

# MESUJI: ANATOMY OF AN INDONESIAN LAND CONFLICT

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The **Institute for Policy Analysis of Conflict** (IPAC) is the name adopted in 2013 by Yayasan Penanggulangan Krisis Internasional, an Indonesian foundation. Based in Jakarta, IPAC works on the principle that understanding conflict is the first step toward stopping it, and produces in-depth reports based on field research on six kinds of conflict: communal, insurgent, extremist, electoral, vigilante and land/resources. Indonesia is the main focus, with planned future expansion to Myanmar and Bangladesh. For more information email Sidney Jones, IPAC Director, at [sjones@understandingconflict.org](mailto:sjones@understandingconflict.org).

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## EXECUTIVE SUMMARY

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A major conflict is brewing in Lampung, Sumatra, where thousands of farmers have occupied a commercial plantation in Mesuji district, and security forces are under orders from Jakarta to clear them out. The clearing is likely to take place immediately after the holiday marking the end of Ramadan. It is not a simple story of poor farmers against a big company, however. Different parts of government take different sides, the farmers consist of several groups with mutually exclusive claims, and the company is periodically winner and loser. Virtually every actor at some point is both a perpetrator and a victim of a perceived injustice.

What happens in Mesuji is important because land and resource conflicts are becoming a major source of lethal violence in Indonesia and there are no good mechanisms for resolving them. It is hard enough to find long-term strategies that might mitigate future conflicts; it is even harder to deal with existing ones that have the potential to escalate out of control. In such cases, the government must make clear decisions about who will be given access and user rights, but those decisions must be based on a fair and transparent process. Land disputes may be extraordinarily complicated, but allowing them to fester only makes them worse.

The dispute described here is one of the messiest but in many ways it reflects many political and economic processes at work in Indonesia today. The land at the heart of the dispute was once a protected forest area known as Register 45. In the mid-1980s, after logging had virtually denuded it, the forestry ministry gave a permit to a company called PT Silva Inhutani Lampung, or PT Silva for short, to plant fast-growing industrial trees as well as rubber on about a third of the area. In 1991, the permit was expanded to all 33,500 hectares (ha) in Register 45 and in 1997, to an additional 9,600 ha that had never been part of the original register. A swathe of 7,000 ha of that additional land has become one of the most contested parts of the site, not only between farmers and the company but among different groups of farmers.

The claimants include the communities that originally lived in or around the 7,000 ha; ethnic Balinese and Javanese migrants from elsewhere in Lampung who between 1996 and 1999 settled on land lying idle and began to plant cassava, the traditional staple food of people who cannot afford rice; and migrants who were evicted from other areas of Lampung.

From 2008 onwards, another group appeared: an ethnically mixed group, backed by diverse political interests and a hoard of land speculators, who began moving into an area of Register 45 called Tugu Roda. With the help of Jakarta-based supporters, they claimed the land they were occupying, and eventually the disputed 7,000 ha as well, using a newly revived clan council that was willing to recognise as indigenous anyone who would settle on the company's land to plant cassava. The move coincided with the rising value of cassava as a source for the starch used in the production of ethanol.

Land-hungry farmers poured in, paying brokers for plots. In September 2011, company security guards, backed by local police, forcibly evicted some 800 people. At this point, Maj. Gen. Saurip Kadi, a retired army officer called the "Hugo Chavez of Indonesia" by his admirers, decided to champion the settlers against the company and arranged a hearing at the Indonesian parliament. He brought leaders of the Register 45 dispute, together with representatives of farmers in two other disputes in the Mesuji area, to Jakarta and further confused the issue by screening a video, allegedly of violence by security forces, that later was shown to have included footage spliced in from southern Thailand. The total killed in the three disputes was nine, not 30 as the video claimed, and five were company employees killed by angry farmers.

National outrage over the violence in Mesuji led to the appointment of a government fact-finding team, which found many people to blame for the escalation of the dispute, including the company, the land speculators and some of the claimants. But the media attention also helped spark new efforts by the clan council and its Jakarta backers to bring more settlers onto

the site. By 2013, the population around Tugu Roda had grown by at least 4,000 families, and the newcomers were systematically cutting down the company's trees and burning the land to clear it for cassava, with little reaction from police. Instructions from the coordinating ministry for political, security and legal affairs as of early 2013 to evict the settlers were not carried out for months.

On 18 July, the governor of Lampung finally signed a decree authorising the clearing of Register 45, paving the way for evictions to begin. Over 400 police and military arrived at the site by early August to tell people to leave; the actual operations were reportedly scheduled to begin immediately after the Idul Fitri holiday, known in Indonesia as Lebaran.

Local government officials believe that bloodshed is inevitable if the settlers are forced out but believe the central government has a responsibility to act; some are sympathetic with the original claimants who are steadily losing ground and want the usurpers gone. At the same, many parties are benefiting from the stalemate -- including all those profiting from the land sales and cassava cultivation, merchants in nearby Tulang Bawang who see the settlers as a growing market for supplies and consumer goods, and local politicians who see them as potential voters. Under the circumstances, there has been little incentive until now to comply with the eviction order.

In May 2013, however, with no solution in sight, violence broke out among the settlers, and this may have prompted Jakarta's determination to move forward with the clearance operation.

## RECOMMENDATIONS

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To the government of Indonesia:

1. Focus on implementing the recommendations of the 2012 government fact-finding report on Mesuji with particular attention to:
  - differentiating between legitimate and spurious land claims;
  - investigating - and prosecuting or taking other action where appropriate - a variety of allegations of illegal actions, including organising land sales and occupation; vandalism of company property and burning and clearing land in its concession area; and alleged misuse by the company of its land-use permit;
  - developing clear regulations about payments or support to police or other state security officials by private companies.
  - ensuring that any evictions carried out are based on a carefully thought through relocation plan for the farmers concerned and that no lethal force is used; and
  - encouraging the police to conduct an independent audit of the command in Tulang Bawang district that repeatedly failed to enforce the law against wrongdoers despite obvious evidence of criminal acts.
2. Consider undertaking pilot projects in Lampung for the "one map movement", including setting up a mapping unit within the provincial planning office. (The "one map movement" focused on better spatial planning as a way of resolving land conflicts may help prevent future conflicts, although its value in a conflict as complicated as Mesuji may be limited.)
3. Reduce confusion of roles between the Ministries of Forestry and Agriculture by transferring authority for any "forest areas" used for commercial plantations to Agriculture, whereby they can come under the jurisdiction of the National Land Agency (Badan Pertanahan Nasional, BPN). This is less a vote of confidence in the BPN than a belief that any reduction of bureaucratic overlap will facilitate the search for solutions.

4. Rethink current policies of large-scale land-use grants for food, energy and reforestation to ensure that the welfare of smallholders is given high priority.
5. Redouble efforts at legal and judicial reform to restore some public confidence in the courts and ensure citizens believe they can get a fair hearing and do not need to take the law into their own hands to resolve grievances.

To the NGO community working on human rights and land reform:

6. Develop a nuanced policy paper on land and resource conflicts, aimed at avoiding the problems that Register 45 has thrown up, that can be presented to an incoming president in 2014.
7. While championing customary rights and the inclusion of customary communities in decision-making on land-use, ensure that corruption or impropriety within those communities be criticised and addressed. Especially in the light of the Constitutional Court ruling in May 2013 that customary forests can no longer be considered state land, use the dispute over Register 45 as a case study to think through how multiple claims to the same land – involving competing adat organisations but also long-term transmigrant families with proof of land ownership – can be fairly and equitably resolved.
8. Continue to press the Forestry and Agriculture Ministries for full transparency about how decisions to grant concessions to agribusinesses are made.



## I. INTRODUCTION

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Indonesia is awash in complicated land conflicts, but the dispute over Register 45 in Mesuji district, Lampung province is one of the messiest. At its most basic, it involves farmers who claim that the government took their land in the 1990s and gave it to a company called PT Silva to plant industrial trees in a designated forest area called Register 45.

This is not a simple narrative of a corporate land grab, however. Along the way, the original claims get obscured as different groups of farmers set out to dupe and defraud each other; the company is seen as both perpetrator and victim; and outside actors, from politicians to non-governmental organisations (NGOs), seek to exploit the conflict for their own interests. As a local land rights activist said, this is a story of “snakes, rats and crocodiles” in which it is difficult to find heroes.<sup>1</sup>

It is further complicated by overlapping authority among government agencies, three different levels of government with their jurisdiction changing as decentralisation evolves, divisions within the police, an array of contradictory laws and regulations, and political institutions that no one trusts – in other words, it is a perfect microcosm of present-day Indonesia.

It has become increasingly important to untangle, however, because the national government, in a good faith if belated effort to solve the problem, is planning to evict thousands of settlers who indeed have no right to the land in question but who are backed by powerful interests and who may resist, possibly with homemade firearms. The result could be a bloody confrontation in which there will be no winners.

