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REDEFINING AGRARIAN POWER

Resurgent Agrarian Movements in West Java, Indonesia

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Preface and Acknowledgements

This working paper grows out of a Ford Foundation Crossing Borders project at the University of California at Berkeley entitled “Resurgent Agrarian Questions in Post-Soeharto Indonesia and Post-Apartheid South Africa.” The project brought together a group of scholar/activists with histories of different engagements in Indonesia and South Africa. Our original proposal was for two meetings in Berkeley, one in the fall of 2003 and one in the spring of 2004. The fall meeting was a resounding success, with our mutual intellectual and political commitments coming together to produce fresh and exciting insights and ideas as we brought different dimensions of agrarian change in Indonesia and South Africa to the forefront. These extremely productive discussions extended over two weeks, and culminated in a successful workshop on the Berkeley campus on October 24, 2003 (a transcript of the October 2003 workshop is available on the website of Berkeley’s Center for Southeast Asia Studies; see <http://ias.berkeley.edu/cseas/Events/Conference%20Archives.htm>).

At this juncture we decided to change course; instead of a second meeting in Berkeley, we requested that the remaining funds be used for what we called a “traveling workshop” in Java in July 2004. The rise of agrarian movements demanding access to land in the era of reformasi formed the central theme of the traveling workshop. The trip began in Jakarta, took us through various sites in West Java, and ended in Yogyakarta. The highlight of the trip was two days in Cieceng, a West Javanese village in which SPP members have occupied a former plantation, torn down rubber and cocoa trees, planted bananas, built houses, carved out rice fields, and taken over village government.

We acquired many debts of gratitude in the course of completing this project. The Ford Foundation established the Crossing Borders Program, of which the Institute of International Studies at UC Berkeley was a recipient. Our proposal, a joint effort of the Center for Southeast Asia Studies (CSEAS) and the Center of African Studies (CAS) was awarded funding in the last year of the program. We are heavily indebted to a number of people in the IIS and at these centers for administering the grant, including IIS Director Michael Watts and staff Abby Lambert-Thomas and Amy Chi. At the CAS, we thank Vice Chair Martha Saavedra and Program Representative Amma Oduro. CSEAS Vice Chair Sarah Maxim and Program Representative Thuy Pham were deeply engaged in organizing the Indonesian travel. Sarah kept us going while in Indonesia and we can safely say that without her, the trip on which this paper is based would not have taken place.

In Indonesia, we were greeted with enthusiasm by many groups and individuals willing to share their points of view and experiences with us: scholars, activists, and practitioners from the Forestry and Law faculties at Gadjah Mada University, the Center for International Forestry Research, the International Center for Research on Agroforestry, the National Land Agency, the Human Rights Commission, PKA (Pusat Kajian Agraria) in Bogor, and AKATIGA and KPA (Konsorsium Pembaruan Agraria) in Bandung. In addition, we thank our NGO and agrarian movement friends in SPP (Serikat Petani Pasundan), YAPEMAS (Yayasan Pengembangan Masyarakat), FARMACI (Forum Aspirasi Mahasiswa dan Rakyat Ciamis), FPMR (Forum Pemuda Mahasiswa untuk Rakyat), and ARuPA (Aliansi Relawan untuk Penyelamatan Alam). And of course we are most grateful to all the people in the villages of Sarimukti and Cieceng who put us up and responded to our questions and comments. The folks at KARSA (Lingkar Pembaruan Desa dan Agraria) provided a beautiful space and cheerful support, enabling us to write and think together in Yogyakarta—for this we offer special thanks to Paramita Iswari and R. Yando Zakaria.

Last but not least, for excellent driving in adverse conditions, we (and our families anticipating our return home) are eternally grateful to Yufik and Ebod.

Map of Indonesia



Area of SPP Operations in West Java



Abbreviations

AMAN	: <i>Aliansi Masyarakat Adat Nusantara</i> (Indigenous People's Alliance of the Archipelago)
ARuPA	: <i>Aliansi Relawan untuk Penyelamatan Alam</i> (Alliance of Volunteers for Saving the Environment)
BAL	: Basic Agrarian Law (<i>Undang-Undang Pokok Agraria</i>) (see also UUPA)
Bappenas	: <i>Badan Perencanaan Pembangunan Nasional</i> (National Development Planning Board)
BPD	: <i>Badan Perwakilan Desa</i> (Council of Village Representatives)
BPN	: <i>Badan Pertanahan Nasional</i> (National Land Agency)
BTI	: <i>Barisan Tani Indonesia</i> (Indonesian Peasants' Front)
CAS	: Center for African Studies, University of California, Berkeley
CIFOR	: Center for International Forestry Research
CSEAS	: Center for Southeast Asian Studies, University of California, Berkeley
DPR	: <i>Dewan Perwakilan Rakyat</i> (People's Legislative Assembly)
DPDR	: <i>Dewan Perwakilan Rakyat Daerah</i> (Regional People's Legislative Assembly)
ELSAM	: <i>Lembaga Studi dan Advokasi Masyarakat</i> (Institute for Policy Research and Advocacy)
FARMACI	: <i>Forum Aspirasi Mahasiswa dan Rakyat Ciamis</i> (Ciamis Forum for the Aspirations of Students and the People)
FF	: Ford Foundation
FKKM	: <i>Forum Komunikasi Kehutanan Masyarakat</i> (Community Forestry Communications Forum)
FPMR	: <i>Forum Pemuda Mahasiswa untuk Rakyat</i> (Youth and Student Forum for the People)
FSPI	: <i>Forum Serikat Petani Indonesia</i> (Indonesian Federation of Peasants' Unions)
ICRAF	: International Center for Research in Agroforestry
IIS	: Institute of International Studies, University of California, Berkeley
IPB	: Institut Pertanian Bogor (Bogor Agricultural Institute)
KARSA	: <i>Lingkar Pembaruan Desa dan Agraria</i> (Circle for Agrarian and Rural Reform)
KepPres	: <i>Keputusan Presiden</i> (Presidential Decree)
KPA	: <i>Konsorsium Pembaruan Agraria</i> (Consortium for Agrarian Reform)
LAPERA Indonesia	: <i>Lembaga Penelitian dan Pengembangan Masyarakat Indonesia</i> (Indonesian Institute for Research and Community Development)
LPM	: Landless Peoples Movement, South Africa
MoF	: Ministry of Forestry
MPR	: <i>Majelis Permusyawaratan Rakyat</i> (People's Consultative Assembly)
MST	: <i>Movimento dos Trabalhadores Rurais Sem Terra</i> (Landless Workers' Movement), Brazil
NGO	: non-governmental organization
NLC	: National Land Committee, South Africa
PDIP	: <i>Partai Demokrasi Indonesia Perjuangan</i> (Indonesian Democratic Party of Struggle)
PP	: <i>Perum Perhutani</i> (State Forestry Corporation)
Perda	: <i>Peraturan Daerah</i> (Regional Regulation)
PKA	: <i>Pusat Kajian Agraria</i> (Center for Agrarian Studies)
PKI	: <i>Partai Komunis Indonesia</i> (Indonesian Communist Party)

PNI	: <i>Partai Nasional Indonesia</i> (Indonesian Nationalist Party)
SACP	: South African Communist Party
SFC	: State Forestry Corporation (see also Perum Perhutani)
SPP	: <i>Serikat Petani Pasundan</i> (Sundanese Peasant Union)
TAP MPR	: <i>Ketetapan Majelis Permusyawaratan Rakyat</i> (People's Consultative Assembly Decree)
UCB	: University of California at Berkeley
UGM	: Universitas Gadjah Mada (Gadjah Mada University)
UUPA	: <i>Undang-Undang Pokok Agraria</i> (Basic Agrarian Law)
YAPEMAS	: <i>Yayasan Pengembangan Masyarakat</i> (Foundation for Community Development)

I. Introduction

In the early 21st century, we are witnessing the extensive resurgence of agrarian issues and struggles in different parts of the world. These include the rise of landless people's movements demanding access to land and other resources; growing attention to land reform by governments and official development agencies; heated debates over customary tenure, often framed in terms of ethnic nationalism and indigeneity; and the emergence of new forms of rural-urban connections, often in the context of the collapse of relatively secure forms of urban employment, the rising costs of urban services, and the decentralization of many state functions to local and district governments. These processes fly in the face of linear, teleological notions of rural-urban transition. Most importantly, they provide a crucial window into vibrant – yet little recognized – forces for social change, some of which are in the process of forging connections with one another.¹

Yet, in this era of neoliberal capitalism, land questions remain a central grievance closely linked to ongoing – if not intensifying – dynamics of poverty and inequality. In one way or another, most activists believe that land questions remain the very heart of Indonesian politics in the period of *reformasi*.² The thirty-two year period of the Soeharto's New Order regime (1966-1998) was marked by severe repression along with appropriation of land and other resources by Soeharto family members and cronies, military and state institutions, and powerful individuals and enterprises.

These considerations are particularly important since we focus quite specifically on one configuration of NGOs and a major agrarian social movement in West Java that are closely connected with one another.³ The NGOs with whom we are associated are the Consortium for Agrarian Reform (*Konsorsium Pembaruan Agraria* or KPA) based in Bandung, which in turn is closely linked with three more “community development” NGOs based in nearby districts (*kabupaten*). They are the Community Development Foundation (*Yayasan Pengembangan Masyarakat* or YAPEMAS) in Garut, the Youth and Student Forum for the People (*Forum Pemuda Mahasiswa untuk Rakyat* or FPMR) in Tasikmalaya, and the Ciamis Forum for the Aspirations of Students and the People (*Forum Aspirasi Rakyat dan Mahasiswa Ciamis* or FARMACI) in Ciamis. The agrarian movement is the Sundanese Peasant Union (*Serikat Petani Pasundan* or SPP).⁴ The NGOs collaborate with one another and with the SPP.

We recognize that it is only one of a set of agrarian movements, and that there are debates and differences among different movements. Our discussion does, however, draw on Lucas and

¹ We are collectively engaged in a comparative exploration of these dynamics in post-apartheid South Africa and post-Soeharto Indonesia in ways that we hope will also contribute to strengthening transnational linkages. With connections stretching back to the Dutch East India Company in the 17th century, South Africa and Indonesia offer fascinating grounds for study of agrarian questions, both historical and contemporary. Both were the site of massive resource extraction, along with land dispossession that intensified in the second half of the 20th century under apartheid and Soeharto's New Order regime; and both have undergone major political transformations in the 1990s through which a repressive centralized state gave way to greater political opening and formal democracy.

² The Indonesian term *reformasi* refers to the period following the fall of Soeharto in May 1998 in the context of the Asian financial crisis.

³ For an account of the emergence of these NGOs and movements and their relationships to one another, see Fauzi (2003).

⁴ The Indonesian word *petani* translates into English as either “peasant” or “farmer.” According to Noer Fauzi, members of the Expert Council of KPA and the Teaching Council of SPP discussed how the “*petani*” in *Serikat Petani Pasundan* should be translated into English, given its different political connotations. They decided that the term “farmer” encompassed agri-business, to which they saw themselves in opposition. The “peasant” connotation connects to a nationalist image of a rural smallholder tied to the land deployed by President Sukarno in the immediate post-independence period.

Warren (2000) who treat in great detail the early years of these groups' formations and their points of departure from one another. In this way, we take Lucas and Warren's (2003) excellent discussion of the rise of these agrarian movements and activism around them a step further by observing some of the changes and activities that have gone on since their analysis (which stops in 2003). Where Lucas and Warren were able to document the broad contours of agrarian organizations and movements in the first few years of ebullient activity after Soeharto's fall from power, we have focused more closely on how a particular configuration of NGOs and movements are playing out in West Java. West Java provided an excellent place to explore these processes, both because it was a site of major dispossession in Java, and because NGOs moved swiftly to take advantage of openings provided by *reformasi*.

The fall of Soeharto unleashed a series of occupations all over Indonesia. In Java, most occupations have taken place in upland and forest areas for reasons that we explain more fully later in the paper. This paper is organized as follows: In Part II we offer a broad sketch of *reformasi* and the rise of agrarian movements. The next part of the paper contains a more detailed account focusing on different but interlocking arenas of contestation: legislative arenas (Part III), decentralization and district level government (Part IV), and the land occupation in the village of Cieceng (Part V).

II. *Reformasi* and the Rise of Agrarian Movements in Java

An important starting point is the Basic Agrarian Law of 1960 (*Undang-Undang Pokok Agraria* or UUPA). The law was passed under Indonesia's first president, Sukarno, and was one outcome of nearly a decade of discussion about the land question amongst key academics, lawyers, and politicians from both the left and more centrist parties in Indonesia. Originally, the law had two key purposes: first, to create a single land law applicable to all citizens of Indonesia, thereby replacing the legal pluralism of colonial law in which racial categories and regional status determined which legal systems (customary, commercial, civil) would be applied in adjudicating or resolving land disputes. The second purpose was to require land reform through the imposition of ceilings on private landholdings, both owned and controlled. Even in its original form, it was a site of contestation, but its final form represented something of a compromise between left wing forces (including the then legal and powerful Indonesian Communist Party) and the more centrist stances of the (also powerful) Indonesian Nationalist Party (*Partai Nasional Indonesia* or PNI) and their respective allies.

