similar to those in Lindu, where the adat communities have been working with NGOs in order to represent an environmentalist position that “interprets local custom as a community resource management system” (Acciaioli 2001:99). In contrast to this positive framing, the Bugis migrants tend to interpret adat revivalism and discourses of local wisdom as cynical manoeuvres to offset their own comparative advantage in agrarian technique, and their pioneering entrepreneurialism through the imposition of restrictions on land use and ownership (Acciaioli 2001:99). Given these inherent tensions and competing representations, it is important that efforts to improve communal relations in Seko continue.

Beyond promoting pluralism within Seko, there were other key issues addressed by the MFP network as plans were established for the implementation of regulation 12/2004 and decree 300/2004. These issues included the revival of customary laws, regulations, and modes of governance; the enhancement of communications and public awareness campaigns; and finally, the consolidation of poverty reduction strategies. The following section provides an overview of the final recommendations made by all parties during MFP workshops, followed by an examination of the key issues and challenges.

Implementation: Prospects and Challenges

In 2005, the final year of the MFP, emphasis was placed on implementing the regulations in recognition of adat and continuing dialogue and negotiation between all local parties. YBS and DPASS began by organising a ‘Planning Workshop for the Implementation of Adat Regulations,’ held in Masamba (the capital of North Luwu

district) in March 2005.²¹² All concerned parties were in attendance, including representatives from the Seko community, NGOs, the district government, and universities. This was followed by a final round of village deliberations held in Seko from 17–18 December 2005, in a programme called ‘Promoting Sustainable Natural Resource Management by Adat Communities in the Seko Ecosystem’.²¹³

During the Planning Workshop in March 2005, the district government was asked to provide a funding schedule for Seko (in support of capacity building and institutional development), as well as to verify that the concession rights of PT Seko Fajar and PT Kendari Tunggal had been terminated.²¹⁴ All parties were expected to publish and circulate supplementary adat regulations that had been agreed upon in the villages, particularly those concerning the prohibition of hunting with firearms within the Seko territories, the clear-cutting of trees, slash and burn agriculture, and finally, unlicensed trade in village produce and rattan crafts

Another demand was that access to the rainforests of Seko was to be prohibited without permission from the adat institutions. The procedural legitimacy of these village regulations derives from the newly promulgated district regulation and mayoral decree, and the underlying principle behind all of these proposals is that adat law takes precedence within the territorial borders of Seko. Substantively, however, it is doubtful whether implementation will have any real consequences. This strategy remains contingent on the ability of all parties to improve communications, work towards a collective agreement about natural resource management, devise a strategy to entice donors to the region, and finally clarify specific aspects of adat law and governance that were unique to each territory.²¹⁵

Beyond the revival of adat law, there was much emphasis placed on poverty reduction in Seko, particularly through the sustainable management of profitable primary products (mainly rattan).²¹⁶ It has been reported that (as of 2005) Sulawesi

²¹² According to the MFP document ‘Final Program Report [...]’ dated 20 December 2005.

²¹³ According to the document ‘Narration Report: Process of Village Deliberations in Seko’ dated 25 December 2005, obtained at MFP Head Office in Kendari on 14 June 2006.

²¹⁴ According to the MFP document ‘Final Program Report [...]’ dated 20 December 2005.

²¹⁵ According to the MFP document ‘Narration Report [...]’ dated 25 December 2005.

²¹⁶ According to the MFP document ‘Final Program Report [...]’ dated 20 December 2005.

supplied approximately 89 per cent of all rattan produced in Indonesia (Ngakan et al. 2005:41). Therefore, while the enhanced production of rattan crafts was expected to generate profits for local producers, deficient infrastructure complicated efforts to market their products outside of the Seko territories. Production was also limited as designs and product models lacked variation; the assistance provided by YBS and DPASS in the management and marketing of local produce (coffee, cocoa, rice) was equally inadequate.

There have been some substantive developments such as the building of a library in Seko and the establishment of a community radio station called Sallombengan Seko Station.²¹⁷ While library resources are still limited (mainly covering agriculture), the building hosts the radio studio where the Voice of Seko program is broadcasted, and also serves as the secretariat of DPASS.²¹⁸ The Voice of Seko helps inform audiences about the customary domain, particularly news about current campaigns, activities and agricultural products; however the broadcasting range is still very limited. Overall, it has been estimated that 90 per cent of the budget for all Seko initiatives was provided by the MFP.²¹⁹

After years of intervention in Seko it was expected that, in the absence of external supporters, adat communities would be able to govern their territories in accordance with their own customs and traditions, enforcing prohibitions, imposing sanctions, and holding prospective investors to account.²²⁰ According to reports, however, there was cause to doubt whether these expectations could be met. NGO advocates and activists allege that the district government still maintains its grip on power and officials arrogantly wield their influence in Seko. Moreover, the security apparatus has yet to respect adat law or community demands for autonomy and control over local affairs, as evidenced by their continued hunting with firearms in the Seko territories.²²¹

²¹⁷ Interview with Mahir Takaka and members of AMAN-SS on 17 February 2006.

²¹⁸ According to the document 'Final Program Report [...]' dated 20 December 2005, obtained at MFP Head Office in Kendari on 14 June 2006.

²¹⁹ Interview with Anas Nikoia of MFP-Sulawesi on 11 March 2006.

²²⁰ According to the MFP document 'Final Program Report [...]' dated 20 December 2005.

²²¹ Interview with Sahbuddin Umar and members of YBS Palopo on 27 February 2006.

Research has found that New Order efforts to standardise village administration seriously marginalised customary rule in North Luwu (Ngakan et al. 2005:55). As a policy of containment, the Suharto regime often granted official recognition to particular adat councils and leaders deemed trustworthy or non-threatening. Through the Ministry of Religion and the Ministry of Home Affairs, the regime also incorporated animist and syncretic religions into one of the state sanctioned monotheistic religions. Examples from South Sulawesi include the Council of Customary Leaders in Tana Toraja recognised in 1969 (Bigalke 2005:292), and the mystical Mukhdi Akbar movement of Selayar recognised as Hindu in the mid-1970s (Lucas and de Jong 2000:587). In the 1980s the Department of Education and Culture promoted the architectural traditions of Kajang Dalam, Bulukumba district, whose adat communities are often held to be exemplars of pre-Islamic and pre-colonial Sulawesi (Robinson 1997:81).

Consistent with these officialising strategies, the role of adat leaders in North Luwu were limited to “overseeing social ceremonies” such as traditional marriages and religious occasions, and they “no longer had the authority to regulate the use of the forests in this area” (Ngakan et al. 2005:55). While external intrusions certainly contributed to the cooptation and erosion of customary leadership structures and community lifeways, the impact of internal crises should not be downplayed. Based on reports and testimony from Seko there appears to be a crisis of identity within communities, leading to the abandonment of customary forest management practices, decline in collective land use and ownership with detrimental impacts on local livelihoods, and the desertion of customary laws and regulations.

Despite the efforts of all MFP partners to reverse the legacy of the New Order in Seko, many of their initiatives and programmes have fallen short, for they have yet to generated consensus within the communities.²²² MFP reports show that some community representatives and participants in the final meetings and workshops of 2005 were not committed to the decisions reached, thus obstructing the

²²² According to the MFP document ‘Final Program Report [...]’ dated 20 December 2005.

implementation of pilot projects for a return to customary governance and the rationalisation of resource management.

Conclusion

All of the regulations concerning adat that have been passed in South Sulawesi since 2000 include general statements about the need to ‘empower, preserve and develop customs and traditions’ at the district level. Using Gowa, Majene and Palopo as examples in chapter three, it was found that little or no public input went into the drafting of these regulations. Research in Central Sulawesi also came to the conclusion that such regulations failed to take into account local political realities (Li 2007:364).

By contrast, the internationally-driven processes in Seko broke with this trend by ensuring that members and representatives of adat communities were able to participate in negotiations and were consulted throughout. Having reviewed the relevant documentation on Seko and interviewed key informants, however, notions of representation, participation, stakeholders, and comprehensive village consultation appear somewhat facile and distorted.

To ensure the actual customs and traditions being rediscovered in Seko were compatible with wider political campaigns for human rights and environmental preservation, support networks, facilitators and trustees in Seko were selective in their representations of adat. The target constituencies (local villagers) were often found to be indecisive, indifferent, or sceptical; therefore, the donor-driven process of constructing exemplary adat communities, able and willing to manage the forestry sector, has been overstated. MFP regional facilitator (Anas Nikoian) admitted as much when he asserted that the programme should have been extended for another five years.²²³

²²³ Interview with Anas Nikoia of MFP-Sulawesi on 11 March 2006. Beyond this self-endorsement, Mahir Takaka from AMAN-SS, staff from MFP headquarters in Kendari, and Agung Wiyono from the NGO Lepmil in Kendari all agreed that the MFP should be extended. These actors are funded by MFP so it is natural that they would feel this way, although they also approved of the community initiatives, educational programmes, capacity-building forums, and village developmental schemes. Interviews were conducted in Kendari during the month of June 2006.

While local communities were encouraged to draw on the past in search of meaning and identity, the representation of adat and its articulation is contingent and constantly changing. Thus the protagonists involved in foregrounding and constructing local aspirations (cultivating a new generation in Seko) have drawn on primordial signifiers to support modern, reconfigured village units. This is a variant of Smith's (2004:204) proposition that the accentuation of ethnicity (or adat revivalism) is not meant to "recreate the past in the present," but rather to serve as an "inspiration and means for renewing decayed or fragmented societies, so as to make them viable and confident in the face of the pressures of modernity".

Whereas local political realities were completely ignored in Donggala and Poso districts of Central Sulawesi (Li 2007:364), they were actively recreated in Seko by MFP facilitators and their local partners. Reports and transcripts show only a small number of detractors vocally opposed to the reification of their cherished customs. For the most part, ordinary villagers tacitly accepted this process, silently rejected it, or made indifferent appearances during village consultations in order to sign attendance forms, endorse proposals, socialise, and enjoy a complementary meal.

In North Luwu as well as Palopo (chapter three) the mayors have embraced narrow views of cultural revivalism, attempting to instrumentalise local rituals and bureaucratise adat governance. Stipulations regarding the ownership of customary lands and resources have been omitted from the official regulations, even if North Luwu went somewhat further than Palopo, Gowa and Majene. In some ways the mayor of Palopo's outright rejection of "adat as politics" is preferable to the half-truths being bandied about in North Luwu's legislature, where customary territories are recognised as autonomous but without any substantive rights enforceable by law.

This brings the argument back to Li's (2007:365) characterisation of the recognition process as a "contradictory conundrum". Activists venture into remote districts in search of exemplars, an oasis of harmonious, authentic systems of customary governance, yet they find adat in need of protection and revitalisation so it can be aligned with contemporary political struggles (Li 2007:365). Having established a clear set of objectives that were compatible with those from the Ministry

of Forestry, MFP facilitators and their domestic partners (AMAN-SS and YBS) arrived in Seko with a predetermined social and political context within which their local clients could find areas of compatibility. Local adat identities and boundaries in Seko were thus subject to sustained periods of negotiation and reconstruction.

Through the MFP, the UK government's DfID played a key role in representing local communities, perpetuating institutional control, categorising actions and shaping subjectivities. This was achieved by negotiated access, intervening in Seko with a legitimate (government approved) mandate for reform and a viable operating budget in order to "cultivate" a new class of local activists, those capable of instituting rational frameworks for development and optimal forest management.

The Seko initiatives seem to have tempered and domesticated adat revivalism through the quaint, gradual, donor-friendly processes of deliberation and negotiation. Instead of focusing on the practicalities of customary rights or devising new strategies in order to rupture the web of governance, activists and local communities have fallen back into the shackles of "elegant policy" (Lev 1985:64) as witnessed through the promulgation of several redundant district regulations in recognition of an elusive, intangible, apolitical adat.

While the seemingly benevolent agents of change and their benefactors in Seko negotiate and compromise over the status of adat, millions of rural citizens continue to face restrictions in their use of the forests, and concession rights continue to be granted "without any legal requirement to compensate or consult with affected local communities" (Fitzpatrick 2007:138). The granting of semi-formal land use rights by district officials in North Luwu does not constitute an adequate solution to the wider problems of community dispossession in eastern Indonesia, particularly the "right of control" principle that favours the state in national law and forestry department policy (Fitzpatrick 2007:138).

As in the cases of Gowa, Majene and Palopo, the process of adat revivalism in Seko was largely captured by bureaucrats and channelled into the patterned regularity of the state. Many local MFP partners were found to have willingly subscribed to this

officialising surrogacy, just as many local activists and villagers did so unwittingly. However, if the intermingling of an international donor project with Seko's indigenous awakening forges a lasting and effective partnership, helping to preserve and manage North Luwu's vulnerable ecosystem and improve livelihoods, then for many this would be a legitimate and justified outcome regardless of the misrepresentations and distortions along the way.

Chapter Five: Lembang Governance in Tana Toraja

Along with a surge in violent incidents of land reclaiming, the passing of Indonesia's framework decentralisation laws in 1999 led to struggles for recognition and a desire to return to antedated systems of customary governance throughout the archipelago. These systems are distinguished by, among other things, nuanced adat procedures and criteria for electing leaders, reverence for nature, emphasis on the guiding role of local wisdom in decision-making, as well as stipulations about communal relations, land distribution, and the conduct of villagers within a specific customary domain.

Building on the politics of recognition analysed previously, this chapter examines adat revivalism in Tana Toraja district, with particular emphasis on the return to the lembang. The term lembang denotes the antedated (pre-modern, pre-colonial) political units originating in the south of Tana Toraja, which now apply to all of the customary territories within the modern administrative grid (Rombelayuk nd). Tana Toraja district, covering some 3,000 square kilometres, has a population of about 400,000 and borders Luwu (Roth 2005:489). It is known for some of Sulawesi's most dramatic landscapes and extensive rice terraces, along with elaborate funeral processions, sweet tuak (palm wines), ornate tongkonan (customary long-houses), and antiquated, hierarchical caste systems (Adams 2003; Bigalke 2005; Waterson 1986).

In contrast with the elaborate Buginese and Makassarese kingdoms, the Toraja "never formed a single centralised political unit" (Adams 1998:330). In 1906, Dutch officials recognised 32 distinct customary lembang territories, within which there were hundreds village units (also known as lembang), and these administrative arrangements were maintained throughout several periods of transition and intrusion (Bigalke 2005:12). It is commonly held amongst scholars from Hasanuddin University Makassar that the number of lembang territories (32) was an arbitrary

determination made by Dutch colonial officials more concerned with legibility and control than with authenticity.²²⁴

As in Seko (chapter four), the establishment of a Mayoral Decree (number 222/II/2005 dated 5 February 2005) in Tana Toraja constitutes an advancement, a progression beyond the replicated regulations that fail to reflect local political realities throughout Sulawesi. Since 2005, the existence of 32 adat territories in Tana Toraja has been officially recognised, within which there are approximately 984 Lembang (villages).²²⁵ The most obvious contradiction is that these apparently innate, fluid political units were first frozen by Dutch administrators in the search for regularity and rationalised governance, and they continue to conform to Dutch colonial designs.

As stated in chapter one, coercive deployments of state power to eradicate the threat posed by autochthonous societies are less effective than diffuse, institutional methods of incorporation and domestication. This is particularly true in the reform era (post 1998) of democratisation and regional autonomy. Therefore, this chapter re-examines the constitutive political order and the ways in which adat revivalism is domesticated and contained through subtle institutional processes, regulatory procedures, and village deliberation.

When considering the “returning to the lembang” in Tana Toraja, one must critically engage with the view that these are innate units of political and social order, within which primordial attachments and indigenous sensitivities are exemplified. Indeed, one must consider the strong instrumentalist tendencies associated with adat revivalism in general, and the interests and perceptions of local Torajan actors in particular.

During the New Order era (1966–1998) the official strategy was to “inventorise,” “categorise,” and “classify” local customs and traditions in Sulawesi and other eastern islands (Robinson 1997:72). In 2001, members of the United Nations Educational, Scientific, and Cultural Organisation (UNESCO) converged

²²⁴ Interview with Dias Pradadimara at UNHAS in Makassar on 03 February 2006.

²²⁵ District Government of Tana Toraja, *Keputusan Bupati Tana Toraja Nomor 222/II/2005 tentang Pengakuan Keberadaan Masyarakat Adat Toraja*, Article 4.

upon Tana Toraja district in South Sulawesi to determine whether its idyllic villages qualified as a World Heritage Site (Adams 2003:92). UNESCO attendees were strongly oriented towards preservation, warning of the assault upon Toraja's traditions by modernising, global influences (Adams 2003:92).

In periods of rapid social and political change, some aspects of tradition disappear, while other aspects are accentuated and selectively recombined with new and powerful meanings (Schefold 1998:261). The recent campaign for a return to the *lembang* therefore involves the accentuation of Torajan identity, along with politicised representations and reconstructions, and the redefining of cultural features, group attachments, and the demarcation of political boundaries. As the case of Seko (chapter four) demonstrated, this process is fraught with dilemmas and contestations.

Adams (2003:93) provides valuable insights into the "politics of heritage" in Tana Toraja, where living cultural landscapes become politically charged arenas. Writing in the context of UNESCO and world heritage, Adams (2003:93) encapsulates the politicisation of Torajan culture, a process which is held to be "fraught with calculation and collusion, conflict, collaboration, and co-optation". Similarly, Schefold (1998:276) contrasts between patronising strategies for the promotion of moralistic, pious, politically correct, aesthetic and tourist-friendly versions of *adat* on the one hand, and atavistic, oppositional, rights-based deployments of *adat* on the other.

The folkloric domestication of *adat* has been labelled a "rapprochement" in the sense that the showcasing of public rituals has been encouraged while the "decisive questions of public life have been removed from ethnic responsibility" and have been "entrusted to the state" (Schefold 1998:277). With these challenges in mind, this chapter serves to examine recent efforts in Tana Toraja to reclaim political responsibility in the name of *adat*, again focusing on the struggle for recognition and rights. The conservationist, domesticating tendencies of state agencies, heritage foundations, and the tourism industry will be contrasted with the seemingly innovative roles of donors, NGOs, and *adat* leaders collaborating in the formulation of an oppositional political agenda.

Origins of Adat Revivalism

Toraja, a name derived from the Bugis *to* (people) and *ri-aja* (from above), was first applied to the inhabitants of the Sa'dan highlands by Makassarese invaders in the seventeenth century (Bigalke 2005:6).²²⁶ Throughout the nineteenth century intermarriage and the solidification of military, trade (coffee, arms) and slaving alliances greatly increased the contact between the Luwu Kingdom and their tributaries in the Sa'dan highlands (Roth 2005:491). Emulation was most apparent amongst the ruling elites of Sa'dan, who strove to learn the Bugis language and develop certain aspects of Luwu's political culture (Bigalke 2005:34).

Given the tendency of contemporary adat revivalists to use term Toraja as a "badge of ethnic identity," it is important to provide some historical context (Bigalke 2005:7). No highland group actually called themselves Toraja before the twentieth century, and it was the proselytising of two Dutch missionaries (Kruyt and Adriani) from 1892 onwards that popularised the term Toraja.

In 1905 Luwu was incorporated into the colonial empire "as a division of the Government of Celebes and Dependencies under a Dutch *assistant-resident*" (Roth 2005:491). Subsequent colonial policies of territorial delineation and the redrawing of boundaries in an effort to consolidate political control were "quite alien to either Luwu or Torajan views of their worlds" (Bigalke 2005:66). While the indigenous structures of governance in Toraja are said to be "informed by genealogy," Dutch organisation was territorial in conception, seeking to control the people by controlling the land (Bigalke 2005:67).

Cultural and geographical surveys conducted from 1907–1910 led to the creation of administrative borders within Toraja; for the first time there were efforts to disaggregate what colonial officials viewed as an "undifferentiated mass" of highland communities (Bigalke 2005:66). Despite evidence to the contrary, the Dutch assumed Sa'dan highland submission to Luwu, and subsequently incorporated the highlands into Luwu. By doing so, it is held that the Dutch had "frozen dynamic and

²²⁶ See Bigalke (2005) for a comprehensive account of history and society in Tana Toraja.

shifting political relations into fixed territoriality based administrative units” (Roth 2005:492).

Colonial expansion (rounding out the empire) required direct administration and taxation, enhanced productivity through wet-rice cultivation, rationalisation of policing and governance, social engineering and the penetration of missionaries, and finally, road construction and the consolidation of villages into larger political units (Bigalke 2005:68). From 1910 onwards Calvinist missionaries were engaged in proselytising activities (Adams 1998:330). Throughout this expansionary period, a “pre-emptive strategy of Christianisation” was undertaken in the Sa’dan highlands as missionaries were entrusted with the task of creating a “buffer against Islam” (Roth 2005:493). At the forefront of this movement was the Association of Dutch Reformed Mission (GZB), which sought to Christianise the highlands in systematic ways, yet found it difficult to subdue Torajan customs and traditions (Ngelow 2004:5).²²⁷

From the 1940s onwards, relations between Luwu and Tana Toraja had become increasingly strained as a result of Torajan migratory expansion into lowland Luwu, religious differences, power differentials, and the Toraja Raya (Greater Toraja) movement (Roth 2005:511). By 1959 Luwu and Tana Toraja had been divided into two autonomous districts (Roth 2005:502).²²⁸

Prior to the arrest of Indonesia’s first president, Sukarno, in 1965, the Indonesian Communist Party (PKI) was rapidly gaining popularity throughout the archipelago. It is alleged that in lembang Madandan (village), some 80 per cent of the population were nominal “communists” prior to 1965.²²⁹ It was not the ideology that attracted such support, but rather notions of redistribution and communal agrarianism. Local discontent was fuelled by government reforestation programmes that were used

²²⁷ See Bigalke (1984) for a detailed account of missionaries in Tana Toraja.

²²⁸ Roth (2005:502) refers to unpublished sources found in the National Archives of Makassar. Based on these sources Tana Toraja was separated from Luwu in accordance with Emergency Act Number 3/1957. This Act was later replaced by Law 29/1959 which established Luwu and Tana Toraja as two distinct, autonomous districts.

²²⁹ Interview with Lasso Sombolinggi, head of WALDA, in Lembang Madandan, Tana Toraja, on 04 March 2006.

as an official justification for continual land seizures causing displacement and undermining local livelihoods.²³⁰

The political transition of 1965–1966 involved a phase of “communist purges” that claimed as many as 500,000 lives across the archipelago (Collins 2002:598). The village head of Madandan at the time (Lasso Sombolinggi) reacted quickly to avoid a local catastrophe by couching their political struggles in indigenous agrarian terms and dropping the communist affiliations.²³¹ While these manoeuvres may have prevented the communist purges from claiming any lives in Tana Toraja, a constant military presence was maintained in the district.²³²

The fall of communism allowed for the revival of the aristocratic Torajan elite, who embarked upon a modernist campaign for the return to the Aluk Todolo by “creating a new organisational vehicle which was powered by patronage and recognition from Jakarta” (Bigalke 2005:292). In league with powerful members of Golkar, as well as the Ministry of Religion and the Ministry of Home Affairs, well-educated Torajan elites and ritual specialists formed the Customary Council of Leaders (Dewan Pimpinan Parandangan Ada’ or DPPA). By 1969 the Indonesian government had recognised the animist Torajan Aluk Todolo as an official religion (Adams 1993:56).²³³

In the aftermath of the Darul Islam rebellions (1953–1965) and the communist purges (1965–1966), a period of relative stability beginning in the 1970s brought a new wave of tourism to the highlands of Tana Toraja. Seizing the opportunity to “reinvigorate” local heritage, Torajan leaders impressed a delegation from the Pacific Asia Travel Association (PATA), which promoted the region as a “pristine and fascinating destination” (Adams 2003:97).

²³⁰ Interview with Lasso Sombolinggi in Lembang Madandan on 04 March 2006.

²³¹ Interview with Lasso Sombolinggi on 04 March 2006. See Taslim (2007) for more information.

²³² Interview with Lasso Sombolinggi on 04 March 2006. According to Bigalke (2005:268) it is hard to imagine that no spontaneous killings broke out in Tana Toraja during the communist purges, however his informants were unanimous in their claims that people were beaten and arrested, but not executed.

²³³ Bigalke (2005:292) recounts that the New Order regime legitimised the DPAA by classifying Aluk Todolo as a sect of Hinduism, one of the world religions recognised by the state.

From the 1980s onwards the official promotion, listing, and codification of adat in Sulawesi was led by the Department of Education and Culture, which established “authorised versions of what constitutes authentic cultural traditions” (Robinson 1997:72). By 1991, officially branded as “Visit Indonesia Year,” there were reportedly 215,000 tourists converging upon Tana Toraja, 40,000 of which were foreign tourists (Yamashita 1994:78).

UNESCO representatives, cultural tourists, architects, anthropologists and historians alike are drawn to the rich tapestry of customs and traditions that shape the lives of those residing in the Torajan highlands. Elaborate funeral ceremonies are still a major feature of Tana Toraja, as are the rituals surrounding harvests, the building of homes, and weddings. Visitors continue to be awed by “cliffside graves replete with haunting effigies of the dead,” which display “ancestral skulls, weathered wooden effigies [...], carved sarcophagi, and more recently erected ornate cement tombs” (Adams 2003:94).²³⁴

While authorised and domesticated versions of adat were being sought after by central government officials, tourist agencies (PATA), and heritage foundations (UNESCO), activists led by Lasso Sombolinggi and Den Upa Rombelayuk from Madandan began to quietly reconstruct and accentuate political concepts such as kombongan. The kombongan has traditionally been relied upon as a community decision-making mechanism, though it can also serve political interests and agendas.²³⁵ By implication, the gradual transition towards an oppositional, politicised agenda based on indigenous discourses began in lembang Madandan.

In contrast to the conservative, elitist revival led by the DPPA and supported by Golkar officials and ministers, a new movement was launched in the 1970s in the Madandan territory of Tana Toraja called Gerakan Tallu Lolona (meaning the three elements—humans, animals, and crops), focusing on the local ecosystem and natural

²³⁴ For a rich account of Torajan burials and rituals, see Waterson (1995); for kinship, see Waterson (1986).

²³⁵ Sandarupa (2000:40) defined kombongan as “public meetings” involving elders and adat chiefs that had traditionally been used to resolve ritualistic matters.

resource management.²³⁶ The early leaders of grassroots adat revivalism in Tana Toraja were attempting to reconcile the traditional and the modern, articulating political themes that were relevant locally and also resonated with international donor agendas. Thus the thinly veneered “folklorist façade” of aesthetically pleasing, non-threatening, “showcased” versions of indigenism were being challenged by politically sophisticated actors in Madandan from an early stage (Erb 2007; Schefold 1998).

By 1986, a new organisation called Wahana Lestari Persada (WALDA) was established in order to consolidate the struggle for community land rights and the promotion of local awareness.²³⁷ New Order policies were in their advanced stages and land seizures had become a frequent occurrence, justified in official terms as a crucial component of government “reforestation programmes”.²³⁸ Local opposition and resistance arose as a result of the failure of the government to inform the communities of their intentions prior to the initiation of such programmes, which were meant to conceal the seizure and conversion of productive, arable lands into profitable plantations (Arabica coffee being the most lucrative cash crop).

Bolstered by the support of the Canadian International Development Agency (CIDA), WALDA was able to bring a series of land claims to the district courts in the early 1980s. These collaborative legal efforts reportedly secured 114 land certificates for local families based on their adat rights.²³⁹ Beyond struggles for land ownership and legal title, there was an urgent need to address issues of land usage and cultivation techniques. In order to devise a long-term strategy, members of WALDA sought to expand their support network beyond CIDA by involving the Indonesian Research and Education Institute (Lembaga Ilmu Penelitian Indonesia or LIPI) in their local affairs.²⁴⁰

²³⁶ Interview with Lasso Sombolinggi in Lembang Madandan on 04 March 2006.

²³⁷ Interview with Den Upa Rombelayuk in Madandan on 23 February 2006.

²³⁸ Interview with Den Upa Rombelayuk in Madandan on 23 February 2006.

²³⁹ Interview with Lasso Sombolinggi on 04 March 2006. CIDA provided the legal fees for these cases, which only amounted to some five million rupiah; however most of the CIDA development budget was used for irrigation and water purification in Tana Toraja.

²⁴⁰ Interview with Lasso Sombolinggi on 04 March 2006.

The vision for Tana Toraja that emerged in the late 1980s revolved around five progressive principles: support for isolated groups; reduction of community dependency; autonomy; ecology; and finally, the promotion of culture and traditions.²⁴¹ Beyond these localised projects, Tana Toraja was rapidly swept up in the national awakenings led by indigenous leaders in the 1990s. As mentioned previously, Madandan became the site for covert meetings between regional leaders from throughout the archipelago, documented by Moniaga (2007) and Sangaji (2007).

As a precursor to the first Congress of Indigenous Peoples of the Archipelago (KMAN I) in 1999, the formation of the JAPHAMA network provided a foundation for adat revivalism based on an amalgam of interests and interpretations. As Schefold (1998:261) noted, when political interests are involved, customs and traditions tend to be selectively accentuated to serve particular goals. As such, pristine authenticity merges with modern constructivism to form a national platform for the revival of adat.

It is held that “essentialist images of ‘the Toraja’ as a ‘tribal minority’ in a distinct geographical space with clearly demarcated boundaries” are inappropriate; rather, the more accurate approaches “focus on conceptions of identity as socially constructed” (Roth 2005:511). The structures of lembang governance and boundaries of lembang territories are largely colonial constructions, influenced first by the close proximity to the Kingdom of Luwu, and then by the imposition of Dutch administrative reforms after 1906. Historical challenges to the authenticity and legitimacy of the lembang are mirrored in the contemporary challenges facing district authorities in Tana Toraja, particularly the need to avert local conflicts that may arise within multi-ethnic communities that do not share the same adat.

Observers have with increasing proclivity questioned the wisdom of trying to recreate antedated structures for governance, with much speculation directed towards the social implications this may have (Acciaioli 2001:88). It is easy, for instance, to bemoan the revival of adat when it leads to rigidly hierarchical social structures,

²⁴¹ Interview with Lasso Sombolinggi on 04 March 2006.

chauvinistic attitudes, and exclusionary tendencies.²⁴² Long-standing patterns of social hierarchy tend to characterise relations in Tana Toraja's lembang, which are based on "age, descent, occupation, and wealth" (Adams 1993:56). Torajan society is divided by a tiered class system, within which there are distinct social categories based on status and function, from the nobility downwards to the dependent (or slave) class.²⁴³

By contrast, there is a slightly less cynical view that links the revival of adat to matters of local pride, identity, symbolism, and community renewal; however this is tempered by assertions that the lembang system of government, exemplified and essentialised in Tana Toraja, is in fact very similar to the desa.²⁴⁴ Some local scholars feel that an authentic version of the lembang can never be revitalised (Nomba et al. 2002). For instance, it is argued that there is no singular version of a customary system of governance in Tana Toraja; rather, the old dominant systems of belief based on Aluk Todolo (animism) have been eroded by centuries of external interventions (warring kingdoms, colonial administration, missionary work, regional rebellion, transmigration).²⁴⁵ Others consider the return to the lembang to be a matter of symbol rather than substance, differing from the Javanese desa system only in name, and serving mainly to preserve the traditional authority of the noble class.²⁴⁶

Therefore, while there has been no overt public opposition to the return to the lembang, there is a wide array of divergence when it comes to the features of the lembang system, and the issue of the status of ethnic minorities has yet to be clarified. According to the deputy mayor of Tana Toraja, the only solution in diverse localities such as the tourist destination of Rantepao, which is host to large numbers of Bugis

²⁴² See Bigalke (2005:8-10) for a rich account of society and class in Tana Toraja, including the "ascriptive bloodline criteria" used to determine status as well as the "spiritual appreciation" of wealth. See Morrell (2001:440) for more on the contemporary "manipulation of ritual and belief" and the challenges to dominant power structures in Tana Toraja, including tourism and out-migration.

²⁴³ Interview with Paulus Tangke, deputy head of the People's Legislative Assembly, on 28 February 2006. While slavery has long been abolished in Tana Toraja, the title (or social category) remains.

²⁴⁴ Interview with Dias Pradadimara, historian at the University of Hassanudin, in Makassar on 03 February 2006.

²⁴⁵ Interview the head of the Village Governance Agency in Makale on 03 March 2006.

²⁴⁶ Interview with Emil Kleden from the national secretariat of AMAN on 03 January 2006.

Individuals hailing from nobility tend to have the title Andi.

and Makassarese transmigrants, is to use generic titles such as *kampung* or *kelurahan* rather than the Torajan-specific *lembang*.²⁴⁷ With these challenges in mind, the following section sketches the processes of adat revivalism, particularly the return to the *lembang*.

Regulation 2/2001 on Lembang Governance

In March 1999 KMAN I was held in Jakarta, followed by a Congress of the Indigenous People's Alliance of Toraja (Aliansi Masyarakat Adat Toraya or AMAT) in Makale in April 1999, and finally the establishment of the decentralisation laws in May 1999. The euphoria of political transition was clearly at its peak, prompting local activists to organise periodic "dissemination workshops" in Tana Toraja with the aim of improving local awareness about the major initiatives and reforms taking place throughout Indonesia.²⁴⁸

These preliminary workshops were held between April and July 1999 at the Gedung Wanita building in Makale, the district capital of Tana Toraja, often attended by as many as 300 representatives from all 32 *lembang* territories. In an effort to consolidate their positions, a temporary coordinator was appointed to engage in multi-party negotiations, as well as gather community input about the revival of antedated systems of government (the return to the *lembang*).²⁴⁹

By the end of 2000 there had also been a series of workshops organised by the mayor and the district representative council, with the aim of drafting a regulation regarding village participation and the return to the *lembang*.²⁵⁰ The prospect of a regional regulation allowing for a return to the *lembang* prompted local activists to extend their support networks and build partnerships in order to enhance the legal drafting process.

²⁴⁷ Interview with Palino Popang, the deputy mayor of Tana Toraja, on 22 February 2006.

²⁴⁸ Based on transcripts from the 'Workshop for Comparative Study of the Regulatory Process' held in Lembang Madandan, Tana Toraja, from 21–23 February 2006.

²⁴⁹ Based on transcripts from the 'Workshop for Comparative Study of the Regulatory Process,' 21–23 February 2006.

²⁵⁰ According to the document 'Forum for Lembang Autonomy' provided by the head of the Indigenous People's Alliance of Toraja (AMAT) in Makale on 28 February 2006.

Starting in February 2001 a partnership was forged between the Consortium for Agrarian Reform (KPA)—a network of Indonesian NGOs promoting agrarian and natural resource rights—and WALDA Tana Toraja (Fauzi and Zakaria 2002:9). The primary objective was to establish capacity-building programmes throughout Indonesia, as well as facilitate training initiatives in support of good governance and community-driven development. Beyond this, there were specific programmes undertaken in each of the districts selected by the Consortium; in Tana Toraja, three core activities were undertaken, including social forestry, sustainable agriculture, and cultural revival (Fauzi and Zakaria 2002:10).

In relation to cultural revival, the KPA sought to facilitate district negotiations between all relevant stakeholders, as well as sponsor training sessions to build administrative and legislative capacity at the district level (Fauzi and Zakaria 2002:19). KPA reports suggest that “there was an enthusiastic response to the possibility of restoring traditional forms and roles of local government” (Fauzi and Zakaria 2002:13). Moreover, there was potential for a restoration of grassroots, community-driven democracy and development; however, in order for this to be realised, “new regional regulations were required” (Fauzi and Zakaria 2002:13).

It has been reported that the results of the Makale workshops of 1999, the mayor’s workshops of 2000, and the joint KPA-WALHI initiatives of 2001 led to specific proposals for the regulation concerning lembang governance.²⁵¹ These proposals were not unanimously approved of, though by 11 April 2001 the mayor had endorsed the promulgation of District Regulation Number 2/2001 about Lembang Governance. District authorities in Tana Toraja thus became the first in South Sulawesi to respond to the decentralisation laws, promulgating a regulation in recognition of an antedated system of customary governance.

Regulation 2/2001 allowing for the return to the lembang has come under significant criticism because certain stipulations were found to be in derogation of

²⁵¹ According to the AMAT document ‘Forum for Lembang Autonomy’ obtained on 28 February 2006.

higher laws.²⁵² Moreover, it is held that the community was not properly consulted during the deliberative process, and that the conduct of members of the district representative council was dismissive and hasty, failing to heed the warnings of several adat leaders that the legal drafting and dissemination process was incomplete.²⁵³ This was confirmed by one of the members of the Special Committee appointed for the oversight of all district regulations in Tana Toraja.²⁵⁴

In 2001 there were thirteen regulations being reviewed by the Special Committee, including the regulation concerning lembang governance. In a series of “confessions,” one Committee member admitted that the work of the representative council was not of a high enough standard.²⁵⁵ Furthermore, it was held that community input was minimal and that Regulation 2/2001 was rushed through the legislative to avoid lengthy periods of consultation in remote territories of Tana Toraja that were difficult to reach.