On the other hand, if the government succeeds in finding a non-violent way out that involves a mix of negotiation, differentiating between legitimate and spurious claims, and legal action to respond to alleged wrongdoing on all sides, there might be hope for addressing seemingly intractable land and resource disputes elsewhere. Ultimately the long-term key to the resolution and prevention of these conflicts requires the same elements as for other conflicts: reforming the police and courts, building trust in government, halting corruption and making better laws. In this case, though, the focus needs to be on the immediate future.

It is not surprising that one of the country’s most high-profile and complicated land disputes is taking place in Lampung, a province on the southern tip of Sumatra. The combination of large-scale commercial agriculture, a long history of migration from Java and Bali and poor governance has made Lampung particularly susceptible to violence and vigilantism. A 2004 World Bank report on the province noted:

Longstanding tensions between the minority local people and Javanese, Sumatran and Balinese transmigrants are compounded and exacerbated by inequitable economic conditions and conflict over land. In the absence of effective conflict-managing institutions, the outcome is a society in which insecurity, danger, and fear are all pervasive.<sup>2</sup>

A February 2013 report from the regional military command in Lampung listed 58 ongoing conflicts in the province, 40 of them over land and ten inter-ethnic clashes involving migrant groups.<sup>3</sup> In October 2012, an incident in Balinuraga, South Lampung, between Balinese youths

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1 IPAC interview, Dewan Rakyat Lampung activist, Bandar Lampung, 4 February 2013.

2 Patrick Barron and David Madden, “Violence and Conflict in Non-Conflict Regions: The Case of Lampung, Indonesia”, World Bank, 2004, p. 6

3 Col. Czi Amalsyah Tarmizi, “Peran Korem 043/GATAM dalam Membantu Pemda/Polda untuk Menciptakan Situasi Kondusif”, Bandar Lampung, February 2013. There were also two labour disputes, two inter-village feuds, one conflict over church construction and three outbreaks of vigilantism.

and local Muslim women set off an inter-ethnic clash in which twelve people died. It was unrelated to the Mesuji conflict and took place in a different district, but in Lampung, everything links up: the police exhausted their security budget dealing with Balinuraga, so that when instructions came from Jakarta to clear squatters from Register 45, they said they had to wait for a new influx of funds.<sup>4</sup>

In many outbreaks of violence, failure of the police to anticipate trouble and their slow reaction afterwards make things palpably worse. The fear of a clash (*bentrokan*) and the professional and political implications if things go wrong perpetuate dithering and indecisiveness more generally that go far beyond the police. In Mesuji, had the government moved to stop settlers coming in 2011, the problem in 2013 would be less daunting.

There are several aspects of the Register 45 dispute that make it of particular interest. First, while according to a government fact-finding report, villagers see the company involved, PT Silva, which is part of a large Indonesian conglomerate called the Bumi Waras Group, as “arrogant”, with the government and courts always taking its side at their expense, the company has been seemingly powerless to stop the systematic plunder of its assets.<sup>5</sup> If Indonesia, as some of its critics suggest, is a neoliberal heaven where the government works hand in glove with big capitalists, why in this case do the occupiers of land licensed to the company seem to have the upper hand?<sup>6</sup>

Second, the Register 45 dispute is the story of a humble tuber, cassava, traditionally the staple of those too poor to eat rice, which has become an important crop as the source of starch for ethanol.<sup>7</sup> All the farmers, long-term and newly arrived, who are buying, renting or claiming land want to grow cassava – and sell it back to the same Bumi Waras Group that owns PT Silva, which happens to run one of the biggest cassava processing plants in the country. In fact, some say they moved on to the land in part because they saw that the company itself was growing cassava rather than trees on some areas of Register 45 and other areas were lying idle.<sup>8</sup> As they saw it, if there was available land, a plentiful supply of land-hungry farmers and a demand for cassava, why not cash in? The problem is that many of the slightly longer-term settlers did so not just by planting the crop but also by collecting land-use fees from more recent arrivals.

Third, much of the land claims revolve around customary land (*tanah adat*) claimed by indigenous Lampungese clans (*marga*). But in Mesuji, the conflict has given rise to three groups claiming to represent the same *marga*, at least one of which was encouraging Balinese and Javanese to become “naturalised” members of the clan to increase its lobbying strength. When anyone, out of sheer economic interest, can become “indigenous”, the idea of customary rights loses all meaning. Thus, while sorting out land claims is necessarily a first step in Mesuji, a comprehensive solution must be informed by a broader sense of equity that is not tied to particular interpretations of customary rights. A ruling in May 2013 by the Constitutional Court giving legal recognition to the concept of “customary forest” (*hutan adat*) may simply complicate mat-

4 IPAC interview, police public relations, Bandar Lampung, 21 February 2013.

5 “Laporan Tim Gabungan Pencari Fakta, Kasus Mesuji”, (government fact-finding report), Jakarta, 2012, p. 39. The report states, “a general problem between the local people and the company is that the people feel the company is arrogant and always taking advantage of them with the support of the government. They feel that the law favors the company and ignores the interests of indigenous farmers and other cultivators”.

6 One such critic is Maj.Gen. (ret.) Saurip Kadi, the retired army officer who has become a high-profile defender of the Mesuji farmers. See Saurip Kadi, *Mengutamakan Rakyat* (Jakarta, 2008). But many others, from the left-wing People’s Democratic Party to former speaker of the parliament Amien Rais to hardline Islamist groups criticise the current Indonesian government for “neoliberal” policies that they see as having put the country in thrall to global capitalism. See Amien Rais, *Selamatkan Indonesia* (Yogyakarta, 2008).

7 <http://foreignpolicyblogs.com/2011/04/12/cassava-the-latest-biofuel/>

8 IPAC interviews, Moro-Moro farmers, Mesuji, 4 February 2013.



ters in an area like Lampung.<sup>9</sup>

This report is based on three visits to Mesuji and interviews with all the major parties concerned in Mesuji, Bandar Lampung, Bali and Jakarta.

## II. A SHORT HISTORY OF REGISTER 45

The dispute in Mesuji today is tied to the history of how a protected forest area turned into a land with no trees.<sup>10</sup> The Mesuji region, part of a major Sumatran wetlands system, was very sparsely populated until the twentieth century. Toward the end of the Dutch colonial era, it was still mostly forest and swamps, with a few settlements of indigenous Lampung clans engaged mostly in fishing and swidden agriculture. In the 1930s and 1940s the Dutch administration in Sumatra mapped out a number of areas, called registers, that it declared protected forest; there were at least 49 in Lampung alone. Villagers were compensated for the land taken and then denied access to it; residential areas and cultivated farmland were enclaved and not included in areas designated as protected forest.

In 1940, the residents of Talang Batu, recognised as a village since 1918, signed over 33,500 ha of customary forest to the local colonial administrator that became Register 45. At the end of Indonesia's war of independence in 1949, the new republic needed cash. Commercial logging took off in the once-protected forests and a company called PT B.G. Dasaad was given a timber concession in Register 45. Sawmills and logging camps grew up not far from the village of Talang Batu, and by the early 1970s, migrants were flooding in for work, mostly from Java and Bali. Many of them purchased land and built a settlement that later became known as Pelita Jaya. Its residents became one of the first groups to be evicted after their land was declared as state forest.

By the 1980s, most of the mature forest was gone. The cleared area was marked by the growth of a fast-growing, fire-resistant tree called *gelam*, which briefly became a commercial commodity, sold as timber. The trees were cut down faster than they could grow back, however, and by the late 1990s, the good-sized ones were gone. The smaller trees were used for poles and charcoal production, but this industry too declined as even the secondary forest disappeared.<sup>11</sup> A steady stream of people moved in, both on their own and through the government-sponsored transmigration program, to cultivate crops, including on new government plantations set up to grow sugar, citrus and other commodities.<sup>12</sup> Fishing yields for villages like Talang Batu declined sharply.<sup>13</sup> The combined changes pushed many villagers into wage labour and sent land values skyrocketing:

9 On 16 May 2013, the Constitutional Court, in response to a petition from the Aliansi Masyarakat Adat Nusantara (AMAN), an indigenous rights organisation, for judicial review of the Forestry Law (Law 41/1999), ruled in Decision 35/PUU-X/2012 that *hutan adat* or customary forest could no longer be considered state land. The decision was a major victory for AMAN, but it raises many questions; some other NGOs see it as potentially allowing for more cooptation of adat leaders by unscrupulous officials and corporations. It remains unclear how the ruling will actually be implemented.

10 The history is compiled from two thick dossiers of documents made available to IPAC by two competing groups of claimants, cross-checked with Mesuji district officials and the forestry ministry in Jakarta.

11 S. Suyanto and Yahyat Ruchiat, "Impacts of Human Activities and Land Tenure Conflicts on Fires and Land Use Changes", CIFOR, p. 7, <http://www.cifor.org/fire/pdf/pdf59.pdf>.

12 Since the colonial period, Lampung had been a transmigration destination, but these early settlements of Javanese and Balinese were mostly to the south of Mesuji. Javanese had settled in Lampung as part of a Dutch-sponsored colonisation program between 1905 and 1942. To the west of Mesuji, the first government-sponsored transmigration took place in the 1950s, when the newly independent republic settled some army veterans from West Java. See Jacques Imbernon, "Changes in agricultural practice and landscape over a 60-year period in North Lampung, Sumatra", *Agriculture, Ecosystems and Environment*, vol. 76 (1999), p. 62.