Land reform in the first half of the 1960s was promoted primarily by the Indonesian Communist Party (*Partai Komunis Indonesia* or PKI), the Indonesian Peasants' Front (*Barisan Tani Indonesia* or BTI) and some factions within the PNI.⁵ Efforts by the PKI and BTI to expedite land reform was linked in complex ways with the conservative backlash that brought Soeharto's New Order regime to power through a brutal wave of agrarian violence. Somewhere between 500,000 and 1,000,000 actual and alleged communists and socialists were slaughtered between 1965-6. Throughout the Soeharto era, even mentioning "land reform," was sufficient enough to be labeled a communist.

Although the New Order regime never repealed UUPA, it effectively circumvented it with the Basic Forestry Act of 1967, which classified 70 percent of Indonesia's land area as state forest land, not subject to agrarian law. The New Order state and its forestry institutions thus became by far the single largest landlord. This move also opened the way for widespread plunder and dispossession. Soeharto family members and friends, military and state institutions, and powerful individuals and enterprises laid claim to land and other resources for development projects such as the conversion of forest to plantations, tourist facilities, dams, and so forth. Lucas and Warren (2003: 9) explain,

State lands offered vast tracts to the voracious mega-development projects for which the last 10 years of the Soeharto Era became notorious. Plantations on state lands, many of which were former Dutch estates occupied by peasant cultivators for more than four decades, were attractive sites for residential developments, tourist resorts, and many other large-scale development projects of the 1990s. Where plantation workers and peasants did not hold formal title, compensation claims were more easily discounted.

In the latter years of the New Order, resistance to these multiple forms of dispossession began to mount (Fauzi, 1997 and 1999). It was this process that gave rise to new forms of agrarian organization discussed more fully by Fauzi (2003). A key catalyst was a successful campaign for peasants' land rights in Sagara, Garut (West Java) that started in 1985/86, when students and peasants collaborated to oppose the State Forestry Corporation's appropriation of land.⁶ This

⁵ Prior to its being banned in 1966, the PKI was the third largest communist party in the world; see Mortimer (1972, 1974) and Törnquist (1984).

⁶ Briefly, the Sagara land dispute involved the State Forest Corporation (SFC) and 776 families in Sagara village who clashed over the rights to some 1,100 hectares of land, much of which was planted in teak. The dispute also involved

victory encouraged activists to expand their organizing activities to other sites in the district of Garut. A second key land dispute in West Java became a focal point for many students and increasing numbers of NGO activists in the 1980s. Student activists brought these villagers to the national parliament in Jakarta to demonstrate.

Lucas and Warren (2003) provide a detailed discussion of the surreptitious emergence of agrarian reform movements and NGOs in the last years of the New Order.⁷ KPA emerged in this period, initially focusing on land reform provisions in the UUPA. During the last few years of the New Order, KPA sponsored comparative studies of agrarian conflicts and changing agrarian structures in various regions of Indonesia and offered critiques of agrarian politics/policies. It also conducted seminars, workshops, and training programs for government and non-government groups.

As mentioned in the previous section, the fall of the New Order in May 1998 unleashed a surge of occupations all over Indonesia, focused mainly on state forest and plantation land (Lucas and Warren 2003). These in turn fed into an explosive growth of NGOs, as well as the emergence of new forms of agrarian organization. This was the first time since the smashing of the PKI and its associated organizations in the mid-1960s that this type of activity could come into the open.

Soeharto's vice president, B.J. Habibie, assumed the presidency in May 1998, and immediately came under intense pressure to decentralize state authority. The nature and sources of these pressures are laid in more detail in Part II of this paper.⁸ Simultaneously, as we noted above, with the fall of Soeharto, occupations of land controlled by the state – and to a lesser extent corporations – exploded all over Indonesia. The Director General of the Department of Forestry and Plantations estimated that as of September 2000, some 118,830 hectares of national estate land had been seized, along with 48,051 hectares of private estate lands (as quoted in Fauzi, 2003). These occupations are enormously significant in light of the combined dispossession and repression of the Soeharto era. According to preliminary estimates made in early 2003 in Garut, Tasikmalaya and Ciamis districts some 14,000 families have occupied nearly 9,000 hectares of land in 41 locations that all have units of SPP (See Tables 1, 2 and 3 in Appendix 1). Even though this is not a large percentage of the extensive territory of the districts, the occupation and cultivation of this land has been significant for the plantation and forest managers.

In West Java, the combination of decentralization on the one hand and “spontaneous” land occupations on the other created the conditions in which KPA and its related organizations intensified their activities. SPP took shape as a formal organization in this period, as did several smaller student-based NGOs based in provincial towns in West Java that work directly with the SPP. In September 2001, SPP mobilized some 17,000 peasants from Garut, Tasikmalaya, and Ciamis districts to demonstrate during a national workshop in Bandung. At this workshop, a working group from the People's Consultative Assembly (*Majelis Permusyawaratan Rakyat* or MPR) was discussing the draft of a legislative decree on agrarian reform. Although the demonstrators were blocked by the police some thirty kilometers outside Bandung, NGO participants in the workshop convinced the legislators to meet the peasants at the police lines. SPP

the capture and detention of some village leaders and the leaders of an NGO called the Youth and Student Forum, as well as the government's taking over the area for police mobile brigade training. In 1997, more than a decade after it started, the SFC lost the case. A decree by the State Ministry of Agrarian Affairs and the Head of the National Land Bureau (No. 35-VI/1997) determined that the state land in question could be subjected to land reform, awarding nearly 580 hectares to the villagers of Sagara and Karya Mukti.

⁷ This story has stimulated some students of history of rural Java to make comparisons with similar phenomena in the period of President Sukarno (1949-1965) following Indonesia's independence, as Aspinall (2002) has done in a recent paper.

⁸ For more detailed discussions of decentralization, see also Fauzi and Zakaria (2002); Thorburn (2003) and Hadiz (2003).

also mobilized about 1,000 people to demonstrate in November at the MPR's annual meeting in Jakarta in support of this decree, which, once it was passed, became known as the People's Consultative Assembly Decree No. IX/2001 (*Ketetapan Majelis Permusyawaratan Rakyat No. IX/2001* or TAP MPR No. IX/2001).⁹

Not all Indonesian NGOs working on agrarian reform have agreed that the TAP MPR No. IX/2001 is in the best interest of the peasants. The Indonesian Federation of Peasants' Unions (*Forum Serikat Petani Indonesia* or FSPI) and its supporting NGOs, for example, have represented the decree as a possible entryway for neoliberal reforms, with potentially negative implications such as the termination of the Basic Agrarian Law of 1960.¹⁰ However, it is not clear exactly what is meant by this claim. Unfortunately, we did not have a chance to examine the differences in these groups' positions on specific legislation during our trip, although Lucas and Warren (2003) discuss these debates more fully. For SPP and KPA, the issuance of TAP MPR No. IX/2001 had great symbolic and strategic meaning. As we shall see below, local SPP leaders have used the decree as a means of justifying land occupations and as a bargaining chip with central and regional government land management agencies.

Throughout our trip, it became evident that there were tensions and disagreements amongst NGOs – part of which turned around the status of the UUPA. These disputes shifted again in 2003 when Presidential Decree 34/2003 (*Keputusan Presiden 34/2003* or KepPres 34/2003) was passed promising completion of a draft law to “refine” (“*penyempurnaan*”) the UUPA and devolve some administrative authority for land policy to the district level. Lucas and Warren conclude their article with the following postscript:

KPA is concerned that KepPres 34/2003 in several aspects has not implemented TAP MPR IX/2001 as intended. Firstly, the review of the Basic Agrarian Law required by KepPres 34/2003 does not overcome the exclusion of mining, forest and coastal areas from the provisions of land law. Secondly, it promotes land reform in the context of land registration, which KPA has consistently opposed, at least where it is oriented toward privatizing land and relies on market mechanisms for redistribution. Finally the relegation of land conflict resolution to district level will not be likely to advantage the vast majority of Indonesia's *kabupaten* [district] that do not have local NGO or farmers' organizations (such as SPP) to work on agrarian reform issues with local administrations and to provide advocacy for farmers in land disputes. On the other hand, KepPres 34/2003 does give *kabupaten* administrations the opportunity to engage in agrarian reform, and places resolution of conflicts closer to the source. In the words of SPP leader, Agustiana, “the KepPres is the moment we have been waiting for to sit down and talk with district government about agrarian issues”. (Lucas and Warren 2003: 35-6)

When we visited in July 2004, we had the opportunity to observe the further unfolding of these dynamics in West Java, the details of which are contained in the following section of this paper.

⁹ Such a decree is initiated from the MPR and is a formal directive to the law-making People's Legislative Assembly (*Dewan Perwakilan Rakyat* or DPR) and the President. A legislative decree has a legal standing that lies somewhere between the constitution and national law and is produced by the MPR when introducing any potential law. An unofficial translation of TAP MPR No. IX/2001 is included here as Appendix 2.

¹⁰ This debate is discussed in *Kompas*, Indonesia's most widely circulated newspaper. See Idham Samudera Bey, "Lonceng Kematian UUPA 1960 Berdentang Kembali - Menyoal TAP MPR No. IX/MPR/2001," *Kompas*, January 10, 2002. See also Dianto Bachriadi, "Lonceng Kematian atau Tembakan Tanda Start? Kontroversi seputar Ketetapan MPR RI No. IX/MPR/2001 - Komentar untuk Idham Samudra Bey", *Kompas*, January 11, 2002. Also, see the answer in Idhan Samudra Bey, "UUPA 1960 Lebih Baik Dibandingkan RUU Pengelolaan Sumber Daya Alam" *Kompas*, May 10, 2003.

III. Struggles over National Legislation

During our trip we discovered a sense of how different sets of activists (particularly those working on agrarian land and labor issues as opposed to those working on natural resources and indigenous peoples' issues), have periodically come together, split apart, or been forced to resolve differences between themselves in order to move forward in both struggles over key legislation as well as struggles in the districts and villages. Particularly after the passing of the law on regional autonomy (decentralization) in 1999, the sometimes tenuous alliances formed between NGOs working on agrarian issues and those working on natural resources (particularly forestry) reflected the separate origins and differing constraints in their respective possibilities for maneuvering in the limited political space during the Soeharto period.¹¹

Organizers and activists use legal arenas to promote agrarian reform in strategic ways and not only at the national level. National debates and politics are crucial, since laws, policies, and the very structures and processes for making laws and enforcing policy are so important in backing up the transformative arrangements playing out in other arenas such as newly empowered district governments and the plantation and forestry lands. For example, the goal of jointly writing and subscribing to a legislative decree (TAP MPR No. IX/2001) between advocates for natural resource and agrarian reform was a specific legal-policy move to engage each other and find some room to maneuver within government circles. Since its passing, the idea of land and agrarian reform has been legitimized. Land reform thus becomes a potential lever within the Indonesian legal framework. Even though, as multiple NGO and university actors have told us, strong powers within the government (such as the Ministry of Forestry) have obstructed efforts to implement this decree, it has provided a second legal tool, like the UUPA, for potential supporters of change to wield, without the stigma of the PKI's involvement in the UUPA's original drafting. The decree has proved useful well beyond the realm of the legal. It has enabled the KPA to widen their networks to include environmental and natural resources groups such as WALHI, Friends of the Earth, and other similarly oriented groups in discussions about land reform on forest lands and in mining concessions or coastal fisheries. KPA and other groups proposing radical change also said it could be used explicitly to counter accusations that they were "a communist institution."

KPA and its affiliates also wanted to encourage more direct advocacy at the national level and were anxious to bring the practical struggles of ordinary rural people into policy arenas. Lucas and Warren (2003: 15) suggest that this was partially a response to the critique from the newly founded FSPI that KPA "did not fully reflect the interests of peasants' organizations." However, they also state that "KPA's view was that it reflected a difference in choice of strategy, with KPA concentrating more on advocacy for policy reform and FSPI concentrating on strengthening peasant's organizations at the grass roots level.

NGOs getting involved in policy advocacy was a bold move. Discussions among the array of young intellectuals, bottom-up developers, and activists revealed the significant gaps between the intellectual discourses of land reform and real people fighting for land rights lost in Soeharto-era evictions. They felt that the role of urban intellectuals and activists included raising the legal consciousness of the people involved in land occupations. They also needed to think further about how they could maintain control of the reforms they succeeded in winning, even after the major battles were over.

¹¹ For more on this issue and its political effects, see Lucas and Warren (2003), pp. 20-24 and pp. 27-28.