As a party to the process, this informant recounted that deliberation and debate amongst representative council members were not taken seriously, and that many members were busy reading newspapers and generally ignoring proceedings.²⁵⁶ Indeed, in this “confession” the Committee member suggested that only two out of the twelve members took their jobs seriously, which is why the regulation subsequently encountered so much resistance.

Such revelations challenge claims about the significance of the recognition of adat in terms of the “unleashing” of regional innovation, the “encoding” of community aspirations into the structures of customary governance, and the “celebration” of genuine village initiative (Acciaioli 2001; Antlöv 2003a). Moreover,

²⁵² Interview with Paulus Tangke, deputy-head of the People’s Legislative Assembly, Tana Toraja District, on 28 February 2006. For instance, the stipulations regarding size and composition of each Lembang were found to contradict higher laws.

²⁵³ Interview with Paulus Tangke, deputy-head of the People’s Legislative Assembly, on 28 February 2006.

²⁵⁴ Based on contributions from Samin, member of the Special Committee for Regulatory Oversight, during the ‘Workshop for Comparative Study of the Regulatory Process,’ 21–23 February 2006.

²⁵⁵ Based on contributions from Samin, member of the Special Committee, during the ‘Workshop for Comparative Study of the Regulatory Process,’ 21–23 February 2006.

²⁵⁶ Based on personal records from the ‘Workshop for Comparative Study of the Regulatory Process’ held in Lembang Madandan, Tana Toraja, from 21–23 February 2006.

as in the districts of Majene, Jenepono, and Gowa, the initial regulation passed in Tana Toraja involved a minimum of community input and was found in need of revision. The bureaucratisation and normalisation of adat tends to steer the process of revivalism away from substantive politics, away from the pioneering ecologism of Madandan's activists.

As in Seko, the recognition of adat in Tana Toraja was not a simple reproduction of the standard regulatory notations ('empowerment, preservation, and development'). Rather, Regulation 2/2001 provided a detailed, procedural account of local governance at the lembang level, prompted by new stipulations in the decentralisation laws calling for district governments to show initiative in the use of their newly devolved responsibilities. Regulation 2/2001 therefore blueprints the structure, organisation and responsibility of the lembang government.

In the opening considerations of Regulation 2/2001, it states that a framework was needed for the implementation of lembang governance to ensure that it was relevant and successful.²⁵⁷ Further, it was stated that the term *desa* as imposed during the New Order through Village Law Number 5/1979 was "no longer appropriate given the characteristics and the socio-cultural conditions of the Tana Toraja communities, therefore it needs to be revised and made appropriate through the use of the name lembang".²⁵⁸

Regulation 2/2001 also stipulates that the revival of the lembang must be based upon "the initiative of local communities with consideration given to the origins of the lembang and the socio-cultural condition of local communities".²⁵⁹ However, it quickly became clear that "local initiative" had little bearing on the process, prompting NGOs and activists to begin a series of village meetings and workshops to determine whether a revised regulation was needed.

In principle the autonomous authority of the lembang derives from the indigenous *hak ulayat* (right of origin) as well as formal devolution, which are to be

²⁵⁷ District Government of Tana Toraja, *Peraturan Daerah Nomor 2 Tahun 2001 tentang Pemerintahan Lembang*.

²⁵⁸ *Peraturan Daerah Nomor 2 Tahun 2001 tentang Pemerintahan Lembang*.

²⁵⁹ *Peraturan Daerah Nomor 2 Tahun 2001 tentang Pemerintahan Lembang*. Article 4[1].

stipulated in local ordinances.²⁶⁰ These authorities include dispute resolution, the enforcement of adat law and imposition of adat sanction upon the inhabitants of each lembang, and the selection of the government apparatus (Head of Lembang and Lembang Representative Council).²⁶¹ As this section illustrates, the technical contents of Regulation 2/2001 suggest that lembang governance is essentially modern, conforming with the decentralisation legislation without much of a departure from the desa system it was meant to supplant. This becomes apparent when one reviews the stipulations regarding the election of Lembang Head (executive) as well as members of the Lembang Council (legislative).

Eligible Council (BPL) members must satisfy a list of criteria, which includes being a well-known member of the community, residing in the relevant Lembang, and being willing to participate in the wider functions of the BPL (see Table 5.1 for complete list). These functions include upholding customs and traditions, drafting lembang regulations, formulating budgets, determining and accommodating community aspirations, monitoring the implementation of lembang governance, and holding the Lembang Head (Kepala Lembang) accountable.²⁶² BPL decision-making procedures require that a minimum of two-thirds of members are present and that all decisions are achieved through the deliberative process, known generally as *musyawarah* in Indonesia and specifically as *kombongan* in Tana Toraja.²⁶³

²⁶⁰ *Peraturan Daerah Nomor 2 Tahun 2001 tentang Pemerintahan Lembang*. Article 9[1].

²⁶¹ *Peraturan Daerah Nomor 2 Tahun 2001 tentang Pemerintahan Lembang*. Articles 12 & 13.

²⁶² District Government of Tana Toraja, *Peraturan Daerah Nomor 2 Tahun 2001 tentang Pemerintahan Lembang*. Article 1[j].

²⁶³ *Peraturan Daerah Nomor 2 Tahun 2001 tentang Pemerintahan Lembang*. Article 30.

Table 5.1: Candidacy Criteria

Lembang Representative Council (BPL) Membership Criteria²⁶⁴	Lembang Head Criteria²⁶⁵
Devotion to God	Devotion to God
Faithful to Pancasila and the Constitution of 1945	Faithful to Pancasila and the Constitution of 1945
No involvement (direct or indirect) with any movement that betrays the Pancasila and the Constitution of 1945, such as the G.30 S/PKI [alleged communist plot]	No involvement (direct or indirect) with any movement that betrays the Pancasila and the Constitution of 1945, such as the G.30 S/PKI [alleged communist plot]
Note: All mention of Communist Party association was removed from revised Regulation 5/2004	
Minimal level education: Junior High School or equivalent level of education	Minimal level education: Junior High School or equivalent level of education
Minimum age: 25 years or older	Between the age of 25 and 60
Good health: physical and mental, certified by a doctor	Good health: physical and mental, certified by a doctor
No psychological illness	Registered as a citizen and living in the relevant Lembang for a minimum two consecutive years, with the exception of 'indigenous' peoples [no such restrictions apply]
Positive attributes, including honesty and fairness	Positive attributes, including honesty, intelligence, charisma, and the ability to conduct all of the tasks associated with Lembang Head
No criminal record	Has never been imprisoned
The right to vote has never been withdrawn in accordance with a court order	The right to vote has never been withdrawn in accordance with a court order
Is known by community members in the relevant Lembang	Is familiar with the territory and is known by the community
Proposal to become a BPL member was based on free will	Candidacy for Lembang Head was based on free will
Has never been found in breach of adat regulations or faced adat sanctions	Has never been found in breach of adat regulations or faced adat sanctions

²⁶⁴ District Government of Tana Toraja, *Peraturan Daerah Nomor 2 Tahun 2001 tentang Pemerintahan Lembang*. Article 22.

²⁶⁵ *Peraturan Daerah Nomor 2 Tahun 2001 tentang Pemerintahan Lembang*. Article 36.

In strictly procedural terms, the BPL is supposed to be represented in all district affairs, including the establishment of regulations. However, it is widely felt that members of the BPL have yet to participate fully in district affairs, and when they do participate they routinely fail to consult the adat communities within their jurisdiction.²⁶⁶ Therefore while it is the right of each adat community member to participate in district politics, their input is often ignored. This was but one of the shortcomings of Regulation 2/2001, and it quickly became clear to all parties that revisions were needed.

Regulation 5/2004: Revising the Lembang

As district authorities prepared to implement Regulation 2/2001 it emerged that there was significant local opposition to the content of the regulation and process through which it was drafted. In 2001 it was reported that three meetings were organised by AMAT, after which it was decided to reject the regulation.²⁶⁷ As will be discussed below, it was felt that the regulations concerning lembang governance were more concerned with procedural reform than substantive autonomy, that mention of the inherent “rights of origin” and land entitlements had been excluded, and that village participatory and consultative mechanisms had broken down.

In August 2002 an agreement was reached between an associated organisation, the Institute for Rural and Agrarian Reform (Lingkar untuk Pembaruan Desa dan Agraria or KARSA) and the mayor of Tana Toraja to revise Regulation 2/2001, allowing KARSA and AMAT time to hold community consultations and make recommendations.²⁶⁸ On aggregate, these efforts produced few significant recommendations and failed to steer the revision process towards a genuinely participative, democratic endeavour.

²⁶⁶ Based on personal observations from the ‘Workshop for Comparative Study of the Regulatory Process’ held in Madandan, 21–23 February 2006.

²⁶⁷ Contribution from Yando Zakaria from KARSA, contained in the document ‘Forum for Lembang Autonomy’ provided by the head of AMAT in Makale on 28 February 2006.

²⁶⁸ Contribution from Yando Zakaria from KARSA during the ‘Forum for Lembang Autonomy’.

With limited community input and insufficient NGO participation, the district government repeated its early mistake by unilaterally amending the initial regulation regarding lembang governance. On 18 June 2004 Regulation Number 5/2004 entitled ‘The First Revision of District Regulation Tana Toraja Number 2/2001 about Lembang Governance’ was established. According to the opening considerations, this revision was prompted by alterations made to higher laws, specifically Government Regulation Number 76/2001.²⁶⁹ As stated consistently throughout all regional regulations, if they are found to contradict higher laws or regulations they must be revised and brought into conformity. As a secondary consideration, it was also stated that the revised regulation must be “made appropriate with the aspirations of the community”.²⁷⁰

All of the revisions contained in Regulation 5/2004 were of a technical nature, concerning such issues as establishing, abolishing or merging lembang, defining the duties and functions of BPL members, or listing the criteria for candidates for Lembang Head. In a sequence that appears counter-intuitive, on the same day that Regulation 5/2004 was promulgated (18 June 2004) the mayor of Tana Toraja (Johanis A. Situru) sent a letter to Yusuf Biringkanae requesting that local adat organisations and NGOs draft a collective document entitled ‘Academic Document for the Revision of Regional Regulation 2/2001’.²⁷¹

Technically speaking, the mayor had yet to enter Regulation 5/2004 into the District Gazette, allowing time for local NGOs to provide critical input.²⁷² In practical terms, however, it is difficult to discern the logic of pushing through regulatory amendments without community or NGO input, and then requesting a comprehensive ‘academic document’ which would take a considerable amount of time to produce.

²⁶⁹ District Government of Tana Toraja, *Peraturan Daerah Nomor 5 Tahun 2004 tentang Perubahan Pertama Peraturan Daerah Kabupaten Tana Toraja Nomor 2 Tahun 2001 tentang Pemerintahan Lembang*.

²⁷⁰ *Peraturan Daerah Nomor 5 Tahun 2004 tentang Perubahan Pertama Peraturan Daerah Kabupaten Tana Toraja Nomor 2 Tahun 2001 tentang Pemerintahan Lembang*.

²⁷¹ Interview with Yusuf Biringkanae on 28 February 2006. Biringkanae is both the director of AMAT and the district head of the Environmental Impact Management Agency (Badan Pengendalian Dampak Lingkungan Daerah or Bapedalda); some local informants feel this dualism to be a conflict of interests.

²⁷² According to transcripts of the ‘Forum for Lembang Autonomy’ held on 8 July 2004.

Two possible explanations are bureaucratic incompetence or political malevolence; it was either an error in judgment that compounded earlier mistakes (with Regulation 2/2001) or an intentional act meant to avoid lengthy deliberations and consultations. Either way, the mayor's request prompted a surge of political activism in Tana Toraja.

On 8 July 2004 Yusuf Biringkanae from AMAT hosted 26 prominent figures from throughout Indonesia, who participated in a meeting called 'Forum for Lembang Autonomy' held in Hotel Sangalla, Tana Toraja. The guest list included representatives from thirteen adat territories within the district, as well as four local NGOs, members of Jakarta Heritage, activists from Yogyakarta in Central Java and from Papua, and finally district officials from Biringkanae's Environmental Impact Management Agency.²⁷³ Based on the transcripts of this meeting, there seems to have been a degree of animosity amongst the activists of Tana Toraja, who had been neglected throughout the drafting and negotiation process for Regulation 5/2004.

According to Lasso Sombolinggi of WALDA Madandan, dissemination programmes had been held in fifteen of the adat territories, revealing popular support for the rejection of Regulation 5/2004.²⁷⁴ It was estimated that 80 per cent of the lembang chiefs had rejected the revisions found in Regulation 5/2004, which were contrary to the spirit of local autonomy, kearifan lokal (local ecological wisdom), and did not acknowledge adat rights such as hak ulayat or customary tenure.²⁷⁵

While Lasso Sombolinggi felt it important to respond to the mayor's request by engaging in critical discourse, this would have to involve all of the communities of Tana Toraja likely to be affected by the return to the lembang. Therefore it was recommended that each of the participants at the Forum for Lembang Autonomy spend time gauging and documenting local aspirations, undertaking a grassroots approach called kombongan in order to better understand what people expect from the revival of lembang governance.²⁷⁶

²⁷³ According to the 'Introductory Remarks' made during the 'Forum for Lembang Autonomy'.

²⁷⁴ Contribution from Lasso Sombolinggi during the 'Forum for Lembang Autonomy'.

²⁷⁵ Contribution from Lasso Sombolinggi during the 'Forum for Lembang Autonomy'.

²⁷⁶ Contribution from Lasso Sombolinggi during the 'Forum for Lembang Autonomy'.

In response, Yusuf Biringkanae remarked upon his personal meeting with the mayor of Tana Toraja. When news first broke about Regulation 5/2004, Biringkanae supposedly told the mayor that district officials no longer control the people's sovereignty, but rather "are in the service of the people's sovereignty".²⁷⁷ After lengthy discussion he was ordered as head of the Environmental Impact Management Agency to cooperate with AMAT and other organisations to arrange an academic document. If this academic document only served to validate Regulation 5/2004 then Biringkanae vowed to reject the mayor's request. This was meant to be a struggle and a learning process for the government, the district representative council, NGOs, and local communities in collaborative policy making.²⁷⁸ Forum participants agreed that Regulation 5/2004 should not be rejected outright, but rather its implementation should be postponed until the kombongan could be completed.

There were several other points of contention raised during the Forum, confirming the views expressed by Biringkanae that this was indeed a learning process with many inherent flaws. KARSA members likened the disjointed debate that ensued to a traditional dance driven by the erratic beat of the "gendang drum".²⁷⁹ Representatives from Lembang Nanggala Sangpiak Salu, for instance, remarked on earlier meetings with the mayor and members of the representative council, during which they articulated their views and concerns about regulations concerning lembang governance but were ultimately ignored.²⁸⁰

Similarly, representatives from the Sa'dan highlands felt that the lembang chiefs had been "fooled by the mayor and the representative council," and that the essence of the lembang was not found in the articles and stipulations of either regulation (2/2001 or 5/2004).²⁸¹ Participants from KARSA added that, were there an outside party observing the meeting, they would be consumed with laughter, and

²⁷⁷ Contribution from Yusuf Biringkanae during the 'Forum for Lembang Autonomy'.

²⁷⁸ Contribution from Yusuf Biringkanae during the 'Forum for Lembang Autonomy'.

²⁷⁹ Contribution from Yando Zakaria from KARSA during the 'Forum for Lembang Autonomy'.

²⁸⁰ Contribution from Matus Mangando, chief of Lembang Nanggala Sangpiak Salu, during the 'Forum for Lembang Autonomy'.

²⁸¹ Contribution from Songa Ponglamba, chief of Lembang Sa'dan Malimbong, during the 'Forum for Lembang Autonomy'.

therefore everyone should ask: “why do we accept the systematic deception that the chiefs of lembang and AMAT experience, which is not consistent with the community’s inner self? The community has been disappointed and cheated, and we just do nothing about it”.²⁸²

The core of the gendang drum debate was eventually captured by one participant at the meeting, who suggested that the regulations concerning lembang governance were more concerned with administrative reform than local autonomy, and that mention of customary rights and entitlements had been excluded.²⁸³ Reference was made to a recent case from the nearby island of Maluku. District authorities had yet to establish regulations concerning adat governance, prompting villagers to reassert their own systems based on customary law and tenure, which they claimed was the realisation of genuine autonomy.²⁸⁴ By implication, the regulatory process in Tana Toraja was a betrayal of the principle of political autonomy and an affront to the protagonists of adat revivalism.

Continuing on the theme of autonomy, Den Upa Rombelayuk argued that the key issue was re-establishing the authority of lembang chiefs, who should not rely on directives from the district government but rather govern by mufakat (consensus) and kombongan (community consultation and deliberation).²⁸⁵ Reference was made to another case from Lombok where villagers established their own autonomous regulations concerning livestock without consulting district authorities. Rombelayuk demanded that authority be returned to the lembang chiefs of Tana Toraja, who maintain close links to the community and possess knowledge of antedated systems of governance, ancestral property, patterns of inheritance, and cultivation.²⁸⁶

In response, Biringkanae (host of the Forum) posed a series of questions: how are we to create transparent government? What form of government accountability do

²⁸² Contribution from Mita Iswari from KARSA during the ‘Forum for Lembang Autonomy’.

²⁸³ Contribution from Yando Zakaria from KARSA during the ‘Forum for Lembang Autonomy’.

²⁸⁴ Contribution from Yando Zakaria from KARSA during the ‘Forum for Lembang Autonomy’.

²⁸⁵ Contribution from Den Upa Rombelayuk, former chief of Lembang Nanggala, during the ‘Forum for Lembang Autonomy’.

²⁸⁶ Contribution from Rombelayuk, former chief of Lembang Nanggala, during the ‘Forum for Lembang Autonomy’. However, one should be wary of ‘essentialising the local’ and ‘romanticising adat’.

we need? Do the lembang have the capacity to face higher levels of government? Finally, what is the meaning of real autonomy for the lembang?²⁸⁷ While these questions were merely intended to provide a guideline for the consultants working on the academic document, they did lead to admissions that the revised regulation (5/2004) had no sections that addressed these matters, nor did it cover issues of lembang development or regulatory capacity, meaning that it ultimately failed to reflect community aspirations.

Biringkanae concluded by challenging Forum participants to overcome the legacy of deception and the maladministration that plagued the district by forming a network of researchers and activists that could seriously influence the policymaking process.²⁸⁸ In order to influence policy while remaining committed to community aspirations, it was suggested that members of the various organisations involved in the struggle for lembang autonomy in Tana Toraja begin by consulting community leaders and village representatives from every Lembang, fulfilling the kombongan.²⁸⁹

It was estimated that a thorough process of village consultation, conducted by a team of nine activists working in tandem with all of the lembang chiefs, would take up to one year to complete, after which all parties would be prepared to publish the academic document as per the mayor's initial request on 18 June 2004.²⁹⁰ The district government was also expected to participate, particularly officials from the Law Bureau and the District People's Representative Council, and the mayor would be responsible for the release of funds from the district budget in support of these efforts.

Participants would start by establishing a Memorandum of Understanding (MoU) with the mayor endorsing the kombongan process.²⁹¹ This was to involve a government committee (consisting of the mayor, the district representative council, and the lembang councils); a technical team (comprised of nine activists, all of the lembang chiefs, the lembang council, and the district Law Bureau); and finally, an

²⁸⁷ Contribution from Yusuf Biringkanae during the 'Forum for Lembang Autonomy'.

²⁸⁸ Contribution from Yusuf Biringkanae during the 'Forum for Lembang Autonomy'.

²⁸⁹ Contribution from Mita Iswari from KARSA during the 'Forum for Lembang Autonomy'.

²⁹⁰ Contribution from Yando Zakaria from KARSA during the 'Forum for Lembang Autonomy'.

²⁹¹ According to transcripts of the 'Forum for Lembang Autonomy'.

association of public consultants (members from KARSA, HuMa, AMAN, and AMAT).²⁹²

With a timeframe of six to twelve months and sufficient funds released from the district budget, it was expected that a comprehensive academic document could be completed, adhering to the principle of *kombongan*.²⁹³ This document would then become the basis for a fundamental revision of Regulation 5/2004, or conversely, it could form the basis for a new mayoral decree.

One of the primary organisations entrusted to complete the community consultation process was the Alliance of Customary Communities of Tana Toraja (AMAT) headed by Biringkanae. This independent organisation has members from each of the 32 adat territories of Tana Toraja claiming to live in accordance with a set of hereditary customs and traditions.²⁹⁴ Within these territories the inhabitants claim to exercise sovereign rights over land and natural resources, and that social, cultural and political life is governed by customary law. The function of AMAT, therefore, is to coordinate the struggle for the revival of these sovereign rights, as well as the promotion of indigenous concepts of environmental preservation and sustainable resource management.²⁹⁵

Organisations from Central Sulawesi such as Bantaya have also joined the consultation process in Tana Toraja, participating in a comparative workshop regarding the revival of customary governance and the achievement of official recognition. The name Bantaya is said to derive from the Kaili language, meaning “a place to meet”.²⁹⁶ This organisation was formed in 1995 and presently has twelve staff focusing on agricultural issues and adat rights.²⁹⁷ Members of Bantaya have participated in comparative forestry workshops in Japan, and frequently travel to Jakarta to lobby for changes to Forestry Law 41/1999 at the Ministry of Forestry.

²⁹² According to transcripts of the ‘Forum for Lembang Autonomy’. HuMa is an organisation for ‘Legal Revitalisation based on Social and Ecological Reform’.

²⁹³ According to transcripts from the ‘Forum for Lembang Autonomy’.

²⁹⁴ According to the document ‘Existence of the Customary Communities of Tana Toraja’ provided by Yusuf Biringkanae on 28 February 2006.

²⁹⁵ According to the document ‘Existence of the Customary Communities of Tana Toraja’.

²⁹⁶ Interview with Marce from Bantaya on 23 February 2006.

²⁹⁷ Interview with members of Bantaya in Palu, Central Sulawesi, on 21 June 2006.

According to the timeframe set out by Forum participants, the academic document was to be completed by July 2005 at the latest. However based on the findings of a workshop held in Lembang Madandan from 21–23 February 2006, there were still fundamental issues left unresolved and community consultation remained incomplete.²⁹⁸

Reviving the Kombongan and Tongkonan

The comparative workshops held in Lembang Madandan from 21–23 February 2006 drew members of the district government, NGO activists, and several lembang heads. Members of Bantaya were joined by representatives from four separate districts in Central Sulawesi, including Donggala and Poso, where regulations regarding adat have already been promulgated.

Concerns raised by Li (2007:364) about legislative replication and legal redundancy have been echoed by researchers from the Consortium on Agrarian Reform (KPA). It is held that most district regulations are little more than “direct adaptations” of higher laws, “replicating the language of the national laws almost to the word” (Fauzi and Zakaria 2002:15). By implication, regulations are drafted, debated, and implemented without adequate public consultation, thus failing to reflect local initiatives and conditions.

Confirming these findings (Li 2007; Fauzi and Zakaria 2002), representatives from Donggala and Poso remarked upon the limitations of the regulations passed in their respective districts, particularly the failure of the government to engage in a process of revitalising and recognising the lipu.²⁹⁹ The fact that the district government of Tana Toraja allowed for the return to the Lembang (in name and symbol, at least) has attracted the attention of a wide base of activists involved in adat revivalism. The activists from Central Sulawesi, however, quickly came to realise that

²⁹⁸ Personal observations from the ‘Workshop for a Comparative Study of the Regulatory Process,’ 21–23 February 2006.

²⁹⁹ Personal observations from the ‘Workshop for Comparative Study of the Regulatory Process,’ 21–23 February 2006. As in Seko, lipu is used in reference to antedated systems of governance, indigenous to some regions of Central Sulawesi.

the Lembang model in Tana Toraja was also problematic and left many issues unresolved.³⁰⁰

During the Madandan workshops, members of Bantaya along with representatives from Central Sulawesi asked their counterparts from Toraja to describe the lembang.³⁰¹ It quickly became apparent that there remained a divergence of opinion amongst adat leaders about the nature and structure of the lembang system. Moreover, owing to a lack of capacity and resources, there was a dearth of policy research about the revised regulation on lembang government (5/2004), suggesting that earlier commitments to the kombongan (consultation, deliberation) had not been fulfilled.³⁰² Thus the protagonists of adat revivalism falteringly debated the nature of their own antedated and indigenous past. While the same dilemma occurred in Seko (chapter four), sustained levels of facilitation and funding provided by the MFP allowed for coherent and legible reconstructions of adat which the district government could easily endorse.

While the Madandan workshops failed to impress, one local activist, Den Upa Rombelayuk, projected a clear image of the lembang and the unique features of Torajan identity. While women continue to be underrepresented in Tana Toraja (only five women are reported to have been elected as head of Lembang since 2002), they play a significant role in Torajan civil society, involved in all of the activist alliances and NGO network operating in the area.³⁰³ Arguably the most prominent female activist in Tana Toraja is Den Upa Rombelayuk. In the struggle for indigenous rights and self-governance, Rombelayuk has addressed international audiences, for instance participating in the Second Session of the Asia Development Bank's Conference in 2001 titled 'Indigenous Peoples/Ethnic Minorities and Poverty Reduction' (ADB 2001:16).

She is featured in the newsletters of the Philippine-based Asian Indigenous Women's Network (AIWN), where she has argued that "history has proven that many

³⁰⁰ Personal observations from the 'Madandan Workshops,' 21–23 February 2006.

³⁰¹ Personal observations from the 'Madandan Workshops,' 21–23 February 2006.

³⁰² Personal observations from the 'Madandan Workshops,' 21–23 February 2006.

³⁰³ Interview with Saba Sombolinggi, head of Lembang Madandan, in Rantepao on 20 February 2006.

Torajan women can take on leadership roles in the community. For example, several women were elected as District Head during the Dutch government period” (AIWN et al. 2007:2). Rombelayuk was also invited to speak on spirituality and mainstream religions by the Asia Indigenous Peoples Pact (AIPP) Foundation during their ‘Second ID Conference’ held in Tana Toraja in September 2006 (AIPP 2006:2).

To conclude this vignette, from 17–20 March 2007 the Third Congress of Indigenous Peoples of the Archipelago (KMAN III) was held in West Kalimantan. A total of eleven workshops were held during the Congress, one of which was entitled the ‘Indigenous Women’s Workshop’ (Anggraini 2007). Rombelayuk was selected to present on ‘The Role of Indigenous Women in Decision-Making at the Community Level’ to approximately 70 participants in the workshop (Anggraini 2007).

In an effort to enhance the compatibility of the lembang project with the new democratic imperatives of the reform era, Den Upa Rombelayuk and Lasso Sombolinggi have been reconstructing the traditional concepts of tongkonan (ancestral houses) and kombongan (village deliberations). The tongkonan or family house of origin is “both a material structure, the house, and a group of people, those who trace descent from its founding ancestors” (Waterson 1986:96). Each household in Tana Toraja has a traceable genealogical connection to a mother tongkonan, a kinship centre originally constructed to carry out “whole cycles of propitiation rituals” (Bigalke 2005:11). Moreover, the tongkonan is held to be “at once the centrifugal and the centripetal element of Torajan social organisation”; every three to five generations a new tongkonan is built, however all descendants are bound to the original tongkonan, meaning that a gradual solidification of culture and custom occurs which distinguishes different territories within Tana Toraja (Bigalke 2005:11).

Crucially, Bigalke (2005:11) asserts that “it is primarily along tongkonan lines that the first higher forms of political organisation begin to emerge” in Tana Toraja. It is held that “the status of the tongkonan is determined by the functions it performs” (Sandarupa 2000:64). From this perspective, there are three distinct types of tongkonan: the first, called tongkonan layuk, belongs to the highest order of adat authorities and “was the centre of the government in ancient times”; the second,

called tongkonan pekamberan, belongs to the adat functionaries; and finally, the third, called tongkonan batu a'riri, is available to the commoners that have no adat function (Sandarupa 2000:64).

Prior to Dutch occupation in 1906 the tongkonan were central to inter-group relations and the strengthening of ties “through an elaborate system of ritual exchanges” (Adams 2003:94). Dutch missionaries struggled to deal with strong customary traditions such as the clan-house kinship (tongkonan) and its ritual for the deceased; by 1942 it is reported that “less than thirty per cent of the population had been baptised” (Ngelow 2004:5). One Torajan theologian, Theo Kobong, is said to have dedicated his life’s work to resolving this impasse, attempting to place Christ (the new Patriarch) at the centre of the tongkonan and thus at the core of Torajan culture, rituals, and beliefs (Ngelow 2004:6).³⁰⁴ The problem with Dr. Kobong’s “contextual ecclesiology” and Christocentric approach to the Torajan tongkonan, however, was that it was an imposition that failed to provide a “proper place” for the family kinship values inherent in Torajan culture (Ngelow 2004:8).

Despite systematic colonial efforts to Christianise the Torajan highlanders, regional rebellions seeking to Islamise Sulawesi entire, and New Order policies meant to standardise village governance throughout Indonesia, the tongkonan legacy continues today. In contemporary times, witnesses to various tongkonan-centred rituals in Tana Toraja will discover that the histories of the “founding ancestors and their descendants are carefully recounted,” during which all those connected to the “mother” tongkonan being feted are expected to make financial and material contributions, which are closely monitored by adat leaders (Adams 2003:96). Tongkonan are also the symbolic centres where the decisions reached through kombongan deliberations are disseminated to the public.

As mentioned previously, adat leaders and activists that participated during the Forum for Lembang Autonomy in July 2004 had agreed to engage in comprehensive community consultation, which was couched in terms of reviving the

³⁰⁴ Ngelow (2004:6) quoting Kobong (1989). *Evangelium und Tongkonan. Eine Untersuchung über die Begegnung zwischen christlicher Botschaft und der Kultur der Toraja*. Hamburg: Verlag and der Lottbek.

kombongan.³⁰⁵ In February 2005 the district government seemed to endorse this revival, officially recognising the kombongan through Mayoral Decree 222/II/2005. This Decree also acknowledged 32 distinct, autonomous customary territories in Tana Toraja, each said to possess a valid system of oral customary law inherited from generations past, as well as the principles of kearifan lokal (local wisdom), which are reflected in the governance system, regulations, and sanctions.³⁰⁶

Den Upa Rombelayuk has written a comprehensive account of village governance and kombongan in Tana Toraja. Ideas, habits and rules governing community life in the lembang have traditionally been agreed upon through the kombongan, which is then formalised in the tongkonan (Rombelayuk nd). The kombongan and tongkonan have been characterised as “pillars of indigenous democracy,” popularised through the Torajan slogan *Kada Rapa dan Kada Situru* meaning agreements and treaties (Rombelayuk nd).

Furthermore, the kombongan is meant to represent the “highest village-level decision making space,” and decisions rendered “cannot legally be made without the presence of all community groups, including women and youth groups” (AIWN et al. 2007:2). Following her electoral victory in Lembang Nanggala in 1992, Rombelayuk set about reviving the kombongan, which had been abolished by Village Law 5/1979. Owing to the complexities involved, however, this did not come to fruition until the reform era, when activists from Toraja forged a new political strategy in conjunction with the decentralisation laws.

According to Rombelayuk, there are at least four distinct forms of the kombongan. The highest form is known as “kombongan kalua sang lepongan bulan,” meaning a supreme meeting. This is said to apply to all of the territories of Tana Toraja, which are expected to send a delegation when such a meeting is called. Therefore, observers feel this satisfies the democratic principle of representative governance (Rombelayuk nd).

³⁰⁵ District Government of Tana Toraja, *Keputusan Bupati Tana Toraja Nomor 222/II/2005 tentang Pengakuan Keberadaan Masyarakat Adat Toraya*, Article 9.

³⁰⁶ District Government of Tana Toraja, *Keputusan Bupati Tana Toraja Nomor 222/II/2005 tentang Pengakuan Keberadaan Masyarakat Adat Toraya*, Article 1.

Below this supreme meeting there is the “kombongan kalua sang lembangan,” which refers to the highest level of deliberative meeting *within* a Lembang territory (Rombelayuk nd). This was traditionally held on an annual basis, involving mainly adat leaders and some representatives from villages and local communities, affording each participant the opportunity to voice their opinions on internal matters. Kombongan decisions are to be reached in accordance with deliberation and consensus in an open forum; as such, it is said to satisfy the democratic criteria of transparency, participation and fairness (Rombelayuk nd).

The third form is known as “kombongan karopi,” which takes place at the administrative equivalent of the sub-district. Open deliberations and consultations revolve around local issues that often provoke bitter disagreements amongst the participants (Rombelayuk nd). This level of kombongan tends to focus on the rejection, revision, and implementation of adat regulations, which upholds the accountability of local leaders and those entrusted with customary sanction and law.

Finally, the lowest level is called “kombongan saroan,” which is held in the equivalent of a village hamlet and involves small community groups, families, and village cooperatives (Rombelayuk nd). During these proceedings, issues such as community assistance, land and forest usage, and ownership tend to arise. All decisions at this level are adjudicated by authorities from higher kombongan. Taken together, these four levels of deliberations and consultations are said to reflect the core principles (or pillars) of democratic decentralisation, including participation, representation, accountability, and transparency.

However, there are still aspects of the kombongan that deviate from mainstream decentralisation narratives. For instance, each annual event is brought to a close with a final reading of all the decisions reached, accompanied by a ceremonial feast during which all participants eat a traditional pork dish cooked in bamboo (Rombelayuk nd). If there are any participants that secretly reject the decisions being read, they will choke on pork bones, the lesson being that everyone must work

towards consensus and form an oath (called besse in Torajan) prior to this final public reading.³⁰⁷

Features of the indigenous lembang system of government have thus emerged from the continuous play of history, and the contemporary revival is largely the product of a complex interplay between the local, the national, and the global. Despite recent setbacks, there is still potential in Tana Toraja for meaningful change as activists strive to reclaim their own movement. For instance, the revival of the tongkonan and kombongan offers a uniquely Torajan solution to the democratic deficits associated with customary governance. Similarly, the assertion of “people’s sovereignty” from the head of AMAT during his address to the Forum for Lembang Autonomy was a potential rallying point.³⁰⁸

Of course, the term sovereignty is highly problematic when applied to the diverse archipelagic adat communities of Indonesia. Conventional Westphalian notions of sovereignty apply to the international system of independent nation-states, exercising power within a fixed territory and providing security against external threats. Therefore, struggles for the sovereignty of adat communities could easily be misinterpreted as separatism, and while the actual threat to the unity of the Republic is minimal, it could be exaggerated and used to discredit the adat revival.

In contrast to conventional notions of state sovereignty involving ultimate and exclusive authority within a fixed territory, the assertion of indigenous people’s sovereignty seems to “present a complimentary, rather than exclusive node of allegiance for communities still oriented to the practice of local custom” (Acciaioli 2007:305). Having examined closely the proclamations made at both KMAN (I and II), Acciaioli (2007:306) found that indigenous sovereignty may engender a sense of communal rights, building local capacity to cope with contemporary challenges.

Furthermore, the revitalisation of customary governance holds the potential to empower local communities as they encounter a variety of external incursions, for instance from concessionaries, transmigrants, or predatory elites (Acciaioli

³⁰⁷ For an account of “magical poisoning” in Tana Toraja, see Hollan (1994).

³⁰⁸ Contribution from Yusuf Biringkanae during the ‘Forum for Lembang Autonomy’.

2007:306). This seems to require a synthesis between the “exercise of sovereignty and the local operation of customary law” within specific customary territories (Acciaioli 2007:299). No such synthesis has yet to be achieved in Tana Toraja; however, the political strategies emanating from Madandan, Rantepao and Makale hold promise for the future.

Conclusion

Based on the empirical materials examined in this chapter, it is possible to argue that the decentralisation laws were intentionally designed to insulate and protect the state from oppositional challenges. Despite the best laid plans, however, all of the contingencies have not been accounted for, and the human inclination to resist continues to manifest in new and innovative ways.

Many of the emergent struggles over land and resources in eastern Indonesia have been driven by political activists (becoming, in a sense, surrogates for local communities). Indeed, throughout Sulawesi there have been deliberate campaigns led by NGOs tactfully stretching the legal definitions of adat as set out in the decentralisation laws. Subtle, ambiguous clauses about the need to protect and develop customs and traditions can be seized upon and redeployed for a variety of targeted rights-based struggles. Local customary communities may then identify several sources of threat (real or perceived) from which they require protection.