13 Unna Chokkalingam, Suyanto, Rizki Pandu Permana, Iwan Kurniawan, Josni Mannes, Andy Darmawan, Noviana Khusuyiah and Robiyanto Hendro Susanto, "Community Fire Use, Resource Change, and Livelihood Impacts: The Downward Spiral in the Wetlands of Southern Sumatra", *Mitigation and Adaptation Strategies for Global Change*, 2007, p. 93. This study reported: "Declining fish yields are attributed variously to industrial pollution, wetland reclamation, acidification of the water, and the loss of dry season fish habitats near local villages as a result of repeated burning and changes in land cover".

Increasing pressures on available cultivable land for food cropping and the impact of plantation development has led to a recognition of the value of land in the area, and to an increase in speculative land acquisition and transfer, particularly as private plantations attempt to buy up land. Values have soared, quadrupling between 1985 and 1995 and as a consequence, land speculation and land conflicts underscore many aspects of life in the area today.<sup>14</sup>

By 1985, as the Indonesian government was under international pressure to stop deforestation, it began a land-use planning process designed to encourage the replanting of demarcated forest areas (*kawasan hutan*) with industrial tree crops.<sup>15</sup> For this it turned not to local farmers, who were now considered squatters (*perambah*) if they tried to plant there, but to the same corporations that were getting permits for plantation agriculture.

As part of this process, the Lampung provincial planning board and the provincial forestry office in 1985 began a two-year project to remeasure the old Register 45. Two years later they came up with an area that was 9,600 ha larger than the original register: the additional area included 7,000 ha from land around the village of Talang Batu, and 2,600 ha from around the village of Labuan Batin, Way Serdang at the opposite end of the register (See map in Appendix A). To the extent that the conflict in Register 45 involves a land grab, it started at this point. The new measurements, with a map, were formally signed off on in February 1987 by a district-level “committee for measuring forest boundaries”.<sup>16</sup>

It is not clear how or why the remeasuring produced the expansion, but it led to serious consequences. First, in 1986, as surveying was underway, some 470 people in Pelita Jaya, living on land that was eventually included in the expanded Register 45, were forcibly removed by the Indonesian army despite having proof of land ownership and other evidence of permanent residence.<sup>17</sup> They have been trying to obtain restitution ever since.

Second, while the remeasuring was completed before PT Silva received a permit to plant there (and thus in the company’s view, it should not be blamed for any role in the expansion), the company gradually extended its control to the entire area and was seen by villagers to be an enthusiastic partner of local security forces in keeping them off the land they were claiming as rightfully theirs.<sup>18</sup>

In 1991, PT Silva, then a private company, was given a “temporary” permit to plant the original 33,500 ha.<sup>19</sup> In October 1992, it became a joint venture with a government plantation and became known as PT Silva Inhutani Lampung, the name it uses today – although it bought out the government shares and went fully private in 2004. In 1993, the forestry ministry established the expanded Register 45 as a “forest area with a production function”, that is, one that would be

14 Rebecca Elmhirst, “Resource Struggles and the Politics of Place in North Lampung”, *Singapore Journal of Tropical Geography*, vol. 22, no. 3 (2001), p. 290.

15 The process was known as Agreed Functional Forest Classification (Tata Guna Hutan Kespakatan, TGHK). According to forestry expert Frances Seymour, “TGHK lines were drawn at the provincial level at very coarse scale (maybe 1:500,000, or at best 1:250,000) with the equivalent of a thick crayon, so there was plenty of room for error”. IPAC email correspondence, 3 April 2013.

16 Panitia Tata Batas Kabupaten Daerah Tingkat II Lampung Utara, Propinsi Daerah Tingkat I Lampung, “Berita Acara Pengukuhan/Tata Batas”, February 1987.

17 “Laporan Tim Gabungan Pencari Fakta, Kasus Mesuji”, (government fact-finding report), op. cit., pp. 21-22; interview with Pelita Jaya activist, Lampung, 21 February 2013.

18 Details of how the company provided funding for local police involved in eviction operations can be found in *ibid*, p. 43. A company spokesperson said it was true that they provided food and gave other logistic support to the police who were helping them but that the operational funding for the operations came from the local government. IPAC telephone interview, PT Silva official, 6 April 2013.

19 Its full name was PT Silva Abadi Lampung.

turned over to commercial use.<sup>20</sup> Then, in 1997, PT Silva obtained a full permit to use the 43,100 ha for 45 years, in the name of protecting the environment by planting trees, realising the economic potential of renewable resources, and raising the welfare and prosperity of the people.<sup>21</sup> The trees to be planted were acacia, albizia (*paraserianthes falcataria*, also known as *senon*) and rubber.

The forestry ministry decree granting the permit, however, also outlined several obligations and conditions that the company would have to meet. All of the claimants are using its alleged failure to do so as further justification for their demands. The conditions included:

- setting out boundaries of the commercial forest within two years of the permit's date;
- developing a workplan within ten months and an annual workplan thereafter;
- starting activities in a clear and obvious way within six months of receiving the permit;
- ensuring that within five years, at least one-tenth of the area is planted;
- ensuring that within 25 years, the full area of the permit is planted;
- using the area in line with the workplan;
- replanting trees after harvesting;
- improving the welfare of the surrounding community; and
- ensuring that the community living in the area and those with adat rights are allowed to gather and use forest products such as rattan, sagu, honey, resin, fruits, grasses, bamboo, bark and such to meet their daily needs.<sup>22</sup>

The company was forbidden to transfer its permit to a third party. And crucially, the decree stated that any land that was privately owned, residential, used for dryland or wet rice agriculture or occupied and cultivated by a third party could not be included in the commercial forest.<sup>23</sup>

By the time the double whammy of the Asian economic crisis and political upheaval struck Indonesia in 1997-1998, PT Silva had made very little headway planting industrial trees. One area in the west of the register was planted with pineapples; hundreds of hectares were planted with cassava, which fed into the Bumi Waras Group's factory in neighbouring Tulang Bawang district; and large swathes lay idle.

At the same time, with the downfall of Soeharto in May 1998, a wave of enthusiastic do-it-yourself political reform took place across the country, with unpopular officials thrown out, rights claimed and lands occupied, mostly without serious opposition. Many officials who remained in place became overnight champions of reform, some perhaps cynically but many genuinely caught up in the enthusiasm for democracy and political change.

In Mesuji, this meant that residents of Talang Batu – and particularly those from the hamlets of Talang Gunung, Pelita Jaya and Tanjung Harapan – began pressing their claims against

20 Forestry Ministry Decision No.785/Kpts-11/1993 "Penetapan Kelompok Hutan Reg.45 Sungai Buaya yang Terletak di Kabupaten Daerah Tingkat II Lampung Utara, Propinsi Daerah Tingkat I Lampung Seluas 43,100 (Empat Puluh Tiga Ribu Seratus) Hektar Sebagai Kawan Hutan Tetap Dengan Fungsi Hutan Produksi), 22 November 1993. In 1994, the ministry, through an apparently faulty mathematical calculation, extended the company's land use by 10,600 ha (adding an additional 1,000 ha to the 9,600).

21 Forest Ministry Decision No. 93/Kpts-II/1997, 17 February 1997 .

22 Ibid, section 2.

23 Ibid, Section 3.

PT Silva with a new vigour. It also meant they received more serious attention from local officials, particularly when supervision of forests was shifted in 1999 from the forestry ministry to the provinces as part of Indonesia's decentralisation program. One other consequence was that farmers who had come from other parts of the province and started planting on the company's unused land during the economic crisis felt emboldened to stay.

### III. THE CLAIMANTS: TALANG GUNUNG AND PELITA JAYA

The farmers from Talang Batu who contest the 7,000 ha awarded to PT Silva in 1997 have the strongest claim, and they have campaigned continuously for the land's return. Their exact numbers today are not clear, but they probably total around 1,200 families.<sup>24</sup> At various points, it looked like the government was taking their side, and indeed many officials at the district and provincial levels appear sympathetic to their cause.

Within a week of Soeharto's resignation, the village head of Talang Batu staked a claim with the forestry ministry to all 9,600 ha of the additional area granted to PT Silva on the grounds that it constituted land that was being "occupied and cultivated" and therefore should have been excluded from the register.<sup>25</sup> In September, the ministry decided to set up a fact-finding team to investigate his claim.<sup>26</sup> Both the governor and the district head told the team that part of the village, Talang Gunung hamlet, lay well within the concession area.<sup>27</sup>

In early 1999, another team from the provincial and district forestry offices, together with a company representative, held a meeting with residents from the hamlets of Talang Batu: Talang Gunung, Pelita Jaya, Setajim and Tanjung Harapan. By this time, after several government investigations, their claim was fixed at 7,000 ha of the 9,600 ha that had been added to PT Silva's concession in 1997.<sup>28</sup> The company at this point had only planted trees on some 500 ha, and the villagers asked the forestry officials to ensure that it did not plant any more until the claim was resolved. The company agreed.<sup>29</sup> The team noted that some 300 families from Talang Gunung were still living inside the concession area while others who had been expelled in 1985, mostly from Pelita Jaya, were now living in the other hamlets, especially Tanjung Harapan.<sup>30</sup> Most had proof of ownership in the form of certificates called "land explanation documents" (*surat keterangan tanah*, SKT).