The key landlord being called to task in Indonesia today is the state, a fact borne out by the evidence that most land occupations occur on lands claimed by various agencies of the state rather than on land held privately by rich village landlords. State claims on land have provided a convenient common enemy around which NGOs previously at odds with each other could plan some strategic moves, even though state lands wear a variety of institutional costumes, emerge from different sorts of legal and structural environments, and present a range of legal and practical problems.

How then, did these groups engage in specific legal or legislative arenas? The following is a brief comparison of strategies and ongoing struggles toward revision of the Basic Agrarian Law and the Forestry Law.

The Basic Agrarian Law

The symbolic status and highly politicized construction and reconstruction of the UUPA (discussed in Part I) makes all the more fascinating its emergence as a focal point in contemporary legal struggles over land and natural resources. Its status as a key site of contestation was obvious from the beginning of our interviews. The struggle, in part associated with the development of TAP MPR No. IX/2001, can be characterized as being about whether (a) to go back to the UUPA as umbrella legislation encompassing not only privately held agricultural land, but also state land under the jurisdiction of other land management ministries and departments, including Forestry, Mining, Plantations, and other natural resources; or (b) to retain the sectoral laws and sectoral authority established under the New Order (Soeharto regime) since 1967 that effectively gave control over key natural resources and the lands where they are produced to these other state agencies. Under the second scenario, the UUPA's jurisdiction is limited to agricultural land (and private holdings to boot), which is a clear indication of their limited power.

The jurisdiction of the National Land Agency (*Badan Pertanahan Nasional* or BPN) is thus set on an even plane with the sectoral ministries and lacks the over-arching authority over land promised by vision (a) above. The Ministry of Forestry, the State Forestry Corporation (a parastatal corporation with jurisdiction over all production and protection forests on Java), and the Plantations Department have generated particularly contentious politics at all levels of state and civil society. Two key issues in the domain of national state power are now at stake: whether and how agrarian reform will play out in the national agenda, and the multiple ways in which agrarian and natural resources struggles are coming together. Accordingly, struggles over the UUPA offer an important insight into the balance of forces at play in post-Soeharto Indonesia.

During our trip through West Java, we learned how the allied forces of KPA-SPP came to work with Maria Sumarjono, the Deputy Director of the National Land Agency and a professor at the Law School at Gadjah Mada University. She was appointed by President Habibie to review all land reform related laws in 1999. Noer Fauzi, as head of KPA, was then invited to a meeting in Jakarta from August 31 - September 1 to present draft ideas about the UUPA. That was the first meeting of these two proponents of land reform.

Although Habibie's committee was disbanded at the end of his term, it had several effects. First, as mentioned above and discussed further below, the committee's findings eventually led to the writing of the TAP MPR No. IX/2001. Second, it helped establish an important connection between KPA and a high-ranking person in the National Land Agency. The KPA subsequently set up a study group on agrarian reform and invited Professor Sumarjono to join, along with Nur Hasan, a colleague of hers from the law faculty at Gadjah Mada University, and several academics from other major universities on Java: Professors Tjondronegoro and Wiradi from the Bogor

Agricultural Institute; Professor Ahmad Sodiki at Brawidjaya University, and others. The NGOs in the group included KPA, ELSAM (Sandra Moniaga and Ifdhal Kasim), and LAPERA Indonesia (Dadang Juliantara). The set of meetings that ensued provided a forum for the various individuals from different areas to discuss agrarian law/reforms, and eventually they wrote a position paper together.

Professor Sumarjono was engaged on a number of other fronts with legal agrarian reforms. She was a consultant to the Indonesian Democratic Party of Struggle (*Partai Demokrasi Indonesia Perjuangan* or PDIP) faction in the MPR on legal issues.¹² She later went to South Africa with Agustiana, the head of SPP and Dianto Bachriadi (a founding member of KPA), a trip which helped cement her connections to SPP and KPA. The South Africa trip came about when Noer Fauzi, returning from the Johannesburg Conference on Sustainable Development, suggested to a Ford Foundation program officer that they send an Indonesian delegation there. Noer Fauzi was asked by the head of the National Land Agency to give a paper on his impressions of South Africa's land reform policy and implementation from the Johannesburg meeting at the National Land Agency. Almost forty National Land Agency staff members, including the deputy head, attended that session, after which they decided to send both Professor Sumarjono and representatives from KPA and SPP to South Africa

This legislative decree called for a review and a revision of all the laws having to do with land and natural resources. As Lucas and Warren (2003) have written:

[The TAP MPR No. IX/2001] recognized that the management of natural and agricultural resources to date has caused poverty, structural inequalities, social conflict and environmental degradation; that existing legislation is overlapping and contradictory; and that the MPR has constitutional responsibility to resolve these problems. Certainly reference is made to most of the issues - human rights, sustainability, resource justice (including gender equity), legal supremacy, transparency, and public participation - on which non-government organizations have campaigned, and a considerable proportion of the document takes its wording from the draft TAP they put forward. It confronts the two critical issues associated with land conflicts in the New Order period, customary (*adat*) rights and the stalled land reform program.¹³

After the TAP MPR No. IX/2001 was passed, another decree, Presidential Decree 34/2003 (KepPres 34/2003), issued in June 2003, assigned the National Land Agency the task of actually revising the UUPA. Whether this was meant to assuage critics of TAP MPR No. IX /2001 or was intended to take place all along is not clear. In any case, the "refining" was put under the direction of Professor Sumarjono. She hoped the refined law would encompass not only agricultural land, but also land managed as national forest, mining concessions, and other resource sector-controlled lands that she felt should come under the umbrella of the UUPA. The goal of this revision process is to register all national land, whatever its use, and under the jurisdiction of any agency. In our interview with her, she also talked about land ceilings and redistribution as key issues that needed attention. Reflecting both the lessons learned from the 1960s land reforms and a popular NGO view (Dianto interview, July 2004), she mentioned that state lands are easier to redistribute than

¹² PDIP is the party of Megawati Soekarnopoetri, the President of Indonesia from 2001-2004.

¹³ Also "Article 4(j) sets out the principle of "recognition, respect and protection of the rights of *adat* law communities, and the association between cultural diversity and agrarian/natural resources." Article 5(1b) resuscitates land reform, stipulating a restructuring of land tenure and use that promises justice through attention to ownership of "land for the people." It requires review of former acts and regulations, thoroughgoing inventory and registration of land ownership and use, the implementation of land reform and resolution of disputes." (Lucas and Warren, 2003).

large, privately held holdings. The personal aspects of land and labor relations in rural areas have always made redistribution of these fraught with difficulty.

The relationship of the National Land Agency to other state agencies with land management agendas was clearly important. The Ministry of Forestry (MoF), which is effectively the largest landholder in the nation with some 70 percent of the country's land under its jurisdiction, is the National Land Agency's most ardent opponent. In some ways, particularly in regard to the power and wealth of the MoF, the legal struggle between the National Land Agency and the sectoral agencies promises to be as problematic as those between landlords and the landless in the 1960s, with tremendous jurisdictional and budgetary implications of this legal revision looming. Despite these problems, Professor Sumarjono mentioned sources of support for the National Land Agency coming from other government agencies, in particular the national planning agency (*Badan Perencanaan Pembangunan Nasional* or Bappenas).

Professor Sumarjono was emphatic that KPA (Noer Fauzi, Dianto, and others) and SPP (Agustiana) had been very important in propelling the revision of the UUPA, even today. She mentioned that the National Land Agency and KPA developed a memorandum of understanding to set up a pilot project in Garut, in which district officials, working with SPP, would help villagers manage forest resources in a so-called social forestry scheme.

At our own meeting with district officials in Garut, we learned about this plan, in which a team of district managers (not the State Forestry Corporation alone) intended to organize local people to manage degraded forest and ex-plantation lands. We observed how various district level officials and the head of the SPP positioned themselves throughout the meeting in relation to each other and to this "pilot" project. While the head of SPP was confident that his plans for community mobilization would trump the historical failures of the State Forestry Corporation (SFC), the District Forester, an SFC employee, was not willing to concede that any other agency or organization, let alone a peasant's organization, would ever gain legal control over "*kawasan hutan*" or "forest territory." As far as social forestry goes, he said, they want to include other departments but only on terms set by the MoF. Officials in forestry will provide the land (for social forestry) but other agencies should provide some of the funding. So far, he complained, no one has stepped forward. Further, he said, the SFC is trying to develop social forestry but will *not* negotiate on two things: it will not release land and it will not allow people to plant cash crops. The forestry official went on to mention the cooperation between SPP and SFC in three villages in Garut. In our discussion with the head of SPP the day before, however, the negotiation about this pilot project was described in much different and more contentious terms. Yet at our meeting in the district office in Garut, we observed the forestry official and the head of SPP sitting next to each other and speaking together in private conversations both before and after the meeting. Outside the meeting, individual participants' comments on the process and the expected results were equally revealing.

Legislative concerns and struggles resonated in the villages we visited as well. The UUPA and TAP MPR No. IX/2001 were both used in Cieceng by village leaders as well as villagers to legitimize their actions.¹⁴ For example, at one meeting in Cieceng, the village head made clear references to the ongoing relevance of the UUPA and what it was intended to achieve: its potential for enabling land redistribution in the area occupied by his constituents. At an evening meeting with local peasants, Noer Fauzi, in his capacity as an organizer and member of KPA, frequently made reference to the UUPA, the TAP MPR, and the ways these could affect the peasants' futures on the occupied former plantation lands. Peasants seemed comfortable listening to and making

¹⁴ Cieceng, an upland village in Tasikmalaya district of West Java, is one location where peasants have occupied former plantation and state forest land. Our group spent two days in this village during the July 2004 study trip.

their own references to these pieces of legislation. (As we shall see in the discussion of Cieceng, villagers also expressed considerable concern about other national legislative initiatives, most notably the newly-promulgated Plantation Law).

In sum, the UUPA, its revisions, and the interim legislation (TAP MPR No. IX/2001) intended to bring together agrarian and natural resources issues, actors, and organizations, represents a key emphasis of the legislative arena of contestation over agrarian reform in West Java. As we see in the next section on the forestry law, the TAP MPR No. IX/2001 has had little effect within the realm of the sectoral laws. The forces behind the sectoral laws seem more powerful, with access to more resources, allowing conservative and wealthy interests in the sectoral ministries to influence parliamentary commissions, district heads (*bupati*) and other key players.

The New Forestry Law

A second, related site of legislative contestation developed around Forestry Law No. 5/1967 and efforts to revise it in the wake of Soeharto's fall. Except in the Sagara case mentioned above, most competitors for land claimed by the MoF (or, in Java, by the SFC) have failed in their claims, despite the best efforts of NGOs, peasants' organizations, scholar activists, and other government agencies to clarify or reduce the jurisdiction of that ministry. As mentioned above, the basic source of tension over the new UUPA stems from the MoF's resistance to umbrella legislation that would allow registry of all the nation's land under a single agency, which could then record any changes in land status or re-allocations among various sorts of holders (private, corporate, government agencies, etc). Instead, they argue, resource management agencies like the Ministries of Forestry or Mines should maintain independent (and opaque) control over the lands that rather automatically fall into their "territories" by virtue of their mandates to manage resources that occupy land such as forests or mines. In other words, the jurisdiction of the MoF and its subsidiaries such as the SFC, consists of a "*kawasan hutan*" (forest area or territory). There is no legal language in the forest law that states the MoF has jurisdiction over land *per se*.

In 1998, just after Soeharto's resignation, NGOs were deeply involved in trying to promote new forestry practices and reforms under the rubric of the forestry law revisions requested by the Parliamentary Commission on Forests and Plantations (Commission III). The Community Forestry Communications Forum (*Forum Komunikasi Kehutanan Masyarakat* or FKKM), an NGO formed during the late Soeharto period to seek alternatives to top-down, extractive and coercive forest management, was the focus of much of this activity. Headed by Dr. Hasanu Simon, a forestry professor from Gadjah Mada University, and other sympathetic colleagues at the university and the other major forestry school in Java at the Bogor Agricultural Institute, and with a great deal of input from student activists, FKKM worked on language for a new law that would put communities or social forestry at the forefront of forest management. They tried to develop land and resource access policies addressing the concerns of the people ("*masyarakat*"). Yet even those acting from the "inside"—forestry professors, students, and professionals—faced an uphill battle against the biggest landlord in Indonesia. Very few in the upper and middle echelons of the MoF, let alone in the rich and powerful SFC agreed with this focus on social forestry, despite a great deal of lip service to the contrary. Only incidents in the early years of the *reformasi* period, during which extensive swaths of teak and mountain forests were cut down and often occupied by rural people, encouraged the foresters to consider changing their policies and practices.