According to the modernist perspective, this process could be viewed depreciatingly, as a form of patronising and divisive “ethnic arithmetic” (Azarya 2003:14). Conversely, primordialists would celebrate this as an opportunity for the emancipation of indigenous communities; through the virtues of their place-based attachments and the strength of their communal bonds, these communities could rise above efforts to manipulate and control them. If indeed adat revivalism is not the ephemeral phenomenon that critics such as Kaldor (2004) insist upon, then it may yet hold the potential for community renewal and prove that the convergence of decentralisation and adat is politically durable and potentially emancipatory.

For pragmatists, if adat revivalism is to achieve any substantive gains there must be a sustained challenge the constitutive political order. However, *challenging* the dominant structures and institutions of power does not necessarily mean *transcending* them. An adat community, or specific households within an adat community, may secure their rights through ad hoc tribunals, negotiated settlements, mediation, or the judicial system, which constitutes a victory, though not necessarily one that can be widely replicated.

Having reviewed the conservationist, domesticating tendencies of state agencies, heritage foundations, and the tourism industry, all of which promote a protectionist agenda, this chapter proceeded to examine the innovative roles of donors, NGOs, and adat leaders in the formulation of an oppositional political agenda. Den Upa Rombelayuk and Lasso Sombolinggi have led the struggle for a return to the kombongan and tongkonan for decades.

However, the increasing tendency of local partners (WALDA, AMAT) and national trustees (KARSA, WALHI, KPA, AMAN) to fall back on regulatory processes has stunted their activism. The failings of Regulation 2/2001 (on lembang governance) were reproduced in Regulation 5/2004, and compounded after an association of activists converged on Tana Toraja to participate in superfluous forums and workshops. Through the promulgation of successive regulations, district authorities (wittingly or unwittingly) channelled local aspirations for an adat revival and the oppositional forces that supported it into a non-threatening process of legal drafting and technical review.

Within these autonomous territories the unwritten customary law inherited from generations past is to apply, as well as the principles of kearifan lokal, which are reflected in the governance system, customary regulations, and sanctions.³⁰⁹ Furthermore, the community consultation process of kombongan was officially recognised, to be relied upon before any major changes occur within the Lembang.³¹⁰

³⁰⁹ District Government of Tana Toraja, *Keputusan Bupati Tana Toraja Nomor 222/II/2005 tentang Pengakuan Keberadaan Masyarakat Adat Toraya*, Article 1.

³¹⁰ *Keputusan Bupati Tana Toraja Nomor 222/II/2005 tentang Pengakuan Keberadaan Masyarakat Adat Toraya*, Article 9.

Finally, as in the Seko territories, it is stipulated that “the customary communities of Tana Toraja must be informed of every permit issued for natural resource use within the customary territory”.³¹¹

As in the Seko territories, where similar forms of recognition have been granted, it is too early to pass judgments on substantive impacts. Customary communities in both Seko and Tana Toraja have recourse to specific Mayoral Decrees containing stipulations about their right to be informed prior to the granting of land use or concessions within their acknowledged territories. There are as yet no real test cases from which to draw conclusions about the efficacy of these stipulations.

From the testimony of Yando Zakaria and Mita Iswari of KARSA, Yusuf Biringkanae of AMAT, Lasso Sombolinggi and Den Upa Rombelayuk from Madandan, and several other participants in workshops and forums on lembang governance, a common grievance is discernible. There is a sense that adat revivalism has been captured by the discourses, notations, and prerogatives of the state, and that the regulatory process has been flawed from the outset.

The “ubiquitous political mantras” of mufakat (consensus) and musyawarah (deliberation) so often associated with modern adat campaigns are evidence of the distillation of diverse customs and traditions into “simple formulas” which are easily instrumentalised by authorities (Bourchier 1997:158). These mantras feature consistently in the discourses and narratives of adat revivalists in South Sulawesi. However, as the case of Tana Toraja demonstrated, activists such as Den Upa Rombelayuk and Lasso Sombolinggi have tirelessly worked towards the convergence of indigenous mantras (tongkonan, kombongan) with modern, democratic imperatives.

For adat revivalists, the existence of historical antecedents must be established empirically in order to bolster campaigns for land rights and political recognition. The protagonists behind such campaigns, therefore, must attempt to strike a balance

³¹¹ *Keputusan Bupati Tana Toraja Nomor 222/II/2005 tentang Pengakuan Keberadaan Masyarakat Adat Toraya*, Article 11[a].

between the primordialist position (searching for antiquity and exemplars) and the modernist project (emancipatory political innovation).

Distinctions between festive showcasing and political resistance are largely the product of choices (consciously or unconsciously) made by local communities and their supporters. However, once adat has been deployed, claims have been articulated, and actors made clear their positions, a multitude of possible scenarios arise that are often beyond the control of the target constituencies.

Support networks and sympathisers may seek recognition for adat claims (land, resources), not as part of official government structures but rather as “parallel forms of sovereignty whose adherents’ rights need to be guaranteed” (Acciaioli 2007:303). However, these same protagonists may unwittingly promote a sanitised version of adat that, while appearing democratic and environmentally friendly, ultimately fails to constitute a genuine challenge to dominant power structures or constitutive political conditions.

In a functioning customary system, true to its antecedents, villagers and their leaders would debate the various responses (rejection, alteration, approval) to the pressures of modernity and develop an appropriate strategy. If the choice was to adapt to the changing conditions, then contingencies would need to be established in order to maintain the character and essence of the unique customs and traditions of a particular domain. The fractiousness that has resulted from most of these encounters between tradition and modernity suggest that the village *kombongan* has broken down. A degree of dependency on NGO surrogates determined to oversee the rebirth of the Indonesian village might be the short-term compromise needed to ensure the renewal of customary *lembang* institutions, those capable of adapting to changing political conditions, mitigating conflicts over land, and reconciling local heterogeneity.

Chapter Six: The Nickel Project in East Luwu

This chapter investigates the origins and development of customary land claims in the district of East Luwu, South Sulawesi province. Unlike the politics of adat revivalism in previous chapters, these struggles have progressed beyond the search for official recognition and regulatory approval. In the small mining town of Soroako on the shores of Lake Matano, contemporary land disputes are traceable back to the beginnings of nickel exploration in 1909. By 1968 International Nickel of Canada (hereafter PT Inco)³¹² was granted a Contract of Work for nickel production, marking the origins of systematic land appropriation and community alienation.

As PT Inco reached full production in 1978, mining concessions were held over an area measuring some 118,387 hectares. According to local indigenous groups, the loss of customary lands to the mining concessionary was a blatant derogation of their adat rights. While PT Inco's successful bid brought the prospect of windfall profits and favourable relations with the Suharto regime, it also landed the company in a protracted dispute with two indigenous communities, the Soroakans and the Karongsi'e Dongi.

This chapter charts the various historical intrusions that have shaped local politics and traditions in the Matano domain, some of which having seriously disrupted the agrarian patterns of village life. Neither authentic nor wholly invented, customary land claims in the mining zone of East Luwu are the product of selective historical reconstructions, shared memories of suffering, external intervention, and violent confrontation. In order to better understand local conflicts, van Klinken (2007b:2) contrasts "grievance-based" approaches with "mobilisational" approaches, favouring the latter for its concrete political analysis of resource mobilisations as opposed to the "timeless hurt" of grievances, which "tend to fester until an organiser comes along".

³¹² Perusahaan Terbatas (or PT) stands for Corporation Limited.

Developmental imperatives and national unity remain the cornerstones of modern Indonesian politics; however since 1998, more emphasis has been placed upon respect for human rights, citizen empowerment, and the growth of civil society. This shift has been driven by external agents, producing significant (though not entirely favourable) impacts on the dispute resolution process. Disputes over productive lands in Indonesia raise complex questions about land classification, entitlement, and legitimate criteria for assessing customary claims, bringing to the fore tensions between the interests of the state and the interests of local communities.

PT Inco, holder of a valid Contract of Work, employer of thousands, and significant revenue generator, has the force of national law and political patronage on its side. Determined to confront this pollution-generating mining giant, one profiting at the expense of eco-friendly noble savages while colluding with rabidly plundering politicians and members of a vitriolic security apparatus, adat communities have allies in a variety of international movements.

Beyond the narrow, grievance-based, binary analysis of victims and perpetrators, there are several factors which complicate the mobilisational approach mentioned by van Klinken (2007b). These include the heterogeneity of most Indonesian communities, differential interests and perceptions, subterranean interventions by a melange of trustees, patrons and allies, deliberate misrepresentations in the name of adat, government officials espousing populist rhetoric while practicing an exclusionary form of gentle compulsion, uncertainty in the decentralised legal framework, and strategically sophisticated corporate public relations and mediation teams.

Within an optimal Indonesian framework for decentralisation, expectations are that a local government with newly devolved responsibilities, facing direct elections for the first time, will be more fiscally responsible, constituency-oriented, downwardly accountable, and broadly representative. Similarly, reducing the constraints on local communities will enhance citizen participation and political awareness, leading to a proliferation of contestations and struggles aided by benevolent NGOs and burgeoning activist networks.

The corporation, though somewhat insulated from these changes as a result of its legally-binding contract and obligation to maximise profits, may voluntarily adopt the notations of corporate social responsibility. In addition, corporate managers will highlight their increasing contributions to community development programmes, and appease critics with their newly-found commitment to transparency, consistent with the democratic imperatives of the reform era.

Such mainstream narratives will be critically examined throughout this chapter, which draws on firsthand field research from the contested areas around Soroako, the principal site of PT Inco's expansive nickel mining and smelter project. Specifically, this chapter examines the extent to which local autonomy enables adat communities to challenge the constitutive political conditions that have, for so many decades, served to disenfranchise and dominate them. The surrogacy of NGO allies and activist associations largely drives these political challenges, reconfiguring adat so as to serve as a rallying point for aggrieved villagers, those disillusioned by the legacies of legal uncertainty and political disenfranchisement.

In order for the complex and highly politicised process of adat revivalism to resonate with an international audience, there have been innovative efforts by local communities and their supporters to align notions of adat with environmentalism and the harmony ideologies of indigenous rights campaigners. These constructed discourses often translate into substantive political struggles on the ground, though by no means does this guarantee unanimity, improvements in local livelihoods, or resolution of long-standing disputes. Indeed, the political strategies designed, funded and coordinated by external supporters have the potential to empower or marginalise local client communities, exemplify or misrepresent the intended beneficiaries, and alleviate or exacerbate violent land disputes.

Framing these complexities within the permissible discourses of decentralisation, it is important to assess the ways in which enhanced participation, representation, and accountability provide adat communities with new opportunities and arenas for struggles over land. Specifically, the extent to which third-party intervention fosters a growing dependency on outside representation, shapes local

perceptions, and marginalises ordinary villagers in the dispute resolution process shall be assessed. By foregrounding the struggles of indigenous Soroakans and Karongsi'e Dongi, the degree to which adat revivalism has produced tangible results in the context of decentralisation shall be also examined, along with the willingness of all protagonists to collaborate in search of a comprehensive solution to local land disputes.

The Nickel Project in Matano

With the exception of Robinson (1986), no history of the Lake Matano region has been published, nor has it figured prominently in the historical records of either the Kingdom of Luwu or of the Dutch occupiers. Robinson (1986:59) used missionaries' and explorers' reports, as well as documents from the Indonesian National Archives, to help "throw light on events in the region around Lake Matano, fleshing them out with the oral history of the people themselves". It has been established that Soroakan and Karongsi'e Dongi villages were located on the shores of Lake Matano in the nineteenth century, and so fell within a political domain that straddled the periphery of the Kingdom of Luwu.

The incorporation of Matano into the Bugis Kingdom of Luwu in the late nineteenth century was formalised through intermarriage and the payment of tributes. One consequence was that local customs and traditions gradually became synonymous with Bugis customs.³¹³ Therefore, while "asserting an autonomous identity as the indigenous people of Soroako, they were simultaneously taking on Bugis cultural practices as part of the reassertion of that identity" (Robinson 1986:92). The Buginisation of the Matano domain was just one of a series of intrusions upon the customs and traditions of local indigenous communities.

In 1905, for instance, the Kingdom of Luwu was incorporated into the Dutch colonial empire, and troops were deployed in order to "subjugate the natives" (Roth 2005:491). While the Karongsi'e Dongi still resided in the highlands, it is likely they

³¹³ The indigenous peoples of Matano were also culturally and linguistically related to the Mori of Central Sulawesi (Robinson 1986:1).

were caught up in colonial “buffer politics” meant to create a boundary between the highlands and lowlands, thus preventing the spread of Islam (Roth 2005:493). Christian missionary activity, driven primarily by the Association of Dutch Reformed Mission (or GZB), was establishing strong roots in the highlands of Luwu and neighbouring Tana Toraja (Ngelow 2004:5).

Beyond religious containment, colonial rule in Sulawesi (after 1910) was becoming much more direct and policy shifts much more purposeful. Administrative control was sought, which required control of the population and therefore resettlement was encouraged: “villages and homesteads were moved from locations high in the mountains to sites closer to new roads” (Robinson 1986:73). Taxation and forced labour followed, and regulations were imposed in order to end the ‘slash and burn’ swidden cultivation that characterised agrarian practice in Matano prior to rice paddy field cultivation. This change introduced permanent cultivation, and crucially, brought the concept of private land ownership into the region.

When the Darul Islam rebellion reached the shores of Matano, the Soroakans, who were for the most part nominal Muslims, fled to neighbouring towns such as Nuha and Malili, the capital of what is now East Luwu district. By contrast, the Karongsi’e Dongi community faced a stark choice; they could either renounce Christianity, flee, or be killed.³¹⁴ Very few voluntarily converted to Islam, meaning that the majority fled to other parts of the island, some going as far as Poso in Central Sulawesi, Routa-Towuti in Southeast Sulawesi, and Manado in North Sulawesi.

By the time the rebellion was defeated (1965), PT Inco was amongst a host of multinational corporations bidding for control of the vacant land in and around Matano. With the onset of the New Order (1966) came repressive campaigns to standardise village affairs and promote uniformity throughout Indonesia. Land alienation was a common feature of this era, paving the way for most of the ongoing disputes in Sulawesi involving customary communities.

Building on earlier explorations, the Celebes Mining Company (Mijnbouw Maatschappij Celebes) began operations in 1941, though this productive period was

³¹⁴ Interview with Karongsi’e Dongi activists (names withheld), in Soroako on 16 April 2006.

short lived (Robinson 1986:79). War, occupation and rebellion had reached the shores of Lake Matano, and investment was not forthcoming until the corporatist New Order regime brought stability and a commitment to modern development in Indonesia. From 1966 onwards, President Suharto guided Indonesia towards a new era of modernisation and industrialisation, focusing heavily on the attraction of foreign investment.

As global competition for dominance in resource extraction intensified in the 1960s, it was found that some 80 per cent of the world's nickel reserves were contained "in the tropical zones in the laterite ores" (Bradbury 1985:137). Vast lateritic nickel reserves have been discovered in Nicaragua, Guatemala, the Dominican Republic, and Indonesia. In 1968 tenders were invited to bid for contracts to explore and develop the nickel ores of Sulawesi, believed to be potentially the richest in Indonesia (Robinson 1986:99).

On 27 July 1968 International Nickel of Canada (Inco) was awarded a Contract of Work from the Indonesian Ministry of Energy and Mining. This was a thirty-year contract, to commence once exploration was completed and a stage of full production was reached. In 1973 the company announced the first phase development "in conjunction with PT International Nickel of Indonesia, a majority-owned subsidiary of Inco" (Bradbury 1985:140).

When PT Inco finally entered into a phase of full production in December 1978, at a cost of some US\$820 million, it was decided that the nickel-producing plant would be permanently located in the village of Soroako (Robinson 1986:101). The Soroako complex was designed to employ 4,000 persons at full production, with annual production expected to top 45,360 tons of nickel (Bradbury 1985:140).

Local indigenous communities have since been embroiled in a protracted land dispute with the District Government of Luwu as well as PT Inco. Adverse environmental impact, land alienation, and threats to the traditional patterns of life were some of the principal points of contention. Soroakan and Karongsi'e Dongi grievances were channelled into political campaigns for compensation.

PT Inco's original Contract of Work (1968–1996) stipulated that the company should strive to maximise the benefits of the nickel project for regional development. The company also issued a mandate to hire locally, and to compensate indigenous inhabitants dependent on land and waterways for fruit farming and drinking water that had been forced to resettle because of operational imperatives (Hilson 2002:71). It was found that “the company would be obliged to pay reasonable compensation for dwellings, cultivated land, or any other [...] lands that were damaged or taken over by the company” (Robinson 1986:101). Such obligations constitute the social element of the company's responsibilities, alongside obligations to pay royalties, rents and taxes to the state.

As a basis for determining eligibility for compensation, the principle of forced resettlement is contentious. Soroakan and Karongsi'e Dongi families had been displaced by the rebellion, and upon their gradual return to Matano discovered that their residential and agricultural lands had been auctioned off to corporate bidders by the New Order regime. Technically, PT Inco followed procedures and their mining and exploration bid was legitimised under state law. The opportunistic Suharto government seized upon the “vacant” lands around Matano, pre-empting the return of the Karongsi'e Dongi and Soroakan diasporas.

The early returnees, already traumatised by Westerling's pacification campaign and the voracity of the Darul Islam rebellions, faced a new reality: industrialisation. For those willing to confront the PT Inco nickel project, forged from the collusion of ravenous government officials and predatory investors, there was little political or legal representation available, and very few points of leverage from which to engage in negotiations over matters of compensation.

Having fled far and wide, Karongsi'e Dongi families were slower to return, but when they did trickle back to their homeland, they found their village, located two kilometres from Soroako, to have been overlain by a corporate golf course. From 1972 onwards, former Karongsi'e Dongi lands were being converted into housing units and amenities for PT Inco employees with greater rapidity. In order to build a case for compensation, these families needed to present genealogical evidence,

drawing on their residential and cultivation patterns. This was complicated by the fact that no coherent “system” of inheritance really existed; rather, the rice-paddy fields first encouraged by Dutch controlleurs had only been maintained for two or three generations (Robinson 1986:119).

For adat communities, custom, ritual and survival revolved around access to arable land rather than rationalised, systematised notions of private ownership. Where there was legible documentation and legal certification, the majority was either lost or destroyed during the crises; the wrath of rebellion left little more than burnt-out remnants of houses, cemeteries, rice fields and plantations.³¹⁵

Consistent with the era of developmental authoritarianism, investment and security were paramount, and disparate customary claims were generally seen as antithetical to the national interest. PT Inco’s contractual obligations to compensate the victims of “forced resettlement” derive only from their mining operations, not the legacy of rebellion or the maladministration of the Indonesian government. Despite mounting local protests, the company maintained its uneven hiring policy (only 140 locals hired), refused to accept the blame for receding waters levels in Lake Matano, and failed to commission studies about the environmental effects of gaseous mine pollutants (Hilson 2002:71).

Throughout the 1970s the district government of Luwu was certainly inept, but not entirely idle, for there were initiatives and committees established to investigate land claims and community grievances.³¹⁶ Lands were surveyed, market prices were scrutinised, transactions were monitored, and an attempt to determine the precise number of households eligible for recompense was made.

³¹⁵ Interview with Karongsi’e Dongi activists (names withheld), in Soroako on 16 April 2006.

³¹⁶ In 1975, for instance, the Mayor of Luwu, at the behest of the Governor of South Sulawesi, established a Compensation Committee (through ordinance number 15/1975) in order to compile an inventory of land sales and to collect data about land ownership and development in Soroako and the surrounding areas. This information is contained in the document ‘Chronology of Dispute Resolution over Land Compensation in Soroako from the Operational Activities of PT Inco,’ obtained from PT Inco’s Department of External Relations, Soroako, on 16 April 2006.

At one juncture, it seemed that compensation in the form of land allocations and cash contributions would reach the aggrieved communities.³¹⁷ However, hopes faded as venal politicians began to issue contradictory statements, compensation funds vanished, relocation settlements were disputed, villagers were confronted by the violence and intimidation of security forces, excluded from negotiations, and ultimately prevented from obtaining vital information with respect to their cases.³¹⁸

Based on PT Inco's own chronology of events, the Mayor of Luwu issued a decree on 29 May 1974, offering cash settlements totalling 42,413,793 rupiah.³¹⁹ Once PT Inco accepted this figure, the district government of Luwu was entrusted with the task of allocating these funds to eligible claimants. From the outset, however, the amount offered was considered far too low, heightening people's suspicions about a negotiation process fraught with irregularities. As a result, only ten per cent of eligible landholders accepted the money by the end of 1975; and by 1978, just 25 per cent had bowed to governmental and military pressure, accepting a revised financial settlement (Robinson 1986:182).

Acting on the advice of two indigenous Soroakans who had risen to prominence as civil servants of rank in Jakarta and Makassar, a lawyer was authorised to represent the community in all further negotiations over land compensation (Robinson 1986:182). It has been argued that the Soroakans "were fortunate in having connections with more sophisticated people in the city" (Robinson 1986:187).

According to PT Inco's records, a lawyer named Mustamin Dg. Matutu S.H. assumed authority over the case, enlisted by Soroakans to represent them in the protracted legal dispute with PT Inco and the district government.³²⁰ A compromise was eventually reached whereby PT Inco agreed to pay out additional compensation,

³¹⁷ In 1974 the negotiating parties determined that 137 Soroakan households qualified for compensation (Robinson 1986:119).

³¹⁸ See Robinson (1986) for a detailed and rich account of these early compensation disputes.

³¹⁹ Mayoral Decree Number 29/II/KDL/74 and all compensation figures are listed in the 'Chronology of Dispute Resolution [...]' document obtained from PT Inco on 16 April 2006.

³²⁰ According to PT Inco's 'Chronology of Dispute Resolution [...]' document, the appointment of Mustamin Dg. Matutu S.H. as the community's lawyer was recorded by the District Court of Palopo, and formalised through Letter of Authority Number 352/S/1975, dated 28 February 1975.

but would avoid losing face by labelling these payments as charitable contributions in the amount of 33,363,000 rupiah.³²¹

On 9 August 1978 the Indonesian Ministry of Energy and Mining decreed that the process of land compensation for the operational activities of PT Inco in Soroako had been rectified and finalised. PT Inco was to ensure that all legal documentation for the land release would be issued, and all compensation paid, after which the company would no longer have any legal obligation to deal with further accusations or complaints regarding concession lands (Robinson 1986:183).

Despite this attempted compromise, the catalogue of errors continued as clerical mistakes were identified, leading to misallocations, mistaken identities, and even cases where non-claimants received compensation (Robinson 1986:184). Legal procedures had stalled because of the volume of unverifiable claims being made, as well as the refusal by recognised claimants to accept any money before the matter was legitimately resolved. This provides the first indication of disunity within the community.

When there was nothing but a shared sense of grief in the community (from 1968–1974), this could be channelled towards a broad-based oppositional campaign against the perpetrators—PT Inco and the government. With the prospect of cash in hand and land, however, fissures emerged as some households were naturally tempted to accept any offer to alleviate their sufferings, which was interpreted by other households as a betrayal of community solidarity and the principles of their struggle.

Differences were also amplified between local PT Inco employees, the beneficiaries of sub-contracting jobs that arose periodically, those attempting to revive notions of adat rights, members of transmigrant communities, and those without any affiliations, rendered anonymous by the forces of industrialisation and modernisation. In their efforts to represent Soroakan claimants, members of the officially sanctioned Compensation Committee grew increasingly bold, seeking to expose the corrupt practices of government officials. For their efforts, many were

³²¹ Figures from PT Inco's 'Chronology of Dispute Resolution [...]'. Combining the two instalments, the total figure to be paid out was: 42,413,793 + 33,363,000 = 75,776,793 rupiah.

detained and some even labelled as communist provocateurs.³²² In such a climate of political uncertainty, people began to reassert their adat rights over lands.

By 1979 a significant proportion of villagers were selectively ‘reviving’ notions of customary tenure to support direct appeals for official recognition. These appeals were often based on romantic portrayals of the village, within which land tenure was consistent with traditional patterns of life, ancestral inheritance, and the principle of first cultivation (traceable back to the pioneering settlers who first cleared and cultivated lands in Matano). The first official response to claims for adat rights over village land was denial; the relevant authorities refused to sign documents that local people needed in order to “transform their customary rights in land into rights under the modern law” (Robinson 1986:196).

Throughout the 1980s and 1990s, profitable mining operations continued to expand in Soroako without serious political challenges. In 1996 a new contract was concluded with the Suharto regime running until 2025, with PT Inco committed to a C\$1.5 billion investment meant to increase laterite nickel output by 50 per cent (Moody 1999). The following sections concentrate heavily on the contemporary struggles over compensation, focusing on the ways in which notions of adat are reconfigured and redeployed to bolster claims over land.

Reform Era

Negotiation over compensation for indigenous households displaced by mining operations was incremental until 1989, when a social organisation called the Indigenous Soroakan Organisation (Kerukunan Wawainia Asli Soroako or KWAS) was established. At that time community relations with PT Inco and the government were strained, the military apparatus of the New Order regime continued to prevent community activists from wielding any political influence, and protests were firmly suppressed.³²³

³²² Interview with Andi Baso, one of the founders of KWAS, in Soroako on 13 April 2006.

³²³ Interview with Andi Baso of KWAS on 13 April 2006.

The history modern developmental NGOs in Indonesia (LBH, WALHI, CD Bethesda, WALDA Tana Toraja) suggests that it takes time and perseverance to establish a broad base of support from within the community. Likewise, any community-based or social organisation established in a conflict zone will need time and experience in order to formulate a clear, effective political strategy.

Preliminary efforts to reassert indigenous rights involved violent confrontation, bold public demonstrations, blockades, and forcible land reclaiming.³²⁴ These disparate strategies proved costly in terms of security, investor confidence and district revenue, and failed to produce a sustainable political solution. Between 1998 and 2000, however, there were indications that NGOs, trustees and activists were becoming more professional, changing the balance of representation at the local level by strengthening the formal bargaining position of local communities.

As a consequence of decentralisation, government officials from East Luwu district no longer work in the shadow of provincial authorities or central ministries responsible for forestry or mining.³²⁵ PT Inco, for its part, has been more willing to address community grievances and is responsive to political pressure from activists and their support networks. From the community perspective, Soroakan villagers in the 1970s felt blessed to have support and council from metropolitan lawyers and civil servants, whereas their plight has now captured the attention of a well-endowed and highly sympathetic international audience. Finally, the Karongsi'e Dongi rose from obscurity to become the focal point of a sweeping campaign to denounce PT Inco's human rights and environmental record. Ironically, as this campaign progressed, the plight of actual indigenous victims became of secondary concern and was instrumentalised.

Mobilising around new discourses of local empowerment and emancipation, community-based organisations such as KWAS managed to secure a variety of

³²⁴ Lucas and Warren (2003) uncovered similar patterns throughout Java and Sumatra.

³²⁵ Autonomy from central ministries and their directives does not mean that district political imperatives are any different, though it does remove some of the insulation from public scrutiny and hostility.

concessions from PT Inco.³²⁶ These include improvements in hiring policy, job security, a focus on the development of skilled workers from within the indigenous community, and the provision of electricity (250 watts) to each household in Soroako. There are plans to build a free health clinic in Soroako adhering to the same standards that PT Inco's own health centres operate under, as well as to improve water quality. In addition, KWAS and PT Inco's Department of External Relations have established a service whereby the descendants of the original inhabitants of Soroako can register and receive a special health card entitling them to free medicine and health care.³²⁷ Finally, extra funding has been made available to Soroakan families planning to make the pilgrimage to Mecca.³²⁸

By 2006 the administrative capacity of KWAS had evolved significantly, and the organisation was able to establish a direct link to PT Inco's External Relations. As a result, KWAS was able to better represent the Soroakan community in negotiations with PT Inco over the provision of facilities and community development projects. See Table 6.1 below for the most recent community development proposals forged by KWAS in cooperation with PT Inco advisors.

³²⁶ Interview with Andi Baso of KWAS in Soroako on 13 April 2006.

³²⁷ Interview with Jaharuddin Tosilili, former head of KWAS, in Soroako on 15 April 2006.

³²⁸ Interview with Andi Baso of KWAS on 13 April 2006.

Table 6.1: Kwas Community Development Proposals

Timeframe	Program	Target	Description
2006–2007	Building drug stores	To improve community access to medicine	To be managed by Kwas cooperative
April–May 2006	Developing Tapulemo Pier facilities	To create a centre for water transportation, employment opportunities, and to beautify the coast	To be managed by Kwas cooperative
April–June 2006	Development of a traditional market	To encourage trade in farm produce, to stimulate local business and create employment	To be managed by Kwas cooperative
August–September 2006	Building of a monument	To preserve cultural and historical values, as a symbol of harmony between the corporation and indigenous Soroakans	
June 2006	Supplying equipment for bamboo music and other art forms	To preserve the art and culture of indigenous Soroakans	
May–September 2006	Skills training	To improve skills in management, craftsmanship, marine first aid, fishing, education, and languages	
2006–2007	Water Sanitation	Community can be self-sufficient in management of water sanitation	
2006–2007	Cultural performance	Revive, preserve and spread the arts and culture of indigenous Soroakans throughout Matano	
May–June 2006	Establish a protected fishing zone	To preserve the fish population of Lake Matano	

Source: Kwas Letter Number 016/Kwas/SK/IV/2006, obtained 11 April 2006

When set against annual profit margins the costs of such concessions are miniscule, and the objectives do not pose a significant political challenge to existing conditions. The community development proposals do not even go beyond the basic safeguards originally established in PT Inco's first Contract of Work, such as the obligation to compensate households for loss or damage to their dwellings, agricultural lands, and any other lands affected by mining operations. By branding their community development programmes as innovative, democratic reforms, therefore, the company has sought to win a public relations victory.

Local informants are wise to these tactics, asserting that their representatives from the village government are not forthcoming about matters of importance such as district funding, clean-water programmes, or infrastructure projects.³²⁹ Moreover, despite the rhetoric of community consultation, those genuinely affected by local policy and negotiations are rarely represented and remain largely anonymous. In order to appease some critics and appear socially responsible, PT Inco has endorsed aspects of the Kwas proposals that commit to preserving and promoting the customs and traditions of Soroako.

In order to showcase passive and harmonious forms of adat, PT Inco is active in the documentation of oral traditions, publishing (non-political) books of folklore and legends from Matano, such as Mahendra's (2005) *Tales of the People and Culture of East Luwu*.³³⁰ The company also sponsors annual adat celebrations and spectacles. For instance, on 22 April 2006 I attended an event called 'A Night in the Land of Bugis' held in appreciation of Buginese art and culture. The district government of East Luwu and PT Inco co-sponsored the event, and the Chairwoman of the Organising Committee was the mayor's wife. The event organisers felt that "we ought to appreciate and preserve the original culture" of the Bugis, a culture which has been "passed down from generation to generation, seen through the way of life in the language as well as in the arts and the traditions".

³²⁹ Interview with a neighbourhood head (Pak Rukun Tetangga) from Nikkel Village, Old Soroako, on 14 April 2006.

³³⁰ Interview with Edi Suherdi, Manager of PT Inco's External Relations, in Soroako on 20 April 2006.

Among the main features that evening was a performance called “Andi-Andi Wesabbe Dance” which originates from Soppeng, followed by “Kecapi Music” from Wajo which is performed with a traditional string instrument called Pinisi. There was also a theatrical performance called “Kondo Buleng” which has been developed in Makassar but derives from an original play by the Bajo ethnic group (the people of the sea). Finally, a folk dance called “Pepe’-Pepe’Ka Ri Makkah” which means “a game from Mecca” was performed; this dance was first introduced when Islam entered the Kingdom of Gowa in 1605.

Bugis sub-groups from throughout South Sulawesi were thus represented in their most stylish, colourful, and romantic traditions. As the following section reveals, this event was a significant departure and distraction from the oppositional strategies developing in Soroako, particularly those revolving around the Karongsi’e Dongi. No longer the passive, ideal subjects of development, different factions from within the Karongsi’e Dongi community have been working with external supporters to forge innovative political strategies in search of compensation, recognition of land entitlements, and protection from future incursions.

While the support of benevolent allies and expert trustees provides unique opportunities for emancipation, it also raises agonisingly complex questions about misrepresentation and donor dependency. PT Inco, for its part, promotes a narrow cultural view of adat that is devoid of political implications, while the district government seems at once ambitious, ambivalent, and cautious on the question of the legitimacy of customary land claims. Finally, local communities are divided in their perceptions, strategies, and allegiances, mobilising around various interpretations and reconstructions of adat, and endorsing an array of disparate, exclusivist agendas. Therefore, further analysis of the evolving roles of each protagonist in Matano is needed in order to assess the prospects for peaceful resolution of seemingly intractable land disputes.

Autonomy and District Governance

Since the implementation of decentralisation there has been an Indonesia-wide trend towards administrative blossoming, with the number of districts more than doubling between 2001 and 2004 (Duncan 2007:726). This blossoming involves the scaling down of administrative units based on strategic considerations such as control over resources, exclusive access to lakes and rivers, as well as entitlement to annual transfer funds (DAU and DAK).

Consistent with this trend, Luwu was partitioned into four separate districts—Palopo, Luwu, North Luwu and East Luwu.³³¹ Much to the chagrin of North Luwu's politicians, PT Inco's South Sulawesi concession zone now falls exclusively within the administrative borders of East Luwu, forging a direct and lucrative link between the company and the district capital of Malili. In 2003 PT Inco, through taxes, levies, rents, and royalties, contributed 221 billion rupiah to the district revenue of East Luwu, which is significantly higher than the 76 billion rupiah allocated from the central government in 2004 as part of the General Allocation Fund (DAU).³³² Struggling to escape from the "Dutch disease" (Davis 1995) and the "resource curse" (Rosser 2007), East Luwu remains heavily dependent on PT Inco's contributions, which causes political distortions and hinders the dispute resolution process.

The transfer of power from Mamasa (capital of North Luwu) to Malili (capital of East Luwu) began as a muddled process of delegation and deconcentration; however, a legitimate mandate was needed and officials made preparations for the genuine devolution of authority. This culminated in the holding of direct mayoral elections in 2005, bringing East Luwu into compliance with revised Decentralisation Law 32/2004. As a result, Haj Andi Hatta Marakarma and his deputy became the first-ever directly elected officials in East Luwu District, securing 45.7 per cent of the popular vote on 27 June 2005.³³³ In order to distance themselves from the venality

³³¹ East Luwu was established as a separate district in 2003, based on Law Number 7/2003.

³³² Data provided by PT Inco External Relations on 14 January 2006. Contributions to district revenue and domestic income are based on the 32 per cent figure which is allocated to the principal district (the location of the mining contract or plantation concession).

³³³ Data from the General Election Commission, South Sulawesi Province, Makassar, published 29 July 2005.

and weakness of past governments, officials have taken a proactive approach to the mediation process between indigenous claimants and corporate perpetrators without deferring to the authority of PT Inco executives or upper levels of government.

The newly elected mayor, aware of the importance of resolving local land disputes, has attempted to facilitate negotiations between all parties in a relatively transparent way. During the New Order all of the government officials were said to have acted “as if they knew everything and had all of the control”.³³⁴ In the era of decentralisation, the government supposedly functions “like a servant” to the community, providing essential services, behaving responsibly, and accommodating the aspirations of the community in their policies. Fear of district mayors has been replaced with respect.³³⁵

Statements made by subordinate politicians seem to affirm the opinions of the mayor. For instance, without any signs of trembling, the sub-district head of Nuha lauded this new “era of transparency,” where “at all administrative levels there is [political] access and everyone has the mobile phone number of the mayor”.³³⁶ Given that Soroako is a heterogeneous town, mainly as a result of transmigration, pioneering agriculturists, and foreign recruitment by PT Inco, the role of the sub-district head is to “work on improving relations between diverse ethnic groups and religions [...] for example by creating inter-faith cooperation through open forums and community empowerment”.³³⁷

Having spent time in the district government complex in Malili, it is evident that relations between the district government and PT Inco are productive and channels of communication are always open. There are, however politically motivated accusations coming from the office of the mayor that the company is “still centralistic in its outlook and behaviour”.³³⁸ For instance, it is alleged that while the district government sacrifices its popularity in order to support PT Inco by managing

³³⁴ Interview with Haj Andi Hatta Marakarma, the Mayor of East Luwu, on 18 April 2006.

³³⁵ Interview with Haj Andi Hatta Marakarma, the Mayor of East Luwu, on 18 April 2006.

³³⁶ Interview with Ade Chandra, the Sub-district Head of Nuha, on 19 April 2006.