During the meeting, the villagers raised a number of complaints about the company. They alleged that another company, PT Bangun Nusa Indah Lampung (BNIL) had planted cassava on over 800 ha of the land they claimed, in violation of the ban in the PT Silva permit on trans-

24 The 2012 fact-finding report cited 400 families in Talang Gunung and 109 in Tanjung Harapan. A Pelita Jaya activist said the original number of families at the time of their eviction in 1986 had been about 400; it had now swelled to about 700. IPAC interview, Pelita Jaya activist, Mesuji, 20 February 2013. The fact-finding report also notes the presence of some 117 families from the hamlet of Talang Air Mati living on Register 45, but they are newer arrivals and were never part of the original claim.

25 Letter No. 02/TB/V/1998 signed by Damiri bin Dahlan, 28 May 1998.

26 Ministry of Forestry and Plantations [the name was changed after 1998] "Decision No. 618/KPTS-II/1998 Regarding the Formation of a Fact-Finding Team Re the Problem of the Occupation of Forest Area in Lampung Province", 7 September 1998. The team consisted of forestry officials from Jakarta and Lampung as well as an NGO called Gerbang Utama, led by former labour activist Muchtar Pakpahan, which then claimed to be acting on behalf of the farmers.

27 Letter 140/690/[not clear]/TB/1998 signed by Santori Hasan, bupati of Tulang Bawang, 2 November 1998. The district head asked that the hamlet of Talang Gunung, in Talang Batu village, be taken out of the company's concession area and returned to the people, "especially since all available land in Tulang Bawang has been completely used up for sugar, palm oil, cassava and pineapple plantations as well as transmigration".

28 "Berita Acara Hasil Pertemuan Tim Dalam Rangka Peninjauan Lapangan Terhadap Permohonan/Tuntutan Pemembalian Lahan Yang Dijadikan Areas (KHP) Sungai Buaya Reg.45 oleh Masyarakat Dusun Talang Gunung Desa Talang Batu Kec. Mesuji Kabupaten Daerah Tingkat II Tulang Bawang Seluas 7,000 Ha", 12 February 1999.

29 Ibid.

30 Ibid.

ferring rights to a third party, that PT Silva had sold plots to individuals who were also now planting cassava and were intending to plant oil palm – and asked why all these people should be allowed to use the land when they as the original owners were denied access.<sup>31</sup> The company says it never rented or transferred land to anyone.<sup>32</sup>

The Talang Batu villagers received strong political backing from Lampung's governor and began to get support from the forestry ministry as well. In September 1999, an official there suggested two possible solutions: redesign Register 45, taking out the 7,000 ha belonging to Talang Gunung, or enclave the area worked and cultivated by the villagers and “relocate forestry functions to a different area” – i.e., find the company a little extra land elsewhere to plant its trees.<sup>33</sup> Few in the government seemed to question that the villagers' claims had merit.

In 2000, Nur Mahmudi Ismail, the new Forestry Minister appointed by President Abdurrahman Wahid, proposed a new solution that the central government today has now championed: enclave the residential area of Talang Gunung (houses, schools, places of worship); and work out a partnership with PT Silva for the rest of the 7,000 ha, whereby the villagers would have to plant commercial trees as per the terms of the company's permit, without any recognition of ownership or even usufruct rights.<sup>34</sup> The villagers refused.<sup>35</sup>

By June 2002, the pendulum seemed to have swung the villagers' way. A new president, Megawati Sukarnoputri, and a new forestry minister were both in place. In a memo to the latter, a senior forestry official wrote that the claims of Talang Gunung should be accepted, with 7,000 ha returned to them because there had been “fundamental errors” in the 1987 measuring exercise.<sup>36</sup> In particular, the memo said, the surveyors had ignored the presence inside the Register 45 of the hamlets of Talang Gunung, Pelita Jaya and Tanjung Harapan and that the 1987 sign-off on the boundaries was therefore “legally flawed”.<sup>37</sup> It urged the minister to take the 7,000 ha out of the concession area and amend the permit of PT Silva accordingly.<sup>38</sup>

The ministry apparently decided that the easiest way to accomplish this would be to revoke PT Silva's permit and start from scratch.<sup>39</sup> In October 2002, the 1997 permit was formally revoked, on the grounds that the company was deemed incapable “both financially and technically” of carrying out the terms of its permit, including failing to pay back a loan it had received for reforestation, and that it had not submitted its workplans as required.<sup>40</sup>

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31 Ibid.

32 According to the company, in the confusion following the fall of Soeharto and decentralisation, the agriculture ministry granted PT BNIL user rights in Register 45 to grow cassava, unaware that the land it obtained overlapped with PT Silva's. A dispute arose between the companies, with the National Land Agency, under the agriculture ministry, backing PT BNIL and the forestry ministry backing PT Silva. It was finally resolved in favour of PT Silva, and PT BNIL left the area in 1999 or 2000. IPAC telephone interview, company official, 6 April 2013.

33 Official Note [number unclear]/3F/VIII/Pola.BHP199 from Iman Santoso, Badan Planologi Kehutanan dan Perkebunan, 1 September 1999.

34 Letter No.1135/MENHUTBUN-VIII/2000, letter from Nur Mahmudi Ismail to Lampung Governor, 24 August 2000.

35 See for example letter 710/695/III.3/06/2001 from provincial Forestry Office to Forestry Minister, 1 June 2001, in which local officials explain that the villagers continue to claim the land in question.

36 “Nota-Dinas Nomor 1035/II/KUM/02”, signed by Wahjudi Wardoyo, Sekretaris Jenderal, Departemen Kehutanan, 11 June 2002.

37 Ibid.

38 Ibid. It noted that the people of the latter two hamlets, who were migrants, were willing to join a transmigration program to another area, but the villagers of Talang Gunung, who were indigenous, wanted to stay. The implication was that the recovered land would go only to the Talang Gunung villagers.

39 IPAC does not have information on the deliberations that led to this step, but it may have been seen as easier and faster than doing a complicated remeasuring at a time when new squatters were arriving.

40 Forestry Minister decision Nomor 9983/KPTS-II/2002, 31 October 2002. The revocation cited PT Silva's work area as 42, 762 ha, not 43,100 ha – the 1997 permit had failed to take into account 338 ha of Register 45 that the government had set aside for a transmigration site in 1991. See *Laporan Tim Gabungan Pencari Fakta*, op. cit., p. 89. In fact, almost no companies paid back deforestation loans. See Christopher Barr, Ahmad Dermawan, Herry Purnomo and Heru Komarudin, “Financial governance and Indonesia's Reforestation Fund during the Soeharto and post-Soeharto periods, 1989–2009”, CIFOR, Jakarta, 2010.

The company fought back, suing the forestry ministry in the administrative court in Jakarta, arguing that the very fact that its work area had been expanded in 1997 was proof that as far as the government was concerned, it met all the technical and financial conditions for a permit. It said it had planted 22,666 ha of its work area and had met all conditions about the kinds of crops planted. It also submitted proof that it had handed in the work plans as required.<sup>41</sup> It argued that to revoke the permit would result in its 3,000 employees losing their jobs and could lead to the whole area being occupied by squatters (*perambah*), because there were insufficient security forces in the area to keep them out.<sup>42</sup>

In June 2003, the company won its case, despite subsequent appeals by the ministry, and in August 2004, the permit was reinstated.<sup>43</sup> The decision was followed by new efforts to evict squatters. Most of these were families that had moved into the eastern part of the register, including the Moro-Moro.

#### IV. THE CLAIMANTS: MORO-MORO

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The Moro-Moro are a group of over 1,000 families, mostly ethnic Javanese and Balinese, who moved into the eastern area of Register 45, in Way Serdang subdistrict, in 1996. Many were transmigrants living in South Sumatra or other parts of Lampung who had passed by the area frequently and knew it was not being used. They planted cassava and various subsistence crops. As more people moved in unhindered, small communities of 30 to 40 families grew up and expanded into five distinct settlements with roads, schools and all the trappings of established villages. There was no particular organisation of land use: better off farmers could cultivate as much as 7 ha; most got by with one. Because the names of three of these settlements (Morodewe, Moroseneng and Morodadi) began with the prefix “Moro”, meaning “arrival” in Javanese, the settlers became collectively known as the “Moro-Moro”.