Despite tremendous momentum, however, FKKM's efforts were thwarted when Commission III gave the task of drafting the law to the MoF, enabling the conservative status quo forces to write their own ticket. Moreover, the MoF had access to resources that NGOs did not: timber concessions that could be given as "incentives" to people with decision-making power. With

jurisdiction over nearly 70 percent of the land in the country (approximately 21 percent in Java), and a history of strong connections with the military and the president's office, the MoF has long been a formidable opponent. The "revised" law that they wrote (Forestry Law No. 41/1999) contained little that would directly benefit the people who lived around them or change the way business took place. Forest lands, not surprisingly, remained part of the huge "*kawasan hutan*" and under the control of the MoF and SFC according to the "revised" law. Some note was taken of "social forestry" but, as prior to the reforms, the revisions involved only incremental changes in the real access and control over forest products and lands.

Despite the legal victory of the MoF, however, people we met described the ways in which the new forestry law has failed. Forestry, both in Java and outside, is facing budgetary crises because of the widespread land occupations and "illegal" logging. The MoF, according to Professor Simon, has "stopped working" because the loss of direct and indirect revenues from the forests they claim jurisdiction over has meant that they have no money. Military and special police forces are being brought in to "sweep" people from the lands they occupy, and to try to "reclaim" logs taken without permits—both of which are expensive operations and only effective for the short term. Land occupiers frequently return to the sites from which they were evicted and start over, while most logs make their way onto the market immediately and are impossible to recover. At the same time, district-level civil administrations are clamoring for greater access to and control over forest lands. Yet, although they may not have enough money to run sustainable forest management operations, the MoF and SFC maintain their legal jurisdiction over the forest. The MoF will neither simply let go of the extensive lands under their sectoral authority nor subject them to the authority of the National Land Agency without a fight.

ARuPA, an NGO based in Yogyakarta made up primarily of former forestry students from Gadjah Mada University, has been at the forefront of efforts to change forestry practice and law. They told us about their work helping the district government in Wonosobo create District Law No. 22/2001 (*Peraturan Daerah* or Perda No. 22/2001) on Community Based Management of Forest Resources that would transform the management of state forests in that district, giving local government authority over the land and the forest activities and allocating rights to the local people who have now been occupying that land and producing forest products (fast-growing woods) since about 1998. The law was passed enthusiastically by the district legislature. ARuPA then helped the district develop guidelines for implementing the law, which is the second step in realizing legal change in the Indonesian system. The SFC has not only put pressure on the district head (*bupati*) to get the legislature to withdraw the law, but they are contesting the law in court. In addition, there are indications that the MoF provides considerable backing to the SFC.

Why would the MoF deploy its resources in these ways? While the SFC is a part of the MoF, as a parastatal, it has an independent budget, its own hiring practices, and so forth. One possible explanation is that the MoF sees the SFC as a strategic and symbolic site not only for Java but nationally as an exemplar of forestry power that must be maintained. Most of the land under the jurisdiction of the SFC in Central and East Java has a significant legal history, even though some patches have histories of long term disputes. In other words, much of the SFC's estate has been taken through the full legal process needed to reserve or set aside state land for forests since the late colonial period. If the SFC loses legal control of its land to district governments on Java, then the more tenuously held "*kawasan hutan*" in the Outer Islands might be threatened. Similarly, the circumstances of the SFC are more tenuous in West Java than in other parts of the island. The SFC gained jurisdiction over the forest lands in West Java much later than the other areas, taking legal control of those forests only in 1978, before which the region was subjected to the same type of jurisdiction as the areas outside Java through a district-level forest service. Moreover, most of the "forest land" in West Java was classified as protection forest because of its steep slopes. Finally,

many upland areas of West Java have long been occupied and farmed by smallholders, plantations, and government agencies for centuries, and the *de jure* claims of the SFC have been much more difficult to realize. The situation in West Java, therefore, in some ways is more symbolic of the struggles over forest lands in the islands outside of Java.

As a result of the power of the MoF and the SFC, Professor Simon and others told us, TAP MPR No. IX/2001 has not had an effect in the forestry sector. Unlike BPN and the agrarian reform NGOs, the SFC and the MoF are clearly not interested in teaching forest-based peasants about their rights. They shy away from clear written contracts with peasants and laborers and, they have chastised NGOs such as ARuPA for talking to forest villagers about their rights as citizens, workers, and forest peasants—not to mention for working with district governments to develop new laws, institutional arrangements, and working conditions.¹⁵ In other words, the SFC remains completely closed to social forestry, community forestry, or agrarian reform efforts that emerge from civil society (whether from groups of peasants, NGO-brokered initiatives, or district governments). This is the biggest difference between the struggles taking place around land reform in the different land management bureaucracies of Indonesia—the National Land Agency and MoF. While both are large state institutions, with jurisdictional authority over land or territory encompassing land, both the nature of the struggles and the degree of hope for change from their respective “insides” are playing out quite differently.

Comparing Legislative Arenas of Contestation

In essence, the contests over the UUPA and the Forestry Law, including the struggles over TAP MPR No. IX/2001, the new Plantation Law alluded to in Part I, and others, are interlocked in battle and difficult to pull apart. The relative success or failure of NGOs in engaging and affecting powerful actors, however, seems to play out along the historically significant boundaries created between forestry and agriculture. These boundaries are, of course, fictitious creations of bureaucrats, policy makers and scholars that have affected the ways that NGOs position themselves in social and political struggles. These invented boundaries also affect the legal means that local, regional, and national actors are able to maneuver and make claims. They represent, though, the crux of the contestations playing out in international, national, regional, and local fora. We asked Professor Sumarjono why the sectoral laws of 1967 (forestry, mining) did not make reference to the UUPA in their introductory clauses, as is the practice regarding previous relevant legislation. She admitted being unsure of why that had happened but guessed that there were two reasons: first, the drafters of the UUPA were not clear enough about encompassing land that was not under agriculture because access to agricultural land was so contentious in the post-colonial years. Second, the sectoral laws were passed to facilitate foreign investment in the extractive sectors and were meant explicitly to lift the restrictions on investment imposed by the previous regime (in the late years of President Sukarno).

On the other hand, she told us that those in forestry are appalled and afraid that revisions of the UUPA would treat forest and plantation lands as objects of land reform. According to her plan to revise the UUPA, forest or plantation land that has been occupied and cultivated for ten years consecutively will be available for reallocation by the National Land Agency. If the forest land in fact is not being used for forestry anymore, their revision contends that the National Land Agency, *not* the Minister of Forestry, will be empowered to release it. Similarly, if a plantation’s permit expires and is not extended, that land can become an object of land reform. At present there is no law delineating the allocation of lands leased to a plantation after its lease has expired.¹⁶

¹⁵ ARuPA interviews, films: “Negosiasi tanpa Henti” and “Belajar dari Rakyat.”

¹⁶ In the past, their status could have been covered by legal statements concerning “Tanah Negara Lainnya” (“Other State Land) that could be made an object of land reform but was more likely subject to the discretionary allocation of a powerful person with access to information about that land. For example, between 1975 and 1993, the government

According to the National Land Agency's plan, land disputes will be resolved through a settlement process with witnesses and a formal delineation of boundaries. They would like to establish a land claims court with exclusive jurisdiction over these issues on all land not just agricultural land. The MoF has responded negatively to these suggestions. The Minister of Forestry himself has written to the National Land Agency saying that the ministry agrees with TAP MPR No. IX/2001 but that most of the decree's tenets are not relevant to forestry. Why? According to Professor Sumarjono, the actual subject of the TAP MPR No. IX/2001 is the registration of land for the purpose of land reform.

As indicated above, these legal struggles are taking place in many arenas and not just on the national stage. In the next section, we examine the ways that district governments are engaging in these struggles and constitute significant arenas of contestation over agrarian power. In particular, we show that the legislative arena has also been engaged through the decentralization law, which gave local governments the power to originate national law through local regulations (*Peraturan Daerah*, or Perda).

often gave subsidies to big companies to acquire land for development. It was not until 1993 that a decree detailing procedures for public land acquisition was passed.

IV. Land Reform and Decentralization

In this section we discuss how the KPA-SPP configuration in West Java has sought to take advantage of the formal democratization of district level government in the Pasundan region of West Java, focusing particularly on Garut.¹⁷ District government, as we shall see, forms a key arena from which KPA-SPP has sought to exercise pressure on the legislative process at the national level, as well as village level mobilization and land occupations such as the one discussed in the following section. This discussion builds on the large and growing literature on decentralization in Indonesia, while using our interviews and observations to identify key issues for future comparative research.

As we saw in Part I, intense pressures to decentralize state power arose in the immediate aftermath of the fall of Soeharto in 1998. The four major convergences leading to these reforms and decentralization (generally known as “regional autonomy” in Indonesia) were as follows (Fauzi and Zakaria, 2002):

- 1) Political elites in the regions were highly dissatisfied with the centralistic policies of the Soeharto regime.¹⁸ As the glue holding the central government’s power in place began to loosen, the power of these regional elites grew, both in the MPR and outside it.
- 2) There were tensions between regional separatist movements, particularly in the resource-rich provinces, and the federalists, related to the highly unbalanced, thirty-year history of resource extraction (timber, oil/gas, minerals, and plantation crops) accompanied by minimal amount of development-oriented reinvestment in the regions of origin.¹⁹
- 3) Political parties in the regions were also interested in increasing their power by empowering the district and provincial parliaments. Prior to decentralization, district (*kabupaten*) legislatures were under the district head (*bupati*).²⁰
- 4) Local or customary groups, particularly outside Java, were angry that the New Order had systematically dismantled their institutions and nothing beneficial put in their place. In 1999, an association of these groups formed and began to exert pressure on a number of government arenas.²¹

In an attempt to rectify the mistakes of the Soeharto era, the MPR passed several decrees, which culminated in the passing of Law No. 22/1999 on Regional Governance and Law No. 25/1999 on Fiscal Balance between the Center and the Regions (also known as the decentralization law or the law on regional autonomy). These laws became effective on January 1, 2001. These and related laws gave regions the authority to decide policy on nearly all matters, except foreign policy, national security, justice, fiscal and monetary policy, as well as “certain other matters” that were

¹⁷ The following discussion focuses primarily on the district level legislature, known as Regional People’s Legislative Assembly Level II (*Dewan Perwakilan Rakyat Daerah Tingkat II* or DPRD II). The provincial level legislature is DPRD I. Districts, or *kabupaten*, are headed by district heads or *bupati*. Provinces are headed by governors.

¹⁸ Their interests were represented nationally by a formal faction in the MPR.

¹⁹ In addition, some of these provinces and districts had conflicted histories of integration into the Indonesian polity, particularly Aceh, East Timor, and Irian Jaya. When provinces such as Riau, Central Kalimantan, and Maluku began to threaten regional independence, the federalists had to take notice and act.

²⁰ While the district legislatures could choose candidates for the position of district head, the President actually chose who would be appointed. The legislatures thus basically served to rubber stamp the ideas and desires of the *bupati*, this reducing the actual power of political parties in the regions.

²¹ In its first congress held in Jakarta in March 1999, this alliance, now formally called the Indigenous Peoples Alliance of the Archipelago (*Aliansi Masyarakat Adat Nusantara* or AMAN), stated, “If the state did not recognize us, we would not recognize the state.” See the special issue of *Down to Earth*, October 1999.

deliberately left vague. Provincial or district governments have the authority to establish the necessary bodies and agencies to carry out these responsibilities. In the realm of fiscal management, they are also now empowered to manage revenues and budgets.

The most significant changes affected by Law No. 22/1999 have taken place at the district (*kabupaten*) level, and encompass five key areas:

- 1) There is a clear division of roles and authority between provincial/district legislatures and the provincial/district heads of government. The district head (*bupati*) executes policy, while the district legislature (DPRD II) sets policy. Each DPRD II is empowered to set policy and oversee implementation, acting as a channel of the people's aspirations.
- 2) District autonomy encourages the growth of democratic institutions at the local level, and will increase initiative, creativity and communities' participation in government policy-making and implementation, in order to produce policies that better accord with needs and conditions in the respective regions.
- 3) To further strengthen the role of the provincial/district legislature, the law stresses the rights and responsibilities of this body. These include the right to (a) request accountability reports from the head of the province/district government in carrying out his/her duties in implementing the functions of the government; (b) request clarification from the head of the province/district government on proposed regulations or policy, impact of policy and programs, and legal and ethical issues that arise relating to the conduct of the head of the province/district government; and (c) conduct investigations, including the right to subpoena district government officials or citizens to provide explanations on matters of importance to local communities and people. In addition, the district/province is required by law to (a) guide democratic life in the conduct of district government affairs; (b) improve people's livelihoods through democratic management of the district economy; and (c) understand and strive for the fulfillment or settlement of the people's needs, aspirations, complaints and challenges.
- 4) Criteria for appointment to head the provincial/district government are simple and concrete. The recruitment process is carried out entirely by the provincial/district government, free of intervention from central government (except for the office of governor, whose appointment still requires consultation with the president, since the governor functions as the president's representative in the province in addition to his role as head of the provincial government). Selection and appointment of heads and assistant heads of district (*kabupaten*) governments are delegated fully to DPRD II.
- 5) Province/district heads are responsible to their respective DPRD, and must deliver an accountability speech before this body at the end of each fiscal year. These responsibilities are clearly set out in the law. They are thus no longer the sole source of political power in the regions.