³³⁷ Interview with Ade Chandra, the Sub-district Head of Nuha, on 19 April 2006. Ethnic diversity in Soroako is largely the result of Javanese, Balinese, Torajan and Bugis transmigration.

³³⁸ Interview with Haj Andi Hatta Marakarma, the Mayor of East Luwu, on 18 April 2006.

local conflicts and assuaging malcontents, the “corporation does not show any appreciation [and] the priority is still the central government”.³³⁹ Despite these concerns, relations between corporate managers and district officials have improved, especially where PT Inco’s Department of External Relations is concerned.

In the ongoing dispute over compensation, land, and customary rights, therefore, PT Inco and the government could be viewed as natural allies, collaborating in the struggle against villagers and their various external representatives. This is an extension of the binary logic discussed in chapter one, whereby the powerful impose their will upon the vulnerable. In light of recent reforms, however, this logic fails to capture the complexity of local politics in Soroako.

Senior members of the district government have allegedly threatened to provoke mass demonstrations against PT Inco if the company failed to provide sufficient facilities (bribes) and discretionary allowances.³⁴⁰ Moreover, local activists with international connections appear to have manipulated common villagers in order to fulfil their trustee role, bolster land claims, or inflate the rates of compensation offered by PT Inco.³⁴¹ Therefore, simplistic portrayals of natural alliances in the struggle over land and resources gloss over the fault lines that divide communities internally, rupture the collusive relations between power brokers, and engender a sense of suspicious hostility amongst politicians, beneficiaries, NGOs, constituencies, and company managers.

Set against the violent decades of the 1970s and 1980s, however, there have been some progressive indicators. PT Inco’s endorsement of social responsibility, community development, and environmental preservation, for instance, is a marked improvement. Specifically, the Department of External Relations, responsible for negotiations with the government and the community, has undergone some notable changes.

³³⁹ Interview with Haj Andi Hatta Marakarma (the Mayor) on 18 April 2006.

³⁴⁰ Anonymous source from PT Inco interviewed in Soroako, April 2006.

³⁴¹ Personal observations in Soroako, April 2006.

Recent personnel changes include the appointment of a new superintendent from Sulawesi, Sawedi Muhammad, to help oversee negotiations over land rights and compensation. The department also recruited a champion of corporate transparency from Jakarta, Agam Fatchurrochman, who has been working to harmonise PT Inco standards with international standards such as the Extractive Industries Transparency Initiative (EITI), Sustainability Reporting Guidelines (SGR), Audit and Assurance Standards, and International Accounting Standards (Fatchurrochman 2006:31). Through the Global Mining Initiative there are also new standards for sustainable development, environmental impact, and mine closure legislation (Cesare and Maxwell 2003:42).

It is obvious that, while some of the most progressive ideas have recently come from the Department of External Relations, corporate policies and practices are determined from the offices of upper management and chief executives. Moreover, the primary purpose behind the establishment of External Relations is to employ a cadre of well trained, well educated, affable public relations officials to offset the negative and sometimes sensationalised press that frequently denounces PT Inco's environmental and human rights record.

As a concession to its newest (reform oriented) members, External Relations has also been given a mandate to shape and expand community development programmes, building local partnerships with credible actors and responsible members of the press. Aware that community development programmes have historically been manipulated by local elites, sub-contractors, and members of the district parliament for personal gain, External Relations staff attempted to "draw up a new system in which the community would be the *owners* of development."³⁴² There is a firm belief that "change has to result from design, not random acts. Therefore people in need such as farmers and fishermen should be empowered and should determine where the [community development] funds are allocated".³⁴³

³⁴² Interview with superintendent Sawedi Muhammad, External Relations, on 17 April 2006

³⁴³ Interview with superintendent Sawedi Muhammad on 17 April 2006. This was the logic behind the reforms introduced by KWAS, leading to the proposals listed in Table 6.1; however, such reforms have yet to pay dividends in the Karongsi'e Dongi dispute.

It is worth locating such reforms in the wider political context. District officials from Gowa, Palopo, Majene, Seko, and Tana Toraja sought to capture local opposition and redirect activists' energies towards non-threatening processes such as regulatory deliberation. In East Luwu, authorities encouraged lengthy debates over community development to deflect attention away from more fundamental issues surrounding land disputes, legal rights, eligibility for compensation, and the right of return for the Karongsi'e Dongi diaspora. As the following section demonstrates, district power brokers have not entirely succeeded in their efforts to deflect attention away from the underlying political dilemmas surrounding land claims in Soroako.

Constructing an Oppositional Agenda: Case of the Karongsi'e Dongi

As envisioned by the framers of the decentralisation laws, there are now formal mechanisms in East Luwu for villagers to make requests directly to the local government or to PT Inco. This occurs through the village head, who is elected by the community to represent their interests, acting with the approval of the village assembly. However, according to the following account from a PT Inco employee, there are still conflicts of interest:

Local politics are much more complex [challenging mainstream decentralisation]. There are many different ethnic groups and factions living in the same villages and sub-districts [of East Luwu]. What is needed is more thought towards participatory mechanisms. There is resistance from the district capital Malili, for instance in the parliament, towards these changes. No one wants to be overlooked or made redundant in the process, and no one wants to lose the benefits that they enjoy from manipulation of community development funds or from assistance given by PT Inco.³⁴⁴

This echoes Kaldor's (2004:164) critique of political strategies that foreground ethnicity and indigeneity, which are held to be divisive and antagonistic. What might have been in the best interests of the village or sub-district is now defined

³⁴⁴ Interview (name withheld), Department of External Relations, on 17 April 2006.

in exclusivist terms, foregrounding the grievances of particular groups rather than an inclusive whole. The statement also indicates the pervasiveness of corruption and entrenched interests in the district.

Chapter two already cast doubt on *general* assumptions that the benevolent influence of civil society would be positive, embodying a “natural affinity” with democracy, local empowerment and participatory democracy (Schönwälder 1997; Hadiz and Robison 2005). This section poses *specific* challenges to such assumptions, focusing on the networks that have coalesced around the Karongsi’e Dongi, introducing a variety of disparate political strategies into the area, some of which have backfired.

In contrast to the relative isolation of the 1970s and 1980s, the Karongsi’e Dongi community now has a network of supporters extending from the provincial capital Makassar to Jakarta and beyond. Moreover, they now have an officially recognised village representative committee that is not readily excluded from negotiations, enjoying frequent access to PT Inco’s External Relations Department as well as relevant district government agencies.

Since 1999 activists have encouraged a political strategy that places greater emphasis upon adat, building a campaign around the imagery of victimisation and exploitation of innocent indigenous peoples. At the fore of such strategies are domestic organisations such as WALHI, AMAN-SS, and Yayasan Tanah Merdeka (YTM) from Palu, each committed to the preservation and empowerment of the ecologically friendly occupants of Soroako’s “tribal slot” (Li 2000). Beyond the garnering of international support, it was expected adat revivalism would help forge a common position within the community, which could then be used to rally support behind the campaign for financial compensation from PT Inco and the return of stolen lands by the district government.

The South Sulawesi branch of AMAN, for instance, is committed to advocacy, participatory community mapping, and historical documentation in support

of Karongsi's Dongi claims.³⁴⁵ Moreover, they are active in reporting on current events, and provide a link to the English website of the Mining Advocacy Network (Jaringan Advokasi Tambang or JATAM) as well as the pressure group Down to Earth (DTE).

From AMAN's national database, membership applications for six adat communities from (what is now) East Luwu were received on 10 May 2001.³⁴⁶ A common grievance found on these membership forms was land alienation resulting from the activities of PT Inco. In support of its regional branch, AMAN Jakarta is involved in lobbying and public awareness, and a former member runs a newsletter called Down to Earth, an English-Indonesian publication that often reports on events involving adat communities in Soroako.³⁴⁷

Similarly, members of the Indonesian Forum for the Environment (WALHI) South Sulawesi branch actively target large productive estates in an attempt to hold them accountable for environmental mismanagement as well as rights abuses. WALHI's researchers conduct fieldwork, environmental impact assessments, and public awareness campaigns; their activists engage in public demonstrations and, in some instances, attempt to disrupt mining operations or plantation estates.³⁴⁸

Specifically, this organisation attempts to scrutinise Environmental Impact Analysis reports (Analisis Dampak Lingkungan or AMDAL) which are carried out by the government prior to the issuance of any licenses for extractive activities. Unsurprisingly, many of these AMDAL do not adhere to standards of impartiality and become politicised. Furthermore, some of its members believe in direct action and are committed to the disruption of productive activities in order to pressure companies to address community grievances. Some of their activities in relation to PT Inco's mining operations have been provocative, and their reporting is often sensationalised.

³⁴⁵ Interview with staff from AMAN South Sulawesi in Makassar on 02 February 2006.

³⁴⁶ All membership records for South Sulawesi province were provided by AMAN Jakarta staff on 23 November 2005.

³⁴⁷ See, for instance, 'Mass Protests Challenge Inco'. *Down to Earth No 67– November 2005*, available at: <http://dte.gn.apc.org/67mi4.htm>

³⁴⁸ Interview with members of WALHI South Sulawesi on 15 March 2006.

Representations on behalf of the Karongsi'e Dongi community are also being made by local community-based organisations (CBOs) such as the Indigenous Karongsi'e Dongi Organisation (Kerukunan Petawawo Asli Karongsi'e Dongi or KRAPASKAD), along with priests (pendeta) and members of the Luwu nobility (kedatuan Luwu). With so many claiming to speak on behalf of the Karongsi'e Dongi community, it inevitably becomes difficult for the district government and PT Inco to ascertain who to negotiate with, and for NGO's, who to represent.³⁴⁹

According to Arianto Sangaji, a prominent activist working out of YTM Palu, Central Sulawesi, this loose coalition lacks a coherent vision for Soroako, as well as the commitment necessary to see the process of dispute resolution through to a conclusive end.³⁵⁰ The resolution of resource conflicts therefore requires "permanent organisational forms with institutionalised and democratic leadership, rather than informally led, personalistic, ad hoc coalitions which disband when (some of) their short-term demands are met" (Sangaji 2007:330). For very different reasons, PT Inco's negotiators agree, giving the following account of the proliferation of NGO activity in Soroako:

In 2000 activism and efforts to support local communities began. Many NGOs came to the area [Soroako] and tried to mobilise the communities, to give them encouragement to stand up for their rights and so on. This was done in an irresponsible way, and the NGOs did not spend the necessary amount of time to help these communities become self-sufficient and able to organise their own affairs. Therefore it was an unfinished job, only provoking the community and not building the foundations for lasting change or struggle.³⁵¹

In order to stand above this disarray, PT Inco, through the Department of External Relations, has attempted to define and set the parameters of the debate. The first manoeuvre was to publicly acknowledge that the historical claims of the Karongsi'e Dongi have been overlooked (ISRR 2004:67). This acknowledgment is

³⁴⁹ Interview with Sawedi Muhammad on 17 April 2006.

³⁵⁰ Interview with Arianto Sangaji in Palu, Central Sulawesi, on 21 June 2006.

³⁵¹ Interview with Sawedi Muhammad, External Relations, on 17 April 2006.

part of their new-found commitment to corporate social responsibility, and goes some way towards satisfying the stipulations in their legally-binding Contract of Work. When pressed, however, PT Inco's executive still maintains that all land compensation matters arising from nickel production in East Luwu were finalised in accordance with the Ministry of Energy and Mining Decree of 1978, contradicting statements coming from External Relations.

PT Inco's public admission constitutes a half-hearted acknowledgment that early negotiations and settlements focused primarily on the indigenous Soroakan victims of the mining operations and government maladministration, to the detriment of Karongsi'e Dongi. There are, however, some records, recollections, and accounts of compensation being paid out to Karongsi'e Dongi community leaders, those best positioned to consult with local constituents and arrange for the distribution of funds.³⁵²

Rather than systematically allocating compensatory funds to each eligible household, these community leaders were thought to have kept the money or sent remittances to families which had fled the region. Negotiators from PT Inco as well as local third-party informants verified that payments had been made, although this was difficult to crosscheck because the recipients were village elders and many passed away soon after receiving the funds. There are accounts of receipts being issued for all of the funds outlaid to households, witnessed by the mayor in the 1970s, though the evidence has either been withheld or lost.³⁵³ The degree of political uncertainty surrounding compensation has left many families guarded, and officials have not exactly been forthcoming about cash transactions.

Whatever the circumstances, most observers agree that PT Inco released compensation funds in the 1970s, some of which were to be allocated to the Karongsi'e Dongi, but that "the district government failed to distribute these funds to

³⁵² Interview with Andi Yayat Pangeran, third-party to the dispute resolution process, in Malili on 20 April 2006.

³⁵³ Interview with Andi Yayat Pangeran on 20 April 2006.

the community” in any systematised way.³⁵⁴ As allegations of corruption become more widespread, attracting the attention of international mining watchdogs, ecologists, and human rights campaigners, PT Inco has expressed its willingness to reopen the matter of compensation, with specific reference to the social and historical upheaval that the Karongsi’e Dongi endured in decades past.³⁵⁵ This is the first indication that PT Inco has responded to changing political dynamics at all levels, even if the company refuses to acknowledge any land claims that are made in the name of adat.

The criteria used to judge the legitimacy of adat claims can be divided into moralistic and legalistic categories. The moralistic approach seems to carry little weight, and is often dealt with through patronising community development projects and socially responsible goodwill payments. For customary rights to be legally binding and enforceable, by contrast, proof of the existence of the adat community must first be established. Evidence of an uninterrupted presence within a clearly demarcated territory is then required, with the proviso that the forcible removal of the community (for instance as a result of conflict) does not nullify the land claim in question. In principle, only the voluntary transfer of land (sales and transactions), wilful abandonment, or undue neglect can be cause for nullification.

During the Darul Islam rebellion that preceded the granting of PT Inco’s first Contract of Work, the mainly Christian members of the Karongsi’e Dongi community were forced to flee under threat of death, after which their vacant lands were converted for mining purposes. Compounding these extreme incidents of ethnic cleansing and upheaval, the lands around Lake Matano were rapidly auctioned off to international investors. The plight of indigenous peoples has since been exacerbated by PT Inco’s relentlessly expanding mining operations.³⁵⁶

The building of a corporate golf course and airstrip has led to the loss of agricultural lands, while the construction of a housing estate for employees on the site

³⁵⁴ Interview with Naomi Werima, Karongsi’e Dongi activist from sub-district Wasuponda, on 21 April 2006.

³⁵⁵ Document titled ‘Chronology of Dispute Resolution [...]’ obtained from PT Inco on 16 April 2006.

³⁵⁶ Interview with Mahir Takaka, of AMAN-SS, on 17 February 2006.

of a Karongsi'e Dongi cemetery has demoralised the community. The inclusion of customary forests (which are often considered sacred) in PT Inco's concession zone is a grievous offence to those whose ancestors were among the pioneering settlers who first cleared and cultivated the lands. Finally, and most visibly, the fact that many Karongsi'e Dongi families were forced to reside in neighbouring areas such as Wasuponda, paying rents and struggling to re-establish sustainable livelihoods, is cause for revisiting the question of compensation and entitlement.³⁵⁷

The patterns of customary tenure in Indonesia, from which a degree of regularity emerges, dictate that whenever virgin forests and uncultivated lands are cleared and then put to use, rights are transferred to those who first engage in these productive activities (the pioneers). However, modernising reforms such as the introduction of private land ownership and the rationalisation of agriculture are often blamed for the gradual erosion of traditional agrarian systems and lifeways.

Impugning the hallmarks of modernity (industry, technocracy, developmental imperatives, and rationalisation) is a selective endeavour, ignoring many of the positive, enabling features that support adat revivalism (democratic decentralisation, open forums for political discussion, uncensored press, and ecological protectionism). It also diverts attention away from the fact that most adat communities have been unable to achieve the renewal that Smith (2004:204) predicted, indicating that the capacity to reinvent the past is limited and the intervention of external supporters is not a panacea.

Those whose interests are served by rejecting customary land claims seem to mimic their adversaries, the adat revivalists, by falling back on history and selectively deploying the most fitting interpretations of events. For instance, without denying the rich cultural heritage of Luwu, PT Inco executives or predatory government officials seek to undermine customary claims by citing the moment in 1957 when the last datu (or ruler) of Luwu agreed to join the Republic of Indonesia.³⁵⁸

³⁵⁷ Interview with Mahir Takaka on 17 February 2006.

³⁵⁸ Although traditional Bugis authorities consented in 1957 to the "abolition of the noble-dominated kingdoms," there remains a notable preoccupation with "ascriptive rank," hierarchy, patronage and clientelism (Millar 1983:478; Pelras 2000:18-19).

From 1957 onwards, all lands within the former kingdom of Luwu automatically became state lands.³⁵⁹ New terms of reference were promptly introduced. Hak ulayat (the customary right of avail) was relegated, and vast tracts of land were reclassified as productive or protected, thus altering the concept and practice of ownership and challenging the founding principles of adat such as pioneering cultivation, bestowal, and inheritance.

Members of Indigenous Karongsi'e Dongi Organisation (KRAPASKAD), though still committed to the promotion of customary rights, made the following sober assessment:

The problem is that the adat tenure system is unwritten, with no documentation, and therefore one cannot trace back to determine who first cultivated the land. All of the information has been lost since the [Darul Islam] rebellion, the displacement of the population, and the increasing extent of inter-marriage.³⁶⁰

Members of PT Inco, for their part, rarely shirk an opportunity to contribute to the uncertainty surrounding customary land claims. Seeking to dispel overly romanticised views of history and tradition in Matano, it has been suggested that since the division of Luwu into four separate districts (2001 onwards), intra-elite and familial conflict has been endemic.³⁶¹ Specifically, local elites are said to rely on specific representations of adat in order to capture political office, control the allocation of sub-contracting jobs, and determine the particulars of community development strategies.

There is indeed a long legacy of elite capture in Soroako, some of which may be blamed on local leaders acting in the name of adat. For the Karongsi'e Dongi community, therefore, discourses of adat create opportunities for the resolution of land disputes while simultaneously posing threats to the unity and efficacy of their bargaining position.

³⁵⁹ Interview with Haj Andi Hatta Marakarma, the Mayor of East Luwu, on 18 April 2006.

³⁶⁰ Interview with Pak Yusri from KRAPASKAD, Soroako, on 14 April 2006.

³⁶¹ Interview with Sawedi Muhammad, External Relations, on 17 April 2006.

Proponents of adat revivalism are facing a myriad of unresolved issues related to the Karongsi'e Dongi land dispute. Opportunistic government officials try to remain non-committal, though for the most part there is a reluctance to acknowledge customary rights. There have also been accusations that local security forces still use repressive tactics in order to dissuade Karongsi'e Dongi activists from engaging in politically-charged endeavours such as the reclaiming of ancestral lands.³⁶² Efforts to compensate local victims are complicated by the sheer volume of claims, some of which are dubious. Those advocating on behalf of the Karongsi'e Dongi community are not united in their approach, and the presence of external NGOs and activists has, at times, caused further schisms within the small community (Tyson 2007:33).

Towards Reconciliation

The first direct calls for recognition of customary lands were made on 28 June 2002 following a meeting of the whole Karongsi'e Dongi community (some 300 households) in Wasuponda.³⁶³ Despite differences of opinion, the most vocal representatives of the Karongsi'e Dongi community managed to elevate their demands for the recognition of customary lands to the top of the political agenda, honing in on the historically relevant Kopatea area.³⁶⁴ The agenda, which was by no means unanimously sanctioned, determined that recognition of adat lands should fulfil both the residential and agrarian needs of the community, endorse the socio-cultural revitalisation of the Karongsi'e Dongi people, and include the construction of a rumah adat (traditional longhouse) used for rituals, ceremonies and deliberation. Finally, it was decreed that any compensation scheme involving resettlement should be opposed, for it threatened to divorce people from their ancestral lands.³⁶⁵

Evidently, "the non-state-legitimising ideologies of adat" have a way of capturing the sense of collective grievance within the Karongsi'e Dongi community,

³⁶² Interview with Naomi Werima, Karongsi'e Dongi activist, on 21 April 2006.

³⁶³ Based on Letter Number 590/121/KN-VII/2002 issued on 5 July 2002 by the Sub-district Government of Nuha.

³⁶⁴ Kopatea is site of the former Karongsi'e Dongi village that was converted into a corporate golf course.

³⁶⁵ Letter Number 590/121/KN-VII/2002, Sub-district Government of Nuha.

drawing on the symbolism of an ecologically-sound people victimised and oppressed by the vices of capital and the greed of politics (Fitzpatrick 2007:138). Here the formative traumatic events of the Darul Islam rebellion and the mining project are signifiers of unity within the community, from which a sense of “political mission” emerges (Asari et al. 2008:3). Articulate, skilful activists have long sought to redeploy adat as a rallying point for the many disenfranchised citizens, appealing to their sense of identity and their historic ties to place in the Lake Matano domain.

Buoyed by the political momentum surrounding adat revivalism, community activists began to make their demands more explicit. For instance, during village meetings held in 2002 and 2003, local activists argued that all of the 300 Karongsi’e Dongi households residing throughout East Luwu should be eligible for a renegotiated compensation package.³⁶⁶ By extension, this implies that all of the Karongsi’e Dongi should be recognised as victims of the land alienation that began in the 1970s.

All parties to the dispute were therefore forced to consider claims regarding the inherent rights of one specific group to govern or control land “by virtue of its historic attachment to place” (Li 2007:338). In order to avoid violent incidents of land reclaiming (as witnessed in Bulukumba—chapter seven), the district government, PT Inco negotiators, and community representatives attempted to reconcile their positions and reach an accommodation. The first manoeuvre by the government was to urge the Karongsi’e Dongi community to elect an inclusive, representative village compensation committee. As a result, five representatives were chosen to work on the behalf of the community, entrusted to engage in all future negotiations with PT Inco and the district government.

By March 2004 these five individuals were formally recognised as bargaining partners by the Mayor of East Luwu, and were given the title of Team Five Dongi or ‘Tim Lima Dongi’.³⁶⁷ Unlike the original village compensation committee established by the Soroakans in 1974, Team Five Dongi (hereafter T5D) is not comprised solely

³⁶⁶ Interview with Anwar Hafid, Head of Governance Division, on 18 April 2006.

³⁶⁷ Interview with Anwar Hafid, Head of Governance Division, on 18 April 2006.

of local elites. However, as will be discussed further, there have been concerns raised about the selection process, and not all villagers approve of their representatives.

Since its inception the T5D has served two functions. First and foremost, it has been entrusted the internal task of representing the interests of the community, which requires transparency and effective communication. As further examination will show, a lack of cohesion within T5D, coupled with miscommunication, human error, and political manipulation, has served to undermine the dispute resolution process.

The second function of T5D was to engage in negotiations with government officials and PT Inco managers. Following the issuance of Mayoral Decree Number 112.A/2004 on 4 June 2004, the T5D was incorporated into a larger Dispute Resolution Committee or 'Tim Terpadu'. At the behest of the Mayor of East Luwu, this committee was granted a specific mandate for resolving the increasingly labyrinthine land conflict.

Table 6.2 below reveals that the Dispute Resolution Committee consists of all relevant stakeholders, including the T5D and other NGOs, indicating a procedural commitment to representation.

Table 6.2: Structure of the Dispute Resolution Committee

Positions	Particulars
Directors	1. Mayor of East Luwu 2. Regional Secretary, East Luwu District 3. PT Inco Management
Head	Governance Sector Assistant, East Luwu District
Deputy Head	Administrative Sector Assistant, East Luwu District
Secretary	Director of Law and Order, East Luwu District
Additional Members	1. Head of the Regional Development Planning Board, East Luwu District 2. District Agency of Mining, Energy and the Environment 3. District Agency of Manpower and Transmigration 4. Head of the National Land Agency, North Luwu District 5. District Bureau of Community Empowerment and National Unity 6. District Bureau of Law and Organisation 7. Sub-District Head of Nuha 8. District Bureau of Public Administration 9. Sawedi Muhammad–Department of External Relations, PT Inco 10. A. M. Yayat Pangerang–NGO NCC 11. The Village Head of Magani 12. The Village Head of Ledu-Ledu 13. H. Andi Baso, founder of KWAS ----- [Members of Team Five Dongi] 14. Yadin Wololi 15. Ramli Laduri 16. Agusmail. D 17. Steven Siape 18. Werima Mananta

Information contained in Mayoral Decree Number 112.A/2004, East Luwu District

The inauguration of this Resolution Committee marked the beginning of formal efforts to reach a comprehensive, localised solution to protracted land dispute. What needs to be examined further is the composition of this Team, in particular the political agendas of the community representatives from T5D. This will be followed by an investigation of the contested political issues surrounding customary land claims: *who* from the Karongsi'e Dongi community should be compensated, and *what* should they receive? The outcomes are highly dependent on the constructed perceptions and real consequences of adat revivalism.

Beginning with composition, Ramli Laduri of the T5D comes from a humble farming background and wants desperately to reach an agreement that will improve local livelihoods.³⁶⁸ His confrontation with PT Inco began in 1999 when he objected to the damage done to a Karongsi'e Dongi cemetery during the development of a housing complex for company employees.³⁶⁹ In 2003 police allegedly threatened to incarcerate him or even shoot him if he did not abandon his campaign. It was not the threats but rather the long years of prostration and deadlock that drove Laduri to endorse the pragmatism of political compromise and reconciliation, marking a definitive shift away from the idealism of a Karongsi'e Dongi awakening.

Another T5D member, Erik Stephen Siape, is a local sub-contractor who has business dealings with PT Inco. This association with the business side of the company casts doubt upon Siape's neutrality, though his performance during a meeting with PT Inco negotiators was professional.³⁷⁰ While he seems ambivalent in his approach to the concept of customary lands, he does recognise the importance of understanding and overcoming the ethnic divisions in the Matano area.³⁷¹

A third member, Werima Mananta, has devoted much of her time to the forging of global links and support networks in order to consolidate a local strategy

³⁶⁸ Interview with Ramli Laduri, member of T5D, in sub-district Wasuonda on 21 April 2006.

³⁶⁹ In Soroako there are two staff dormitories—Old Camp and Housing Block F— for labourers, while in the 'suburbs' of Pontada and Salonsa some 250 upper-level managers and supervisors have taken up residency.

³⁷⁰ Personal observations during a meeting between the negotiating parties in Soroako on 26 April 2006.

³⁷¹ Interview with Erik Stephen Siape, member of T5D, in Soroako on 26 April 2006.

for the recognition and bestowal of customary land rights. During my field research in East Luwu Werima Mananta was in Jakarta advocating, lobbying and recruiting for the collective cause of disenfranchised Soroakan villagers. She represents a faction unwilling to compromising when it comes to the principles of adat, such as the honour of the Karongsi'e Dongi community and their rightful claims over lands bequeathed to them by their beloved ancestors. As these brief vignettes demonstrate, there is a clear divergence in the approaches favoured by each of these three members of T5D.³⁷²

Werima Mananta seems to be the most politically active of the T5D members. On 13 November 2006, for instance, she was a participant at the 'Roundtable on Corporate Social Responsibility and the Extractive Sector in Developing Countries' held in Montreal, Canada. This roundtable was hosted by an organisation called Mining Watch Canada.³⁷³ Werima Mananta (2006a) used this forum to highlight the plight of the Karongsi'e Dongi community in Soroako, focusing on land alienation and the ongoing struggle for compensation.

The Mining Advocacy Network (JATAM), in partnership with AMAN, has also provided support for Karongsi'e Dongi activists.³⁷⁴ Through these international forums, Werima Mananta has been able to further her public awareness campaign, for instance reporting on hunger strikes by indigenous Karongsi'e Dongi. She has also been lobbying the Indonesian and Canadian governments over matters such as the upholding of basic human rights, and environmental issues such as banning open pit mining in protected forest areas. While this strategy may enhance the notoriety of her constituency, attracting an international audience, it has yet to translate into substantive change on the ground. The most intractable dilemmas are local in origin and may require a local solution.

³⁷² I was only able to personally interview two members of T5D, Ramli Laduri and Erik Stephen Siape. The other three members—Werima Mananta, Yadin Wololy and Agusmail Wangdah—were not in East Luwu at the time of my fieldwork.

³⁷³ Mining Watch Canada also paid for Andi Baso to travel to Sudbury Ontario to address PT Inco shareholders in 2000.

³⁷⁴ The Mining Advocacy Network (<http://www.jatam.org/>) publishes reports by activists such as Werima Mananta (2006b), spreading domestic and local awareness about events such as the Montreal Roundtable.

Werima Mananta's sister, Naomi Mananta, a Protestant priest, is also actively going global, using her oratory and literary skills to appeal to the international community. For instance, Naomi Mananta (2002) attended the World Summit on Sustainable Development in Bali, held from 25 May to 7 June 2002. At this summit she delivered a paper entitled 'The Existence of the Karongsi'e Dongi Adat Community,' introducing a wider audience to the perils of community displacement and the vices of PT Inco's mining operations. Both Mananta sisters are thus pursuing a similar global agenda, though there appears to be a divergence in their approach when it comes to local, grassroots strategy. Indeed, as will be discussed further, Naomi Mananta is at times highly critical of the T5D, the compensation committee to which her sister belongs.³⁷⁵

Ramli Laduri is the only negotiator to have expressed a willingness to die for his community. Without detracting from his commitment to the emancipation of the Karongsi'e Dongi, Laduri's skills appear better suited to agrarian matters. At the negotiating table he seems awkward and inarticulate.³⁷⁶ Erik Stephen Siape is entrepreneurial, competent, and better suited to roundtable negotiations, though his focus seemed to be parochial. The Mananta sisters are, by contrast, attempting to develop a path-breaking strategy, one hinged on the primordial view that links are maintained with an authentic past, while simultaneously seeking to map out new political terrain, selectively appropriating historical meanings and symbols in order to legitimise their actions.

The Politics of Compensation

In a new round of negotiations sanctioned by the mayor of East Luwu through a variety of decrees and directives, both PT Inco and the district government have exercised caution in the selection of bargaining partners, and have been more transparent in the determination of eligible claimants from the Karongsi'e Dongi community. Early attempts in 2003 to facilitate deliberations between all 300

³⁷⁵ Interview with Naomi Mananta, activist from Wasuponda, on 21 April 2006.

³⁷⁶ Personal observations during a meeting between the stakeholders in Soroako on 26 April 2006.

Karongsi'e Dongi households failed to reach consensus on who is eligible for compensation and on what basis land claims should be made.

To minimise the risk of a backlash, a genealogical survey was undertaken in sub-district Wasuponda, where the majority of Karongsi'e Dongi now reside. T5D members endorsed this process. According to participants, the tracing of lineage required door-to-door surveying, supervised by three Karongsi'e Dongi elders with knowledge of local history.³⁷⁷ The method for validating claims was based on three principles: the claims must be genuine, inclusive, and proportional.³⁷⁸ However, even the strictest of methods cannot avoid the fact that historical reconstructions are selective and political, particularly when the results will be used to support lucrative compensation claims. Ultimately, 57 households were deemed to have qualified for compensation (cash and resettlement).

Recommendations were passed on to the Office of the Mayor of East Luwu, who swiftly promulgated Mayoral Decree Number 166/2004 in recognition of the 57 Karongsi'e Dongi households, listing each by family name. By endorsing this process, PT Inco and the district government have in fact conceded that Karongsi'e Dongi claims derive from their primordial, ancestral links to the disputed lands. Limiting the number of eligible households to 57, however, was bound to provoke a hostile response from some quarters. One informant suggested that the rapidity of the mayor's response was a manoeuvre to avoid counter-claims and pre-empt any negative reactions from the community.³⁷⁹

Historical reconstructions are open-ended and easily manipulated. Naomi Mananta, for instance, openly contests the recommendations put forth in Mayoral Decree 166/2004, recounting that prior to the Karongsi'e Dongi exodus in the 1950s, there were at least 70 households inhabiting and cultivating the lands that were consumed by PT Inco's mining operations.³⁸⁰ If so inclined, one could trace this

³⁷⁷ Interview with Andi Yayat Pangeran, third-party negotiator, on 20 April 2006.

³⁷⁸ Interview with Anwar Hafid, Head of Governance Division, on 18 April 2006.

³⁷⁹ Interview with Andi Yayat Pangeran, third-party negotiator, on 20 April 2006.

³⁸⁰ Interview with Naomi Mananta in Wasuponda on 21 April 2006.

dispute back to the turn of the twentieth century, when the first generation of Karongsi'e Dongi abandoned the highlands and resettled near Lake Matano.

The process has caused resentment among those excluded from the compensation list and exacerbated conflicts amongst the eligible households. It is not surprising that a household deemed eligible based on residential and cultivation patterns from the 1950s has since expanded significantly. With each new generation the number of claimants mushrooms. All but two of the 57 family heads listed in the district government gazette are deceased, placing the burden upon their executors and relatives to decide whether to accept this resolution and reach a compromise.

Beyond disagreements about the outcome of the genealogical study, there have also been objections regarding the process. Following the appointment of the T5D, for instance, Naomi Mananta worked with the community in Wasuponda to establish an accountability mechanism. Without seeking an official mandate, concerned citizens set up a kerukunan (or management board) to monitor their representatives.³⁸¹ Members of this kerukunan allege that they were not consulted by T5D prior to the submission of their final recommendations to the Mayor of East Luwu:

T5D is under the management [kerukunan] of the Karongsi'e Dongi people, but this Team does not represent all the needs of the community. When the Mayoral Decree [Number 166/2004] about the 57 households was passed the kerukunan did not know about this. Why did T5D not discuss the issues with the community first? They are not all honest, and some are too young. T5D does not have a good form of communication and the community is never informed about the plans made by the Team, the district government, or PT Inco. Also, members of the Team must have received "something" for their efforts and therefore neglected the community interests.³⁸²

³⁸¹ Interview with Naomi Mananta in Wasuponda on 21 April 2006.

³⁸² Interview with Naomi Mananta on 21 April 2006.

Allegations of bribery, the withholding of information, and collusion, long the preserve of plundering politicians and callous corporate executives, have now been extended to community representatives and appointees.

Frustrated by the nature of external intervention in the land conflict, one informant close to all parties to the negotiation process laments the lack of progress made thus far.³⁸³ The Karongsi'e Dongi community is said to lack proper representation and is suffering from breakdowns in communication. Hanging questions remain with regards to the legitimacy of historical claims to land (particularly Bumi Perkemahan), the popular mandate of appointed bargaining partners, divisions within and between local communities, and the impact of external intervention.

This testimony is indicative of the many political challenges facing negotiators in East Luwu. However, assuming that the eligible claimants would eventually reconcile their internal differences or forfeit their struggles, the government proceeded with implementation planning. After having considered four separate locations in East Luwu, it was decided that an area called Pontawaa in Ledu-Ledu village, Wasuponda, was the most appropriate choice for resettlement.

Pontawaa measures 6.8 hectares and is located approximately thirteen kilometres from Soroako in a conservation area designated as protected state lands.³⁸⁴ According to External Relations, if all stakeholders approve of this location, it will be developed in accordance with the needs of the Karongsi'e Dongi community, including provisions of public infrastructure (roads, water, and electricity), annual community development projects and training programmes, a school, a church, and a rumah adat (customary longhouse).³⁸⁵

For each of the 57 eligible households, a plot of land measuring 20 × 30 m² would be allocated, upon which the family could build a new house. Certificates of hak milik (land ownership) would be issued for each household once the new village

³⁸³ Interview with Andi Yayat Pangeran, third-party negotiator, on 20 April 2006.

³⁸⁴ Figures obtained from a map of the proposed location for the Karongsi'e Dongi community produced in 2005 by the Agency of Mining, Energy and the Environment, East Luwu District.

³⁸⁵ Interview with superintendent Sawedi Muhammad, External Relations, on 28 April 2006.

was established and the relevant surveys conducted.³⁸⁶ Reportedly, a standby budget has already been approved by PT Inco executives for the project.³⁸⁷

PT Inco's commitment to Pontawaa is based on the fact that it does not interfere with active mining projects and does not breach any aspect of their Contract of Work, which expires in 2025. The government's commitment is based on the fact that there is no local opposition to the construction of a new settlement (which, incidentally, it true). Still, this is a highly contentious issue as resettlement would necessitate the abandonment of Karongsi'e Dongi ancestral lands. Members of AMAN South Sulawesi, for instance, wilfully support the fiction that ethnic mapping should inform land claims and resource entitlements.³⁸⁸ At one antiquated stage in history the mountainous regions of Luwu were divided according to tribal affiliations and ethnicity, though these borders have long since been reshaped by insurrection, and overlain by the modern administrative grids envisioned by the Dutch, enforced by the Japanese, and consolidated by the Suharto regime.