According to a group leader, from the outset, the settlers were approached by various individuals and associations claiming to represent clans that had customary rights over the land and offering to represent the Moro-Moro for a fee.<sup>44</sup> They declined; one of their strengths is that they have never allied with other organisations and never allowed anyone else’s interests to get in the way of their own.<sup>45</sup>

Government officials were clearly aware of the presence of the Moro-Moro settlers; in 1999, the then-district head, Santori Hasan, visited and according to the farmers, gave them oral permission to stay.<sup>46</sup> In 2004, despite the fact that none of them had identity cards for the area, the adults were allowed to vote in the national election and several polling places were set up in the settlements.<sup>47</sup>

In February 2006, PT Silva decided to clear out all squatters and began circulating warnings, giving the farmers two weeks to leave.<sup>48</sup> The first target was not the Moro-Moro but farmers who

41 Supreme Court decision No.62 K/TUN/2004, 30 April 2008, available on [putusan.mahkamahagung.go.id](http://putusan.mahkamahagung.go.id). Notes of the February 1999 meeting between forestry officials and the Talang Gunung villagers also make reference to the workplans; the company complains it has not been able to fully implement them because of the villagers’ occupation of the land. *Berita Acara Hasil Pertemuan Tim*, op. cit., point f.

42 Supreme Court decision No.62 K/TUN/2004

43 A Lampung-based lawyer noted dryly that to this day, the company has never lost a single case in court. IPAC interview, Bandar Lampung, 21 February 2013.

44 IPAC interview, Moro-Moro leader, Mesuji, 4 February 2013.

45 Ibid.

46 Ibid.

47 Ibid and *Laporan Tim Gabungan*, op. cit, p. 25.

48 IPAC interview, PT Silva official, 21 February 2013.

had settled in a nearby section of Register 45 that came to be known as Tugu Roda/Simpang D.<sup>49</sup> Between 20 and 22 February, a joint operation, partly funded by the company and involving the police, military and company security guards took place.<sup>50</sup> When it was over, some 550 huts had been torn down, a community leader arrested and some 300 families moved to a temporary relocation site. Others found shelter with relatives or had moved before the operation took place.<sup>51</sup>

The police made clear that the Moro-Moro area would be next, and on 3 March, after the police started coming house to house, warning them to leave, the five settlements decided to organise. By this time, there were 1,119 families or 3,677 people cultivating some 3,200 ha of land, most of whom had been there for ten years. The *bupati* wrote to the forestry ministry that they should be allowed to stay, though the company was adamant that they go.<sup>52</sup> Under the leadership of a Javanese farmer named Syahrul Sidin, they formed the Association of the Moro-Moro Farmers of Way Serdang (Persatuan Petani Moro-Moro Way Serdang, PPMWS) and began negotiating for a stay of execution.

With the help of supporters in the local government, they succeeded in securing a postponement until after the next cassava harvest, giving them almost a year of breathing room. They did not stop there, however: they also demanded ownership rights as well as full recognition as residents, with the identity cards that would get them access to government services.

At this point, another factor had come into play – local elections. In 2005, Indonesia for the first time in its history authorised direct elections of local officials down to the district level. In Tulang Bawang district, from which Mesuji district was later carved out, the first election for *bupati* was scheduled for November 2007 but de facto campaigning began long before, with the incumbent, Abdurrahman Sarbini, facing a tight race. The Moro-Moro settlements now had more than 1,000 families. It was not that their votes could determine the outcome, because despite their participation in the 2004 elections, they were not allowed to register for the local polls. But no candidate in a district with a heavy migrant population wanted to be seen as championing eviction; indeed it was in the interests of all to be seen as protectors.<sup>53</sup>

On 27 March 2007, Bupati Sarbini made a high-profile visit to the Moro-Moro area and met with the villagers. He told them that the Register 45 land could not be converted to individual ownership (*hak milik*) but that he believed they should be allowed to stay. He came back about two weeks later and said that he had written (again) to the ministry, urging the same.<sup>54</sup> The farmers, having had a year to learn the value of public advocacy, warned that if they were not given ownership they would demonstrate.<sup>55</sup> They then pooled their own money and in June 2007 chartered 28 buses to take them to Jakarta for a week to follow up with the forestry ministry. While the advocacy got the Moro-Moro farmers no further in their push for ownership rights, at least the threat of eviction seemed to have eased.

In early 2008, now safely elected, the *bupati* ordered that a committee be set up to remeas-

49 Tugu Roda (“Wheel Monument”) refers to a statue at one entrance to an area of Register 45 known as Alba VIII; Simpang D is the crossroads at the same entrance.

50 The company acknowledges it contributed to food and logistical support but says the basic operational costs were met by the government. IPAC telephone interview, PT Silva official, 6 April 2013.

51 Press release No. S.142/II/PIK-1/2006 from Forestry Ministry information office, 15 March 2006 and “Kronologi singkat Pengusuran dan Penangkapan Petani Register 45”, 10 March 2006. A lawsuit brought in 2009 by one of those evicted says the exact figure of homes destroyed was 548.

52 Letter from the bupati of Tulang Bawang, No 522/4158/Disbunhut/TB/2006, signed by Abdurrahman Sarbini, 2 March 2006. The company reiterated its desire to remove the Moro-Moro in interviews with IPAC, Bandar Lampung, February 2013.

53 IPAC interview, former staff of Legal Aid Institute, Bandar Lampung, 3 February 2013.

54 His letter, dated 26 February 2007, in fact makes no mention of the Moro-Moro per se but refers to the earlier letter of 2 March 2006 in which that recommendation is explicit. Letter of Bupati Abdurrahman Sarbini to Forestry Minister, No 522/825/DISBUNHUT/TB/2007/, 26 February 2007.

55 IPAC interview, Moro-Moro leader, Mesuji, 4 February 2013.

ure Register 45 in a way that would finally demarcate the “people’s land” and the borders of the commercial forest. But before the committee could begin work, the district of Tulang Bawang was carved up through a process known as *pemekaran* (literally, blossoming), a by-product of Indonesia’s decentralisation. As of 29 October 2008, Register 45 fell within the newly created district of Mesuji and the remeasuring was put on hold. When the idea was revived in late 2009 under the new district’s acting *bupati*, it was with the intention not just to remeasure the land but also to evict the squatters.<sup>56</sup>

## V. THE CLAIMANTS: TUGU RODA, THE MEGOU PAK AND THE ROLE OF PEKAT

The most complex set of claimants and the ones most bound up with political interests in Jakarta are the Tugu Roda settlers, themselves a motley group.

The longest-term settlers in Tugu Roda were a group of transmigrants who had been relocated from Register 38, another “forest area” with almost no trees south of Mesuji, to a site called Suka Agung near the village of Labuhan Batin, Way Serdang in 1983. In 1987, they were given land-use permits that some managed to upgrade to ownership certificates.<sup>57</sup> But when PT Silva’s concession area was extended in 1997, the land to which they had title fell within the additional 2,600 ha that was added to the concession area on its eastern flank and suddenly, in the eyes of the law, they were considered squatters, illegally occupying forest land. Many of the Suka Agung farmers joined forces with new arrivals drifting in around 2004-2005 to plant cassava on land around Tugu Roda where the company itself was growing cassava and pineapples, not industrial trees.

One of the accusations made later against PT Silva was that it had violated the terms of its contract by planting these crops; the company argued that it had permission to do so and in any case, until the new settlers started arriving in the mid-2000s, no one objected.<sup>58</sup>

By February 2006, when the first major eviction took place, the settlement in Tugu Roda was about 550 households, as evidenced by the number of huts razed. It was soon to grow much larger.

### A. PEKAT Enters the Scene

Over the next two years, some of the evictees drifted back. On 13 August 2008, company security guards reportedly tore down 42 huts in the Tugu Roda area.<sup>59</sup> Around the same time, a Jakarta-based organisation called Defenders of Homeland Unity – Indonesia United (Pembela

56 Decision NoB/800/BG277/HK/TB/2009 to “identify and make orderly the boundaries of commercial forest Register 45, Sungai Buaya, Kabupaten Mesuji, signed by acting bupati Ruswandi Hasan, 11 November 2009.

57 IPAC interview, Tugu Roda, Mesuji, 4 February 2013.

58 Verdict No.12/Pdt.G/2009/PN.MGL from Menggala District Court, 21 June 2010. In fact, the company dismisses the Talang Gunung and Pelita Jaya claims by saying the farmers only raised concerns after 1999, not when the land was remeasured in the mid-1980s. Even if this were true, it is not a strong argument: many dispossessed farmers and other groups with grievances did not speak up until after President Soeharto resigned, when the political space opened up. As Barron and Madden note in relation to other Lampung conflicts, “This ... shows the extent to which the authoritarian New Order regime prevented conflict becoming overt, primarily through state repression and fear”. See “Violence and Conflict Resolution in Non-Conflict Regions”, op. cit., p. 58. Regarding the argument that the company violated its permit by planting non-tree crops, PT Silva notes that its concession area was divided into four different uses, and while trees were the primary crop, they were not the only ones permitted. Moreover, before 2009, the Production Directorate in the forestry ministry (Dirjen Bina Produksi Kehutanan, BPK) allowed a system called *komplangan*, where for three years after trees were planted, industrial tree plantations were allowed to plant cassava and other crops while waiting for the trees to reach maturity. The intention to plant non-tree crops was supposed to be spelled out in the company’s workplan. See “Laporan Panitia Khusus Dewan Perwakilan Rakyat Daerah DPRD) Provinsi Lampung tentang Penggunaan dan Penyalagunaan Kawasan Hutan di Provinsi Lampung”, 2010, p. 15.