In terms of formal governmental structures, these provisions constitute a dramatic shift from the top-down authoritarianism of the New Order when district governments were firmly under the control of central authorities. Yet we cannot simply assume that these formal structures of democracy translate automatically into democratic practices. As Lay (2000), Fauzi and Zakaria (2002) and Hadiz (2003) point out that these new structures of governance are shot through with tensions and hazards. For example, they run the risk of political gridlock, and they are vulnerable to being hijacked by members of the old political elite who still control key levers of power. There is a very real danger, Fauzi and Zakaria note, that "decentralized regional governments may end up acting merely as smaller, localized versions of the top-down, paternalistic and feudalistic state structures that have pertained in Indonesia over the past several decades."

At the same time, however, the situation is rich with possibilities, opening up an arena for advocacy, negotiation, lobbying and coalition building that did not exist in the previous era. Reflecting analysis within KPA and SPP, Fauzi and Zakaria lay out three key sets of structural tensions that also constitute potential points of intervention and reconfiguration: (1) tensions between the DPRD and bureaucrats; (2) tensions between the regions and the centre; and (3) tensions between district governments and villages.

A crucial point of contention is the continuing central control over forests and plantations. The land issue, as mentioned above, is still unresolved in practice, as the MoF and, in West Java, the SFC, refuses to release the lands within forest areas under their jurisdictions. Moreover, even if some kind of agreement about the release of forest land were to emerge it is likely that it would remain within the hands of Indonesian state institutions (but with local “states” or districts rather than the central state).

In the realm of fiscal/financial management, district governments now manage revenues and budgets, both for routine matters and for district development, as set out in Basic Law No. 25/1999 on Fiscal Relations between the Center and Regions, and Basic Law No. 34/2000 Revising Basic Law No. 18/1997 on Tax and District Government User Fees. Yet central government transfers remain significant. In Garut, for example, we were told that district government raises Rp. 400 billion annually from local sources, but receives Rp. 520 billion from the central government.²²

We will now focus on the explicitly transformative agenda and strategies of the KPA/SPP/YAPEMAS configuration in Garut district, and the ways they have sought to use district-level government as a terrain of action. The situation in Garut is dominated by broad-based peasant resistance to large-scale land development schemes, particularly plantation agriculture and commercial forestry. Local peasants’ campaigns for recognition of land use rights have been met by repressive responses from the authorities. As the winds of reform sweep across the country, these local conflicts have become more acute. Prior to initiating the parliamentary training program, KPA’s local NGO partner YAPEMAS and SPP were already actively organizing and campaigning around these issues, including organizing mass demonstrations at district and provincial government offices to protest state brutality and violence.

In conjunction with KPA, YAPEMAS and SPP have also used a training program for members of the district legislature (DPRD II) to propose that the problems in Garut be addressed through comprehensive land reform. The training program was designed to address agrarian conflicts, which had risen to intense levels in the region due to the central government’s pro-big business and anti-peasant policies and practices. Many DPRD II members were quite angry about what they referred to as the central government’s problems, which they had “inherited” as a result of the decentralization law. The key issue here is that central government retains land rights and control over revenues from forest land, while district governments have to deal with land occupations and the effects of degradation.

Another primary agenda of the training program was to address public discontent with the village government system, which was perceived to be authoritarian and oriented toward the national bureaucracy. Two months after the parliamentary training program was completed, the DPRD II for Garut district formed two Special Commissions, responsible for Land Conflict Resolution and Village Government Reform, respectively.

²² In August 2004, US\$1 = Rp. 8,500, approximately.

The Village Government Reform Commission began its work first, studying and discussing a packet of draft decrees that had been prepared by the district government. The Special Commission joined together with KPA and YAPEMAS to conduct a workshop to revise and improve the draft decrees. Two fundamental changes that were introduced into the language of the new decree were (1) that the village is an autonomous entity, not structurally linked to the state government hierarchy; and (2) the formation of village-level parliamentary bodies, called Village Representative Councils (*Badan Perwakilan Desa* or BPD) whose members are to be elected. These changes were very much in keeping with the campaign undertaken by YAPEMAS and KPA to foster democratic institutions at the grass-roots level. Soon after the draft decree was passed into law, several SPP members submitted their nominations to run for BPD office.

In the ensuing elections in 2003, SPP members were able to win a majority of seats in some thirty of the nearly three hundred villages in Garut district. This majority alone was not enough to counter the inherent conservatism of village government in the region. In fact, conflict soon developed between some of the bureaucratic village heads and the SPP-dominated BPD, which led to stagnation and gridlock in many villages. These conflicts will probably reach a climax when the current village heads' terms expire. KPA/SPP/YAPEMAS argue that only once these conflicts are resolved will it become possible to transform village government in the Garut region.

The Special Commission on Land Dispute Resolution developed its operational framework at a workshop on Land Dispute Resolution held in November 2000. The process began with identification and investigation of outstanding cases, followed by an analysis of the factors that caused the conflicts in the first place, and that prevented their successful resolution. They encountered three basic types of conflict: (1) conflicts between local peasants and the SFC; (2) conflicts between peasants and commercial plantation companies (both private and state owned); and (3) conflicts between citizens and the National Land Agency, mostly cases of manipulation and graft.

The commission members were motivated by the awareness that, if left unchecked, these conflicts would continue to erode the government's legitimacy in the eyes of local communities. They were, however, also acutely aware of their limitations, particularly in the era of district autonomy, given that the most powerful stakeholders in these conflicts — most prominently the MoF and National Land Agency — were national government agencies. Under law, district governments have no authority over contracts that have been granted by national government agencies until the concession period expires. The role of local governments was further weakened when the national government issued Presidential Decree No. 10/2001, perceived by many local politicians as being a retraction of district governments' autonomy in the matter of land rights. The new decree basically annulled district governments' authority as set out in Paragraph 7 of Law No. 22/1999 on District Government.

Cognizant of the limitations of district government to settle these matters, YAPEMAS and SPP decided to take their case directly to the BPN and MoF in Jakarta, through a campaign of lobbying, workshops and meetings, and, if necessary, demonstrations. YAPEMAS and SPP encouraged members and supporters to come to Jakarta to join mass demonstrations in support of the draft People's Consultative Assembly Decree on Agrarian Reform and Natural Resource Management, both when it was being discussed at the Ad Hoc Commission level, and later when it was debated and voted into law as TAP MPR No. IX/2001 in November 2001.

This mobilization makes clear some of the close connections between district-level interventions, and interventions in the legislative arena discussed in the preceding section. Our lengthy discussion with Agustiana made clear how SPP operates with a conception of district

decentralization as a key arena of intervention. In the course of this conversation, he also made clear how he conceives of spatial politics not simply in terms of “jumping scales” but rather in terms of intervening in village, district, and national-level arenas so as to reconfigure them in relation to one another.

These dynamics were vividly evident during a meeting in the Garut district office to which we were invited. The meeting was chaired by the deputy *bupati* whom, we were told, is a supporter of SPP. Those who attended included a representative of the district legislature (DPRD II) and officials from the MoF and the National Land Agency. Also in attendance was Agustiana, who joined Noer Fauzi to sit next to government officials on the opposite side of the table from Suraya Affif, Gillian Hart, Lungisile Ntsebeza, and Nancy Peluso. For at least forty minutes before the meeting officially began, there were intense informal conversations.

Following a welcoming speech by the deputy *bupati*, the DPRD II representative emphasized the importance of land issues in Garut, along with the central role that SPP is playing, and went on to press for more local control over land in the district. The MoF representative made clear that his ministry would not give up land, and would not allow people to plant cash crops on forest land. While expressing a willingness to develop social forestry, he made clear that this would be done on terms dictated by the state forestry corporation. Furthermore, while the MoF and SFC are willing to provide land for social forestry, other agencies must provide part of the funding – which they have failed to do. The next speaker was the representative from the National Land Agency who said, in effect, that central government is afraid to give power over forest land to the district.

It was at this point that Agustiana intervened, declaring that the central government is understandably afraid to give control over land to the district government, but because central government “always” responds to the districts’ requests, district officials should be proactive. They should come up with some ideas of their own and present them to the central government. He suggested, for example, that if the central government refused to yield control of the land, the relevant [forestry or plantation development] agencies might be asked to pay some kind of lease. They should, in other words, pay money to the district government for the district land they use. Noer Fauzi then invoked the White Paper on Land Reform in South Africa to argue the need for a set of agreed-on guidelines (“*acuan bersama*”). That way, when there are questions and disagreements between central and district officials, they can go back to the guidelines.

This meeting dramatized the degree to which district government has become a key point of contestation in the era of *reformasi* – and how, in the Pasundan region of West Java, KPA and SPP as NGOs are both taking advantage of this government terrain while also reconfiguring it. Struggles over national legislation and district government are also closely connected with land occupations, and it is to a closer investigation of one such occupation that we now turn.

V. Land Occupations in Cieceng

During the colonial period, the land now claimed by villagers had been leased on a 75-year contract to an agricultural enterprise. In the 1950s, after the Indonesian revolution and the establishment of the Republic of Indonesia, that contract was taken over by an Indonesian state plantation company, which planted rubber on one side and cocoa on the other. The contract for the land formally expired in 1997, but the state plantation company continued to operate it. Many villagers in the hamlets adjacent to the plantation land, and who later occupied the land, had been employed at the rubber plantation. We could not get evidence on whether the occupants of Cieceng had been dispossessed of the disputed land in the 1920s when it was first leased or whether the villagers of that period regarded the land as ancestral reserve lands for future generations. Virtually everyone we talked to in the occupied areas owned no agricultural land in their villages; some even did not have houses of their own. Thus, it seemed clear that the villagers in the surrounding areas needed land at the same time of the occupations, especially in the wake of the economic crisis when jobs in the cities were less frequently available.

As early as 1986, we were told that some “brave” individuals seized (“*menyerobot*”) plots of plantation land. The plantation company, through its foremen, would come in and pull up their plants. After the fall of Soeharto in May 1998, more people wanted to occupy plantation land. Tatang, the village head, forwarded the demands of the people to the village government. According to him, the village government did not respond. As a result, people were angry and almost burned the village office.

It was during these tense moments that Tatang met Feri, a youth from the Youth and Student Forum for the People (*Forum Pemuda Mahasiswa untuk Rakyat* or FPMR), an NGO based in Tasikmalaya, who told him about SPP. After his complaints were not heard at the sub-district office, he was going to bring the demands of the people to the district office. It was through these connections (NGO and district activities) that the village head heard about the list of plantations in the area and the amounts of land under their jurisdiction. He learned that the size of land occupied by the plantation (about 600 hectares) far exceeded its legal allocation of 386 hectares. This unauthorized expansion was the way people first justified the occupation. Soon after, they learned that the company’s lease had expired in 1997 and no extension had been granted, further angering the villagers. Feri eventually accompanied the village head to Bandung and Jakarta, both to take part in demonstrations and to meet other people in the SPP. The sub-district head (*lurah*) also met Agustiana, who took him with a delegation of village leaders to see President Abdurrachman Wahid in 2000.²³

After hearing about the plantation’s lapsed lease and their illegal expansion, the village head told us; “brave” villagers began occupying the land. Initially, they cut down the trees and cleared an area of about 200 ha, and started planting their own crops. There was no clear-cut procedure of land allocation or regulated amount of land per individual or family. Bravery, it appears, determined who got land (“*Siapa yang berani dapat*”). Apparently, the best time to cut down

²³ This narrative exemplifies the close connections between SPP, KPA, and the student NGOs based in provincial towns of the Pasundan region of West Java. Dianto of KPA explained to us that NGOs (and social movements) see their role as using the advantage of being closer to the people at the grassroots level, in bringing to the attention of policy makers problems as articulated by the ordinary people – the constituency of NGOs and social movements. According to Dianto, KPA learned that peasants who had lost their land rights were interested in the return of their land. Since 1998, after the fall of Soeharto, KPA has given “more attention to how we could strengthen the peasant organizations,” transforming them from protest groups “into real peasants’ organizations where the organization could serve the needs of the members.” KPA was also keen to “start to organize the real landless.”

trees and demarcate land was at night. We were told that some people cleared and occupied as much as three hectares of land, a great deal of land compared with average landholding in Java.²⁴

Steps towards implementing the Regional Autonomy Law of 1999 and the issuing of the TAP MPR No. IX/2001 were widely interpreted by the landless as an acknowledgement that the state was on its way to recognizing land occupations formally. In this vein, the village head quoted a tenet of Indonesia's Constitution to us, although attributing it to the Basic Agrarian Law, stating, "[The UUPA] says that the water, soil, and wealth of the country should be for the people."