This legacy neither eradicated indigenous identity nor nullified all customary land claims. It has, however, restricted the range of permissible political actions, providing a foundation for power brokers to consolidate their positions and relegate adat to the legal and political margins. Specifically, East Luwu became a legally-sanctioned administrative district in 2003, within which there are lower tiers of government and pigeon-holed constituencies, creating a degree of pattered regularity and rationalised governance.

Adat revivalists nostalgically refer to the past, to a time when the primordial boundaries of Luwu were divided in accordance with the historic terrains of various ethnic and sub-ethnic groups. They lament the fact that modern administrative grids overlay the colourful domains of the three Karongsi'e sub-groups tied to Matano, which are the Sinongko, the Pae Pae, and the Dongi. However, this selective portrait

³⁸⁶ All of the features of the proposed compensation settlement have been verbally verified by representatives of the District Government of East Luwu, PT Inco's Department of External Relations, and T5D. As of yet, however, no written agreement has been signed, and voices of dissention still exist.

³⁸⁷ Interview with Sawedi Muhammad on 28 April 2006

³⁸⁸ Interview with Mahir Takaka of AMAN-SS on 04 May 2006.

of rich, pre-modern cultural landscapes ignores the darker legacies of slavery, warfare and disease that tainted the colourful tapestries of indigenous life.

Romanticism aside, the proponents of adat revivalism in Matano are facing powerful constraints and structural obstacles that derive from contractual law, obligations to shareholders, and overstretched government coffers. PT Inco's investments are well defended, and there are concerted efforts to discourage activists from reclaiming village land in contested areas, which are located within the mining zone. For instance, PT Inco issues periodic warnings about health hazards, citing geological surveys determining that high levels of iron make the land unsuitable for habitation, and that nickel content is high enough to justify the continued expansions of the mining concession zone.³⁸⁹ Villagers (mainly from Bumi Perkemahan) and NGOs (AMAN-SS, WALHI, KRAPASKAD) report that there are also more sinister deterrents involving preman (hired thugs) and unscrupulous Intel officers.

Despite such obstacles, proposals for resettlement will always be challenged. In 1979 the Soroakans resisted government orders to relocate to a new village, even though it was only a few hundred metres away from what they considered their village of origin (Robinson 1986:272). This was seen a form of exile by the families being resettled, creating a social distance between them and their kinsmen. Resistance emanating from some members of the Karongsi'e Dongi community mirrors this situation, as does their adat-driven response to PT Inco's nickel project.

In order to maintain a sense of social proximity and avoid the "exile" of resettlement, some of the Karongsi'e Dongi proclaimed their unwillingness to leave the site of their former village. Indeed, clusters of inhabitants can presently be found in the contested Bumi Perkemahan area, which technically falls within PT Inco concession zone. In April 2006 I observed twelve households in this area; four in clear view of the main road, and eight located deeper into the mining zone.³⁹⁰ Restrictions have been imposed on their activities; for instance, prohibiting signposts

³⁸⁹ Interview with Anwar Hafid, Head of Governance Division, on 18 April 2006.

³⁹⁰ Personal observations, April 2006.

have been erected which indicate that no cultivation is allowed, and the land cannot be put to any productive use.

During a meeting arranged by Pak Yusri of KRAPASKAD with eight Karongsi'e Dongi activists, yet another historical reconstruction was offered.³⁹¹ Activists spoke of the original Karongsi'e Dongi territory as spanning from Buton Mountain (Luwu highlands) to the shores of Lake Matano. At present, only 30 households are said to have remained in what they call Desa Dongi (the original Karongsi'e Dongi Village). They were adamant in their demands, which included formal recognition and protection of their status as a community with unique customs, traditions and culture, followed by the rebuilding of their village on its original site so that the whole Karongsi'e Dongi community could reunite.

While each activist present at the meeting was encouraged to participate, only three mustered the courage to do so. For the most part they deferred to their NGO representative, Pak Yusri, who frequently spoke on their behalf without hesitation, even when questions were directed specifically to the activists themselves. Despite this tendency, it became apparent that adat revivalism was based on the fact that their ancestors originally cultivated and inhabited these lands (Bumi Perkemahan). However, they claimed to be deterred by intimidation, accusations that they are stealing land, and suffocating restrictions on their activities.³⁹² Unwilling to compromise, they seem trapped in a legal void, unable to secure customary tenure, and residing on hazardous PT Inco mining concession lands. As the meeting drew to a close, it became apparent that the eight activists unanimously rejected the proposed compensation package for resettlement.³⁹³

Beyond rejectionism, a proactive strategy was needed in order to secure various points of leverage for the community. In anticipation of a new round of

³⁹¹ This meeting was held on 16 April 2006 in an austere home in the contested Bumi Perkemahan area.

³⁹² Claims made by the Karongsi'e Dongi activists during the meeting in Bumi Perkemahan, Soroako on 16 April 2006.

³⁹³ Meeting in Bumi Perkemahan, Soroako on 16 April 2006. Some of those present were in fact recognised as eligible claimants from the second generation Karongsi'e Dongi, though they still rejected all proposals to relocate to Pontawaa resulting from Mayoral Decree 166/2004 and the conclusions drawn from the Dispute Resolution Team.

negotiations with PT Inco, eight Karongsi'e Dongi families were encouraged by activists (names withheld) to leave Wasuponda in 2000, returning to Bumi Perkemahan, the supposed lands of their ancestors.³⁹⁴ By maintaining a presence in this area, activists could enter negotiations with at least one political vantage point from which to oppose resettlement plans.

Against the odds, a small cluster of Karongsi'e Dongi families now reside in a low-lying valley near the foot of Buton Mountain, in what are effectively underdeveloped, mildly hazardous mining concession lands. Upon this reddened landscape a small Karongsi'e Dongi church has been built, surrounded by denuded hills and a pond of industrial pollutants.

While the location of these eight families is politically symbolic, the actual inhabitants of this isolated community were not highly politicised. Indeed, when faced with questions about land disputes, compensation packages and adat rights, they were eager to defer to their representatives in Soroako and Wasuponda.³⁹⁵ These people, along with their heritage, are being instrumentalised, caught up in a political quandary, and used to help bolster customary claims in a dispute that has seemingly evolved beyond their comprehension.³⁹⁶

Despite the persistence of those opposed to the resettlement plan, several informants were of the opinion that most of the eligible Karongsi'e Dongi households are prepared to accept the Dispute Resolution Committee's compensation proposal. Anwar Hafid, Head of the Governance Division in Malili, puts the approval rating at 70 per cent; Andi Yayat Pangeran, third-party to the dispute, cites the same rate of approval (70 per cent). Ramli Laduri from T5D estimated an 85 per cent approval, while Irawan Ali, the District Head of Wasuponda, claimed that 90 per cent of claimants were prepared to accept compensation proposals.³⁹⁷ By contrast, some

³⁹⁴ Personal observations, April 2006.

³⁹⁵ This line of questioning was withheld until a degree of trust had been established with the inhabitants. It had to be made clear that this was impartial research, not part of a government or corporate project.

³⁹⁶ Personal observations, April 2006.

³⁹⁷ Interview with Irawan Ali, the District Head of Wasuponda, on 25 April 2006.

activists with the capacity to disrupt the resolution process reject these favourable ratings.

Despite the lack of consensus surrounding the Pontawaa resettlement project, the district government was determined to move ahead with plans to legitimise the land acquisition and entitlement rights for eligible households. In 2005 the District Agency for Mining, Energy and the Environment produced a comprehensive map of the planned relocation site. Representatives from T5D, fully aware that firm steps were being taken to implement a resettlement plan, continued to indulge local activists by pressing the adat issue.

On 16 June 2005 T5D issued a formal letter to PT Inco's Department of External Relations, with a copy forwarded to the district government, reiterating their commitment to customary adat lands in Matano. This public letter bore the signatures of all five Karongsi'e Dongi representatives, even though some of these members were privately pulling in very different directions.

As the following section indicates, factions within the small Karongsi'e Dongi community have failed to reconcile their positions, and this lack of unity reflects poorly on their representatives, who are struggling to move forward in their negotiations with PT Inco and the district government.

Final Deliberations

In early April 2006, T5D in consultation with the wider community requested detailed information from PT Inco about the contested Bumi Perkemahan area, such as the results from health studies, environmental assessments, arability, plantation rights, and security.³⁹⁸ In response, PT Inco wrote on 11 April 2006 that lands claimed as adat "are in the territory of PT Inco's Contract of Work. From the data collection from drilling [...] the nickel content in that area is sufficient, so it is proper for PT Inco to conduct mining activities in that area. We suggest the Karongsi'e

³⁹⁸ Letter from T5D to the Head of the Dispute Resolution Committee in Malili and forwarded to PT Inco, dated 24 March 2006.

Dongi community finds another location that can become a permanent place of residence”.³⁹⁹

It was clear from these communiqués that influential factions within the community rejected the Pontawaa settlement and PT Inco rejected the Bumi Perkemahan compromise. It was also evident that the divisions within the Karongsi’e Dongi community remain deeply entrenched, and that the negotiating parties do not fully trust one another. Perhaps this explains why several years have passed since the promulgation of Mayoral Decree 166/2004 and very rudimentary issues remain unresolved.

In an attempt to reconcile these positions, a meeting was held at the Department of External Relations in Soroako on 26 April 2006.⁴⁰⁰ Alarmingly, only two of the five members of the T5D negotiating team attended the meeting, to be met with an equal number of representatives from PT Inco’s Department of External Relations. At the first instance T5D circulated a letter requesting a map of the mining concession zone that overlays the Karongsi’e Dongi homeland.⁴⁰¹ Data was also requested about the drilling and nickel content in this zone. Assuming that there was a high (profitable) nickel content in the area, T5D asked their counterparts: “what contributions will be provided to the Karongsi’e Dongi community”? Lastly, the letter indicated that the Karongsi’e Dongi community demands that these matters be resolved prior to any talks about the Pontawaa resettlement project. The particulars of this letter were pre-determined in consultation with the Karongsi’e Dongi community (though from experience, this does not ensure that it was participatory in any meaningful sense).

Predictably, PT Inco’s negotiators began by reminding their counterparts that Kopatea and Bumi Perkemahan (the disputed ancestral lands) are located in the mining concession zone, as stipulated in the legal Contract of Work. They agreed to

³⁹⁹ Letter of response from PT Inco to T5D and forwarded to the district government, dated 11 April 2006.

⁴⁰⁰ I was given permission to attend this meeting and record all of the proceedings. The tapes have been transcribed and translated verbatim into English.

⁴⁰¹ Letter of Reply Number EXR/138-IV/2006 from T5D to PT Inco and forwarded to the district government, dated 25 April 2006. This was a response to PT Inco’s letter issued on 11 April 2006.

provide the drilling data requested, though sidestepped questions about further contributions, noting that they remain committed only to community development programmes.

Both parties acknowledged that when PT Inco's contract expires in 2025, the lands may be returned to the Karongsi'e Dongi, at the discretion of the district government. In the meantime, PT Inco's negotiators encouraged their counterparts to consolidate their bargaining position; incremental progress is beneficial to the company but detrimental to the community, particularly the 57 households hanging in the balance since 2004.

As is standard corporate practice, PT Inco maintains that the present negotiations are a matter of community development, and that any compensation offered is tantamount to a goodwill donation. This distinction is made to avoid any reference to legalities and to sidestep the debate over the validity of customary land claims.⁴⁰² This was the same strategy applied in the 1970s when further compensation was granted to claimants from the Soroakan community.

Drawing on the transcripts of the meeting, the following exchange of ideas took place, starting with PT Inco's negotiators:

Now that both sides want to resolve [this dispute] in a harmonious way, we do not want to engage in a legal process, but if there are differences it will take a long time and will not be resolved, so it will have to be dealt with through the law. Now, we have already started with the process of communication, and there is already some understanding [between us], so the next issue is to find the location [for resettlement]. How can PT Inco make any commitments if the location itself has not been agreed upon? [...] I think that what you gentlemen are doing now will influence the future or the next generation [of Karongsi'e Dongi]. So in my opinion the next step is to socialise [the approved Pontawaa] location to the community so this process will not take too long. It has already been six years of negotiations.⁴⁰³

In response, the T5D representatives made the following points:

⁴⁰² Personal observations from the meeting in Soroako on 26 April 2006.

⁴⁰³ Excerpt from Pak Arfah, PT Inco negotiator, during the meeting held in Soroako on 26 April 2006.

Generally, the Karongsi'e Dongi community lives in a very difficult way. Some 60 per cent of the community still wants to keep or defend their land, and the rest want to move. Why does the 60 per cent want to defend their place? Because generally the community wants the name of Karongsi'e Dongi to live on, while the other 40 per cent are divided, and they only want this [dispute] to be over soon. But now the problem is these 57 households will not enjoy [compensation] because now it is only the heirs and executors left. This is now up to the second and third generation. Only two of the original claimants are still alive. From the community the point is to defend their identity and land because we also want to make demands but we are not convinced that [these demands] will be fulfilled.⁴⁰⁴

The PT Inco representatives did acknowledge the importance of the survival of the Karongsi'e Dongi identity during the meeting, and responded to complaints about the lack of progress by promising "action, not just words". They proceeded to draft an impromptu "plan of action" spanning from 1 May 2006 through to 4 August 2006, involving details about resettlement, infrastructure, amenities, provisions, and implementing procedures. The plan remained contingent on whether the Karongsi'e Dongi could reach an agreement on a new location (outside of the mining zone), after which PT Inco, working in tandem with the sub-district heads of Nuha and Wasuponda respectively, would put their commitments in writing.

Crucially, from the perspective of PT Inco, the land transfer to eligible Karongsi'e Dongi households would be transparent and legal, with the guarantee of land certificates issued by the district branch of the National Land Agency (Badan Pertanahan Nasional or BPN). They suggest that this certificate is "more important than the physical land" because of the potential for false claims being made by "outsiders".⁴⁰⁵ In such circumstances, legitimate Karongsi'e Dongi claimants would be protected by the government, whose role it is to "neutralise" such outside influences.

⁴⁰⁴ Excerpt from Erik Stephen Siape, member of T5D, during the meeting held on 26 April 2006.

⁴⁰⁵ Excerpt from Pak Rahim, PT Inco negotiator, during the meeting held in Soroako on 26 April 2006.

There was, however, little progress on the question of how to compensate or accommodate the new generation of Karongsi'e Dongi, the heirs of the 57 original claimants. Moreover, it remains far from clear how the parties planned to convince local activists to subscribe to a relocation plan that would involve abandoning customary adat lands. T5D representatives hinted at the potential for internal disputes within the local community and between different sub-ethnic groups. The resolution process, it seemed, could easily be derailed if proper attention was not paid to divergent community interests. The following scenario was presented by the T5D:

It seems PT Inco and the government have already determined their strategy [bilaterally]. With the selection of Pontawaa in Ledu Ledu village, it seems that you already have a cohesive position. But [this is not the case] with the community [...] because on that land [Pontawaa] there are people who said that it does not belong to them, but they feel that they will also receive land. So it is PT Inco that will have problems later. It could be from within the community itself, who will fight each other to get the land. [...] The future promises to be stormy again gentlemen.⁴⁰⁶

In slightly dejected tones, the PT Inco representatives queried: “what is the meaning of this stormy future”? Both sides discussed the possibility of communal infighting and agreed that it was ultimately the concern of the government, and that the government had the capacity as a mediator to deal with such matters. Nevertheless, the T5D felt obligated to issue further warnings to their counterparts regarding the land problem. The Karongsi'e are said to consist of three ethnic sub-groupings: the Dongi, Pae Pae and Sinongko. Recognising, compensating and relocating 57 Dongi households will raise expectations and mobilise hundreds more to claim their own entitlements.⁴⁰⁷ Accentuating ethnic difference in a case like this presents the danger of local rivalry and potential outbreaks of violent land reclaiming.

Representatives from all three Karongsi'e sub-groups were reportedly holding meetings in Makassar, where plans were in motion to “declare their ethnicity” and

⁴⁰⁶ Excerpt from Erik Stephen Siape of T5D on 26 April 2006.

⁴⁰⁷ Excerpt from Erik Stephen Siape, 26 April 2006.

rally behind a broad campaign for the revival of adat.⁴⁰⁸ On hearing this, PT Inco's negotiators conceded that there is "no secure option in this world" and that "problems between siblings are not even secure," acknowledging the potential for communal conflict as well as conflicts between sub-ethnic groups of Karongsi'e.⁴⁰⁹

Consistent with corporate strategy, PT Inco's negotiators were sympathetic to the plight of indigenous peoples, willing to support local cultural events and publish books of folklore, but remained adamant in their rejection of customary land rights. They preferred not to refer to the Karongsi'e Dongi as the holders of adat rights and ancestral land titles, avoiding exclusive discourses of adat, and thus minimising the potential for misrepresentation.⁴¹⁰ PT Inco negotiators thus sought to mitigate the damaging impact of political opportunists, spoilers and ethnic entrepreneurs, all those intervening in the Matano area with divergent legal interpretations and incompatible political strategies.

Based on recorded testimony, senior managers from External Relations preferred to frame the debate over political reform in civic, inclusive terms such as gender equality, inter-religious dialogue, the preservation of traditional society, the promotion of good governance, and respect for nature, all of which were favoured over the politicisation of ethnicity.⁴¹¹ The uneven process of decentralisation and the ambiguities of laws and regulations are blamed for the revival of adat, which has been likened to the feudalism of the former kingdom of Luwu. Old values from old eras are "being romanticised," and this is incompatible with the modern democratic values and imperatives of the reformasi era.⁴¹²

Despite the eclectic nature of adat in the Matano region, customary leaders as well as NGOs are attempting to mobilise people around a shared sense of history and socio-cultural identity. It is possible that the deployment of tradition in the contemporary context involves political innovations, bringing new opportunities for

⁴⁰⁸ Excerpt from Erik Stephen Siape, 26 April 2006.

⁴⁰⁹ Excerpt from Pak Arfah, PT Inco negotiator, 26 April 2006.

⁴¹⁰ Excerpt from Pak Rahim, PT Inco negotiator, 26 April 2006.

⁴¹¹ Interview with manager Edi Suherdi, External Relations, on 20 April 2006.

⁴¹² Interview with manager Edi Suherdi, External Relations, on 20 April 2006.

rights-based struggles as well as the realisation of the basic tenants of democratic decentralisation (such as participation and representation). However, the deployment of adat for political ends often highlights difference rather than functioning as a symbol behind which local communities can rally support for their cause. In Soroako this strategy has been politically divisive, with land claims being subjected to manipulation and reconstituted by local power brokers.

Conclusion

In the mining town of Soroako, where very real cases of land alienation are evident, the district government captured the local agenda for reform in 2003 by framing the terms of the negotiations for compensation. The normalisation of political struggles which threatened to escalate and grow violent required that some concessions be made, though still firmly within the constitutive political order. This relates to the political constellation envisioned by Muppidi (2005:283), whereby citizens and their supporters are “locked in to various forms of institutional and structural power”.

Sustained efforts have been made by Werima and Naomi Manata to globalise their local struggle, join domestic associations, and recruit influential allies from Jakarta, Makassar, and Palu. And yet, the concerns raised by Schönwälder (1997) about internal divisions, by Bouchier (2007) about crises of representation, and by Erb et al. (2005) about community consultation continue to haunt the victimised Karongsi'e Dongi.

By recognising only 57 Karongsi'e Dongi households in 2004, the district government greatly increased the probability that internal disputes would resurface, undermining the solidarity of the aggrieved community without making any real concessions. Though still bound by a shared sense of history, the selective and incomplete alleviation of community suffering detracts from the unifying impact of what Asari et al. (2008:3) call the “formative traumatic event”.

In the collective bargaining process, the government empowered a symbolic compensation team (T5D) to engage in negotiations with PT Inco, culminating in an endless cycle of negotiations. Discourses of customary tenure are discouraged though

not eradicated, and a degree of dissent is permitted, giving hope to adat revivalists. According to reports coming out of Soroako in 2007, fresh protests and demonstrations against PT Inco took place, with some 1,500 demonstrators gathering outside of the PT Inco office.⁴¹³ This suggests that the plan of action determined by both parties on 26 April 2006 has broken down. The number of Karongsi'e Dongi claimants has blossomed in conjunction with the public announcement that a new compensation settlement was being negotiated.

Opportunists, political entrepreneurs and distant diasporas can easily sabotage this process, invoking or inventing their status as disenfranchised adat claimants with indigenous ties to the Lake Matano area. Filtering out unauthentic claims is an unpopular and complicated task, particularly as the criteria for eligibility are still under review. Any semblance of legal certainty has given way to political jostling and manoeuvring. A variant of the lustration policy is a very difficult and reviled alternative, and would further undermine the sense of communal solidarity and possibly even provoke violent reactions.⁴¹⁴

As Erb (2007:268) found in Flores, "conflict can be lucrative." In such a context, the district government and PT Inco do not make natural allies, as the former is in a position to bribe and blackmail the latter. The reform era in Indonesia has indeed ushered in some significant changes, the most visible of which are a robust media and an empowered public sphere. Brown envelope over-the-counter corruption is rarely to be found.

However, there are some innovations worth mentioning. PT Inco, for all its power and resources, is still vulnerable. The district government has the capacity to disrupt mining operations, sabotage the company's public image, and provoke mass demonstrations if so inclined. These are unlikely scenarios, but not unthinkable. Corruption has become subterranean, hidden to those without a clear vantage point from which to observe it.

⁴¹³ Based on a report from AMAN South Sulawesi that was translated by JATAM and posted on their website, <http://www.jatam.org/english/index.php>

⁴¹⁴ Lustration comes from the Latin for ritual purification.

The suspicion and vulnerability of PT Inco is evident in the initial reception one receives in Soroako. Records and profiles of all foreigners checking into local hotels are kept, a mandatory questionnaire is issued, and a police file is drafted and forwarded to the relevant authorities immediately. Moreover, by asking probing questions about local land claims and visiting contested areas such as Bumi Perkemahan and Kopatea, one may find Intel officers on their trail.⁴¹⁵

One prominent local informant gave some indication as to the innovative means by which PT Inco may bribe officials and spread around some of the discretionary allowances designated for community development.⁴¹⁶ Every company has overhead costs. These costs can be converted into patronage and goodwill funds. If the government passes new safety regulations which call for new signposts in potentially hazardous areas, for example, PT Inco may decide to allocate an inflated budget of 87 million rupiah to sub-contractors to complete the menial job. Moreover, if property is needed for guesthouses or other non-mining purposes, rents can be artificially inflated, selectively enriching landowners. A well-fed, loyal, and passive constituency is thus created.

For activists, the challenge has always been to craft a political strategy that could “rupture the web of governmentality” (Lipschutz 2005:245), thus taking on the mantle of emancipation for traditional farming households. For PT Inco, the endorsement of the government plan to compensate only a fraction of the Karongsi’e Dongi community serves as a counter-rupture, eroding the common sense of victimisation in East Luwu. As mentioned, a community bound by formative suffering has a natural affinity and sense of political purpose; a community tempted by the alleviation of suffering and cash settlements, by contrast, may succumb to political pressure and greed.

⁴¹⁵ Following an informal conversation with a local politician over dinner at the Hotel Lusiana in Soroako on 19 April 2006, undercover Intel officers began to take an interest in my case. A surveillance operation was conducted from 19 April–23 April 2006, until it became clear that I was not a threat. Up until the 22nd of April they had me fooled.

⁴¹⁶ Anonymous source, East Luwu, April 2006.

Therefore, relating this analysis back to the research questions posed in the introduction, the dispute resolution process in the Matano domain has stymied the political revival of adat, reimposing the shackles of “elegant policy” so effectively deployed by colonial officials in centuries past (Lev 1985:64). Moreover, the intervention by third-parties and associations from the public sphere has had a fractious impact upon their intended beneficiaries. Consistent with the trappings of clientelism, powerful patrons and trustees manage to galvanise relatively weak communities and form factions which struggle for privileged or exclusive access to resources, contracts, and lucrative lands (Szeftel 2000:430).

Perceptions about adat have become distorted as a result of internal dissent and external intervention. Ethnicity has become a political instrument finely tuned to the societies in question. As a consequence, specific actors operating ‘in the name of adat’ have captured or misdirected the benefits that accrue from policy realignments in the context of decentralisation. In an era where the calculus of indigenism undermines the unity of local communities, the ideals of peaceful collaboration and reconciliation are still far from being realised.

Chapter Seven: Rubber Production in Bulukumba

Since the implementation of decentralisation, the district government of Bulukumba has used the policy of autonomy to express its diversity. For instance, several regulations containing elements of sharia law were promulgated between 2002 and 2003.⁴¹⁷ There are also revivalist movements based in the customary territories of Kajang Dalam (or the inner circle of Kajang), where adat law is practiced by the “spirit cult” of the Amma Toa (Gibson 2000).

The coastal town of Bira is also being recast as a tourist zone, where alcohol is readily available and promiscuity is commonplace. Thus within the administrative boundaries of Bulukumba district, there is a strong Islamic presence, an active customary law community recognised de facto by the government, and a seaside resort area catering to the tastes of European visitors.⁴¹⁸

Beyond these features, Bulukumba has long been known for its lucrative trade in rubber. The company PT London Sumatra (hereafter PT Lonsum) currently operates two major plantation estates in the district, Palangisang and Balombissie, covering some 5,784.46 hectares. These estates have been at the centre of incessant land disputes since the 1980s, involving two seemingly irreconcilable interpretations of land ownership and entitlement.

One interpretation used (selectively) by the farming communities of Kajang is that all land is adat land, with ownership deriving from pioneering settlement, inheritance, and sustained cultivation. By contrast, PT Lonsum reminds critics of its plantation concession rights, granted by the state and legitimised under national law through the signing of a formal contract of work.

Approximately 65 per cent of Indonesia’s landmass is state-owned forestland, constituting the “greatest source of dispossession in modern Indonesia” (Fitzpatrick

⁴¹⁷ District Government of Bulukumba, Regulation Number 3/2002 about ‘Prohibiting, Monitoring, Controlling, Distributing and Selling Alcoholic Beverages’; Regulation Number 2/2003 about ‘Tithe, Infaq and Alms [Islamic forms of charity]’; Regulation Number 5/2003 about ‘How to Dress as a Muslim’; and Regulation Number 6/2003 about ‘Fluency in the Reading of the Quran’.

⁴¹⁸ Signs welcoming tourists to Bira are written in 4 languages: English, French, Dutch and German.

2007:138). Many millions of rural citizens are restricted in their use of the forests, and concession rights are often granted “without any legal requirement to compensate or consult with affected local communities” (Fitzpatrick 2007:138). Without recourse to state institutions, aggrieved local communities tend to “fall back on non-state-legitimising ideologies of ‘adat’” (Fitzpatrick 2007:138).

In Bulukumba, it is more a case of communities being led to embrace variants of these non-state ideologies (as opposed to simply falling back on them), raising further concerns about the nature of political representation and public participation. It is evident that the innate, primordial traits of local villages have been subjected to historical upheaval and contemporary renewal as actors compete over finite resources and lucrative lands. While accentuating the “authentic” features of adat to legitimise land claims, some of those involved in the current revival are striving to transcend local customs and traditions by realigning them to fit more comfortably into legible platforms for political struggle. Other actors mimic the chameleon by constantly adapting to new political environments in order to capture negotiation processes and the dividends they pay.

Despite the sustained efforts of external actors and intervening parties in Bulukumba, the political preferences and beliefs of local communities have failed to cohere around an essentialist, latent form of adat. Instead, politics and identities remain contingent and contextual, subject to constant change as a result of complex interactions amongst individuals and between local groups. The forging of activist networks in support of rural victims against the vices of capital, therefore, brings both opportunities and threats, engendering a sense of empowerment for intended beneficiaries as well as despair for perpetually marginalised client communities.

Given the highly contextual and contingent nature of these rapidly evolving political dynamics, there is need for further research and analysis as the scholarship on adat and decentralisation in Indonesia remains patchy and incomplete. Correspondingly, this chapter examines both the constructed perceptions and real consequences of adat revivalism by foregrounding the specific experiences and struggles of local communities and activists as they confront PT Lonsum’s managers

and security forces. Here, as in Soroako, there are no natural allies in the struggle over land and resource entitlement. Therefore consideration must be given to the ad hoc alliances that have arisen in response to intensified conflicts in Bulukumba.

In particular, the propensity of local elites (entrenched and emergent) to capture democratic processes by manipulating and dividing local communities must be examined. Moreover, the use of gentle compulsion by ambivalent government officials must be considered, along with the benevolent nature of external mediation teams, the deliberate strategising of PT Lonsum managers, and the ambiguity of civil society actors converging on Bulukumba, all of which have introduced multifarious political strategies into the district.

Background

Constructions of local cultures are built on, among other things, the many layers of contested histories, external intrusions, and myths of an elusive golden era that have been passed down (selectively) from generation to generation. Between 1540 and 1623 Bulukumba was invaded and subdued four times by the rulers of the kingdom of Gowa, giving rise to forms of local resistance as well as emulation (Cummings 2001:425). Other key periods were the spread of Islam (1605 onwards), the colonial legacy, and Kahar Muzakkar's Darul Islam rebellion (1953–1965).

Committed to the suppression of feudalism, spirit cults, and customary leaders, the Darul Islam guerrillas had gained control of Bulukumba by 1953. However, in 1954 an “anti-Islamic millenarian movement” was formed in Kajang to defend the cult of the Amma Toa (Gibson 2000:67).⁴¹⁹ In 1955 members of this movement (known as the Dompe Army) “swept down from Kajang all the way to Bira” executing supporters of the Darul Islam and attacked mosques, causing so much disruption that Kahar Muzakkar personally attended to the matter (Gibson 2000:67).

The Dompe Army, armed only with “swords, spears, and magic,” was then annihilated in a “single climactic battle” in 1955, after which Darul Islam forces

⁴¹⁹ This Konjo-speaking territory is under the customary authority of the Amma Toa, thought to be the reincarnation of “legendary beings [...] descended from heaven in mythical times to found the first Bugis and Makassar states” (Gibson 2000:67).

imposed severe religious and social reforms, banning spirit cults, ceremonies and sacred visitations—all hallmarks of feudalism as listed above (Gibson 2000:67). Apart from this dramatic defeat, the customary order in Kajang Dalam remained largely insulated from the major transitional eras such as the conquest of Gowa, the spread of Islam, colonial occupation, and the gradual capitulation of the indigenous nobility in South Sulawesi.

During the New Order era, “official state doctrine emphasised sanitised and authorised versions of cultural difference subservient to national goals” (Robinson 1997:71). In the 1980s the Department of Education and Culture began promoting the architectural traditions of South Sulawesi, particularly Kajang, whose adat communities are often held to be exemplars of pre-modern Sulawesi; that is, an authentic representation of pre-Islamic and pre-colonial society (Robinson 1997:81). Rendered non-threatening and deemed non-expansionary, the territories of the Amma Toa continued to be governed in accordance with customary law.

Currently, the sub-district of Kajang is divided into two sections; Kajang Luar (the outer circle) with fifteen villages, and Kajang Dalam (the inner circle), where there are four villages recognised as customary adat lands. The territory of Kajang Dalam is unique in that the authority of the Amma Toa is considered absolute, just as it has been for centuries past.

The principal village of Kajang Dalam is called Tana Toa, within which the Amma Toa resides; the second is Bonto Baji, followed by Malleleng and Pattiroang. An estimated 3,000 people reside in this customary domain.⁴²⁰ From personal observations, it is clear that most of Kajang Dalam is underdeveloped. Agrarian activities are limited to serve the subsistence needs of the community. In terms of land usage, the forests are roughly divided as follows: 98 hectares are allocated for collective cultivation; 144 hectares serve a social function, meaning that any trees that are cut must be replanted; and a final 317 hectares are considered sacred and thus protected, used only for rituals and ceremonies (Nainggolan 2005).

⁴²⁰ Interview with members of the Farmer’s Union of Kajang (names withheld) from 6–7 February 2006.

Careful negotiation is required before any outsider is granted permission to enter this territory. To this end, members of AMAN South Sulawesi and the Farmer's Union of Kajang (Serikat Petani Kajang or SPK) were able to help negotiate access. In the event that one does receive permission, strict protocol must be adhered to when entering this customary domain. Visitors must remove their shoes and socks, and either wear the traditional clothing of the Kajang villagers or wear all black.⁴²¹

Kajang Dalam is believed to represent the "last genuine patuntung," a term used in reference to Makassarese adat communities still committed to the lifeways and oral traditions of their ancestors (Rössler 1990:293). Village life Kajang Dalam is characterised by a variety of antecedents, including the pasang ri' Kajang (oral tradition), the striving for modesty, belief in guardian spirits, and reverence for land. The first written account of the patuntung of Kajang Dalam was offered by Dutch linguist A. A. Cense (1931:1), who argued that this community should be exemplified and distinguished from other Makassarese communities. Rössler (1990:290) concurs, suggesting that Kajang Dalam represents a unique "kind of cultural enclave" with many "archaic" features of their religion and social organisation still preserved. Visitors to this enclave are still met with the insistence on bare feet (it is offensive to tread on the land with artificial footwear), and will encounter many of the same features that Rössler (1990) and Sutton (1995) encountered, including the sense of communal egalitarianism and the architectural style that is meant to compliment the natural landscape in all of the villages of Kajang Dalam.

Customary, unwritten laws governing community life are taught through the pasang ri' Kajang, a continuous method of learning that requires the passing on of experiences and principles that are believed to reach back to the origins of life on earth.⁴²² So long as the chain of oral history remains unbroken, each successive generation will learn about adat law; it is their rightful inheritance, passed down orally through legends and tales.

⁴²¹ I wore the traditional black sarong and Pasapu headwear. Sutton (1995) reported having the same experience (negotiated access, clothing). It is rumoured that even former President Suharto, the most powerful man in Indonesia at the time, complied with these adat protocol when visiting Kajang Dalam.

⁴²² Interview with members of the Farmer's Union of Kajang from 6–7 February 2006.

In terms of governance, the highest position in the community is held by the Amma Toa, responsible for moral and spiritual leadership. Under the Amma Toa's guidance are a number of *karaeng tallua* (political functionaries) dealing with matters ranging from law, agriculture, land tenure, and social affairs. The *ada' limaya* oversee marriage and initiation rituals, while the *sanro* are appointed as religious authorities.⁴²³

Women play a role in the selection ceremony for all *pemangku adat*; however they do not run as candidates. All decision making and problem solving in Kajang Dalam requires *musyawarah* (deliberation) and *mufakat* (consultation).⁴²⁴ The current Amma Toa's reign began in 2003; he is the keeper of the *pasang ri'* Kajang, the primary source of all knowledge and understanding that is conveyed orally through legend and tale.⁴²⁵ Advice, prayers and blessings are offered to any who visit him at his residence.

All foreigners permitted to enter Tana Toa village are asked to sign a log book. In 2005 approximately 100 visitors from countries as diverse as Australia, Japan, Canada, and Venezuela were granted permission.⁴²⁶ From the perspective of the mayor of Makassar, the authenticity of this exemplary community should be capitalised upon by the tourism board.⁴²⁷ There is already evidence of a "creeping modernity" with the younger generations; some women are taking regular excursions into the cities to shop and sample cosmetics, while men compete for the latest cellular phone technology.

In order to preserve their integrity, Kajang Dalam's leaders are encouraged to follow the Tana Toraja example, where a public version of *adat* is presented as a marketable object of tourism, while another private manifestation of *adat* retains its socio-cultural relevance to the daily practices of the community.⁴²⁸ While provincial,

⁴²³ For more on the history, customs, rituals and symbols of Kajang Dalam, see Andang (2006), Cummings (2001), DTE (2002), Nainggolan (2005), Rössler (1990), and Usop (1978).

⁴²⁴ Interview with Andi Sudirman Mangkona, head of sub-district Kajang, on 23 May 2006.

⁴²⁵ Interview with members of the Farmer's Union of Kajang from 6–7 February 2006.

⁴²⁶ Personal observation, Tana Toa village, Kajang Dalam, 6–7 February 2006.

⁴²⁷ Interview with H. Ilham Arief Sirajuddin, mayor of Makassar, on 16 February 2007.

⁴²⁸ Interview with H. Ilham Arief Sirajuddin, mayor of Makassar, on 16 February 2007.

district, and village government officials will continue to respect the Kajang customary domain, there are suggestions that isolationism is not the best way to preserve their lifeways (modesty, egalitarianism, reverence for nature).