59 “PT Silva Harus Bertobat”, Radar Tuba, 14 August 2008.



Kesatuan Tanah Air Indonesia Bersatu, PEKAT) came in to help organise the squatters – and bring in more.<sup>60</sup> Many of its members were freelance security guards or former thugs (*preman*) who worked for discotheques, clubs and other private ventures; some were recruited in prison.<sup>61</sup> From the beginning it had close relations with the police, with several retired officers among its advisers – and at its first national congress in February 2013, the keynote speaker was the national deputy chief of police. The brains behind the organisation was an energetic young lawyer named Bob Hasan (no relation to a well-known associate of the late President Soeharto with the same name), whose own close ties to police came through his legal assistance to businesses bringing in goods through the Bandar Lampung port.<sup>62</sup>

Under Hasan's guidance, a formal branch of PEKAT was established in Tulang Bawang district in late November 2008, with the officers all selected from among the Tugu Roda settlers – most of whom were migrants.<sup>63</sup> After Mesuji split off from Tulang Bawang to become a separate district, a branch was established there as well.

PEKAT decided that the best way to wrest the land around Tugu Roda from the company was to claim it as customary land (*tanah adat*) belonging to the Suway Umpu, one of four sub-clans (*marga*) of the Megou Pak, an indigenous Lampung ethnic group. Bob Hasan persuaded a long-inactive *adat* association, the Persatuan Adat Megowpak Tulangbawang, and a few Suway Umpu leaders to promote the cause. In March 2009, they brought a civil suit against PT Silva and the forestry ministry to claim 4,500 ha as *adat* land, including the area they were occupying.<sup>64</sup> They also claimed the company was violating the terms of its permit by planting cassava instead of trees, and demanded Rp.72,980 billion (\$7.29 million) in compensation for the destruction of homes, fields and they lost of three harvests in the 2006 eviction operations. With land values skyrocketing, the returns were potentially huge if the company could be forced to relinquish such a large chunk of land – although from the beginning, PEKAT claimed that it was not seeking individual ownership but rather usufruct rights for the farmers.

There were two main flaws – of many – in the suit. Most of the farmers on the site were not indigenous Megou Pak but migrants, and the then head of the Suway Umpu *marga*, the late Effendi A.Z. who was one of the key plaintiffs, gave out membership in the *marga* to Javanese and Balinese for a fee.<sup>65</sup> The second problem, as Bob Hasan now acknowledges, was that the land around Tugu Roda never belonged to the Megou Pak; PEKAT had simply made a mistake.<sup>66</sup> Successive courts threw out the case.<sup>67</sup>

Meanwhile, more families arrived to plant cassava, many of them apparently recruited by PEKAT's district office. IPAC obtained copies of several letters dating from 2009, signed by the

60 PEKAT was formally registered in September 2007 with the home affairs ministry as a mass organisation, with registration letter No.86/D.III.3/IX/2007. By December 2007, it claimed to have 2,000,000 members, 57,000 of them in Bali, and volunteered 1,000 of them to help the police provide security for a UN High-Level Conference on Climate Change from 3-14 December 2007. See "Pekat Indonesia Bersatu Kerahkan 1,000 Personel", Bali Post, 3 December 2007.

61 IPAC interview, Bob Hasan, Jakarta, 15 April 2013.

62 IPAC interview, Bob Hasan, Bali, 23 February 2013.

63 Surat Keputusan Dewan Pimpinan Pusat Pekat Indonesia Bersatu Nomor 044/SK-P.DPD-II/DPP/PEKAT-IB/XI/2008. The officers for the period 2008-2013 were Afrizal, Satir, Pendi Permata, Saidi Efendi, Wahyudin, Eman Suhendar, Sutarno, Ngatno, Afriadi, Burhan and Nyoman Gede.

64 Letter No.27/PDT6/2009/PNTK from PEKAT legal defence team to head of Tanjung Karang District Court, 6 March 2009.

65 See, for example, letter dated 11 October 2010 from Effendi A.Z. to Madi (a Balinese) and Sutiyo (a Javanese) recognizing them as members of the Suay Umpu *marga* and assigning them the task of providing security for 50 hectares of land in the Simpang D area. These letters were written after the court case began but they are examples of the effort made by Megou Pak leaders to bring as many people into the group as possible to strengthen their claim.

66 IPAC interview, Bob Hasan, Bali, 23 February 2013.

67 The first attempt was in the district court of Tanjung Karang, Lampung; the court threw it out on 24 July 2009 on the grounds that since the dispute was in Register 45, the case had to be heard in the closest district court, which was in Menggala. The Menggala district court ruled against the plaintiffs on 4 May 2010 (final copy of verdict is dated 21 June 2010). The plaintiffs appealed and lost again in the Tanjung Karang High Court on 29 December 2010.

branch head, assigning members to recruit 150 families each – and quickly. “Given that conditions are becoming increasingly urgent, the consolidation of PEKAT, in Tulang Bawang specifically and in Lampung more generally, must take place as fast as possible”, the letters read.<sup>68</sup> Each recruiter reported to a field coordinator, and a special team was set up to register incoming families.<sup>69</sup>

For those recruited, the calculation appeared to be that no matter how much they paid brokers, they could still make a profit. Most of those recruited would have known both the real value of the land and the price of cassava but it was still worthwhile to gamble on a harvest. As one man explained it, it worked this way:

The broker tells you he’ll sell you land that is worth Rp.50 million [\$5,000] a hectare for just Rp.6 million [\$600] and you only have to pay Rp.1 million [\$100] up front plus Rp.200,000 [\$20] “contribution to the cause” (dana perjuangan). For one harvest, maybe you put out Rp.7-8 million [\$700-800] for fertilizer, seedlings and other materials. If you cultivate it well, one hectare can produce 30 tonnes. With the price of cassava at Rp.700 per kg, you can earn Rp.21 million. Subtract your expenses and you can still net Rp.11.8 million [\$1,180] per harvest.<sup>70</sup>

In June 2009, Mesuji district officials, seeing the situation rapidly getting out of hand, held a meeting with local police and military commanders to discuss what to do. In September, they decided that PT Silva should take the lead forcibly evicting the squatters in Simpang D/Tugu Roda but leave the Moro-Moro, Pelita Jaya and Talang Gunung farmers alone, while the government would engage in an information campaign to warn the squatters to move.<sup>71</sup> But PEKAT used its connections with the deputy provincial police chief to prevent any evictions.<sup>72</sup> Instead, more and more settlers moved in and began to not just plant on unused land but to cut down acacia trees already planted by PT Silva.

At the same time, land brokers were finding vulnerable migrants to cheat. Some 45 people were arrested and prosecuted for illegal land sales in the area in 2008-2010 and that was probably a fraction of the numbers involved.<sup>73</sup> In the meantime, PEKAT and the Suway Umpu *adat* council apparently worked out an agreement in January 2010 for the division of the land if and when they succeeded in getting it back from the company. PEKAT would get 25 per cent of the land, the Suway Umpu *marga* 20 per cent; 40 per cent would go for farmers’ housing; 10 per cent for the administrators (*tim perintis*) and 5 per cent for “other”.<sup>74</sup> If PEKAT succeeded in resolving the dispute in favour of the settlers, the potential payoff was high.<sup>75</sup>

In June 2010, the governor of Lampung set up a Forest Protection Team coordinated by the provincial police. Its mission was to stop illegal logging – of the young trees planted by PT Silva – and clear the squatters.<sup>76</sup> In October, the central office of PEKAT in Jakarta instructed the local branches in Tulang Bawang and Mesuji to begin measuring the land area occupied, as part of the

68 See for example Surat Tugas No: 07/PEKAT/TB/2009, signed 16 May 2009.

69 Ibid.

70 IPAC interview, PT Silva official, Bandar Lampung, 21 February 2013.

71 “Laporan Pelaksanaan Kegiatan Tim Terpadu Penanggulangan Register 45 Propinsi Lampung”, Operations Bureau, Indonesian Police, Lampung province, 2011.

72 IPAC interview, PEKAT office, Jakarta, 16 April 2013.

73 Laporan Tim Gabungan, op. cit., p. 27.

74 Persatuan Adat Megowpak (Empat Marga) Tulang Bawang, Letter No. 01/S.U.-T.B./II/2010, 17 January 2010. In April 2013, shown the document about the promised land division, Bob Hasan of PEKAT said he was unaware of such a deal but said the agreement had been that PEKAT would get 15 per cent of the compensation package sought by the plaintiffs in cash if the suit were successful. IPAC interview, 15 April 2013.