It is not clear in which year (perhaps in 2000) SPP first came up to the village and organized the inhabitants. At an early point, it seems that Agustiana himself may have visited the area, which the people regarded as a great honor. SPP introduced land allocation procedures and a land-holding ceiling per individual. After initially allocating land to "households," it was decided that sites should be given to individual adults, including mature children of approximately 15 years of age. This meant that women were not discriminated against and were eligible for a piece of land. People we spoke to told us that there are about 800 landholders, each person holding 0.5 ha of land. The landholding ceiling meant that any individual's land in excess of 0.5 ha that had already been cleared and claimed had to be redistributed. The benefit of this, villagers said, was that now they could all be organized, part of a group, and therefore would have greater power than if they were just occupying large pieces of land on their own. The village head told us that some 438 hectares are occupied; it is not clear if the remaining 38 hectares are still available or if some people have larger holdings than others.

While small scale confrontations and conflicts with the plantation company continued, the most significant conflict was not until 2003. The story of this conflict produced many animated conversations in the village. At that time, the plantation company trucked in more than 300 *preman* (thugs) to evict local people. Some of the *preman* came from other plantations, some were foremen (*mandor*) on this plantation, and some were likely hired by the plantation especially for the operation.²⁵ On their way in, the *preman* had said that they were coming to hunt pigs (which could be, and was certainly interpreted as a double entendre or an insult in a Muslim area). Along the road as they came into the occupied areas, the *preman* burnt people's homes. We heard estimates that from 11 to 27 homes were set on fire. This infuriated the villagers and in retaliation they burned six of the nine trucks.

Later, the police came with people from the plantation. They were told that there was going to be a meeting with the district head (*bupati*). According to some accounts, 18 peasants were taken to jail, some of who were tortured and beaten up. Some were arrested for cutting down trees. Other accounts stated that only eight people were arrested and that only four were tried while the others were let go.

Over the two days of our visit, we eventually got into detailed discussions about the violence of this "fourth" conflict. We learned that not only men fought, but women did as well. The women threw rocks and used machetes just as the men did. As the trucks were coming up the road and people heard that they were burning houses, they rushed up to the road to meet them. The women stood in the front, with older men behind them, and younger men on hillsides, some hiding behind banana plants and other vegetation. The women threw rocks at the *preman* on the trucks who then jumped down. As the *preman* began fighting the men in the lines behind the women, the young men on the hillside threw rocks down at them. The villagers told us that the women went in the

²⁴ In 2000, the average landholding size on Java was 0.4 ha.

²⁵ In Tasikmalaya we saw a storefront for Pemuda Pancasila, a quasi-political organization that had private thugs for hire.

front because *preman* do not want to hurt women, thus their presence cools down the situation. They also told us, when we passed by the road where the confrontation took place, that when the three trucks turned around and left with the *preman*, they pulled a driver out of one of the trucks. They beat him up and then dressed his wounds. Eventually they sent him out to the hospital, but not before they tested his claim to be “*kebal*”, that is, they tested his invulnerability to their weapons by cutting his arm and drawing blood.

When the police came, the women assembled in the local religious school (*pesantren*) and recited the Koran. The men hid. Police asked where the men were and the women replied that they did not know. Throughout this time, the women played important roles in farming, clearing, occupying, in defending the land, and in hiding the men.

We also had a discussion about the *mandor*, and were told the following: The villagers and SPP organizers had tried to talk to the *mandor*, but they tended to regard the villagers as squatters. After the 2003 confrontation, some *mandor* went to work for other plantations but some joined the villagers, SPP, and were allocated land. About five to seven *mandor* joined, most of them from the surrounding villages. They proved useful, because they brought inside information about the plantation. When asked how the land occupiers reconciled with the *mandor*, they said they learned how through SPP-sponsored legal training. They said that whenever there was a clash, the plantation company would have meetings with them and the SPP would subsequently sponsor training sessions. *Mandor* would be invited to both of these. At these training sessions, people learned about their rights under the law. They said that the *mandor* were confused, as they had been, about their rights. They would not have known, for example, that the lease of the plantation had expired. When the *mandor* learned about this, they joined the workers/peasants and obtained their own plots in the occupied lands. In the past, they benefited from working with the plantation. They had been given salaries, wet-rice fields, housing, and other facilities by the plantation. Consequently, their interests initially lay with the plantation and that is why they had supported it.

Villagers seemed as aware of the anomalies and grey areas of taking sides as they did of their own rights. Feri told us a story from a confrontation, perhaps the one in 2003. He said that the villagers captured a policeman. They took his gun, removed the bullets, and returned the empty gun to him. They then gave him back the gun because they knew that if they kept it they would get in trouble. They were brave enough to grab him because they knew he would not shoot with all the people around. They would have killed him if he shot anyone. They took the bullets to the police station and told the police that they had apprehended him. As soon as people released him, the police had to send a truck to pick him up and he was transferred to another region. Nancy asked Feri why they let him go and Feri’s response was that everyone knew he was just doing his job.

We were also told about how new applicants for land in the occupied area have to be from local villages. They had to live on the land and take part in meetings and activities. At the same time, villagers felt that the future is not yet secure. They worried that the government would come back (and take the land away again). They cited things they had seen on television where people from fancy houses were being evicted. The passage of the new plantation law, a week or so before we arrived in the village, was also a matter of great concern.²⁶ As noted earlier, the law makes

²⁶ Noer Fauzi explained the passage of this law in terms of the configuration of power in central government. These laws were drafted through parliament, not through the bureaucracy. Several parliamentary groups (in the DPR) support the plantation elites – it was they who drafted the law and sent it to parliament. Each parliamentary commission has counterparts in bureaucracy. This law came through Commission III whose counterparts are the Ministry of Agriculture including the plantation bureau, and the MoF. If it had come through Commission II, the people’s interests were likely to be taken into account more fully. Commission II’s counterparts are the National Land Agency and the Ministry of Interior.

occupancy of plantation land or damage to plantation crops punishable by five years in prison. This anxiety and the recent passage of the law explain why some villagers expressed a concern that we (as visitors) had come to take over the land for “the Americans.”

People in this area knew about prison—some had been incarcerated after the arrests connected with the occupations. Some had been there as long as three months. Lungisile Ntsebeza asked if they were tortured. One man said he spent a week in prison and was not tortured, but someone else who spent four months in prison was in fact tortured. The fact that Lungisile had spent five years in prison in South Africa gave people pause—perhaps even more so because of the five-year term that was cited in the new plantation law.

Relations between Serikat Petani Pasundan (SPP) and Cieceng Villagers

SPP has had a great impact in Cieceng. After the initial meeting with the SPP, Tatang became the SPP leader in his hamlet. When there were elections for village head in 2003, Tatang was supported by SPP to become village head. He won by 975 to 970, a slender majority of 5 votes. When we took photos, someone mentioned the SPP flag, and a sample of it was pulled out and prominently displayed. Feri said that every household has an SPP flag. Someone brought a silk screening machine so every household could have their own flags. Later, on the way to Blora, Ebod (our driver) told us that the idea for every family to have an SPP flag was an idea that they “stole” from the Landless People’s Movement (MST) movement in Brazil.

Although not everyone in the surrounding villages are SPP-affiliated, it seemed to us that SPP played a primary role in virtually all major decisions made in the occupied areas. For example, on the question of land allocation procedures and size of plots, SPP seems to have led the way and helped enforce it with the enticement of organized power rather than the brutality of enforced violence. A crucial point is that SPP is a membership-based organization, rather than an NGO. This means that the men and women in the disputed area are card-carrying members of SPP.²⁷ Cieceng people showed us their membership cards with pride, and explained that they are more widely used than official identity documents.²⁸

We were also told that some people did not want to be associated with SPP. The reason, it seems, is that these people are afraid of the consequences of the government linking them with SPP, and according to one NGO source, these people “do not yet understand [what SPP can do for them and who they are].” Everyone in the occupied land area supports SPP. They have to, given that in order to get a plot, one needs to be an SPP member paying, as will be seen below, and their monthly dues.

Life in the disputed land

Our impressions during our visit to the disputed village of Cieceng left us with no doubt that the peasants and their families were making a living off these lands. Lungisile was struck by the fact that very little was bought to provide nutritious food. Crops and fruit grown on the land ranged from bananas, (which is also the main crop that is sold), to rice, to cassava, and other vegetables and plants. Bamboo and wood from the disputed area is used to weave the walls and frame their houses. With the money they make, people are buying cattle, goats, chickens, fish seed to stock the fish ponds they built rice mills and trucks, and other capital goods. Tatang was asked recently by the head of the district police how many households occupied the land, and whether their

²⁷ Yet some of us wondered about the relationship between the SPP leadership and the general membership. This is an interesting and complex issue that we did not have the time or opportunity to pursue in detail.

²⁸ Given the history of the PKI in Java, this willingness to use identity cards is quite significant.

economic position improved or not. He made a report and responded with the following information and analysis:

There used to be five motorcycles, now there are more than forty. Every day people harvest two tons of bananas since the occupation—before there were no bananas. When we first came, the people had no trucks – now there are four trucks. They also have two rice-milling machines. Is this improvement or not? This village can now support itself.

We saw examples of these changes all along our walk from the village head's house to the edges of the occupied area. Tatang also said that the villagers were building a road from Cieceng to the main village using "*gotong royong*" (a traditional system of mutual aid commonly invoked in Indonesia). Every family is voluntarily collecting and putting in rocks for ten meters of the hardened road. They will also pave the road themselves. They have had no help from the sub-district (*kecamatan*) office or other levels of government in this endeavor.

Indeed, when we walked for about eight kilometers from the office of the village head to the village, we ran into three men hardening and paving that road. Feri told us this was the *gotong royong* road that the village head mentioned. When Nancy Peluso asked the men whether SPP was behind the road construction initiative, they responded with an emphatic "No, it's the village." However, it was not clear whether these were people who did not want to be associated with SPP, or whether the "No" indicated a sense of ownership of the project. Later, Feri told us that those men were not members of SPP. But others we had met nearby, who had just stopped work for the day, were members of SPP and accompanied us on our journey to the occupied areas.

Tatang indicated that this village is now serving as a model village in the district and at other levels of government. At every training session in the district (*kabupaten*), someone from this village is picked to represent the sub-district (*kecamatan*). In other words, this village has become a showcase, a representative of activity within the *kecamatan*. The alliance with SPP has given them recognition. This is how Tatang expressed his gratitude to SPP, "Now I can shake hands with Gus Dur [common nickname for President Abdurrachman Wahid]. I can meet with you people from America and South Africa. I could not have done this without SPP."²⁹

Most of the peasants subsist from their land. But others are involved in different activities to augment their income. For example, on our walk we met one of many villagers, who in addition to cultivating his 0.5 hectare plot, also acts as a banana merchant. He collects them from villagers and takes them down the mountain to the town of Tasikmalaya in a truck. He pays for the fruit's transport by the kilogram, that is, the weight of the bananas he is transporting. He was on his way to get bananas to sell. We left him in a plot where he began cutting down bananas that he had already sold. He said he had two cows and a buffalo that he bought from his banana profit. He has also made a wet rice plot (*sawah*). According to him, about 100 people in the occupied areas have livestock. He also claimed that almost everyone has some *sawah*. Notably, he owned nothing in the village in which he previously lived.

From another house, a man and his wife came out to talk to us as we passed; he is a religious teacher in a *pesantren* that has been set up in the disputed area. He and his wife were drying bananas on a tray in the yard. The local *ulama* (religious leader) told Nancy that every night he goes to the *pesantren* and reads the Koran with about fifteen children.

People said they planted trees between the bananas but they are still small: durian, rambutan, and mango. As we walked we saw hills covered with banana trees, and some seedlings of these fruit

²⁹ As mentioned above, Agustiana, the leader of SPP, brought Tatang to meet President Wahid in 2000.

trees between them. There were also many cassava plants, hill rice, and plots of wet rice. Water was abundant as were fish ponds of various sizes. Homemade irrigation tubes were constructed from bamboo, and bamboo trees carried fresh spring water into some homes.

Throughout the one and half days in the village, we were offered food and snacks grown on the land: bananas prepared in a variety of ways (raw, fried, boiled, or dried); fried and boiled cassava; several kinds of cassava chips; homemade dodol (a sweet made from glutinous rice and coconut sugar); free-range chicken and fish from ponds; as well as rice. Lungisile was particularly struck by the richness and diversity of the agro-forest environment, and the multiple uses to which resources were put. The contrast with South Africa is dramatic.

He was also struck by the apparent commitment of these young people to a rural life. He noted that people in rural regions in South Africa frequently complain about how young people are not interested in agriculture. We talked with villagers about urban-rural connections, and about how they had been affected by the financial crisis (*krisis moneter*, known commonly in Indonesia as *krismon*). They responded that urban workers had returned to the village, and that some had returned to cities to work in construction and other areas. One man we spoke with has a high school education. He used to work in construction in Jakarta. In 1996-7 he applied for jobs in Tasikmalaya and elsewhere, but could not get anything because of *krismon*. He also tried to join the military but could not get in. Then he returned to the village in about 1998 and joined SPP. We then asked if he had the opportunity to get a job outside now, would he go? He said no, he would stay in the village. Also, now he would not think of joining the military because he was very angry with the government.