What is conspicuously absent from these officialising strategies is any mention of the political implications of adat revivalism. To the bureaucrats in the Tourism Board, for instance, the showcasing of exemplary cultures is perfectly rational, profit generating, and non-threatening. For those entangled in protracted land disputes with PT Lonsum and local branches of government, there is much more adversity to contend with. To the extent that the peoples of Kajang Dalam still possess an authentic cultural heritage, I found that this increases the likelihood that political opportunists and spoilers will seize upon this “exceptional case” in order to enhance their particularistic political interests and exclusive agendas.⁴²⁹

The following section maps the origin and development of the land dispute between PT Lonsum and the farming communities of Kajang, beginning with rubber production in Bulukumba district. This provides the necessary context from which to engage with the contemporary politics of adat revivalism, foregrounding the specific manifestations and deployment of adat in a highly contested conflict where the natural alliances between actors are tested and challenged.

Rubber Production in Bulukumba

Harrisons & Crosfield, a British-based multinational, was founded in 1844 as a partnership engaged in tea trading, with operations mainly in India and China for the first 50 years (Jones and Wale 1999:70). In 1906 Arthur Lampard, a partner of Harrisons & Crosfield, landed on the east coast of Sumatra and began to acquire rubber plantation estates (FOE 2004:2). Investments soon spread to the densely forested islands of Kalimantan and Sulawesi.

In Bulukumba district, forestry concessions were first granted to NV Celebes Lanbouw Maaschappijh, a subsidiary of Harrisons & Crosfield specialising in rubber

⁴²⁹ Patabai Pa Bokori, former mayor of Bulukumba, echoed these concerns during an interview on 17 February 2006.

production, in 1919.⁴³⁰ By order of the Governor General of the Netherlands East Indies, this company was awarded erfacht (concession) rights to lands measuring some 7,092.8 hectares.⁴³¹

Harrisons & Crosfield's organisational structure produced a complex network of companies "linked through a wide variety of cross-shareholding as well as non-equity arrangements" (Jones and Wale 1999:95). In 1909 the Rubber Plantations Investment Trust was established, through which Harrisons & Crosfield's held strategic stakes in other companies. After it was realised that this network structure left the company vulnerable, a period of consolidation was initiated, beginning with the merger of many small plantation companies into larger units such as London Sumatra in Indonesia in 1960, followed by the Harrisons Malaysian Estates in 1976 (Jones and Wale 1999:95).

In 1961 NV Celebes Lanbouw Maaschappijh based in Bulukumba was incorporated into the larger PT London Sumatra, with additional plantation estates in Java, West Sumatra and Kalimantan (FOE 2004:2). That same year PT Lonsum's Sulawesi holdings, previously designated as erfacht rights, were converted into Land Cultivation Rights (Hak Guna Usaha or HGU). In accordance with the Ministry of Internal Affairs Decision Number 39/HGU/DA/76, these plantation concessions were extended and a contract of work granted from 13 May 1968 until 31 December 1998.⁴³²

PT Lonsum's concession zone (HGU) traverses the administrative boundaries of four separate sub-districts in Bulukumba, namely Kajang, Herlan, Ujung Loe, and Bulukumpa. As production expanded (after 1981), rubber exports were reaching the markets of Singapore, Japan and America. From all of PT Lonsum's Indonesian

⁴³⁰ The granting of land rights was based on Dutch Governor General Decision Number 43, dated 10 July 1919, and Decision Number 44, dated 18 May 1921. This information is from a legal report titled 'Case of the Forcible Occupation of Adat Land in Kajang' published by *National Solidarity for Bulukumba*, obtained in Makassar on 15 March 2006.

⁴³¹ Based on a report titled 'Chronology of HGU Acreage Reduction of the PT London Sumatra Indonesia-Sulawesi Estate,' provided by PT Lonsum managers from Palangisang Estate, Kajang, on 09 February 2006.

⁴³² From the report 'Case of the Forcible Occupation of Adat Land in Kajang' published by *National Solidarity for Bulukumba*.

holdings, which produce coconut palm oil, coffee, cocoa, tea and rubber, 75 per cent of produce is exported (SOMO 2004:76).

The security of PT Lonsum's investments would come to be challenged on two fronts: the domestic challenge was political and the international challenge was financial (although both are interconnected). On the international front, HSBC was among the major global banks involved in propping up the palm oil industry. Specifically, HSBC was reported to have helped secure more than US\$550 million in loans for PT Lonsum in 1994 (FOE 2004:2). HSBC also participated in the listing of PT Lonsum on the Jakarta Stock Exchange (under the acronym LSIP) in 1996, helping raise an additional US\$76 million (FOE 2004:2-3; SOMO 2004:76).

In 1997 the Asian Financial Crisis plunged PT Lonsum into severe debt, forcing the company to enter into a restructuring process under the auspices of the Jakarta Initiative Task Force (SOMO 2004:77).⁴³³ Citibank has also been involved in PT Lonsum's debt restructuring, acting as the company's "cashier" by paying their outstanding financial obligations to third parties (nearly US\$100 million), to be repaid once PT Lonsum's operations were stable and profitable (SOMO 2004:77).

Domestically, rubber production on the Bulukumba estates has been interrupted by violent incidents of land seizures from the 1970s onwards, leading to protracted legal disputes and political uncertainty. The most heavily contested lands are located primarily within Kajang; however they also cross into sub-district Bulukumpa. With the onset of Kahar Muzakkar's Darul Islam rebellion (1953 onwards), PT Lonsum was prevented from consolidating its control over plantation estates in Bulukumba, and was unable to operate at full production, leaving large tracts of vacant land. As in Soroako (chapter six), residents were displaced and some forced to flee (Mahmud 2007:105).⁴³⁴ With the resumption of peace, discussions were held between local community leaders and PT Lonsum managers. An informal

⁴³³ The Task Force involved a partnership between the Government of Indonesia and the World Bank, IMF, and USAID.

⁴³⁴ See Gibson (2000) for more on rebellion and resistance in Bulukumba.

agreement was reached in the 1960s whereby villagers could utilise plantation lands until the company was prepared to expand production.⁴³⁵

At that juncture a clear schism was created between those claiming historic ties to the land (most villagers in Kajang) and those only willing to recognise squatters rights (estate managers). The dominant corporate interpretation is that Kajang farming communities were presented with a favourable opportunity to retain their place of residence and continue to cultivate lands contained within the legal boundaries of the plantation concession zone. The oppositional community (and activist) position is that these are adat lands, unjustly auctioned off by a corporatist state utilising colonial designations such as “vacant lands” to undermine traditional concepts such hak ulayat (right of avail).

After the lost decades (1950s and 1960s), normal residential and agrarian activities resumed in Kajang with very little government oversight. Many households planted long term crops, including corn, cocoa, coconut, banana and pepper on their lands, a portion of which was given to PT Lonsum as a form of taxation.⁴³⁶ However, what began as a practical arrangement between village leaders and estate managers gradually degenerated into violent conflict.

By the 1970s many of the original village leaders who had negotiated with PT Lonsum had passed away. As is customary, the lands were automatically inherited by their siblings. This second generation of squatters felt a natural sense of entitlement, in accordance with customary tenure and the right of avail.⁴³⁷ Indeed, they had inherited lands that had been developed and cultivated by their honoured ancestors, an inheritance that would not easily be abandoned.

Gibson (2000:44-45) found that political characteristics tend to be attached to physical features of the natural environment such as rivers and mountains, providing a mnemonic device for villagers. In the case of the Kajang farmers, they had

⁴³⁵ Interview with Ir. Sugito, manager of Palangisang Estate, on 9 February 2006. Besides the rebellion, early production was hindered by a lack of investment in equipment, resources and technology.

⁴³⁶ Interview with Ir. Sugito, manager of Palangisang Estate, on 9 February 2006.

⁴³⁷ Interview with Ir. Sugito, manager of Palangisang Estate, on 9 February 2006.

developed a sense of identity in relation to the natural borders that surrounded them, such as the Galoggo River to the north and Balang Lohe River to the south.

Starting in the 1970s, PT Lonsum began releasing some of the concession lands that they controlled. The first instance was in 1973, when the company complied with a request from Mayor of Bulukumba for the release of 500 hectares (to be used for a military base).⁴³⁸ Then in five separate episodes recorded between 1975 and 1995, a total of 808.21 hectares were returned to local communities throughout Bulukumba, mainly in response to incidents of forceful land reclaiming.⁴³⁹ While this does not satisfy the criteria set out by Lucas and Warren (2003:92) regarding the achievement of legal resolution, the issuance of legal title, or the securing of land certificates, local farmers were able to cultivate and inhabit the lands, upon which their livelihoods depended.

As PT Lonsum began to expand rubber production in the 1980s, the company demanded that all lands be returned in accordance with the informal agreement reached decades earlier. Many of the squatters did not comply, prompting the company to forcibly remove them. This was met with formidable opposition from the Kajang community, culminating in a protracted land dispute that grabbed the attention of a wider domestic and international audience.

What sets the Kajang conflict apart from all other cases in Sulawesi is the fact that it was taken up by the courts at all levels—district, provincial and supreme.⁴⁴⁰ Beginning with a series of protests in 1982, the Kajang dispute quickly evolved beyond the rally politics of mass demonstrations, taking nearly a decade of trials and legal appeals in order to clarify matters of land entitlement and ownership. These processes shall be examined in further detail in the following section.

⁴³⁸ Based on Letter Number 92/DB/VIII issued by the Mayor of Bulukumba on 22 June 1973, contained in the document 'Chronology of HGU Acreage Reduction of PT London Sumatra Indonesia–Sulawesi Estate' provided by PT Lonsum managers from Palangisang Estate.

⁴³⁹ Figures listed in PT Lonsum's 'Chronology of HGU Acreage Reduction [...]'.
⁴⁴⁰ Pengadilan Negeri stands for District Court (of first instance), Pengadilan Tinggi for Provincial Court, and Mahkamah Agung for Supreme Court.

Legal Proceedings

As PT Lonsum began to expand rubber production in the 1980s the previously sanguine relations with local squatters rapidly degenerated into confrontation and coercion. Previously dormant issues of state versus adat lands, as well as principles of community right of avail versus corporate concessionaries, re-emerged with a rapidity that took a complacent district government by surprise.

PT Lonsum's interpretation was that all "sleeping lands" within their concession zone had to be reclaimed in order to meet demands for increased rubber production. The community challenged the legitimacy of this claim, interpreting PT Lonsum's acts as aggressive land seizures rather than lawful reclamation. As tensions intensified, a community rights advocate named Hamarong from neighbouring Selayar district came to represent the aggrieved Kajang farmers.⁴⁴¹ With his aid, the community was able to secure the legal services of barrister Laica Marzuki.

On 17 June 1982, 253 households from the farming village of Bonto Biraeng in Kajang Luar took PT Lonsum to trial.⁴⁴² Proceedings were first brought to the District Court of Bulukumba, which registered the case as Number 17.K/1982/Blk. Standing accused were PT Lonsum, the sub-district head of Kajang, and the village head of Bonto Biraeng.

The litigants' initial claim was for 350 hectares of land that had been forcibly seized by PT Lonsum for rubber production in 1981 (the expansionary period). According to customary adat law, inheritance and continual cultivation of lands is a legitimate form of ownership, whether written or unwritten. They also based this claim around their natural borders such as rivers and mountains, which are easily identifiable landmarks but lack precision. According to transcripts from the trial, the litigants' testimony went as follows:

We [the litigants] feel threatened by the efforts that PT Lonsum was making to reclaim the lands upon which the community had lived and cultivated for 28 years. We claim that PT Lonsum was

⁴⁴¹ Interview with Zainuddin, third-party negotiator, Bulukumba district, 9 February 2006.

⁴⁴² According to PT Lonsum's 'Chronology of HGU Acreage Reduction [...]']'.

trying to remove us by force, and that [the company] had already reclaimed 150 hectares in this [forceful] manner. We [the litigants] had already fulfilled all of our obligations under the unwritten agreement [with PT Lonsum]. The 350 hectares of land was still unused and had not yet been cultivated [for rubber production], so we felt it was neglected land and thus it was ours to be taken.⁴⁴³

This testimony reveals that the litigants maintain their historic ties to the lands of Kajang (which forms the basis for adat rights), though they are willing to accept that their legal claim originates in 1954. Thus the trial was premised on a truncated version of Kajang history.

After hearing the testimony of the litigants, the District Court ordered PT Lonsum to cease all expansionary activities, productive or otherwise, involving the disputed lands pending a full legal review. Three weeks later, on 5 July 1982, judicial responses were issued by each of the accused. PT Lonsum, for its part, gave the following statement:

The legal rulings are incorrect because they contradict the facts. We [the accused] have proof in the form of a land certificate showing that PT Lonsum is the only party with rights over the disputed lands. PT Lonsum has invested in the disputed lands, so it is not possible to withdrawal this investment. Such an act would cause unemployment. The compensation demanded by the litigants has no legal basis and they have no right to a certificate [of land ownership] over the disputed lands.⁴⁴⁴

Having reviewed all the evidence the District Court of Bulukumba reached a verdict on 24 March 1983, ruling in favour of the litigants by granting the following:⁴⁴⁵

⁴⁴³ Transcript of Case Number 17.K/1982/Blk, from the District Court of Bulukumba.

⁴⁴⁴ Judicial Response issued by PT Lonsum on 5 July 1982 in Case Number 17.K/1982/Blk, District Court of Bulukumba.

⁴⁴⁵ Transcript of Case Number 17.K/1982/Blk, from the District Court of Bulukumba.

- The disputed lands that can be cultivated and used by the litigants' amounts to 200 hectares. This is based on the fact that the litigants have lived on and cultivated these lands for 28 years;
- The court requires PT Lonsum to return the land that was forcefully reclaimed, amounting to 150 hectares, and return it in its original state;
- That PT Lonsum is to pay compensation to the community;
- The land certificates held by PT Lonsum are not legally binding.

By implication, the District Court endorsed the customary rights of 253 Kajang households from the farming community of Bonto Biraeng village. Legal entitlement was thus granted for 200 hectares of land, 150 of which having been forcibly seized by PT Lonsum. Therefore, the simple calculus suggests that PT Lonsum must release 150 hectares of land and pay compensation. Only by design could this verdict be misinterpreted.

In May 1983, two months after this verdict was reached, the Provincial Court of South Sulawesi agreed to hear an appeal by PT Lonsum, registered as Case Number 228/1983/PT/Ptd. The appeal was based on the same legal principles stated in PT Lonsum's judicial response on 5 July 1982. Four years later, on 23 May 1987, the Provincial Court overturned the decision of the District Court of Bulukumba, officially nullifying the claims of the 253 households.⁴⁴⁶

While the appeal process had moved incrementally along (May 1983 to May 1987) there were political developments on the ground. For instance, in a process of local reconciliation PT Lonsum released 143 hectares of land in 1985, which was returned to the villagers of Bonto Biraeng in Kajang sub-district.⁴⁴⁷ This process was facilitated by the district government of Bulukumba. Regarding the particulars of land release, PT Lonsum claims the following:

[The company] had agreed, in a sincere manner, to the transfer of land measuring 143 hectares [...] to the litigants and the

⁴⁴⁶ Transcript of Case Number 228/1983/PT/Ptd, from the Provincial Court of South Sulawesi.

⁴⁴⁷ Interview with Ir. Sugito, manager of Palangisang Estate, on 22 May 2006.

communities living around the contested area. It was distributed in lots, [with space available] for houses and public facilities. All of the administration costs for this [land] distribution were guaranteed by PT Lonsum, which considered the problems of this case and the community accusations to be finalised.⁴⁴⁸

By rejecting the legal verdict (calling for the release of 150 hectares) and endorsing the political reconciliation process (enforcing the release of 143 hectares), PT Lonsum negotiators sought to appease the aggrieved community without acknowledging the legitimacy of their adat claims. Much to the chagrin of PT Lonsum management, however, activists and supporters from Bulukumba, Makassar and Jakarta organised an appeal to the Supreme Court of Indonesia. In the words of one plantation manager: “without speaking to PT Lonsum, seven community members [led by Hamarong] who were not satisfied [with the trial verdict] and did not receive the land that was supposed to be returned [to them] went directly to the Supreme Court in Jakarta”.⁴⁴⁹ This fits the typical pattern of land release orders. Companies are forced to compensate local victims, upon which the district government, tasked with oversight and implementation, fails to ensure that eligible claimants actually receive their entitlements.⁴⁵⁰

On 23 May 1987 the Supreme Court of Indonesia reviewed the appeal made by the litigants and ruled that there were legal grounds for further consideration by the highest court in the country.⁴⁵¹ By 26 June 1990 a final verdict was reached in favour of the farmers of Kajang, granting them rights over 200 hectares of the disputed lands as well as compensation for their losses during the land seizures of 1981. Thus the decision of the Provincial Court of South Sulawesi was overturned, and the original decision made by the District Court of Bulukumba in 1983 was

⁴⁴⁸ Based PT Lonsum’s ‘Chronology of HGU Acreage Reduction [...]’.

⁴⁴⁹ Interview with Ir. Sugito, manager of Palangisang Estate, on 22 May 2006.

⁴⁵⁰ The same happened in Soroako, where PT Inco’s compensation package was pilfered by the district government of Luwu and rarely reached the intended beneficiaries (community victims).

⁴⁵¹ Supreme Court of Indonesia registered this as Case Number 2553/K/Pdt./1987.

reinstated. In order to justify this decision, the following legal considerations were cited by the Supreme Court:⁴⁵²

- The Provincial Court of South Sulawesi did not properly apply the law;
- Section 5 of Basic Agrarian Law Number 5/1960 deals with community land rights, which are based on customary (adat) law;
- The Provincial Court of South Sulawesi did not recognise [the concept of] community land rights or cultivated lands that are inherited based on customary (adat) law. Rather, the Provincial Court based [its verdict] on the legal letter—the land certification held by the Accused [PT Lonsum];
- Customary (adat) law was wrongly ignored when faced with the written evidence provided by the Accused [PT Lonsum]. Therefore the Supreme Court rules that this written evidence does not constitute the only form of evidence in this matter. Another form of evidence [to be considered] derives from the experiences of those living on the land [for up to 28 years];
- The Provincial Court was incorrect in its decision about the authentication of the law, ignoring the evidence of the Litigants based on the fact that it was not written, unlike the evidence used by the Accused;
- Not all of the written evidence provided by the Accused was based on original documents. For instance, only photocopies of land certificates and concession rights were provided, and these had been altered from their original state, with sections crossed out.

In what seems to be an unprecedented case, the Supreme Court of Indonesia saw fit to apply the concept of customary adat rights as stipulated in Article 5 of Basic Agrarian Law Number 5/1960. Article 5 reads as follows:

Agrarian law that is valid over land, air and space is the customary adat law, so long as it does not contradict national

⁴⁵² Transcript of Case Number 2553.K/Pdt/1987 from the Supreme Court of Indonesia.

or State interests, based on the unitary state, with Indonesian socialism that is contained within the regulations added to this law as well as other regulations, with everything being laid out in religious law.

As stipulated (rather awkwardly) in Article 5, agrarian law and adat law are considered one and the same, provided that neither contradicts higher interests. As a result of this ruling, a group of local Kajang farmers (the original litigants) were suddenly propelled from their tenuous position based on the vagaries of squatter's rights to one of legal recognition at the highest levels.

Such an unprecedented legal decision raises key questions. For instance, could this be the first step towards resolving the dilemma set out by Professor J. de Louter in the 1920s? As previously stated, de Louter queried whether or not it was correct to judge government policy according to the degree to which it respects native institutions and adat law, or conversely, whether a government must enforce the law best suited to the needs of modern society (cited in Fasseur 2007:60). This implies that respect for native institutions is incompatible with the needs of a modern society, and would only hinder progress, turning Indonesia into an "open-air adat museum".

In its ruling, however, the Supreme Court has upheld adat law in a thoroughly modern dispute over land rights and entitlements. This can be viewed as an endorsement of both customary institutions and national law in accordance with the needs of modern Indonesian society, thus satisfying both of the criteria set out by de Louter.

Another key question is whether or not this ruling will lead to the achievement of concrete results, such as comprehensive agreements, settlements, safeguards against violent reprisals, community development funds, the obtainment of land certificates, control over arable lands and resources, and unrestricted access to farm produce (Lucas and Warren 2003:92).

The real challenge, therefore, is to gauge the extent to which the Supreme Court legal ruling has been implemented. As will be discussed further, corporate delay tactics have hindered implementation, a prostrated district government has

responded slowly to mounting pressures, district and provincial mediation teams have been toothless, NGO intervention has been unsettling, and local farming communities remain divided. Given these complications, substantive gains have not been forthcoming in Bulukumba.

By linking the land release to notions of adat rights, the courts had inadvertently complicated matters, prompting scores of activists and NGOs to intervene in Kajang. Despite their ascriptive commonalities, the people of Kajang are politically as divided as their lands, which have long been carved up into corporate concessionaries, military command centres, zones of sharia law, and customary law domains under the auspices of the Amma Toa. As the following section explains, the implementation of the court-ordered land release of 200 hectares has proven highly problematic, forestalling the achievement of any concrete gains.

The Politics of Land Release

Having achieved victory in the courts, the next challenge for select members of the Kajang community was to secure the lands that they were now legally entitled to (200 hectares). Given that 143 hectares had previously been released (in 1985), it was only necessary to secure an additional 57 hectares. From the outset, however, PT Lonsum's approach was cautious and obstructive. In order to ensure that these lands were clearly marked and divided from the rest of the concession zone, the company requested a judicial review of the Supreme Court ruling as well as the postponement of its implementation.⁴⁵³

In response, the Supreme Court issued a letter on 27 February 1991 instructing district authorities in Bulukumba to postpone the land transfer until further review was conducted.⁴⁵⁴ Between 1991 and 1998 community lawyers as well as the Centre for Legal Aid and Counselling from the University of Hasanuddin in Makassar

⁴⁵³ From the report 'Case of the Forcible Occupation of Adat Land in Kajang' published by *National Solidarity for Bulukumba*.

⁴⁵⁴ The postponement was ordered through Letter Number KMA/028/II/1991, according to the report entitled 'Case of the Forcible Occupation of Adat Land in Kajang,' published by *National Solidarity for Bulukumba*.

fought for the implementation of the Supreme Court ruling. Their efforts were finally rewarded on 16 March 1998 when the judicial review requested by PT Lonsum was finalised and the postponement order lifted by the Supreme Court.⁴⁵⁵

In one sense, the delay tactics employed by PT Lonsum were effective, allowing the company sufficient time to consolidate their land holdings and complete a comprehensive survey of the disputed areas. This was important as the Supreme Court had questioned the legitimacy of the land permits held by the company, prompting local farmers to reclaim lands in contested areas.

Working in conjunction with the National Land Agency in Bulukumba district, the company concession zone was surveyed and re-measured, and it was determined that PT Lonsum's total holdings amounted to 5,784.46 hectares.⁴⁵⁶ While the postponement order preventing the implementation of the Supreme Court ruling had provided the company with ample time to verify their land holdings, it had also caused significant hostility within the community.

By ensuring that the land transfer and compensation payments were delayed for seven years the company disenfranchised many farming households in Kajang. As will be discussed further, it also created an environment of uncertainty and legal ambiguity, allowing opportunists and political entrepreneurs to exploit the farming community by claiming false ownership over contested lands and selling them to unsuspecting families.

As alluded to earlier, the simple calculus used to determine rates of compensation for Kajang victims could only be misinterpreted by design. To begin, a clerical error during the recording of the Supreme Court verdict gave the impression that the land to be returned to the original litigants fell within the natural village borders. This error has been cited by some as evidence that all lands in Kajang are

⁴⁵⁵ Through Supreme Court Decision Number 298-PK/PDT/1991, according to the report entitled 'Case of the Forcible Occupation of Adat Land in Kajang,' published by *National Solidarity for Bulukumba*.

⁴⁵⁶ Based on Land Inspection Report Number 03/RPT-B/53/1997, the official land holdings of PT Lonsum were 3,436.61 hectares in the Palangisang Estate and 2,347.85 hectares in the Balombissie Estate. Combined, the total concession zone measured 5,784.46 hectares, according to PT Lonsum's 'Chronology of HGU Acreage Reduction [...]'.

adat lands, giving rise to divergent interpretations which have prolonged the conflict.⁴⁵⁷

While the lifting of the postponement order in 1998 was welcome news for those who had subscribed to the legal process and considered the verdict a victory, there were many advocates and activists opposed to the perceived myopia of their counterparts. For instance, the assertion that a select number of Kajang households (253) are entitled to an exclusive tract of land (200 hectares) based on their adat rights contradicts the expansive, inalienable nature of adat. Therefore, deliberate efforts were undertaken in order to cast the net wider, to encourage villagers to reclaim their ancestral lands that fall within the natural borders of Kajang (determined in relation to physical landmarks such as rivers and mountains), a zone encompassing some 540 hectares.

In 1999 the National Land Agency of Bulukumba district was tasked with the implementation of the land release, which required field surveys, mapping, and the placement of demarcation poles around a 200 hectare perimeter.⁴⁵⁸ While this brought the district government into compliance with the Supreme Court ruling, the implementation of the land release was incremental and lackadaisical. Opponents of this process thus had ample time to formulate strategies and garner support.

Opposition to PT Lonsum comes from a variety of fronts, including environmental activists from WALHI Makassar, indigenous rights campaigners from AMAN South Sulawesi, the Legal Aid Institute (LBH), members of the National Human Rights Commission (Komisi Nasional Hak Asasi Manusia or KomnasHam), an umbrella group called National Solidarity for Bulukumba (Solidaritas Nasional untuk Bulukumba or SNUB), and an array of ad hoc local alliances.⁴⁵⁹

According to PT Lonsum management, political opportunists, spoilers, and ethnic entrepreneurs from Bulukumba seamlessly drift from one local NGO to another, carrying out activities under the banner of one organisation until it faces a

⁴⁵⁷ Interview with Patabai Pa Bokori, former mayor of Bulukumba, on 17 February 2006.

⁴⁵⁸ According to PT Lonsum's 'Chronology of HGU Acreage Reduction [...]'.
⁴⁵⁹ SNUB is comprised of 36 organisations, including legal aid groups, media, human rights monitors, ecologists, farmers unions, and AMAN.

public ban or is blacklisted by the authorities, and then regrouping under a new banner to continue their activities.⁴⁶⁰ The most visible of Bulukumba's chameleonic NGOs are the Farmer's Union of Kajang (SPK), the Community Education Foundation (Yayasan Pendidikan Rakyat or YPR), and the Alliance of Kajang Communities (Aliansi Masyarakat Kajang or AMK).

In some ways the scenario in Bulukumba mirrors that in South Sumatra, where PT Lonsum also controls large tracts of productive lands (Collins 2003:166). Both cases involve NGOs deserving of praise for their exposure of violence and repression against villagers, as well as their campaigns to educate farmers about their rights and opportunities for political participation. However the NGOs involved in Bulukumba have expanded the scope of activism by engaging in direct intervention.

This has led to typical reactionary (but not wholly unfounded) criticisms from the government and the company, with frequent accusations that NGOs provoke and manipulate the community, spoil and derail negotiations, which culminates in violent demonstrations and forcible land occupations. Moreover, the introduction of divergent political strategies puts pressure on community groups to align themselves with one or more of their trustee and patron organisations, rather than benefit from a broad mobilisation based on collective grievances.

Conditions in Kajang therefore closely mirror the "politics of difference" as observed by Li (2001) in Central Sulawesi, as well as the patterns of resource conflict identified by Erb (2007) in Flores. Indeed, the parties involved in protracted disputes over coffee plantations in Flores came to realise that "conflict was lucrative," after which it became "impossible to put an end to it" (Erb 2007:268).

For a minority in Bulukumba, conflict has indeed been lucrative, while for many others it has been devastating. From 1999 onwards representations on behalf of the wider Kajang community have been made by groups agitating for the release of 540 hectares of land (constituting the natural adat borders). This strategy would come

⁴⁶⁰ Interview with Andi Abdul Malik, coordinator of labour relations and security at Palangisang Estate, on 22 May 2006. It is worth noting that PT Lonsum has an interest in discrediting local opposition.

to envenom the area as local communities became increasingly fragmented and opposition to PT Lonsum became radicalised.

Two groupings in particular are under the surveillance of local authorities; the Salasa group and the Latif group.⁴⁶¹ Formally, Armin Salasa is associated with the Community Education Foundation (YPR), though his role in the wider political conflict is much more dubious. In some quarters Salasa is revered as a champion of the people, having been arrested several times for his involvement in struggles over adat lands. H. Latif is the son of Hamarong, the community advocate from Selayar that has developed a reputation as protector of the community. Thus, by association, H. Latif is also held in high esteem by Kajang communities.

Conflict can only be lucrative if an expedient and efficient resolution is obstructed. Since land is the principal source of wealth, this must be the focus of any campaign to derail the settlement process. As mentioned, this process was postponed by court order from 1991 to 1998, during which time it seems that actors such as Salasa and Latif began to stake their claim over contested lands.

As soon as the postponement order was lifted (March 1998), they could begin to sell individual plots for cultivation and residential purposes, using their public notoriety to convince farming families that these were legitimate transactions. There is no physical evidence that these illicit transactions took place; no formal contracts were drafted or signed, official terms of designation such as realtor and tenancy were not used, and the issuance of receipts rarely applied (the dominant mode of payment tends to be livestock rather than currency). However, much of the testimony recorded in Bulukumba confirms that land transactions were taking place prior to and during the implementation of the court-ordered land release.

The first in a series of land reclamation operations took place in 1999, as Kajang villagers were encouraged to remove the National Land Agency's demarcation poles and set them around a new perimeter (540 hectares).⁴⁶² This extended perimeter included the lands that were being illicitly bought and sold by

⁴⁶¹ Interview with Andi Abdul Malik, coordinator of labour relations and security at Palangisang Estate, on 22 May 2006.

⁴⁶² According to PT Lonsum's 'Chronology of HGU Acreage Reduction [...]'.

local brokers. As this was an illegal act and continues to be a highly sensitive political issue in Bulukumba, local informants were not particularly forthcoming about the identities of the perpetrators, though it was clearly in the interests of some to resist efforts to return to the legal boundaries (200 hectares).

Local authorities were inept and complicit as farming communities from Kajang along with activists engaged in land reoccupation and the planting of long-term crops such as cocoa, coconut, banana and pepper. Much of the costly and time-consuming work carried out by the National Land Agency—including surveying, mapping, and consulting—was disrupted as activists removed demarcation poles, expanded plantations, and encouraged villagers to reject Agency findings.

The government was also inclined to proceed with caution as their actions threatened to compromise relations with PT Lonsum's management. Rubber tapping in Bulukumba employs some 3,000 workers and generates significant tax revenues from production, transportation, building, and road use.⁴⁶³ PT Lonsum operations reportedly constitute 60 per cent of total district revenue, making them politically indispensable. Goodwill, on the other hand, is fostered through community development programmes similar to those established by PT Inco in Soroako, which include the provision of basic needs, sporting facilities, public transportation, mosque refurbishments, Ramadan safaris, and water procurement.

It is therefore clear that the company has made positive contributions to the district, and moreover PT Lonsum managers did not oppose the appointment of third-party mediators to lead the resolution process. However, tensions escalated in 2001 as people began cutting down rubber trees within PT Lonsum's concession zone in order to consolidate control over their naturally defined customary territories.⁴⁶⁴

Despite the frequent invocation of adat, such actions have little connection to the Konjo-speaking adat communities of Kajang Dalam, governed by oral tradition under the mystical figure of the Amma Toa. Nevertheless, activists from Makassar and elsewhere did not seem to hesitate when misusing the traditional name of Kajang

⁴⁶³ Average tax contributions are 1.3 billion rupiah per annum. Data provided by PT Lonsum managers at Pallangisang Estate on 09 February 2006.

⁴⁶⁴ Interview with Ir. Sugito, manager of Palangisang Estate, on 9 February 2006.

Dalam to build a thoroughly modern case around adat rights in order to bolster their struggles against PT Lonsum.

Rather than conforming to latent, unified, essentialist versions of indigeneity, the community bargaining position in Kajang has been severely undermined by internal divisions, the most obvious of which is the distinction between original litigants and non-litigants. For non-litigants, the release of 200 hectares would constitute a collective loss given that they had co-inhabited the disputed area without obstruction for years. By that measure, 200 hectares would require a withdrawal, a trade-off that might not seem appealing even if the 200 hectares were legally certified. The majority of inhabitants in the contested area simply want to protect their landholdings, upon which they depended for daily subsistence needs.

In order to offset growing resistance from elements within the community, PT Lonsum announced that compensation amounting to one million rupiah was to be paid to each household for crops lost during the land resettlement.⁴⁶⁵ Some households reluctant to reconcile with PT Lonsum were offered jobs in the plantation estates. The appeasement of opposition was a strategy that further divided the farmers of Kajang.

Based on evidence from PT Lonsum's South Sumatra operations, NGOs implicated in land disputes were "often manipulated by the government or corporations to legitimate government policies and disenfranchise people" (Collins 2003:166). As for their client communities, the actual farmers whose livelihoods depend on the disputed lands, they continue to struggle to articulate a coherent set of demands, and thus grow increasingly reliant on NGOs for support and representation.

Many of those in a leadership position are young activists with a dearth of experience in dealing with conflict through political negotiation. Some remain suspicious of formal negotiation and are wary of cooptation; others argue that participation and engagement are the only ways in which to wield any meaningful influence. All local parties are vulnerable to the actions of political spoilers. In the

⁴⁶⁵ According to PT Lonsum's 'Chronology of HGU Acreage Reduction [...]']'.

event that formal negotiations break down, as was the case in South Sumatra, villagers and workers may feel that violence is their only option (Collins 2003:171).

Ultimately, the dilemma in Kajang is the result of miscommunications and a crisis of identity within the community, strategic divisions within the support networks of NGOs and activists, deliberate company tactics, and government ineptitude at the village and district level. While all of these contributing factors are important, it may have been the cunning corruption of local elites that really drove this illegal land expansion. The illicit sale and distribution of contested lands by local elites was achieved through campaigns of misinformation and exploitation in the name of adat, culminating in an appalling outbreak of violence in June 2003.

Crisis in Kajang

In 2003 incidents of forcible land reclaiming erupted throughout the Indonesian archipelago, many of which are documented by Lucas and Warren (2003). In Bulukumba tensions came to a head as mass protests were held for ten days outside of the district parliament building. From 1 June 2003–10 June 2003, thousands of rural villagers, NGOs and journalists are reported to have camped outside of the parliament, demanding a copy of PT Lonsum's concession permit as well as documentation acknowledging the land release, which was expected to include all lands within the natural customary borders (540 hectares).⁴⁶⁶ Local members of the SPK and YPR, as well as WALHI Makassar, were in attendance.

These mass protests led to direct action, land seizures, and violent confrontation. The serving mayor at the time claimed that "the NGOs started the conflict," provoking the community by falsely promising that the government would distribute one hectare of land to each villager that participated in the occupation of company lands.⁴⁶⁷ This is a sweeping denunciation of NGOs as well as a gross oversimplification of Kajang villagers (the mayor's own constituents).

⁴⁶⁶ According to the report entitled 'Resisting the Violence of Financial Capital: Serious Human Rights Violations in Bulukumba, South Sulawesi' published by *National Solidarity for Bulukumba*.

⁴⁶⁷ Interview with Patabai Pa Bokori, former mayor of Bulukumba, on 17 February 2006.

As alluded to previously, it is possible to disaggregate NGO as well as community interests. Some activists struggling in the name of adat are genuinely concerned for the wellbeing of their intended beneficiaries. Others are less concerned with individual Kajang households but remain committed, in principle, to opposing rapacious corporate managers and plundering politicians. Then there are the chameleonic organisations that agitate for reforms by day and serve as covers for opportunists by night.

A combination of political opportunism, rightful resistance, and blind emulation led to the gathering of 1,500 people on the outskirts of Bonto Biraeng village, Kajang Luar, on the morning of 21 June 2003.⁴⁶⁸ Some were reportedly in possession of chainsaws, as it was their intention to fell more trees within PT Lonsum rubber plantation estates.⁴⁶⁹ PT Lonsum's Intel apparatus had alerted company managers to this danger, and a small security detail (twelve local police) arrived on the scene around 13:00, attempting to disperse the large crowd.

As tensions escalated it is alleged that the police fired at the villagers, prompting a barrage of attacks by the demonstrators armed with spears, knives and Molotov cocktails.⁴⁷⁰ Having driven the police away the mass of demonstrators gathered in PT Lonsum's football field and were divided into two camps. The first was responsible for gathering provisions and food stocks (enough for ten days), while the second was to build a temporary encampment.⁴⁷¹

Not surprisingly, the second police deployment arrived swiftly, heavily armed and in numbers.⁴⁷² PT Lonsum asserts that the authorities fired warning shots and used rubber bullets to dissuade protesters, but that this only enraged them further. Faced with the threat of villagers running amok, they shot into the crowd, injuring

⁴⁶⁸ Report entitled 'Record of Violence against Indonesian Farming and Adat Communities' published by *WALHI* in 2003.