75 Other documents indicate that on 25 August 2010, the Tulang Bawang office of PEKAT, with the agreement of the Suway Umpu *marga*, agreed to turn over 510 ha of land near Simpang D to PEKAT headquarters; it is not clear who or what prompted the agreement. Document and map in possession of IPAC.

76 Laporan Tim Gabungan, op. cit., p. 94.

process to strengthen their claim; they were to plant a marker every 100 metres.<sup>77</sup> Government plans for eviction nevertheless moved forward.

Operations started in Pelita Jaya, at the other end of the register, with disastrous results. On 6 November, as the police confronted protesters, they opened fire, critically wounding an unarmed Balinese man, Made Aste, and wounding another.<sup>78</sup> Eyewitnesses claim that while still alive, Made Aste was given no medical treatment on site and eventually loaded onto a truck like a sack; he died en route to a clinic.<sup>79</sup> Evictions in Pelita Jaya were halted as a result, but government at all levels, from the forestry ministry to district officials, still seemed determined to clear out Tugu Roda. By this time, there were about 1,100 families there, and the number was rising.

In the meantime, land sales continued. In late December 2010, a farmer named Andi Yendra, living in East Lampung, heard there was land available in Register 45. He made a reconnaissance visit, met Effendi A.Z., the adat head who was arranging the sales, and returned home to sell everything he owned. In early January 2011 he returned to Mesuji and paid Effendi for three and a half ha. He was also doing a little brokering on the side and brought along several of his neighbours, also eager to get plots that were going for as little as Rp.2,000,000 [\$200] with only half or less required up front. Andi Yendra had collected downpayments from about 40 others and swore that they could own the land outright.<sup>80</sup>

On 9 January 2011, the police began a series of meetings with the squatters, hoping to persuade them to leave peacefully. The first meeting was with representatives of 164 Balinese families; they agreed to move as long as they could harvest their current crop and the government prepared an adequate relocation site.<sup>81</sup> Some subsequently did leave and returned to their original homes elsewhere in Lampung. Most of the others, 596 Javanese and Sundanese families and about 90 Lampungese families, backed by PEKAT, refused to leave. On 12 January, an integrated team of district and provincial police arrested 52 squatters, 22 of whom were eventually charged with fraud and illegal occupation under Article 50 of Law No.41/1999 on Forestry, penalising “anyone who cultivates, uses, occupies or loots a forest area illegally”. Andi Yendra was one of them; he was sentenced to seven months in prison.<sup>82</sup>

On 22 February, some 1,000 police and company guards moved in with bulldozers to evict the Tugu Roda families.<sup>83</sup> The settlers set up roadblocks, with 300 people, mostly women and children, turning out to block the main artery between northern Lampung and the city of Palembang in south Sumatra, leading to a 24-km-long traffic jam. They put burning tires on the road and laid logs across it, cut from the company’s acacia trees. Police brought in water cannon from Bandar Lampung, the provincial capital, and the crowd was eventually dispersed without casualties, although about 150 huts were destroyed in the operation, according to a subdistrict official.<sup>84</sup>

77 Letter No.02/ST.DPD-II/PEKAT-IB/X/2010, 20 October 2010, from the PEKAT district office in Mesuji to its members, informing them of the instructions received from headquarters.

78 Initially police claimed Made had brandished a knife, and produced a video showing a knife in his hand. But a government fact-finding team from Jakarta, led by the president’s legal adviser, later found another version of the video showing clearly that Made had carried no weapon. The police version had been doctored. “Tim Mesuji Temukan Bukti Rekalayaan Kematian Made”, *Koran Tempo*, 20 January 2012. In addition, four Pelita Jaya activists were arrested on charges of provocation and violating Article 50 of Law No.41/1999 on Forestry, penalising “anyone who cultivates, uses, occupies or loots a forest area illegally”. Pelita Jaya activists point out the irony that this law was used against them, while the thousands who have streamed into Register 45 in the last two years, with no pretence to a claim, traditional or otherwise, have been allowed to settle unhindered.

79 IPAC interview, 15 June 2013. Locals have photographs of Made Aste lying on the ground bleeding with police officers standing around ignoring him.

80 Verdict in trial of Andi Yendra: Nomor 128/Pid.B/2011/Pn.Mgl, 3 May 2011.

81 “Laporan Pelaksanaan Kegiatan Tim Terpadu Penanggulangan Register 45 Propinsi Lampung”, Operations Bureau, Indonesian Police, Lampung province, 2011.

82 He was charged with fraud for selling 2-ha plots for Rp.2 million (about \$200) to five individuals.

83 “Massa Register 45 Blokir Jalan”, *Lampung Post*, 23 February 2013.

84 “Aparat Gabungan Robohkan Ruah Petani”, *Kompas*, 22 February 2011.

Again there was a dialogue with local authorities, and again there was an agreement that the farmers could wait to leave until after the cassava harvest, in six months' time. Some parts of the government, and even some parts of the police, seemed to be actively working at cross-purposes.

In May, the provincial police chief went to the site, offering Rp.5 million per family to those willing to leave, but there were few takers. More negotiations ensued, and the company and police both agreed to delay further action until after celebrations for the end of Ramadan, the Muslim fasting month – which in 2011 fell at the end of August.

At this point some of the settlers who had homes elsewhere moved out. Others had no place to go back to. One of these was a Balinese named Wayan Bonjol who had come in 2010 from Palembang, selling everything he had to make the move. In July 2011, as the authorities were stepping up warnings to people to leave, he and others in a similar position asked to join the government transmigration program. According to Bonjol, he had a meeting with officials from the district transmigration office who allegedly told him that they would try and help, but they needed data on the number of families involved and asked him to make a list.<sup>85</sup> On 25 August, as he was gathering names, he was arrested and charged with illegally occupying land and being one of the “main actors” behind the squatting.<sup>86</sup> He was also charged with provocation for urging people to reject the police chief's Rp.5 million offer.

It was odd that of all the people they could have arrested for illegal occupation, they chose someone who was actually willing to move. Some suggested he was seen as a traitor within PEKAT ranks; there were clearly deep and bitter divisions within the Tugu Roda community, including many who felt they had been tricked by the Megou Pak leaders into believing the land was available to buy.<sup>87</sup> Wayan Bonjol was eventually convicted and sentenced to seven months in prison.<sup>88</sup>

Elsewhere in Register 45, a newly revamped Megou Pak *adat* association set up with Bob Hasan's help, now called Lembaga Adat Megou Pak – Tulang Bawang and led by a local *adat* leader, Wan Mauli, tried to persuade other claimants that it could act on their behalf.<sup>89</sup> The Moro-Moro decided not to join him and continued to fight on their own instead. The Pelita Jaya and Talang Gunung activists were initially tempted and joined a trip to Jakarta in August to meet with the National Commission on Human Rights (KOMNAS-HAM). But they say they quickly realised that there were larger games afoot, especially after some of the documents they had been using to press their own claims ended up in Wan Mauli's hands.<sup>90</sup> As the Mesuji claimants were getting a sympathetic hearing in Jakarta, however, the final touches were being put on plans for clearing operations.

On 8 September, the long-delayed eviction took place, quickly and efficiently. “It was a brilliant operation”, a PT Silva official recalled. “It lasted less than half a day and cost just over Rp.2 billion (\$200,000)”.<sup>91</sup> Some 800 families were evicted – including that of Andi Yendra who had just been released from prison – and KOMNAS-HAM arrived in Mesuji within days to investigate complaints of human rights violations. At the same time, Wan Mauli's Megou Pak *adat* council for the first time laid claim not just to the land around Tugu Roda, but to the entire area of Register 45 – all 43,100 ha.<sup>92</sup>

Just as the company thought it had finally cleared the squatters, another fateful twist in the story took place.

85 IPAC interview, Mesuji, 18 February 2013.

86 “Warga Register Ngelurug Polek”, Radar Lampung, 27 August 2011.

87 IPAC interviews, activists, Bandar Lampung, February 2013.

88 “Wayan Bonjol Divonis Bersalah, Aktivis Galang Dana”, 19 January 2012.

89 Keputusan Perwatin Adat Megou Pak Tulang Bawang Nomor 001/LAMP-TB/02/2011, 7 February 2011.

90 IPAC interview, Pelita Jaya activists, Mesuji, 18 February 2013.

91 IPAC interview, PT Silva official, 21 February 2013.

92 Keputusan Mejaelis Perwatin Adat Megou Pak Tulang Bawang Nomor 11/SK/MPA-MPTB/IX/2011, 24 September 2011.

## B. Parliamentary Hearings in Jakarta, December 2011

On 10 November 2011, in a different area of Mesuji district, outside Register 45, violence erupted between farmers and the security guards of a palm oil plantation, PT Barat Selatan Makmur Investindo (BSMI). When it was over, and after police back-up had arrived, one villager was dead, four wounded, and most of the company buildings burned to the ground.<sup>93</sup> It was at this point that a retired army officer, Maj. Gen. (ret.) Saurip Kadi, who had been following these and other land conflicts around Indonesia, called Bob Hasan of PEKAT and suggested working together.<sup>94</sup> They then brought *adat* leader Wan Mauli into their plans. The general, who saw himself as a defender of the poor and who was a great admirer of Hugo Chavez, offered to contact a friend on Commission III in the Indonesian parliament, dealing with legal affairs, to ask him to hold hearings on Mesuji.