These and other expressions of anger and apprehension seem to be fueled by the looming threat that villagers may be removed from the land; a threat made more palpable by passage of the plantation law. Even though the plantation's lease was up, and as we learned in Yogyakarta after our visit to Cieceng, this meant that the land was technically "other state land"; the land had not been formally transferred to the Cieceng people. They had no legal documents protecting their land rights in the occupied areas. The following statement from the young man with a high school education who unsuccessfully tried to obtain a job, sums up the feeling of the peasants, "The government doesn't care about the people – only about the company. They made people live on the side of the river where they didn't have land." (Later we learned that one of the areas where people came to occupy land was indeed beside the river. We saw it as we walked out of the village.)

Yet there is little doubt that the residents will not give up without a fight. Village head Tatang threatened that if the government returned this land to the plantation, "there will be bloodshed worse than Aceh." In support of this threat, he invoked people from Aceh living in Cieceng. We subsequently learned that the people to whom he was referring were Javanese refugees from violence in Aceh.

There was much discussion about how the government did not care about peasants. The open criticism of the government was striking to those of us who had done research at the height of the Soeharto dictatorship. The current criticism of government was unthinkable when Soeharto reigned supreme under the New Order.

One of the most revealing comments came during a meeting after dinner in the *pesantren*, with large numbers of villagers present:

At this time, the government is trying to cheat the people. The government is also irritated to see that the people are actually smart. The government wants to keep the people stupid. They think we are stupid, but we can't be fooled. They aren't happy when people know their rights.

Maybe the government thinks the people are stupid, but actually they can't fool us. They aren't happy when people know their rights.

Therefore, regarding the question of the security of land tenure, there is ongoing anger and fear.

Lessons from the Cieceng Case

The Cieceng villagers have now occupied the disputed land for more than three years. In many ways, they are established. They grow their own fruit and crops; many have livestock and fish. They can feed themselves and their families. It seems that most of them, if not all, produce a surplus that they sell. This makes it possible for them to engage more actively in the wider cash economy of selling and buying commodities. As we have seen, the village head boasted that through their produce profits, mainly banana, some peasants managed to buy motorbikes and trucks, which they use to augment their income.

But we have also seen that major challenges still lie ahead. The main challenge is the issue of land tenure security. Although production in the disputed territory has not been interrupted over the last three years of occupation, the proverbial sword of Damocles hovers over the Cieceng community. The promulgation of the Plantation Law in July 2004, in the face of major opposition, including, as we have seen, a large march involving more than 7,000 protesters to Bandung, seems strongly indicative of the dominant class interests of the Indonesian state.

We subsequently learned that the Plantation Law cannot be applied retroactively. Yet people could still be pushed off the land if the plantation managed to get an extension of their lease. Moreover, as mentioned earlier, ARuPA told us that the SFC was challenging the regional law that ARuPA had helped the district of Wonosobo write and have taken it to the Supreme Court. Companies and parastatals also lobby other branches of government to protect their class (and jurisdictional) interests. They clearly use their financial muscle, knowing how difficult it is for poor people to challenge them in court. Court cases in any capitalist society are by nature costly, and often, the poverty stricken are extremely disadvantaged when they have to seek justice through courts of law. In light of the above, the fears and anger of the Cieceng people in the disputed land are justified. What is to be done?

We have seen that SPP is involved in the political campaign to secure the land tenure rights of Cieceng peasants and farmers in other land occupations or "land reform by leverage." It seems important that this level of engagement with the state should be combined with a legal effort to have the plantation law declared null and void. In this regard, it could be useful for SPP to mobilize those elements within government who are not happy with this law, as they seem to already be doing in selected districts, such as Garut. Some individuals within the National Land Agency seem allied with these NGOs and poor peasants. If the UUPA is revised along the lines discussed in previous sections, the extended power of the National Land Agency might be restricted. However, it also remains to be seen if, in the wake of the passing of the plantation law, the forestry establishment takes the occupation of its land to the Supreme Court.

Apart from the issue of security of tenure, the Cieceng case provides an illustration of the dynamic relationships between NGOs and social movements and their constituencies (in this case the Cieceng community) on the one hand, and the state on the other. It seems clear from the

interviews and conversations we had with people in Cieceng that SPP plays a major role in shaping things there. We have seen that all landholders in the disputed territory are SPP members. Indeed, as things are, SPP membership and adherence to all the responsibilities attached to that membership is a condition for access to new land. With regard to the state, the case study shows that NGOs and social movements such as KPA and the leadership of SPP are willing to confront the state and stand by the landless communities when there is a clash between their interests.

Another lesson worth noting regarding the SPP/constituency relationship is the fact that SPP is not dependent on foreign funding to run its campaigns. As a membership organization similar to trade unions members pay dues. What is also remarkable is that villagers shoulder the expenses. They hire buses when they participate in protest actions such as the lobby against the plantation law or the land reform demonstrations. Peasants also pay the transport costs of NGO organizers when they travel to their villages for meetings, and provide room and board for them while they are there.

There are a number of questions arising out of this relationship that could be explored further. For example, what happens to peasants who decide to withdraw from SPP? Do they lose their land? Also, assuming that SPP were to successfully assist the Cieceng peasants in obtaining documents that give them security of tenure, to what extent will this effect the relationship between SPP and the Cieceng community as a whole and as a set of individuals? Other questions that we hardly touched on during this trip include: How does the membership-based organization of SPP work in practice? How is the leadership of SPP determined? What are the roles of the ordinary members of SPP? What are the relations between ordinary members and the leadership?

As we explain in the first part of this paper, the visit to Cieceng came at the end of our traveling workshop, but it helped to focus and consolidate many of the impressions and much of the information we had gleaned from our journey thus far.

VI. Closing Notes: Key Conclusions and South African Connections

The fall of Soeharto opened up new opportunities for NGOs and social movements, including those operating in the land and agrarian arena. KPA, for example, which since its inception in 1994/5 worked, as various members (Dianto, Erpan, and Fauzi) explained, as an underground organization, emerged in the open and put the land and agrarian issues on the agenda. We have seen that this NGO played a critical role in processes that led to the proclamation of the 2001 Decree. The principal question is how this political space that arose after the collapse of the Soeharto regime was exploited by land-hungry Indonesians. To attempt to answer this question, we spent two days in Cieceng village.³⁰ We are presenting this case of villagers occupying plantation and forestry land as a single illustration of how some communities have utilized the political space, not as a generalization on the basis of one experience. Additionally, the Cieceng case provides us with a concrete case of the dynamic relationship between NGOs and social movements, and how land occupations are intimately connected with forces at play in district, national, and transnational arenas.

Land occupation as exemplified by the Cieceng case also helped us identify three key themes that we expect to pursue in future comparative research in both Indonesia and South Africa.

First, we came to see how the process of land occupation is closely linked with struggles in national legislative arenas, and with reconfigurations of district and village level power in the context of decentralization. Our own contribution entailed exploring the relationships between KPA, SPP, and their affiliated local NGOs, and documented how some of them had been intervening in legislative reform at the national level, district and local government; and actual land occupations in one site in Tasikmalaya. We were interested in the roles of NGOs as they maneuvered through and mobilized around agrarian reform issues, in the early years after the legal reforms and in the interim period (1999-2001) leading up to it. Thinking in terms of relational comparison across these three arenas helped us gain a clearer understanding of how connections among NGOs and the agrarian reform movement are constantly being reworked through interventions in these arenas; how interventions in any one arena call on and invoke what is going on in others; and how the arenas themselves are constantly being reworked and transformed.

Our second key point is that *the Indonesian state is the biggest and most powerful landlord being challenged in this era of reform*. A key element of dispossession under the New Order entailed extending state control over massive areas of land categorized for the first time as “national forest,” or allocated to state and corporate plantations. These developments during the New Order are crucial to grasping contemporary land struggles, and why they differ profoundly from land struggles in the first half of the 1960s. As decentralization and the components of Indonesian state power continue to be reconfigured, we expect to witness an on-going struggle between “big” land management agencies and “smallholders” through various arenas of contestation.

Our third contribution has to do with the transnational connections that are informing and being informed by developments in Indonesia. While the other two points were discussed in detail above, some of the South Africa connections made by people we met in our trip through West Java are offered in closing here. We observed four distinct ways in which Indonesians were deploying South African connections.

³⁰ This visit was the highlight of our trip and although it came at the end of the trip, it enabled us to grasp the significance of our many meetings and encounters thus far, and to understand how they were connected with one another and with the whole process of land occupation in post-Soeharto Indonesia.

In the initial stages of *reformasi*, Indonesians were interested in using South African models to take back to Indonesia. One example of this grew out of Noer Fauzi's trip to South Africa for the World Summit on Sustainable Development, when he was asked by the head of the National Land Agency to give a paper on his impressions of South Africa's land reform policy and its implementation. The paper emphasized how Indonesians could use or adapt South African restitution legislation as a means for reclaiming land expropriated by the Suharto regime. After this session, the National Land Agency decided to send Professor Maria Sumarjono and representatives from KPA and SPP to South Africa in December 2003. As a consequence of that trip, Maria Sumarjono formulated recommendations for a Land Claims Court modeled on the system established in South Africa to expedite restitution claims.

Second, we came upon a fascinating example of how conditions in South Africa were being used to call into question those in Indonesia. Martua Sirait, an Indonesian researcher at the International Center for Research in Agroforestry (ICRAF), talked about how he went to South Africa with the head of the Legal Bureau of the MoF who is in charge of forest mapping. During the Soeharto era this agency was extremely powerful, as it was in charge of forest mapping and reservation, although now it seems to be losing power. Martua used South Africa to demonstrate how foresters have very little power in South Africa, and to emphasize that the Department of Land Affairs and Agriculture deals with questions of land tenure. What is interesting about this deployment is the way South Africa was being used to call into question the power of the MoF in Indonesia. In addition, it underscores the point made earlier about how a key element of dispossession under the New Order entailed extending state control over massive areas of land categorized for the first time as "national forest," or allocated to state and corporate plantations – and how the the Indonesian state has become the largest and most powerful landlord being challenged in this era of reform.

The third and most important deployment of South Africa was as a negative case – in terms of growing recognition by Indonesians of the limits of South African land reform, as well as their perceptions of the tensions within and between the National Land Committee (NLC - an umbrella organization of NGOs) and the Landless People's Movement (LPM). For example, when asked about the South African market-based system of willing buyer/willing seller, Maria Sumarjono of the BPN immediately responded "*ngak bisa*", i.e. "we can't do that because the situation here is very different. We have a different philosophy ... We have different ways of thinking." This response is particularly interesting in light of intense debates about land titling in Indonesia, related also to the redrafting or refining of the Basic Agrarian Law discussed above, particularly the relationships of land titling and legislative change to old and new agrarian reform agendas.

Another example of how South Africa was being used as a negative instance came from Dianto Bachriadi from KPA who visited South Africa with, among others, Maria Sumarjono and Agustiana of SPP at the end of 2003:

We went to South Africa to learn how to implement land reform. Our assumption was that it was good. But we learned a different story from Department of Agriculture, LPM, NLC, SACP. What we got is that the idea is good, but implementation is such that land does not go to the poor, but mostly to middle-class black farmers – and that black and white is still an important question in South Africa. We also found that restitution failed to touch the real problem of people who lost land. It made us realize that we need to think very carefully about how we implement state policy in Indonesia. Political constellations here are more complex. In South Africa it is much more clear.

In answer to the question as to precisely what he meant, he answered that in the post-Soeharto period political constellations are easier to manipulate:

The key question is how we manage our work (in these conditions). Can we improve land reform by leverage? We realize that advocacy work is only a game. We have to expand the arena, but that is not the goal. It just gives us more space for farmers to increase their activities. (The key question) is how they can organize themselves and manage their own conditions...

The response from Agustiana is also revealing:

We came to South Africa looking for solutions – and found much bigger problems. The LPM is trying to move the delineation markers. They have good slogans, but no way [to put them into practice].

He went on to talk about how to find existing spaces – or room to maneuver – and also to use the example of MST) in Brazil to reflect on differences between South Africa and Indonesia:

The NLC already exists; the question is can they change their orientation? How to change so that the agenda of local people rather than political party [is dominant?] MST is a positive example (although it has negative features). They are looking for synergies – how to create synergies with other interests. It is easier [to organize] in South Africa than Indonesia because (a) South Africa is geographically compact as opposed to multiple islands, (b) not as centralized in one city, (c) same languages and institutions, (d) more international attention to human rights issues, (e) no forests. There are vast expanses of land – why not just claim it? In Indonesia it takes ages to cut down trees to plant land, and land can't be claimed until it is planted.