⁴⁶⁹ Report entitled 'Resisting the Violence of Financial Capital [...]' published by *National Solidarity for Bulukumba*.

⁴⁷⁰ According to PT Lonsum's 'Chronology of HGU Acreage Reduction [...]'.

⁴⁷¹ According to the report entitled 'Resisting the Violence of Financial Capital [...]' published by *National Solidarity for Bulukumba*.

⁴⁷² 243 security personnel were reported to have responded to the crisis, deployed from four districts as well as the province, according to PT Lonsum's 'Chronology of HGU Acreage Reduction [...]'.

two and arresting another 21 people. WALHI's reporting of the incident puts the numbers as five shot and 36 arrested. SPK's account was that two died from the shooting, with 46 injuries and 43 arrests.⁴⁷³ Kompas, a reputable national news agency, interviewed members of the National Human Rights Commission about the Bulukumba incident, and found that three people eventually died as a result of injuries sustained during clashes with police.⁴⁷⁴

The following day (22 June 2003) the police set a five-kilometre radius for their search operations, during which houses were raided and hundreds more were detained. Members of the Community Education Foundation (YPR) considered instrumental in the organisation of the land reclaiming incident were added to the provincial daftar pencarian orang (most wanted persons list), along with 26 other provocateurs.⁴⁷⁵ Allegations of police brutality were equally widespread, prompting the National Commission for Human Rights to send an investigative team to Bulukumba.⁴⁷⁶

PT Lonsum's managers accuse YPR (particularly Salasa) of exploiting the adat communities of Kajang Dalam, famed for their willingness to defend the honour of their domain unto death.⁴⁷⁷ In order to secure points of leverage to bolster expansive land claims (540 hectares), Salasa is accused of reaching out to the non-litigant community in Kajang, selling some 90 households plots of land within PT Lonsum's concession zone.⁴⁷⁸ In this scenario, any resolution reached between the parties for less than 540 hectares would expose the fraudulence of these transactions and likely cause a severe backlash against Salasa and YPR.

⁴⁷³ Interview with members of the Farmer's Union of Kajang (names withheld) from 6–7 February 2006.

⁴⁷⁴ Kompas (2003). 'KomnasHam Temukan Indikasi Awal Pelanggaran Ham Berat di Bulukumba'. *Kompas*. 20 September 2003. Available online.

⁴⁷⁵ According to PT Lonsum's 'Chronology of HGU Acreage Reduction [...]']'.

⁴⁷⁶ Report entitled 'Record of Violence against Indonesian Farming and Adat Communities' published by WALHI in 2003.

⁴⁷⁷ Interview with Ir. Sugito, manager of Palangisang Estate, on 22 May 2006. Refer back to Gibson (2000) for more on the indefatigable spirit cults of the Amma Toa.

⁴⁷⁸ Interview with Ir. Sugito, manager of Palangisang Estate, on 22 May 2006.

The former head of the provincial court of South Sulawesi was also convinced that these expansionary measures were provoked or at least orchestrated by political opportunists working behind the scenes:

The borders were not clear when the [court] ruling was made, and so the communities just took advantage of the ambiguities. There were some who funded and organised the cutting of the [rubber trees] in plantation areas, with promises being made [to those who carried it out]. It turns out that there were people who funded the expansion of community land, helping the community to expand from 200 to 540 hectares. They must have been expecting to gain some land out of this.⁴⁷⁹

This informant did not explicitly refer to anyone by name, though his testimony does reinforce the allegations made by PT Lonsum managers (that some expected to “gain” from the attempted land seizure).

In order to gauge the accuracy of these competing claims, it was necessary to visit the actual site of the conflict, located on the fringe of Bonto Biraeng village. The conflict remains unresolved, and many of the outstanding issues are politically sensitive. As such, the sub-district head of Kajang warned against visiting Bonto Biraeng, for it would “give encouragement to villagers” and engender a false sense of hope.⁴⁸⁰ His main concern was that the presence of researchers in this aggrieved area would provoke yet another uprising.

Without firsthand research, it would not be possible to determine whether any lands within the contested zone had indeed been sold to unsuspecting villagers. Upon arrival in Bonto Biraeng, the village head was far less tentative than his superior at sub-district level. He pointed out the direction in which the land seizures took place, and indicated the area in which the contested lands had been sold to local households.

There is only one main road leading in and out of the village, and it takes very little time to reach the contested area. Most households in Bonto Biraeng make their

⁴⁷⁹ Interview with H.M. Arsyad Sanusi, head of the Provincial Court of South Sulawesi, on 13 March 2006.

⁴⁸⁰ Interview with Andi Sudirman Mangkona, head of sub-district Kajang, on 23 May 2006.

living as rubber-tappers and farmers; when harvest season is over activities tend to be concentrated in the village, during which time people are easily approachable. One informant agreed to an interview and told his story.⁴⁸¹ He is not one of the original litigants in the land dispute, though he does hold an adat title (Tu' Toa Ganta) and feels a natural entitlement to all the surrounding lands.

Crucially, this informant admitted without hesitation that he had been sold land by one of the well-known community advocates, H. Latif, son of Hamarong:

I paid for this land with four cows worth approximately eight million rupiah and received 1.25 hectares. There is a receipt for the land. Mr. Latif and one other man sold land to around 700 people. We were all willing to buy the land because we really needed it at the time. We do not know about the proper procedure for land purchases. No land certificates have been given yet. Mr Latif and his partners are working for the community so we are not worried.⁴⁸²

While it did not seem like a matter for levity, the informant often laughed and smiled while giving details of his dubious land purchase. He was adorned in the traditional dress of Kajang Dalam (black sarong and Pasapu headwear), swore loyalty to the Amma Toa, and believed all of the lands in Kajang to be customary adat lands. This informant was not concerned with politics and had no obvious motive to lie or mislead.

For H. Latif and his accomplices, it would have been relatively easy to blur the facts by citing the court clerical records that (mistakenly) acknowledged community rights over customary lands, defined as natural borders. Perhaps they genuinely believed that their campaign would succeed and PT Lonsum would agree to the release of all 540 hectares, after which the Kajang community could retain their lands and no one would be held accountable for the illicit transactions.

Reports vary, though it has been alleged that Armin Salasa sold land to some 90 non-litigant households in Kajang, while H. Latif may have sold land to an

⁴⁸¹ Interview with a villager (anonymous) from Bonto Biraeng on 23 May 2006.

⁴⁸² Interview with a villager (anonymous) from Bonto Biraeng on 23 May 2006.

additional 700 non-litigant households. The sub-district head of Kajang did not cite specific cases or attempt to vilify any individuals, though he admitted that the number of claimants has expanded from the original 243 to as many as 500 households. The head of the provincial court in Makassar believes that all those responsible for funding and provoking the land reclaiming activities should be held accountable, even brought to trial for their alleged involvement in the destruction of company property.⁴⁸³

After gathering testimony in Bonto Biraeng the village head agreed to an interview. He has been village head since 1998, and thus has firsthand knowledge of the land dispute. During the mass protests and clashes with police on 21 June 2003 the village head recounts hearing gun shots from his house, and though he was not an eye-witness to these events, he has since been inundated with petitions and appeals from his constituents.

It is alleged that, prior to the outbreak of violence, Bonto Biraeng had been neglected by PT Lonsum and the district government, despite its strategic location within the contested area. For instance, he argued that neighbouring villages have been the target of community development programmes such as the building of mosques and schools, while his village was excluded.⁴⁸⁴ It was only after the violent land occupations and subsequent tragedy that the resolution process was conducted in a formal, systematic way, with village consultations and the appointment of third-parties to mediate between the main protagonists.

With hindsight, the village head felt that the government (at sub-district and district level) and PT Lonsum were at fault for allowing farmers (litigants and non-litigants) to carry on cultivating the contested lands from 1998 onwards, while the dispute was being reviewed.⁴⁸⁵ This gave the wrong impression to local communities, causing further ambiguity and resentment.

⁴⁸³ Interview with H.M. Arsyad Sanusi, head of the Provincial Court of South Sulawesi, on 13 March 2006.

⁴⁸⁴ Interview with head of Bonto Biraeng village, sub-district Kajang, on 23 May 2006.

⁴⁸⁵ Interview with head of Bonto Biraeng village on 23 May 2006.

Failure to implement the original Supreme Court decision, therefore, ultimately lies with the district government, which sat idle for too long while PT Lonsum expanded production and local activists formulated counter-strategies which included occupations, blockades, and destruction of company assets. After years of negligent passivity, however, local authorities were subjected to intense media scrutiny and pressure from human rights campaigners following the violence on 21 June 2003.⁴⁸⁶ The following section provides a detailed account of the formal response by local, district and provincial authorities to the mounting crisis in Kajang.

Towards Reconciliation

Reports of the fatal clashes in Bulukumba were widely circulated throughout Indonesia. In response, the National Commission for Human Rights sent a task force to the district to investigate, accompanied by a surge in journalistic activity as well as NGO intervention. Press reports were highly critical concerning the conduct of the triumvirate of security forces, district government officials, and corporate managers, concluding that the crisis was caused by ongoing violations of adat rights within the rubber concession zone.⁴⁸⁷

While this response marks a significant departure from the censorship and repression of the recent past, the reawakening of Indonesia's public sphere is not yet complete. Overly simplistic grievance-based analysis which pits innocents against perpetrators does not bring the parties any closer to reconciliation; rather, it overlays local complexities and fails to engage with communal divisions.

Facing accusations of maladministration and complicity, the district government took a more proactive approach to the dispute following the crisis in Kajang. On 18 July 2003, for instance, Patabai Pa Bokori (the mayor of Bulukumba from 1995–2005), began to report on multi-party meetings held in Kajang. The

⁴⁸⁶ Pressure came locally from Tribune Timor, and nationally from Kompas and Tempo Group, two major media conglomerates in Indonesia, as well as intervention from AMAN-SS, WALHI, and Down to Earth through its English language website.

⁴⁸⁷ 'Komnas HAM Temukan Indikasi Awal Pelanggaran HAM Berat di Bulukumba'. *Kompas*. 20 September 2003. Available at: <http://www.kompas.co.id/utama/news/0309/20/101544.htm>

official government position was articulated as follows: “It has been explained that the community has the right to 200 hectares of land, and the rest [of the contested area] is the plantation concession area owned by PT Lonsum”.⁴⁸⁸

Beyond stating the obvious and reinforcing the decision of the Supreme Court, the mayor was aware that a comprehensive solution would require a sustained effort. A Tim Terpadu (or Dispute Resolution Committee) was thus established on 27 August 2003 to handle the land dispute and investigate cases of illegal occupancy within PT Lonsum’s concession zone.⁴⁸⁹ All proceedings were to be facilitated by the mayor and his deputy, along with the district parliament, the police and security apparatus. The resolution effort also required the involvement of relevant sub-district and village heads, along with one NGO representative, four community leaders, and PT Lonsum managers.⁴⁹⁰

To begin, the mandate of the Committee as set out in Mayoral Decree KPTS.642/VIII/2003 was to re-measure the 200 hectares of disputed lands in order to produce an accurate survey of the area while recording all data for verification. This was necessary in order to replace the demarcation poles first set out by the National Land Agency in 1998. An inventory was also to be drafted containing all of the names of the community members claiming ownership or entitlement to lands in the disputed area. These systematic procedures suggest that the mayor was aware of the entrenched divisions within Kajang. Moreover, calls for a security detail to oversee the completion of surveys, manifests, and inventories indicate that all parties were aware of the dangers of local opposition.

According to reports, on two separate occasions between 11 September 2003 and 23 October 2003 the Committee set about disseminating their findings regarding the borders of the disputed lands and the eligible claimants.⁴⁹¹ Villagers in Bonto

⁴⁸⁸ Transcript of meeting number 005/1456/Pem.Um issued by the mayor of Bulukumba on 18 July 2003.

⁴⁸⁹ Consolidation Team was established by order of the mayor of Bulukumba, formalised by Mayoral Decree Number KPTS.642/VIII/2003.

⁴⁹⁰ Membership of the Dispute Resolution Team as set out in Mayoral Decree Number KPTS.642/VIII/2003.

⁴⁹¹ According to PT Lonsum’s ‘Chronology of HGU Acreage Reduction [...]’.

Biraeng, Bonto Manggiring, and neighbouring villages in sub-district of Bulukumpa were informed of the illegality of the continued occupation of 540 hectares within the plantation concession zone.

On 15 December 2003 the mayor attempted to bring all the parties together to review the findings and reach consensus, though the fissures that had developed and deepened since the 1980s brought negotiations to an impasse. Questions of political representation again came to the fore. Those representing the wider Kajang community (a mix of litigants and non-litigants) would not compromise over their principled claim to 540 hectares, a fact that overshadowed the legal entitlements of 243 households still awaiting compensation.

Given the sensitivities involved in such negotiations, all parties to the conflict paid close attention to procedures and formalities while glossing over some of the more intractable political issues which had developed on the ground. For Armin Salasa, H. Latif and their followers, this was a matter of principle; no compromise could be made in the name of adat, and all villagers loyal to the Amma Toa should thus be given equal status under the law.

In practice, discourses of adat are frequently distorted in order to insulate those behind the lucrative, illicit land deals in Kajang. Through the selective deployment of adat, patterns of clientelism are reinforced and reconfigured. Meanwhile, for the original litigants, those deemed by the Supreme Court of Indonesia to be legitimate bearers of customary adat tenure, such distortions ensure that they remain marginalised and overshadowed throughout the negotiation process.

Such complex and protracted disputes provide substantive tests of legitimacy and competence for newly empowered, autonomous district governments throughout Indonesia. Indicative of deficiencies (lack of capacity, lack of political will) at district level, the mayor of Bulukumba turned to provincial authorities for assistance in February 2004, just six months after the establishment of an inclusive Dispute Resolution Committee.⁴⁹² Preliminary efforts to bring all parties to the bargaining table thus proved more complex than originally anticipated, highlighting the

⁴⁹² According to PT Lonsum's 'Chronology of HGU Acreage Reduction [...]'

entrenchment of vested interests within and between the communities of Kajang and their supporters.

From research on resource conflicts involving PT Lonsum in South Sumatra, Collins (2003:172) found the same “lack of initiative” from newly elected local legislators, and thus questioned the capacity (if not the willingness) of local government to resolve land disputes. Disputes involving profitable extractive companies tend to be “referred up the chain of command,” eventually reaching the governor’s office (Collins 2003:172). Provincial policy in South Sumatra as well as South Sulawesi has been to deal with disputes on a case-by-case basis, which can be agonisingly slow.

Acting on the advice issued by the provincial parliament after reviewing the case, the governor of South Sulawesi, H.M. Amin Syam, decided to intervene in Bulukumba by appointing a Tim Mediasi (Mediation Team) on 18 February 2004. Interestingly, prior to the endorsement of the governor’s intervention in the conflict, the provincial parliament had taken into consideration the testimony of two local NGOs purporting to represent the adat communities of Kajang: the Alliance of Kajang Communities (AMK) and the Farmer’s Union of Kajang (SPK).⁴⁹³ Government mediators either determined that these NGOs were legitimate, representative bargaining partners, or simply recorded their testimony out of indifference.

Given the diversity of Kajang and the politicisation of local communities, no single NGO can claim to represent all of Kajang’s constituents. Within the domain of the Amma Toa there is a functioning, exemplary community that follows without reserve their mystical leader and his karaeng tallua. Activists agitating for political reforms and control over plantation lands (all outside of Kajang Dalam) do not represent this constituency. Moreover, within the ranks of the NGO and donor community, there are a number of disparate strategies being promoted and

⁴⁹³ According to the ‘opening considerations’ contained in the Decision of the Governor of South Sulawesi Number 93/II/2003 for the ‘Establishment of a Mediation Team to Resolve the Land Dispute between the Kajang Community and PT Lonsum’ dated 18 February 2004.

implemented, leading to a degree of hesitancy and suspicion among their intended beneficiaries, rather than unity and solidarity.

The question of representation is further complicated by the following facts: many disgruntled families have been given menial jobs by PT Lonsum (appeasement); politically articulate villagers are encouraged to become bureaucrats or are recruited into security and Intel apparatuses (cooptation); and finally, distinctions between original litigants and non-litigants are continuously highlighted (fragmentation). As such, the testimony recorded by provincial parliamentarians came from two local NGOs with limited constituencies in a politically divisive environment.

From the outset, therefore, the establishment of a new provincial Mediation Team to replace the previous Dispute Resolution Committee from Bulukumba was problematic. The provincial Mediation Team was formally established in accordance with the Decision of the Governor of South Sulawesi Number 93/II/2004, dated 18 February 2004. The complete structure of the Mediation Team is set out in Table 7.1 below.

Table 7.1: Structure of the Provincial Mediation Team

Positions	Particulars
Directors	<ol style="list-style-type: none"> 1. Governor of South Sulawesi 2. Head of Provincial Parliament, South Sulawesi 3. Chief of Police for South Sulawesi
Legal Responsibility	<ol style="list-style-type: none"> 1. Deputy Governor of South Sulawesi 2. Mayor of Bulukumba
Organisation and Implementation	<ol style="list-style-type: none"> 1. H. Moch. Roem, SH., MSi 2. Head of National Unity office, South Sulawesi province 3. Deputy Mayor of Bulukumba 4. Head of District Parliament, Bulukumba
Secretariat	<ol style="list-style-type: none"> 1. Head of the Bureau of Deconcentration 2. Head of the Bureau of Law and Organisation
Field Coordinator	<ol style="list-style-type: none"> 1. Head of the National Land Agency, South Sulawesi province 2. District Secretary of Bulukumba 3. Head of National Unity office, Bulukumba district 4. Director of the National Land Agency, Bulukumba district
Field Organiser	<ol style="list-style-type: none"> 1. Head of the National Land Agency, South Sulawesi province 2. Director of the National Land Agency, Bulukumba district 3. Head of the District Court of Bulukumba 4. Head of sub-district Kajang 5. Head of sub-district Bulukumpa
Pacification	<ol style="list-style-type: none"> 1. Chief of Police, Bulukumba district 2. Commander of Military Unit, Bulukumba district 3. Commander of Police Unit, Bulukumba district
Additional Members	<ol style="list-style-type: none"> 1. Seven district and provincial bureaucrats 2. One lawyer and four managers from PT Lonsum 3. Three community representatives from sub-district Kajang; 4. Two community representatives from sub-district Bulukumpa; 5. Two community lawyers

Based on Governor of South Sulawesi Decision Number 93/II/2004

In the preamble to this decision establishing the Mediation Team, it was stated that the emphasis must be placed on two key principles: precision and proportionality. Indeed, judging from the proceedings overseen by district authorities in relation to the execution of the court-ordered land release between 1998 and 2003, the principles of precision and proportionality were largely absent. To achieve a comprehensive solution to the dispute, H.M. Amin Syam (the provincial governor) set out the following tasks for the Mediation Team:⁴⁹⁴

- Facilitating and supporting the resolution of the land dispute between PT Lonsum and the farmers of Kajang in Bulukumba district proportionally and in accordance with valid legislative regulations;
- Carrying out direct field observations to clarify the location of the disputed lands, allowing for the possibility of a return to the former borders of the PT Lonsum concession zone;
- In carrying out these tasks, the Mediation Team is to coordinate with the district government of Bulukumba and the technical apparatus in the field;
- Reporting to the Governor of South Sulawesi on the results of the tasks as they are implemented.

H. Mohammad Roem from Makassar was appointed to lead this Mediation Team, which consists of representatives from all relevant stakeholders (as indicated in Table 7.1). Listed as the representative for Bonto Biraeng village was the infamous Salasa, while Sampe was recorded as the representative for Tana Toa village, the residence of the Amma Toa of Kajang Dalam. H. Latif does not appear on the register, nor does Juma, the representative of the original litigants who are still awaiting closure. While the presence of Salasa is controversial, the appearance of Sampe on the list of representatives is erroneous, for Tana Toa village is located outside of PT Lonsum's concession zone as well as the disputed area.

⁴⁹⁴ As stated in Governor of South Sulawesi Decision Number 93/II/2004.

The Politics of Compensation

After one month of mediation activities the provincial government organised a general meeting in Makassar (on 17 March 2004), providing a forum for all parties to report on progress in the field. With a reinvigorated mediation process, PT Lonsum negotiators were facing immense scrutiny from hostile reporters and human rights advocates. As a conciliatory gesture, W. Giriputra, the managing director from PT Lonsum head office in Medan, North Sumatra, sent a memo to Palangisang estate in Bulukumba sanctioning the conditional release of an additional 271 hectares of land.⁴⁹⁵ Considering the previous land release in 1985 (for 143 hectares), the new offer would effectively transfer legal rights over 414 hectares to claimants from Kajang at a cost of some 67,736,000 rupiah.⁴⁹⁶

The following conditions were attached to this offer: first, that the communities in the disputed location will not issue any further complaints regarding the acreage that is managed and owned by PT Lonsum; second, that the district government of Bulukumba guarantees that there will be no further demands over the acreage controlled by PT Lonsum in other locations throughout the Bulukumba.⁴⁹⁷ It was expected that this compromise would be the final push that brought peace and stability to Bulukumba.

In a show of defiance, however, representatives for the Kajang community (particularly Salasa and Sampe) boycotted several meetings sponsored by the provincial government and dominated proceedings at village level. The ever-cautious provincial Mediation Team made consistent reference to the need to support a “comprehensive solution” to the land dispute by directly involving all relevant parties, including “independent actors and elements of the local adat communities”.⁴⁹⁸

⁴⁹⁵ Memo Number 1102/GAD/G/43/VIII/2004 from PT Lonsum Head Office in Medan dated 4 August 2004.

⁴⁹⁶ Particulars of the land release, including sequencing, budgeting, and oversight, are contained in Letter Number 593.7/10/6/Set signed by the Deputy Governor of South Sulawesi, H. Syahrul Yasin Limpo, on 16 March 2005.

⁴⁹⁷ According to the Mediation Team Report on the ‘Progress of the PT Lonsum Case’ dated August 2004.

⁴⁹⁸ According to the Official Report of the Mediation Team dated 17 March 2004 and signed by all parties.

There was no official acknowledgment of the incompatible political views and divisive strategies undertaken by several of the village representatives. Furthermore, the so-called comprehensive solution called for a dualistic approach; that is, the combination of “legal scrutiny and sociological understanding”.

H. Mohammad Roem’s call for greater “sociological understanding” was to be achieved through comprehensive village consultation and deliberation. From August 2004 onwards PT Lonsum’s final offer for the legal release of 414 hectares was announced to villagers throughout the contested area, including Bonto Biraeng where Salasa’s influence remains strong.

Anticipating resistance from certain quarters, Roem stressed that all parties had exerted the maximum effort to ensure a proportional and comprehensive resolution to the land dispute. Furthermore, assurances were given to the effect that the release of an additional 271 hectares was “sufficient” and the “best middle-way solution we can achieve”.⁴⁹⁹ If “wisdom and sincerity were allowed to prevail,” then legal certainty and human rights would be well within the grasp of all parties concerned.

Despite repeated calls for precision and proportionality from the Governor of South Sulawesi, and appeals for wisdom and sincerity from the head of the Mediation Team, the negotiation process had failed to reconcile the damaging divisions within Kajang. Despite their divisive political platforms and possible criminal associations, the Salasa group (associated with YPR and Bonto Biraeng village), the Latif group (connected to Hamarong from Selayar), and now the Sampe group (affiliated with the SPK and Tana Toa village) have featured prominently in mediation team procedures, activities, reporting, and village deliberations. By contrast, the Juma group advocating on behalf of the original litigants (253 households) were largely excluded and marginal.

This all changed however as the Juma group found its voice again and began to appeal directly to the mediators. In an open letter to the Governor of South

⁴⁹⁹ According to Letter Number 27/MC.SS/VIII/2004 issued by the Mediation Team and signed by H. Mohammad Roem on 26 August 2004.

Sulawesi bearing the signatures and fingerprints of 33 original litigants from Kajang, the following statements were made:

With respect to the land dispute in Bonto Biraeng village, many efforts have been made to promote our [land] rights as the original litigants, although we have not yet achieved the solution that was expected. Resulting from a series of interventions from outsiders with no stake [in the conflict], the resolution of this dispute has been complicated and there are groups of non-litigants that have received land and cultivated it without legal justification. As a result, we [...] request that you carry out land redistribution or land sharing for each of the respective original litigants, and we demand that those farmers cultivating the land which are not original litigants vacate the land.⁵⁰⁰

Continuing in this assertive tone, the original litigants issued a second letter (dated 15 September 2004) to the Governor of South Sulawesi, this time bearing 65 signatures and including very specific demands. To begin, the Mediation Team was asked to revisit the location within two weeks in order to mark the borders of the contested lands (200 hectares granted to the original litigants in accordance with the Supreme Court ruling).⁵⁰¹ It was suggested that a failure to comply could be met with unpredictable results. All relevant parties, especially the security apparatus, were expected to provide support because of the possibility of clashes with the non-litigants, those farmers cultivating the land without any legal basis, “those who continue to control and cultivate our lands”.⁵⁰²

Perhaps the most revealing component of these letters was the request for assistance from the (notoriously repressive) security apparatus, which was meant to offset the potential for clashes between different factions within the farming communities of Kajang. The Mediation Team’s response was immediate. By 7

⁵⁰⁰ Excerpt from an ‘Action Statement’ sent to the Governor of South Sulawesi, signed by 33 original litigants. There is no date on the letter.

⁵⁰¹ Excerpt from a ‘Statement of Intent’ sent to the Governor of South Sulawesi, signed by 65 original litigants, dated 15 September 2004.

⁵⁰² Excerpt from a ‘Statement of Intent’ sent to the Governor of South Sulawesi, signed by 65 original litigants, dated 15 September 2004.

October 2004 they had organised a meeting in Bonto Biraeng village, attended by the village head along with some 150 people from fourteen different villages. Unfortunately, judging from the report published by the Mediation Team following this meeting, it would have done little to appease Juma and the original litigants, who seem to have been outmanoeuvred yet again by other factions (Salasa, H. Latif) within the Kajang area.⁵⁰³

According to the report of the meeting in Bonto Biraeng village, statements from four informants were delivered to the Mediation Team, the details of which contradict the position articulated by the original litigants in their two letters to the Governor of South Sulawesi. H. Latif, still implicated in the illicit sale of concession lands to unsuspecting households from the farming village of Bonto Biraeng, was given a legitimising platform from which to solidify his position.⁵⁰⁴ Salasa, having been arrested several times for his involvement in land occupations and destruction of company property, was given similar legitimising treatment (a seat at the negotiating table).

These chameleonic actors issued a veiled threat about the resurgence of internal conflict if PT Lonsum could not be convinced to release all 540 hectares of land, in accordance with the natural adat borders that overlay the concession zone.⁵⁰⁵ Any comprehensive settlement for less than 540 hectares would force people to begin to share lands, which would “cause difficulties” and reignite reclamation activities and forcible land seizures.⁵⁰⁶

It appears as though analysts such as Bourchier (2007:124) were correct to point out that land disputes frequently arise among the “putative representatives” of adat communities. It is therefore important to be wary of homogenising tendencies; an “idealised local community” masks very real differences in terms of social, economic and political power (Schönwälder 1997:761). Furthermore, as noted in

⁵⁰³ Mediation Team Report for the month of October 2004.

⁵⁰⁴ According to PT Lonsum’s ‘Chronology of HGU Acreage Reduction [...]’.

⁵⁰⁵ According to PT Lonsum’s ‘Chronology of HGU Acreage Reduction [...]’.

⁵⁰⁶ Excerpts of testimony from community representatives as recorded by the Mediation Team during their field visitation on 7 October 2004 in Bonto Biraeng village.

chapter two, it is imperative not to overlook the “conflictive relations” that often arise *between* the members of popular movements and their various allies (Schönwälder 1997:765).

Schönwälder (1997:765) was also correct to point out that, in their efforts to seize new opportunities for political participation (in mediation processes, for instance), villagers and their supporters tend to face “blockage, instrumentalisation, cooptation, or the loss of autonomy”. The Juma group representing the original litigants has been subjected to an assortment of blockages and instrumentalist efforts. In Bulukumba, therefore, by bringing politics closer to the people in accordance with mainstream decentralisation narratives, the enhancement of popular participation and the empowerment of civil society have not brought the parties any closer to a comprehensive solution to the land dispute.

In search of a compromise, the Mediation Team glossed over these political dilemmas and, with the approval of the provincial parliament, pushed through their final recommendations. A multi-pronged agenda was set out, and it was requested that PT Lonsum commit in writing to the release of an additional 271 hectares of land (414 hectares in total). On 3 February 2005, PT Lonsum Head Office in Medan publicly agreed “in principle” to the release of an additional 271 hectares, providing the following conditions were met:

Firstly, that the execution of the land release is carefully monitored so as to ensure that no further land claims are made. Secondly, that the resolution is conducted with clarity, honesty, and transparency. Thirdly, that all parties—the Mediation Team, the district government of Bulukumba, and the claimants—produce a statement to the effect that, following the release of [an additional] 271 hectares of land, there would be no further claims to land in PT Lonsum’s concession zone, no anarchic or violent actions against PT Lonsum, and [unanimous] declaration that the land dispute has been resolved. Fourthly, the territorial boundaries of the land [to be released] must be made clear to ensure that people know [the

limits of these] boundaries. Lastly, that PT Lonsum is informed of the whole agenda for the land release.⁵⁰⁷

Judging from the wording of this letter, it was clearly anticipated by PT Lonsum Head Office in Medan that the land release would not satisfy all of the community representatives, but that a signed declaration by all negotiating parties would help discredit any future attempts to reengage in land reclaiming activities.

As predicted, some local factions reacted to the agenda proposed by the Mediation Team by engaging in sustained demonstrations in front of the district parliament building (held in February and March 2005), calling for the release of 540 hectares of concession land. This was countered by a group of some 70 original litigants who felt that their rights were being violated by these demonstrations. Allegedly, they were received by the Head of Governance Affairs in Bulukumba, and a statement was released to the effect that all third-parties intervening in the conflict (those without legal recognition) should be penalised.⁵⁰⁸

This was not enough to deter the opponents of the proposed settlement (now 414 hectares), who once again managed to prevent district authorities from carrying out conclusive field surveys scheduled for 27 April 2005.⁵⁰⁹ Finally, on 30 April 2005, the surveying and measurements were completed, although this required the presence of fifteen security personnel to stave off the threat posed by groups of protestors attempting to encircle members of the National Land Agency working in the field.

All parties were urged to proceed quickly as the district government of Bulukumba was preparing to hold its first ever direct mayoral elections, scheduled for 27 June 2005. It was noted in a Mediation Report (dated 8 March 2005) that a timely resolution of the land dispute would “eliminate a source of insecurity” in the run-up to the elections. Acting on the advice of the Chief of Police in Bulukumba, PT Lonsum employed public relations personnel in June 2005 to dispel any myths

⁵⁰⁷ According to Letter Number 033/GSD/E/39/II/2005 issued by PT Lonsum General Service Department Medan on 3 February 2005.

⁵⁰⁸ According to PT Lonsum’s ‘Chronology of HGU Acreage Reduction [...]’.

⁵⁰⁹ According to PT Lonsum’s ‘Chronology of HGU Acreage Reduction [...]’.

surrounding land ownership and entitlement by holding consultations with communities in and around the contested area.⁵¹⁰

District elections held on 27 June 2005 led to victory for the candidate pairing of A.M. Syukri A. Sappewali (mayor) and Drs. H. Paddasi (deputy) with 29 per cent of the popular vote.⁵¹¹ As is customary in district elections, ‘Vision and Mission’ statements were distributed by each of the five candidate pairings in the run-up to the election.⁵¹² There was no direct reference made to the adat communities of Kajang in any of these statements; however, villagers from Kajang Dalam did participate in local elections, and campaign organisers did schedule visits to the customary domain in search of votes (with limited success).⁵¹³

The victors, Sappewali and Paddasi, inherited the PT Lonsum conflict, one that was first considered by the district court in 1982, and which had grown exponentially more complex with the passing of time. Still fresh in office, the newly elected pair received an urgent notice from the Governor of South Sulawesi, H.M. Amin Syam, calling for “concrete and systematic steps” towards a “fair and humane” resolution to the dispute.⁵¹⁴ Some three weeks later, on 10 January 2006, a formal agreement (or Peace Treaty) was signed by representatives from all parties involved in the land conflict.⁵¹⁵

Article 2[3] of the Peace Treaty stipulated that PT Lonsum was formally committed to the release of 271 hectares of land. Coupled with the 143 hectares released in 1985, this brings the total land release to 414 hectares. To reciprocate, some community representatives stated their willingness to vacate concession lands that they control located outside of the 414 hectares (Article 4[1]). In closing, it was

⁵¹⁰ According to PT Lonsum’s ‘Chronology of HGU Acreage Reduction [...]’.

⁵¹¹ Data published by the General Elections Commission, South Sulawesi Province, on 29 July 2005.

⁵¹² Obtained at the General Elections Commission district office in Bulukumba on 24 May 2006. See Appendix 1 for an example of a Vision and Mission (Visi dan Misi) statement.

⁵¹³ Interview with members of the Farmer’s Union of Kajang (names withheld) in Tana Toa village from 6–7 February 2006.

⁵¹⁴ According to letter number 593.7/6376/Set issued by the Governor of South Sulawesi on 16 December 2005.

⁵¹⁵ Document titled ‘Peace Treaty, Agreement and Transfer of a Portion of the Concession Lands (HGU) of PT London Sumatra Indonesia’ dated 10 January 2006.

ruled that this agreement was to constitute a legal guide and tool for all parties to the conflict in the event that further land claims should arise (Article 8[1]).

H.M. Amin Syam (the governor) gave a jovial speech at the Sahid Hotel in Makassar on 26 January 2006 celebrating the land release. While the tone of the speech remained affable throughout, there was a deliberate sequence used to convey politically sensitive messages to all parties involved in the conflict. While no timeline was set out, the governor called for urgency in the implementation of the land release, as well as transparency in order to minimise the expected backlash by some elements of the community.⁵¹⁶ Implicit in this measured statement was the past failure of the district government to fulfil its role as mediator in a transparent way, as well as the damaging impact of its lethargic response to the mounting crisis.

Similarly, an appeal was made to PT Lonsum management to continue to pay attention to the social conditions of the community, especially those living in the concession zone. Additional goodwill funds were requested for infrastructure projects, roads, clean water, electricity, religious activities, and the promotion of education for future generations through scholarships.⁵¹⁷ Implicit in this polite message was the need to atone for a long history disenfranchisement and land alienation.

Lastly, in a veiled reference to persistent divisions within the community, the governor called for a peaceful and measured response from the original litigants during the land transfer. All parties were asked to be wary of perceived disadvantages which may incite further communal violence, and to guard against intervention from third-parties that are not eligible to make land claims.⁵¹⁸ As a form of deterrent, the governor followed his appeal to the community with praise for the security apparatus, which was expected to provide security for the district government during the implementation of the land transfer.

⁵¹⁶ Transcript of the speech delivered by the Governor of South Sulawesi at Sahid Hotel in Makassar on 26 January 2006.

⁵¹⁷ Transcript of the speech delivered by the Governor of South Sulawesi at Sahid Hotel in Makassar on 26 January 2006.

⁵¹⁸ Transcript of the speech delivered by the Governor of South Sulawesi at Sahid Hotel in Makassar on 26 January 2006.

The cumulative efforts of lawyers and judges, mayors and governors, members of the security apparatus, mediation teams, human rights commissioners, and NGOs at all administrative levels (district, provincial and national) secured the release of 414 hectares of land, to be sequentially returned to villagers by the district government of Bulukumba. However, the “politics of difference” (Li 2001) has become a permanent feature of the socio-cultural landscape of Kajang, and the probability of renewed hostilities has most politicians monitoring developments closely.⁵¹⁹ Even if a majority of villagers approve of the immediate transfer of land, the power and influence of a minority of voices in Kajang would be enough to derail the process.⁵²⁰

Conclusion

This chapter served to examine the propensity of local actors, support networks, and power brokers to shape democratic processes associated with decentralisation by manipulating and dividing local communities, particularly when set in the context of disputes over productive lands. NGO intervention on behalf of local communities in conflict zones tends to foster a growing dependency on external guidance and strategic representation. However, there is evidence of a form of innovative traditions being deployed by local communities to redress historical grievances associated with land alienation and disenfranchisement.

Each stage in the negotiation process carried different possibilities for promoting, co-opting, or tempering the political impulses of adat communities. While the primordial traits of adat communities were largely contrived and redeployed in order to bolster claims over land and resources, there remained a degree of popular resonance as local communities responded to and mobilised around perceptions of authentic customs and traditions. Therefore, this chapter demonstrated that it is possible to reconcile the tensions between primordial and instrumental aspects of adat in newly autonomous districts such as Bulukumba, where land disputes have become

⁵¹⁹ Interview with Andi Sudirman Mangkona, head of sub-district Kajang, on 23 May 2006.

⁵²⁰ Interview with Andi Sudirman Mangkona, head of sub-district Kajang, on 23 May 2006.

endemic. Hundreds of farming households in Bulukumba managed to secure legal title over their adat lands through formal judicial proceedings (not customary courts or indigenous tribunals), and hundreds more aspire to emulate them. For most, this is an acceptable tradeoff.

In what may be an unprecedented legal ruling, the Supreme Court of Indonesia granted 200 hectares of land to 253 farming households from Kajang based on their adat rights. This was contrary to the findings of Collins (2003) in South Sumatra, where the courts were not relied upon in the dispute resolution process. It also went against the trend established by Lucas and Warren (2003) whereby local communities involved in land disputes rarely achieved legal resolution.

From the testimony and documentation already reviewed, it is clear that early village responses to the unleashing of regional innovation (post 1998) were often guided or provoked by external actors intervening in Bulukumba. There were examples of well-intentioned NGOs and activists intervening in order to align adat revivalism with modern political campaigns for land rights and environmental preservation. However, as in Soroako, the communities of Kajang were divided, domesticated, and at times disempowered as a result of their participation in discreet mediation processes, routinised and patterned modes of governance, and diffuse regulatory deliberations.

When set against the strategies of predatory elites and power brokers in Bulukumba, efforts to mobilise communities, facilitate village empowerment, and achieve meaningful participation in negotiation processes were superseded. Indeed, the achievement of “micro-level successes” such as the court-ordered land release in Kajang does not transcend the systems and structures that determine power and resource allocations (Mohan and Stokke 2000:254). In this sense, while the adat revival is couched in terms of resistance and opposition, it may be little more than a permissible form of alternative politics encapsulated within persistent, dominant structures of power. Of course, this does not negate the fact that some livelihoods may improve, or that some freedoms have been gained, though it does cast doubt on whether these successes can be replicated elsewhere.

Ultimately, the revival of adat in Bulukumba has been hijacked by intervening parties, preventing the emergence of an inclusive concept of customary tenure, and fomenting divisions within local communities. Intimidated by corporate tacticians, threatened by the security apparatus, deceived by predatory elites, misled by inexperienced activists, and disenfranchised by politicians, the farming communities of Kajang appeared well out of their depth. Neither political consciousness, nor strategic understanding, nor even a proclivity for attracting networks of support prevented the continued victimisation of the original litigants from Kajang. This despite the fact that they were attempting to seize the opportunities created by decentralisation, which has been celebrated as an era of genuine village initiative, substantive autonomy, and unbounded indigenous creativity.

Chapter Eight: Becoming Indigenous

It was identified from the outset of this thesis that the convergent processes of adat revivalism and decentralisation continue to evolve with a rapidity that scholars find elusive and difficult to keep pace with. A number of Indonesianists have expertly integrated the politics of adat into their own fields, offering innovative insights, conceptual clarity, and a wealth of empirical material. That said, the overarching phenomenon of adat revivalism remains fluid and transient, and spontaneous political dilemmas and conflicts continue to arise throughout the diverse archipelago.

The decentralisation laws (numbers 22 and 25 of 1999) provided the basic legal underpinnings for Indonesia's experiment in local autonomy and the affirmation of village antecedents. Efforts to reform the heavily centralised military-bureaucratic state apparatus involved the transfer of authority, responsibilities, and resources to the district and village administrative levels. These reforms were driven by both domestic and international imperatives, and produced mixed results as many central authorities resisted devolution while many local authorities abused their new positions and overstepped their prerogatives.

As indicated in chapter two, several formative studies have dealt with the dilemmas of indigenism, drawing on ample evidence regarding the vitiating effects of "ethnogenesis" in the era of decentralisation (von Benda-Beckmann et al. 2001:8). A simple proposition suffusing the debate is that the potentially divisive, chauvinistic, and exclusionary discourses of adat should be replaced with civic discourses, those emphasising democratic inclusiveness and the unalienable rights and entitlements that derive from national citizenship (as opposed to group affiliations or tribal loyalties). The unavoidable fact, however, is that adat revivalism in all of its manifestations has been gaining momentum throughout Indonesia since 1998, and thus demands further scholarly attention regardless of one's proclivity for civic forms of nationalism.

It is well acknowledged that political influences on adat revivalism and district policy-making consist of various constellations of mayors, senior parliamentarians, corporate estate managers, academics, NGO activists, third-party

mediators, and international donors. However, the specific political interests and associations of these groups have not been fully explored. In the enabling context of decentralisation, this thesis analysed the processes and outcomes of “becoming indigenous,” and contributed to understandings of the subtle ways in which new constellations of actors have shaped and captured the politics of tradition in Sulawesi, Indonesia.

Consistent with Azarya’s (2003:2) path-breaking findings in Africa, there seems to be no contradiction in Indonesia between primordial and instrumental aspects of indigenism. Indeed, they often reinforce each other, moving the debate beyond Li’s (2007:365) “contradictory conundrum”. By framing the debate around the processes and preliminary outcomes of becoming indigenous, therefore, this thesis highlighted the instrumental roles played by all parties actively intervening in localised settings “in the name of adat” (Henley and Davidson 2007:1).

In response to the devolution of authority from Jakarta to the peripheries, the contours of conflict mediation and dispute resolution have been reconfigured, and the roles of all protagonists have evolved (or regressed) accordingly. While this is a highly uneven, subaltern process, efforts have been made throughout this thesis to map the fragmentary relations between local protagonists and to discern their myriad interests and contingent positions.

On the surface, discourses of decentralisation emphasising the virtues of enhanced political participation, emboldened public spheres, and the empowerment of local constituencies have some resonance in Indonesia’s outlying districts and villages. Upon further scrutiny, however, these discourses often appear shallow, quaint, and ineffectual. Notions of popular participation often come to be subsumed within and dominated by ancillary NGOs, agencies and facilitators, all of which introduce disparate political strategies and agendas into their target constituencies. Rather than bearing the mark of progress, innovation, modernity, and civility, the intervention of external support networks often becomes a form of surrogacy, during which the client communities are once again bereft of initiative and lack a sense of ownership.

Bearing these dilemmas in mind, this concluding chapter revisits the primary themes raised throughout this thesis: the search for recognition; the revival of antedated systems of governance; the containment of oppositional forms of adat through subtle institutional processes; and the impact of NGO and donor intervention upon their intended beneficiaries and dependents at the village level. By foregrounding specific local struggles from the resource-rich island of Sulawesi, this thesis contributes to the aggregative understanding of the politics of adat revivalism. Specific research questions were posed in accordance with the most salient aspects of local adat struggles, as defined by the communities themselves in consultation with domestic activists and their myriad supporters.

Searching for Recognition

It was found that the most common manifestation of “becoming indigenous” has been the ongoing search for recognition. Thus the first research question (Q1) was intended to determine the extent to which district regulations have become tools of emancipation for local communities or, conversely, whether they represent a continuation of colonial-style “elegant policy” (Lev 1985:64) and the manacles of “gentle compulsion” (Vandenbosh 1943:499).

Recognition as a primary right begins with the “givens” (Geertz 1973:259; Geertz 1994:31) and signifiers of communities, and then branches out to remedial rights, matters of territoriality, customs and lifeways, cultivation patterns, and myriad political aspirations. In accordance with the decentralisation laws, the existence of unique adat communities capable of self-governance and the utilisation of traditional wisdom in areas such as forest management must be proven. Assuming that links to the past have been established and existence can be proven, it is within the discretionary authority of the district mayor and parliament to grant official recognition.

Since this remains a discretionary matter, local communities are faced with the task of making a compelling case for recognition; simply “being indigenous” (Alfred and Corntassel 2005:597) is not enough. In order to make a compelling

official case (as opposed to resorting to direct action such as violent land reclaiming or destruction of corporate property), external assistance tends to be sought out by community leaders. Becoming indigenous therefore invites external assistance, which often leads to a form of direct intervention and surrogacy, during which perceptions are altered, meanings are inflected, and political aspirations are domesticated (Schefold 1998).

While this fits the broad conceptual patterns already mapped by some scholars (Li 2007; McWilliam 2006; Warren 2005; Weiner and Glaskin 2006), no one assumes that the minutia of each struggle for recognition will follow the same trajectory. Indeed, it was only after primary recognition had been achieved in the cases of Gowa, Majene, Palopo, Seko (North Luwu), Soroako (East Luwu), and Tana Toraja, that the finer points about remedial land claims, resource entitlements, and antedated systems of governance could even start to be negotiated. Thus the political consequences of recognition remain contingent and contextual, with specific actors collaborating in different settings, serving a host of particularistic interests and disparate objectives.

In the new political constellation, local adat communities tend to be bound by the same formative traumas (conquest, alienation, expulsion). They operate in similar (decentralised) political arenas, where they are encouraged by local activists and mobilised by supporters to become indigenous and reclaim political authority. This frequently involves the targeted articulation of mainstream goals and aspirations such as sustainable environmental management, indigenous rights, pluralism, and tolerance in order to attract a well endowed international audience. Moreover, local communities are confronting equivalent obstacles, including entrenched structures of power, constitutive political conditions, supremacy of state law and regulatory notations, and institutionalised patterns of (non-threatening) primary recognition. However, even with these political variables in place, there is no consistency in outcome and no predictability of consequence.

Chapters three through five critically examined the specific ways in which struggles for recognition have been domesticated and captured though subtle

institutional processes and the patterned regularity of district regulations. The case studies range from the coastal villages of Majene, where political activists remain isolated, to the Seko highlands of North Luwu, where adat revivalism has become intermingled with international donor projects such as the Multi-stakeholder Forestry Programme (MFP). The protagonists behind such campaigns have endeavoured to reconcile primordial imperatives (the search for antiquity and exemplars) with modernising projects, ranging from the institution of patterned regularity to emancipatory political innovations.

All of the district regulations concerning adat that have been passed in South Sulawesi since 2000 include calculated statements about the need to ‘empower, preserve and develop customs and traditions’. Using Gowa, Majene and Palopo as examples in chapter three, it was found that little or no public input went into the drafting of these regulations. By contrast, the internationally-driven processes in Seko broke with this trend by ensuring that adat communities were able to participate in negotiations, and were consulted throughout. Thus efforts have been made to mobilise communities to reclaim political responsibility in the name of adat.

As indicated in the second research question (Q2), most visible in this new political constellation is the enhanced role of intervening parties, the driving forces behind the so-called indigenous awakening. Just as the early Leiden law scholars and Orientalists inadvertently relegated adat to the status of folklore by divorcing it from its political and economic base, contemporary preservationists and revivalists unwittingly contribute to the circumvention of adat’s potential as an oppositional force for change. Just as Dutch intervention in Sulawesi (1905 onwards) set in motion direct and deliberate processes of reconstructing adat in politically non-threatening terms, the banality of contemporary NGO and donor-driven interventions tend to shape local perceptions, encapsulate local initiatives, and temper the political consequences of adat revivalism.

Calculated efforts to reclassify and index adat communities, for the sake of administrative and bureaucratic coherence in the era of decentralisation, mirror the early Dutch efforts to map adat communities and draw up administrative frameworks.

In both eras, these efforts have been couched in predictable terms such as protecting and preserving unique, vulnerable communities, or emancipation in modernising, rationalist terms. Moreover, colonial mapping efforts and legibility campaigns served pragmatic ends such as improving the scope and reach of the colonial apparatus, including the ability to penetrate distant regions, expand resource extraction, and limit or co-opt potential sources of resistance. Teams of legal experts were deployed in order to consult village chiefs and document oral traditions, establishing borders and mapping remote terrains, and engaging in activities that “assumed as well as sought to engineer” native populations (Li 2000:159).

Once again, this is echoed in the present as third-parties venture into remote locales in search of exemplars, attempting to accentuate indigenous signifiers and “ethno-symbolism” (Smith 1986) in order to present compelling, legitimating evidence as to the existence of their client communities. Recognition of the existence of the adat community paves the way for particularistic, remedial political claims such as land ownership, eligibility for compensation, resource entitlement, and the right to return to antedated systems of governance.

As in colonial times, official responses to adat revivalism can be characterised by the *volksverheffing* principle, which, as stated previously, refers to the emancipation of the native population without threatening to undermine colonial power (Weber et al. 2003:407-409). This was a key component of the strategy to ensure the continued existence of the colonial state, one based largely on the loyalty of a new class of educated native elite. In its most recent manifestation, *volksverheffing* ensures that no substantive targets regarding improvements in livelihoods, land tenure security, or ecological preservation were to be set. Rather, power brokers equate emancipation with harmony, and view reform in the narrow sense, such as improving consciousness, extending aid, promoting education, and other variants of social engineering. Both past and present, the intention was that no connection be drawn between emancipation and civic disobedience, or social uplifting and rightful resistance, thus leaving the constitutive political conditions undisturbed.

Ultimately, this thesis sought to uncover the ways in which third-parties, mediators, governors, corporate executives, and other power brokers managed to capture and shape the politics of tradition in particular local settings. Moreover, the case studies were intended to glean community responses to these endeavours, which ranged from resistance to emulation, rejection to mimicry. Finally, given that these contextual dynamics are subject to, and highly contingent upon, constant reconfiguration and renegotiation between individuals, between and within communities, and between all relevant parties, firsthand field research in Sulawesi was needed in order to keep pace with and map these changes on the ground.

Collaboration and Coercion

In addition to rights and recognition, this thesis sought to investigate the extent to which the process of “becoming indigenous” could foster peaceful collaboration between local protagonists in conflict zones (research Q3, Q4 and Q5). Contradicting the cosmopolitan harmony ideologies used to characterise occupants of Indonesia’s “tribal slot” (Li 2000), communities frequently resort to violence when the processes of mediation, deliberation, and negotiation are prostrated, instrumentalised, or break down altogether. Some coalesce around radical agendas, while others fragment and wither. Older generations that honed their skills during the New Order era have begun to forge their own strategies, mobilising supporters around carefully cultivated images and discourses of adat while establishing points of leverage in the field in order to pressure corporate managers and government officials.

A reprieve from the stifling authoritarianism of the New Order era prompted a shift away from coercion and towards more subtle forms of power. Indeed, the gentle compulsion of institutional power has been deployed in novel ways, tempering the native hue of political resolution through discreet regulatory processes, mechanistic dispute resolution procedures, and donor-approved methods of deliberation and negotiation. In Kajang and Soroako, for instance, domestic alliances and associations endeavoured to steer the process of adat revivalism in order to redress power differentials and overcome legacies of land alienation and disenfranchisement. This

involves engaging with self-serving and cautious politicians, entrenched elites, nepotistic power brokers, predatory bosses, corrupt bureaucrats, vitriolic security forces, cunning corporate managers, unscrupulous entrepreneurs, and elusive, subversive networks.

Challenging the dominant structures and institutions of power, however, does not necessarily mean transcending them. An adat community, or specific households within an adat community, or any communities accentuating their links to the past, may be granted recognition, secure their rights, and achieve their particularistic interests through a variety of means, including ad hoc tribunals, negotiated settlements, or formal judicial processes. This constitutes a victory in a narrow, contingent, and contextual sense, typically driven by external agents and third-party intervention, and is rarely replicable.

To maintain the appearance that the actual customs and traditions being rediscovered in cases such as Seko and Kajang were compatible with wider political campaigns for human rights and environmental preservation, support networks, facilitators and trustees have been selective in their representations of adat. The target constituencies (local villagers), for their part, were often found to be indecisive, indifferent, or sceptical. Far from the characterisation of exemplary adat communities committed to inclusive village deliberation, fluid in their approach to customary law and governance, and adaptive in their land use practices, there are numerous incidents of reactionary and violent responses to external pressures.

From the 1970s onwards, rural citizens (whether considered part of traditional communities or not) have been confronted with proposals for land reform (in the name of ecological preservation or economic development), bids by prospective investors (mainly extractive companies), rationalised agrarian systems, shifts towards private ownership and property registry, and rising commodity prices. In numerous instances this has caused internal ruptures and the decay of traditional leadership structures, prompting communal conflict, inter-ethnic strife, forcible resettlement, and the manipulation of tradition to serve particularistic, exclusivist political and economic interests.

In an idealised, essentialised, functioning customary system true to (at least some of) its antecedents, villagers, their leaders, and their supporters would debate the various responses to the pressures of modernity, ranging from rejection to alteration to approval, and develop appropriate strategies. If the choice was to adapt to modernising conditions, then contingencies must be established in order to maintain the character and essence of the adat community. The fractiousness, violence, and betrayal that has resulted from many of these encounters between tradition and modernity suggest that the *musyawarah* has broken down, that customary institutions have struggled to cope with changing conditions, and that the heterogeneity of village life fosters an incompatibility of political interests, values, and preferences. Thus enter the surrogates, made up of third-party supporters, trustees, coalitions, activist networks, and allies.

Local communities are frequently encouraged to draw on the past in search of meaning and identity, while the representation of adat and its articulation is contingent and constantly changing. Thus the protagonists involved in foregrounding local aspirations and cultivating new generations in territories such as Seko have drawn on primordial signifiers to support modern, reconfigured village units. This is a variant of Smith's (2004:204) proposition that ethnicity (or becoming indigenous) is not meant to "recreate the past in the present," but rather to serve as an "inspiration and means for renewing decayed or fragmented societies, so as to make them viable and confident in the face of the pressures of modernity".

Efforts to reinvent Indonesia's adat communities can be traced back to colonial times, during which notions of customs and traditions were reconfigured so as to fit comfortably into modern administrative systems. Policy during the Dutch liberal era (1870–1900) in particular was found to be self-contradictory, seeking at once to "promote social change and to retard it—to transform the indigenous social order and to preserve it" (Legge 1980:95). These contradictions have, to an extent, been transposed onto the contemporary autonomy agenda, with the intermingling of domesticating agendas and innovative schemes such as participative community mapping, multi-stakeholder initiatives, and democratic local governance.

Variants of these programmes have been endorsed by many of the district governments of Sulawesi, especially those eager to stymie potential threats to entrenched interests and constitutive conditions. Normalisation achieved through the deployment of institutional power is less costly than overt, coercive exertions of power. In the context of decentralisation, outbreaks of violence and confrontation such as those in Kajang prompt automatic responses from a newly independent and highly vocal public sphere, including the press corps, NGO networks, and human rights commissions. Thus the diffuse, soft approach of regulatory processes and multi-party deliberations may be the most effective means to redirect and subdue the otherwise creative potential of adat as an oppositional force for change.

Third-party intervention also contributes to this process of gentle compulsion. Having established a clear set of objectives that were compatible with those from the Ministry of Forestry, for instance, MFP facilitators and their domestic “partners” (AMAN-SS and YBS) arrived in Seko with a predetermined social and political context within which their local clients could find areas of compatibility.⁵²¹ This was achieved through negotiated access, intervening in Seko with a legitimate (government approved) mandate for reform and a viable operating budget in order to cultivate a new class of local activists, those capable of instituting rational frameworks for development and optimal forest management. Forms of social engineering have been deployed in order to make farmers out of peasants and to replace the bullock cart with the motor car, as citizens are increasingly subjected to development and modernity.

The Seko initiatives seem to have tempered and domesticated adat revivalism through the quaint, gradual, donor-friendly processes of deliberation and negotiation. Instead of focusing on the practicalities of customary rights or devising new strategies in order to rupture the web of governance, activists and local communities have fallen back into Lev’s (1985:64) shackles of “elegant policy” as witnessed through the promulgation of several redundant district regulations in recognition of an elusive, intangible, apolitical adat.

⁵²¹ For a concise critique of “partnership” in aid and donor discourses, see Crawford (2003).

Many local MFP partners were found to have willingly subscribed to this officialising surrogacy, just as many local activists and villagers did so unwittingly. However, if the intermingling of an international donor project with Seko's indigenous awakening forges a lasting and effective partnership, helping to preserve and manage North Luwu's vulnerable ecosystem and improve livelihoods, then for many this would be a legitimate and justified outcome regardless of the misrepresentations and distortions along the way.

In the event that adat communities and their myriad supporters are able to mount a sustained challenge to existing conditions—including flawed tenure systems, maladministration of the forestry sector, appropriation of lands and resources, forcible removal of populations, and the endangering of livelihoods—government officials may deploy a variety of counter strategies. For instance, threatening, subversive, or desperate actions such as forcible land reclaiming or destruction of corporate property can be criminalised, representing a simple exercise of institutional power. They may also be violently suppressed, representing coercive power. By contrast, reforming actions taken by villagers, such as struggles for primary rights (recognition), may be absorbed by government officials, redirected through official channels and converted into drawn-out regulatory processes or tenorial negotiations.

From Gowa to Tana Toraja, mayors and parliamentarians have embraced narrow views of cultural revivalism, attempting to instrumentalise local rituals and bureaucratise adat governance. Stipulations regarding ownership of customary lands and resources have been omitted from the official regulations, even if North Luwu and Tana Toraja went somewhat further than Palopo, Gowa and Majene. With few exceptions, customary territories continue to be recognised as autonomous, as stipulated in the decentralisation legislation, but without the granting of substantive rights enforceable by law. Thus the *volksverheffing* policy continues.

Conclusion: Becoming Indigenous

Regarding research Q3, external intervention was found to foster dependency within communities. Supporters and trustees are known for inflecting meanings, shaping

perceptions and subjectivities, and articulating local strategies on behalf of their intended beneficiaries (Weiner and Glaskin 2006). In the selective process of becoming indigenous, local communities consciously or unconsciously succumb to efforts to recreate a “distinguished pedigree” for the group, one based on ethnic rather than civic virtues (Guibernau 2004:137). This involves the emphasising of collective origins, the exemplification of ancestral deeds, the feeding of subjective beliefs in kinship relations, and the animating of memories of “transcendental moments” which represent the “cradle” of collective characters (Guibernau 2004:137). Such analysis fits the broad, patronising pattern decried by critics such as Kaldor (2004). However, as these conclusions are drawn with greater frequency, they tend to become a type of orthodoxy, repeated for years without sufficient consideration as to the potential for growth and development at the local level.

Chapter four revealed that the short-term surrogacy of international donors, national trustees, and local NGOs was intended to cultivate a new generation of activists in Seko capable of managing their own political struggles. Similarly, chapter five signified the ways in which district authorities sought to determine the criteria for the revival of Lembang governance, silencing and subduing political opposition along the way. This is part of a political process that constantly evolves and proceeds in unanticipated ways. Evidence gleaned from interviews and document analysis demonstrated that many local voices arise in opposition to the sanitised discourses of aid and donor agencies, and many reject the gentle compulsion of district power brokers. Indeed, despite the best laid plans, there are very few instances where local conditions mirror the optimising blueprints set out by steering committees on decentralisation or by multilateral donor agencies striving to preserve Indonesia’s ecosystems while empowering forest-dependent communities.

Rather than passively falling back on the “non-state-legitimising ideologies of adat” (Fitzpatrick 2007:138), local communities are being driven forward by new activists alliances and ad hoc associations determined to highlight, accentuate, and ultimately recreate adat exemplars. The objective is often collaborative community renewal, which draws on both primordial and instrumental aspects of adat in order to

pressure government officials and corporate managers into renegotiating the terms of land settlements and compensation packages. Thus, as Smith (2004:204) alluded to in his broad analysis of nationalism, the deployment of tradition is used to cope with the pressures of modernity.

Throughout Sulawesi, boundaries are constantly being renegotiated and customary territories overlain by modern administrative grids, though without eradicating all ascriptive ties to the past. Rather, adat has become a finely tuned instrument, catering to specific audiences in pursuit of tangible political objectives, while retaining some popular resonance amongst autochthonous communities by appealing to particular antecedents and signifiers. This applies to many of the Bugis, Makassarese, Toraja, and Mandar of Sulawesi, who have long-standing reputations for their dedication to historiography, the proud chronicling of historical genealogies, and the diligent preservation of indigenous manuscripts (Abidin 1971; Pelras 1993).

Bourchier (1997:158) lamented the frequent distillation of indigenous mantras such as *musyawarah* (deliberation) and *mufakat* (consensus) into simplistic, legible formulas by conservative governing officials and bureaucrats. However, these same mantras feature prominently in the discourses and narratives of adat revivalists and their activist supporters throughout Indonesia. In Tana Toraja (chapter five), the *pemangku adat* from Lembang Madandan—particularly Den Upa Rombelayuk and Lasso Sombolinggi—have worked tirelessly towards the convergence of indigenous mantras such as *tongkonan* (kinship centre) and *kombongan* (village deliberation) with modern, democratic imperatives. The persistent danger, however, is that in the context of local autonomy, these mantras may be subsumed within the notations of the state, regulated in order to further penetrate the village. They may serve to enhance bureaucratic capacity as in Palopo, to stymie local opposition as in Majene, or foment divisions within and between communities.

Chapters six and seven move beyond the primary search for recognition, foregrounding specific, remedial struggles over land involving adat communities, communities operating under the banner of adat, government functionaries, and extractive companies. Here the Indonesian variant of Azarya's (2003:14) "ethnic

arithmetic” has been most visible as villagers have been led to embrace exclusivist discourses of atavism in order to bolster claims over lucrative lands. Empirical findings based on firsthand field research helped gauge the extent to which local communities and their supporters managed to reconfigure notions of primordialism in pursuit of thoroughly modern political goals.

Since 2001 it has become clear that, owing to the ambiguous nature of decentralisation, a variety of elites (entrenched and emerging), resource gatekeepers, and rent-seeking actors have attempted to reposition themselves in order to capitalise on and perpetuate instability. In some instances this repositioning was intended to hijack local democratising processes, in others to capture the benefits that accrue from policy realignments (such as devolving authority over the issuance of land permits or concessions). The case of the Kajang farmers in Bulukumba district was particularly fraught with ambiguities as a result of chameleonic opportunists, power brokers, and “ethnic political entrepreneurs” (Aspinall 2007:952).

Critics such as McCarthy (2004) and Hadiz (2004) are to an extent correct to argue that the decentralisation laws were intentionally designed to insulate and buttress the authority of central state from oppositional challenges. Such propositions also demand that one considers whether, despite the best laid plans, all of the contingencies have not been accounted for, and the human inclination to resist will continue to manifest in new and innovative ways.

Consequently, most post-reformasi analysis offers (what is now) a conventional prospectus for change. This involves the “encoding” and unleashing of community aspirations (Acciaioli 2001:88), the “reinvigoration” of grassroots politics (Antlöv 2003b:76), “simultaneous coalition building” (Schönwälder 1997:768) and the “forging [of] alliances between disenfranchised groups” (Elmhirst 2001:304) by appealing to “universalistic” (civic) rather than “particularistic” (ethnic) interests (Blair 2000:26). This conventional prospectus derives from the “political school” of decentralisation (Malley 2003), and affirms the early rallying calls made by Dr. Paulus Santosa, founder of the developmental NGO CD Bethesda in 1974, particularly the need to bring politics back to the village (cited in Bunnell 1996:196).

Given the complexities and realities on the ground, however, there is no integrated grand strategy for dealing with adat revivalism, and no local consensus (the arrival of external experts, trustees and facilitators is met with elation in some quarters, trepidation in others). Moreover, there are no special tribunals mandated to resolve land tenure disputes, nor are there definitive laws equivalent to the Republic of the Philippines Act 8371 (known as 'The Indigenous Peoples Rights Act of 1997'). Instead, there are only scattered, provisional clauses and overlapping stipulations contained in a myriad of laws and ordinances.

In order for adat communities to reconcile their differences and the diversity of their positions, they must articulate a clear position and mobilise according to a unified objective. Otherwise, local participation will continue to be prostrated, downward accountability will be little more than an exercise in appeasement, and representation will be exploited by local groups acting against one another in a mutually detrimental scenario.

The differentiation between rural adat communities in terms of geographical location, ethnic composition, and political interests makes it difficult for them and their supporters to strike a harmonious cord. The search for widely applicable remedies to long-term intractable problems at the local level based on invocations of adat is proving immensely difficult. Activists, organisations, and external supporters are facing formidable challenges such as recentralisation efforts and blockages by the state, legal and political uncertainty, threats of elite capture, and resistance at the grassroots level.

However, these dilemmas are not insurmountable, and may still be offset by the independent action taken by domestic interest groups (supported by evolving coalitions of activists and NGOs) that recognise the opportunities and new political spaces created by loosening of state restrictions. In other words, unforeseen developments that counterpoise the mainstream (domesticating) decentralisation plans of the state are occurring as local constituencies and their allies take pre-emptive action to secure their interests. This relates to Tan's (2007:212) analysis of decentralisation in Thailand, where the "best chance" for democracy and the public

sphere to emerge out of the “ideological vacuum of money politics and royal patronage” was to be found at local (municipal) levels.

To conclude with reference to research Q4 and Q5, it is apparent that local activism is on the rise in Indonesia, and an emboldened civil society is expanding rapidly. The revival of adat is an integral part of this trend, transpiring within a new political environment and, for the first time, being exposed to the principles of modern democracy without stifling censorship and overt repression. Local indigenous communities and their burgeoning advocacy networks are engaged in a collaborative process of constructing local identities and cultures in order to increase their political leverage and bolster their bargaining position vis-à-vis the state.

If the revitalisation of adat takes on everyday meanings that resonate with the local population and does not degenerate into conflicts over meaning or exclusionary practices, it is possible that mobilisations of adat will culminate in substantive gains. Local groups may yet articulate their interests in unifying terms based on common objectives rather than highlighting antagonisms and differences. It seems that, on balance, the ongoing challenge will be to strike a balance between modern political imperatives and commitments to tradition. To maintain a viable political movement and exert authority, a degree of adaptation, compatibility and incorporation will be necessary for adat communities to flourish in the era of decentralisation. Conversely, a degree of preservation of the traditions, practices and meanings associated with the customary order will be necessary to represent adat as something more than a convenient reinvention of an otherwise forgotten past.

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Appendix A: List of Interviewees

1. Abdul Khalik Mone, member of the 2001 Special Committee for Regulatory Oversight, People's Representative Council (DPRD), Gowa District
2. Abdul Madjid Sallatu, Director of the Institute for Local Social Development, University of Hasanuddin, Makassar
3. Ade Chandra, Sub-district Head of Nuha, East Luwu District
4. Agung Wiyono, Former Director of Lepmil, Kendari, Southeast Sulawesi
5. Anas Nikoian, Regional Facilitator of the Multi-stakeholder Forestry Programme (MFP), Kendari, Southeast Sulawesi
6. Andi Abdul Malik, coordinator of labour relations and security at Palangisang Estate, PT London Sumatra (Lonsum), Bulukumba District
7. Andi Baso, one of the founders of the Indigenous Soroakan Organisation (Kerukunan Wawainia Asli Soroako or KWAS)
8. Andi Kumala Idjo, Adat Chief from Balla Lompoa Palace (and museum), Gowa District
9. Andi Sudirman Mangkona, Head of Sub-district Kajang, Bulukumba
10. Andi Yayat Pangeran, third-party to the dispute resolution process in Malili, East Luwu District
11. Anshary, adat expert from Tande, Sub-district Banggae, Majene
12. Anwar Hafid, Head of Governance Division, East Luwu District
13. Arfah M., negotiator for PT Inco's Department of External Relations
14. Arianto Sangaji, prominent activist and scholar from Palu, Central Sulawesi

15. Arifin Djunaidi, Deputy Mayor of North Luwu District
16. Bahrum, Bureau of Regional Autonomy, Provincial Governors Office,
Makassar
17. Daud Pakondongan Tandigau, founder of To Tana Lalong Customary
Deliberative Council, Township of Palopo
18. Den Upa Rombelayuk, adat leader from Lembang Madandan, Tana Toraja
19. Dias Pradadimara, Centre of East Indonesia Studies, Hasanuddin University,
Makassar
20. Edi Suherdi, Manager of PT Inco's External Relations, Soroako
21. Emil Kleden, National Secretariat of the Indigenous Peoples Alliance of the
Archipelago (AMAN), Jakarta
22. Erik Stephen Siape, Member of Team Five Dongi, Soroako, East Luwu
23. Esther Velthoven, Royal Dutch Institute of War Documentation
24. Gerry van Klinken, Royal Netherlands Institute of Southeast Asian and
Caribbean Studies (KITLV)
25. Gus MacKay, Programme Administrator, Multi-stakeholder Forestry
Programme
26. H. Ilham Arief Sirajuddin, Mayor of Makassar
27. H. Mallingkai Maknun, Head of the People's Representative Council, Gowa
District
28. H. Syafruddin Kaiyum, District Secretary of Gowa
29. Haj Andi Hatta Marakarma, Mayor of East Luwu District

30. Haj Andi Makmun Bautayang Karaenta Bantolangkasa, Curator at Balla Lompoa Palace (and museum), Gowa District
31. Haj Hadidjah Katta, Head of the General Election Commission, District of Majene
32. Haj Hamdana A. Tashan, MS., Mayoral Candidate, District of Majene
33. Hasan, a prominent community figure from Tande village, District of Majene
34. Head of Bonto Biraeng village, Sub-district Kajang, Bulukumba
35. Head of the Forestry Bureau, District Government of Majene
36. Head of the Village Governance Agency, Tana Toraja District
37. H.M. Arsyad Sanusi, Head of the Provincial Court of South Sulawesi, Makassar
38. H.M. Yamin, Bureau of Regional Autonomy, Provincial Governors Office, Makassar
39. H.P.A. Tenriadjeng, Mayor of Palopo
40. Ikhsan Welly, Director of the NGO Yanmarindo, Majene
41. Irawan Ali, Head of Sub-district Wasuponda, East Luwu
42. Ir. Sugito, Manager of PT Lonsum's Palangisang Estate, Bulukumba District
43. Jaharuddin Tosalili, former head of Kerukunan Wawainia Asli Soroako (KWAS)
44. Jeffrey Ong, Development Programme Officer, Embassy of Canada, Jakarta
45. Jushar Huduri, Head of the Bureau of Finance, Provincial Governors Office, Makassar
46. Lasso Sombolinggi, Head of WALDA, Tana Toraja District

47. Mahmud Malissa, an adat expert from Pallarangan, Majene
48. Mahir Takaka, Head of AMAN South Sulawesi, Makassar
49. Marce, activist from NGO Bantaya Palu, Central Sulawesi
50. Members of the Kajang Farmer's Union (SPK), Bulukumba (names withheld)
51. Muis Mandra, Head of KAPPMAM, Majene
52. Naomi Werima, an Activist from the Karongsi'e Dongi Community, Sub-district Wasuponda, East Luwu
53. Neighbourhood head (Rukun Tetangga), Nikkel Village, Old Soroako (name withheld), East Luwu
54. Norbert Eschborn, Representative to Indonesia and East Limor, Konrad Adenaur Stiftung (KAS)
55. Palino Popang, Deputy-Mayor, Tana Toraja District
56. Patabai Pa Bokori, former Mayor of Bulukumba (1995–2005)
57. Paulus Tangke, Deputy-Head of the People's Representative Council, Tana Toraja District
58. Philips J. Vermonte, Department of International Relations, Centre for Strategic and International Studies (CSIS) Jakarta
59. Rahim S., negotiator for PT Inco's Department of External Relations
60. Ramli Laduri, Member of Team Five Dongi, Sub-district Wasuponda, East Luwu
61. Richard Manning, Team Leader of the Support Office for Eastern Indonesia (SOfeI), a multidonor facility administered by the World Bank, headquartered in Makassar

62. Rosda Masrich, Head of the Bureau of Law and Institutions, Provincial Governors Office, Makassar
63. Ryaas Rashid, one of the original framers of Decentralisation Laws 22/1999 and 25/1999
64. Saba Sombolinggi, Head of Lembang Madandan, Tana Toraja District
65. Sahbuddin Umar, Executive Director of YBS, Palopo
66. Sam Sumastomo, Head of the Forestry Department, North Luwu District
67. Samin, Member of the Special Committee for Regulatory Oversight, People's Representative Council, Tana Toraja District
68. Sawedi Muhammad, Superintendent of External Relations, PT Inco, Soroako
69. Staff from WALHI Makassar (names withheld)
70. Village informant (name withheld) from contested area in Bonto Biraeng village, Sub-district Kajang, Bulukumba
71. Yusri, member of the Indigenous Karongsi'e Dongi Organisation (KRAPASKAD), Soroako
72. Yusuf Biringkanae, Director of the Alliance of Torajan Customary Communities, Tana Toraja District
73. Yuyun Indradi, National Secretariat of AMAN, Jakarta
74. Zainuddin, third-party negotiator, Bulukumba district