Part of what is striking about these responses is how both of them saw conditions in South Africa as simpler and easier than in Indonesia – a claim that many South African activists could well call into question. Although in their conversations with us neither was openly critical about the organizational capacities of the LPM, it was clear that they were using their understandings of dynamics at play in South Africa to reflect on their own organizational capacities and strategies.

In these and other ways, our trip was enormously productive in illuminating how transnational connections are working, and in suggesting next steps and new directions in our comparative project.

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Appendix 1

Table 1 - Land dispute cases organized by SPP in GARUT District

No.	Name of Village/ Sub-district	Disputed Lands (ha.)	Households	Starting year of organizing	“Opponent”
1	Sagara/ Cibalong	1,100	776	1989	Perhutani
2	Karyamukti/ Cibalong	580	452	1999	Perhutani
3	Sancang/ Cibalong	100	131	1999	BKSDA
4	Mekarjaya/ Sukaresmi	32	12	1999	BKSDA
5	Mekarjaya/ Sukaresmi	150	230	1999	Perhutani
6	Sarimukti/ Pasirwangi	200	220	1999	Perhutani
7	Pangauban/ Cisarupan	150	210	1997	Perhutani
8	Cipaganti/ Cisarupan	100	115	1997	Perhutani
9	Karamat Wangi/ Cisarupan	200	540	1997	Perhutani
10	Sukamulya/ Pakenjeng	300	500	1997	Perhutani
11	Sukamukti/ Cilawu	23.5	209	1999	PTPN VII Dayeuh Manggung
12	Mekarmukti/ Cilawu	13	101	1999	PTPN VII Dayeuh Manggung
13	Dangiang/ Cilawu	28.410	118	1999	PTPN VII Dayeuh Manggung
14	Neglasari/ Cisompet	78	211	1999	PTPN VII Bunisari Lendra
15	Neglasari/ Cisompet	27	50	1999	PTPN VII Bunisari Lendra
16	Jatisari/ Cisompet	12	30	2002	PTPN VII Bunisari Lendra
17	Karyasari/ Cibalong	75	138	1999	PTPN VII Bunisari Lendra
18	Sagara/ Cibalong	125	131	1999	PTPN VII Miramare
19	Tegallega/ Bungbulang	100	100	1999	PBS Condong
20	Karangwangi/ Mekarmukti	100	200	1999	PBS Condong
21	Sinarjaya/ Bungbulang	150	150	1999	PBS Condong
22	Jangkurang/ Leles Rancasalak/ Kadungora Mandalasari/ Kadungora Hegarsari/ Kadungora	200	300	1994	Village head, Bureaucrats of Garut District Gov.
		3,792	4,924		

Table 2 - Land dispute cases organized by SPP in TASIKMALAYA District

No.	Name of Village/Sub District	Disputed Lands (ha)	Households	Starting year	“Opponent”
1	Tanjung Karang/Cigalontang	400	900	1999	Perhutani
2	Nagrog/Cipatujah	100	129	1999	Perhutani
3	Cieceng/Cikatomas	700	700	1999	PTPN VII Bagja Negara
		1200	1729		

Table 3 - Land dispute cases organized by SPP in CIAMIS District

No	Name of Village/Sub District	Disputed Lands (ha)	Households	Starting year	“Opponent”
1	Margaharja/Sukadana	280	750	1998	Perhutani
2	Pamotan/Kalipucang	300	847	1999	Perhutani
3	Bangun Karya/Langkap Lancar	760	90	2000	Perhutani
4	Kalijaya/Banjar Sari	800	200	2000	Perhutani
5	Jadikarya/Langkap Lancar	150	50	2000	Perhutani
6	Bojong/Parigi	100	60	2000	Perhutani
7	Bagolo/Kalipucang	200	250	2000	Perhutani
8	Selasari/Parigi	300	200	1999	Perhutani
9	Pasawahan/Banjar Sari	708,725	1535		Perhutani
	Cigayam/Banjar Sari				
	Cikaso/Banjar Sari				
	Banjaranyar/Banjar Sari				
	Kalijaya/Banjar Sari				
10	Pasawahan/Banjar Sari	300	324		PTPN VII
11	Sindangsari/Cijulang	1318,12	1700	1999	PT. Cikenceng
	Ciparanti/Cijulang				
	Kertaraharja/Cijulang				
12	Cimerak/Cijulang	368,17	551	1999	PT. Cikenceng
13	Jalatrang/Cipaku	74,97	120	1999	PT. RSI
14	Jelat/Cipaku	41,76	75	1999	PT. RSI
15	Maloya/Ciamis	300	215	1999	PT. Maloya
16	Kalangsari/Kawali	300	200	1999	PT. Cintanagara
		3790	7167		

Appendix 2

An unofficial translation of MPR Decree No. IX/2001

THE PEOPLE'S CONSULTATIVE ASSEMBLY OF THE REPUBLIC OF INDONESIA

DECREE OF THE PEOPLE'S CONSULTATIVE ASSEMBLY OF THE REPUBLIC OF INDONESIA NO. IX/MPR/2001

ON AGRARIAN REFORM AND NATURAL RESOURCE MANAGEMENT

BY GRACE OF GOD, THE ALMIGHTY

THE PEOPLE'S CONSULTATIVE ASSEMBLY OF THE REPUBLIC OF INDONESIA,

Considering:

- a. That agrarian resources and natural resources as blessings from God to the Indonesian people are national riches to be thankful for. Therefore, these resources must be optimally managed and used for present and future generations to create a fair and prosperous society;
- b. That the People's Consultative Assembly of Republic of Indonesia has a constitutional duty to determine the direction and basis for national development that can solve problems of poverty, socio-economic imbalances and injustice as well as natural resource destruction;
- c. That management of agrarian/natural resources to date has caused a decrease in environmental quality and a lack of balance in the structure of control, ownership, use and exploitation of those resources and has given rise to conflict;
- d. That regulations relating to the management of agrarian/natural resources overlap and contradict each other;
- e. That the fair, sustainable and environmentally friendly management of agrarian/natural resources must be carried out in a coordinated and integrated manner that accommodates the dynamism, aspirations and participation of the people, and so that conflicts are resolved;
- f. That to realize the long-standing wishes of the Indonesian people as stated in the Preamble of the 1945 Constitution, a serious political commitment is required to give a basis and direction to agrarian reform and management of natural resources in order for it to be a fair, ongoing and environmentally friendly process;
- g. That in relation to considerations in letters a, b, c, d, e and f, a Decree of the People's Consultative Assembly on Agrarian Reform and Natural Resources Management is required.

Referring to:

1. Article 1 clause (2), Article 2, Article 3, Article 18, Article 18A, Article 18B, Article 25E, Article 28A, Article 28C clause (1), Article 28D clause (1), Article 28G, Article 28H, Article 28I, Article 28J, Article 33 clause (3) of the 1945 Constitution;
2. Decree of the People's Consultative Assembly No. XV/MPR/1998 on Regional Autonomy; Fair Management, Distribution and Use of National Resources; and Equalization of Central and Regional Financial in the Framework of Unity of the Republic of Indonesia;
3. Decree of the People's Consultative Assembly of the Republic of Indonesia No. II/MPR/1999 on the Establishment of the Rules and Regulations of the People's

Consultative Assembly of the Republic of Indonesia as amended with the Decree of People's Consultative Assembly of the Republic of Indonesia No. V/MPR/2001;

4. Decree of the People's Consultative Assembly No. IV/MPR/2000 on Recommendations of Policy for Regional Autonomy;

Noticing:

1. Decision of the People's Consultative Assembly of the Republic of Indonesia No. 5/MPR/2001 on the Agenda for the People's Consultative Assembly of the Republic of Indonesia 2001 Annual Meeting;
2. Discussion in the People's Consultative Assembly 2001 Annual Meeting from November 1 to November 9, 2001 about the Draft Plan of the People's Consultative Assembly of the Republic of Indonesia on Agrarian Reform and Natural Resources Management, prepared by the Executing Board of the People's Consultative Assembly of the Republic of Indonesia;
3. Decision of the 7th Plenary Meeting on November 9, 2001 in the People's Consultative Assembly of the Republic of Indonesia Annual Meeting.

DECIDING

To determine:

A DECREE OF THE PEOPLE'S CONSULTATIVE ASSEMBLY OF THE REPUBLIC OF INDONESIA ON AGRARIAN REFORM AND NATURAL RESOURCE MANAGEMENT

Article 1

The Decree of the People's Consultative Assembly on Agrarian Reform and Natural Resource Management is the basis for laws and regulations on agrarian reform and natural resource management.

Article 2

Agrarian reform refers to an interconnected process relating to the reorganization of power, ownership, use and exploitation of agrarian resources that is carried out in order to achieve certainty and protection of the law as well as justice and prosperity for all Indonesian people.

Article 3

Management of natural resources on land, in the ocean and in the air is carried out optimally, sustainably, and in a way that is environmentally friendly.

Article 4

The state determines management of agrarian and natural resources that is for the benefit of the people to the fullest extent.

Article 5

Agrarian reform and natural resource management must be carried out according to the following principles:

- a. maintain and protect the integrity of the Republic of Indonesia;
- b. respect and protect human rights;
- c. respect the supremacy of the law by accommodating diversity in legal unification;

- d. promote peoples' prosperity, particularly through improving the quality of human resources;
- e. develop democracy, rule of law, transparency and optimalization of the people's participation;
- f. create justice in the control, ownership, use and maintenance of agrarian/natural resources;
- g. nurture sustainability that can provide optimal benefit, for the current generation and for future generations, by heeding environmental capacity and support;
- h. conduct social, conservation, and ecological functions according to local culture;
- i. increase integration and coordination between development sectors and between regions in management of agrarian reform and natural resources;
- j. acknowledge and respect the rights of indigenous peoples and cultural diversity regarding agrarian/natural resources;
- k. strive for a balance in the rights and responsibilities of the state, government (central, provincial, district/subdistrict, and village or the same level), communities and individuals;
- l. implement decentralization by distributing authority at the national, provincial, district/subdistrict, and village or the same level, in conjunction with the allocation and management of agrarian/natural resources.

Article 6

(1) Directions for agrarian reform policy are:

- a. Conduct research on legislation relating to agrarian policy to synchronize inter-sector policy and bring about legislation that is based on principles as referred to Article 5 of this Decree.
- b. Rearrange control, ownership, use and exploitation of land (land reform) that is equitable by noting land ownership by the people, both in rural and urban areas.
- c. Conduct data collection on land through inventory and registration of land control, ownership, use and exploitation in a comprehensive and systematic process in the framework of land reform implementation.
- d. Settle conflicts relating to agrarian resources arising to this time while at the same time anticipating potential conflict in the future, thus guaranteeing the upholding of law based on the principles referred to in Article 5.
- e. Strengthen institutions and their authority to conduct agrarian reform and to settle disputes relating to agrarian resources.
- f. Ensure the availability of funding for programs of agrarian reform and for the resolution of conflicts relating to agrarian resources.

(2) Directions for policy on natural resource management are:

- a. Review regulations relating to management of natural resources to synchronize the inter-sector policy based on principles referred to in Article 5 of this Decree.
- b. Optimize natural resource use through the identification and inventory of quality and quantity and potential for national development.
- c. Expand access of information to society about natural resource potential in their regions and encourage the establishment of social responsibility to use environmental friendly technology including traditional technology.
- d. Pay attention to the types and characteristics of various natural resources and implement efforts to add value to these natural resources.
- e. Settle conflicts on natural resource use and anticipate potential conflict in the future, thus guaranteeing the upholding of law as per the principles referred to Article 5 of this Decree.
- f. Develop a strategy to use natural resources based on optimal use by paying attention to regional and national interests and conditions.

Article 7

Assign the People's Representative Assembly of the Republic of Indonesia together with the President to work promptly to regulate the implementation of the agrarian reform program and the management of natural resources and to withdraw, amend and/or substitute all laws and regulations that are in contradiction to this Decree.

Article 8

Assign the President of the Republic of Indonesia to implement immediately the Decree of the People's Consultative Assembly of the Republic of Indonesia on Agrarian Reform and Natural Resources Management and to report its implementation to the Annual Meeting of People's Consultative Assembly of the Republic of Indonesia.

Article 9

This Decree shall come into force on the date of its ratification.

Decreed in Jakarta
on November 9, 2001

Chairman, Prof. Dr. H.M. Amien Rais
Vice Chairman, Prof. Dr. Ir. Ginandjar Kartasasmita
Vice Chairman, Ir. Sutjipto
Vice Chairman, Letjen. TNI Agus Widjojo
Vice Chairman, Drs. H. A. Nazri Adlani
Vice Chairman, Drs. H. M. Husnie Thamrin
Vice Chairman, Prof. Dr. Jusuf Amir Feisal, S. Pd.

(translation by Sarah Maxim)