A date was set for 14 December. In the weeks preceding the hearing, Bob Hasan's team produced a video to show Commission members. It contained footage from three separate disputes: Register 45; the BSMI violence; and a third conflict, the bloodiest of all, in a subdistrict of Ogan Komering Ilir (OKI) district, South Sumatra province.<sup>95</sup> In the last, a longstanding conflict between farmers and another palm oil plantation had erupted in April 2011 in which two villagers and five employees of the plantation had died, including two guards who had been beheaded by the villagers.<sup>96</sup>

It was confusing enough to have three different conflicts taking place, all in places named Mesuji. But the video also suggested that there was a single narrative of poor villagers against the security forces of an evil state in which 30 people had died since 2009.<sup>97</sup> The video dwelt heavily on the OKI beheadings – not mentioning the victims had been killed by the villagers –

93 The conflict with PT BSMI, a Malaysian-Indonesian joint venture, is with people from six villages in two subdistricts, Tanjung Raya and Mesuji, in Mesuji district, Lampung. It began in 1994 when the company secured a permit for a 17,000 ha palm oil plantation: 10,000 ha for the company (*inti*) and 7,000 ha for smallholders (*plasma*) who would sell their land to the company for the purpose. The farmers have been protesting ever since that claiming they were never consulted about the price and that the company took more land than it was actually allocated. The company claims that of the 10,000 ha, it planted all but 500 ha. Of this, farmers received full compensation for the 5,000 ha that was individually owned but that the remaining land was state land, without private owners., and therefore the farmers have no rightful claim (See Laporan Tim Gabungan, *op.cit*, pp.52-53.) . Most claim they never got to work as smallholders but ended up as labourers on the plantation. The conflict dragged on for years but took a turn for the worse in September 2011 when farmers decided to harvest palm fruit on their own. According to documents made available to IPAC, on 10 November, a villager was caught stealing fruit by Indonesian mobile police brigade (Brimob) officers employed by the company. He managed to escape but left his motorcycle behind. Two friends came to retrieve it and one did not come back. An untrue rumour spread that he had been abducted and villagers mobilised in protest. They began attacking company buildings and the Brimob men called for reinforcements from the district police who arrived about an hour later. As the police chief was trying to calm the mob, one of his men opened fire, killing a villager and wounding another. Angry villagers then completely destroyed the company complex. Full documentation on the case is available at the Legal Aid Institute, Bandar Lampung.

94 IPAC interview, Bob Hasan, Bali, 23 February 2013. Saurip Kadi was a member of the same 1973 graduating class at the Indonesian Military Academy as President Yudhoyono. He was known as a reformer within the Indonesian military (Tentara Nasional Indonesia, TNI) during the late New Order. But over the years, he became convinced that Indonesia had sold out to international capitalism and after 2004, that his old classmate Yudhoyono had become a puppet of the West. He tried to run for president unsuccessfully in 2009 as an independent candidate. See "Menuju Korporasi Indonesia" (an interview with Saurip Kadi) in *Menembus Batas*, Semarang, 2009.

95 The subdistrict in South Sumatra province is also called Mesuji and it is adjacent to the district of the same name in Lampung province.

96 This dispute, also involving a palm oil plantation, took place in Sungai Sodong village, Mesuji subdistrict, OKI district, South Sumatra. Villagers, who in 1997 had turned their land over to a company called PT Treekreasi Margamulia in expectation of becoming smallholders, believed they were not receiving the benefits promised and demanded the return of their land certificates. In 2004, the company was bought out by another part of the same conglomerate, PT Sumber Wangi Alam (PT SWA), complicating matters. Relations between the village and the company deteriorated, culminating in a bloody confrontation between two village youths, one the grandson of the village head, and a group of security guards on 21 April 2011. The two youths and one of the guards were stabbed to death. Angry villagers attacked the company offices the same day and when it was over, four more company employees were dead, two officials and the two security guards.

97 "Anggota DPR Ngri Lihat Video Pembantaian Warga Mesuji", *Tribun Jogja*, 15 December 2011. In fact, in all three conflicts, a total of nine people had been killed since 2009, seven of them in OKI.

and included some additional gore from southern Thailand that had been downloaded from the Internet.

On the appointed day, Saurip Kadi, PEKAT and a delegation from Register 45, headed by Wan Mauli, appeared before Commission III and showed the video. The impact was immediate and sensational. Members of parliament condemned the violence and called for an investigation. Wan Mauli became a media star. President Yudhoyono appointed a fact-finding team, led by his former legal adviser Denny Indrayana, just two months earlier appointed deputy minister of the law and human rights ministry. Lampung police were quick to point out that the beheadings had taken place in a different province, and the other discrepancies in the video, including the spliced-in footage from Thailand, quickly surfaced.

But it achieved its purpose in making Mesuji the centre of national attention for a few weeks, and PEKAT and Wan Mauli stepped up recruitment efforts to get as many people as possible into Tugu Roda, leading the farmers to believe it was just a matter of time before new plots of land became available. Families streamed in, some who had illegally bought land before, like Andi Yendra – the farmer arrested for fraud in January, released in July and evicted in September – who led a group of 420 families to reoccupy their old site.<sup>98</sup> Many were newcomers, and within weeks the population swelled into a tent city of thousands.

Saurip Kadi also introduced a new element into the mix: the Islamic Defenders Front (Front Pembela Islam, FPI). Its secretary general, Sobri Lubis, and a group of his followers had accompanied the Mesuji farmers to the parliament on the grounds that they needed protection as whistle-blowers; FPI members also accompanied them home. They set up a post in Tugu Roda and invited a team from MER-C, the Medical Emergency Rescue Committee, an Islamist group better known for its disaster relief work, to provide health care services to the tent-dwellers.

FPI's involvement was curious. There was no religious angle to the Register 45 dispute. As far as anyone knew, its members had never shown any interest in land issues. PT Silva officials, without offering evidence, were convinced they were getting a cut of land deals to the incoming settlers.<sup>99</sup> But Saurip Kadi had a different explanation. He said he had invited them to join the struggle on behalf of the farmers "because whenever religious symbols are involved, the government backs down".<sup>100</sup>

The general's involvement added another layer of complexity to the Mesuji dispute. His stated purpose was to use constitutional means and "people power" to change the Yudhoyono government, which he saw as a stooge of the West and international capitalism.<sup>101</sup> Bringing the Mesuji farmers to Jakarta was part of this agenda – to use the supposed beheadings of farmers by state forces to generate anger against the government for their neglect of the poor. The general's own explanation for his role in Mesuji was that the farmers would be strengthened in their resolve if they had a well-known backer in Jakarta: "People were more willing to act when they felt they had a protector, a godfather".<sup>102</sup> He then explained:

I want to get involved in Mesuji and other areas because what's happening is State Terrorism with victims falling and poor people struggling to survive. The govern-

98 Verdict in trial of Andi Yendra: Nomor 128/Pid.B/2011/Pn.Mgl, 3 May 2011.

99 IPAC interview, PT Silva official, 21 February 2013.

100 IPAC interview, Saurip Kadi, Bali, 23 February 2013.

101 On 24 March 2011, the general founded a new movement, the Saviours of the Nation Council (Dewan Penyelamat Negara, DEPAN) an opposition group composed of nationalist politicians and activists of a variety of political stripes who were harshly critical of Yudhoyono. The council included Permadi, Lily Wahid, Fuad Bawazier, La Ode and others. It said Yudhoyono's initials stood for "Sang Boneka Ya" (The Puppet). <http://forum.detik.com/pernyataan-bersama-dewan-penyelamat-negara-depan-t247453.html> and "Effendie Choirie: Revolusi Tinggal Dua Langkah Lagi", [www.voa-islam.com](http://www.voa-islam.com), 4 April 2011.

102 IPAC interview, Saurip Kadi, Bali, 23 February 2013.

ment is not siding with the people but with corporations that get permits for thousands of hectares. The people who were born and raised in Mesuji are branded as squatters and then evicted. The corporations for the most part control the land illegally and more of it than is stated in their permits. They don't put down border markers, it's easier to conspire with local officials, and cheaper.... They get their permits by buying them while the villagers don't have any documents at all. If the people go to court they always lose. I want to push for change so that government puts the people first. Why should they become migrant workers in their own country, working for foreign companies in the name of foreign investment while these same foreign investors borrow money from government banks and those who do the work are the Indonesian people?<sup>103</sup>

He and his admirers saw in Mesuji and other land disputes the potential for mass mobilisation, although none of his activities have gained him serious influence in national politics. PEKAT seems to have seen him as a charismatic orator who could give the illusion of powerful backing to its own movement and went on to work with him in Kalimantan, Riau and elsewhere.<sup>104</sup> The general's supporters claim they have not made any money from their activities; on the contrary, by making land available to thousands of cultivators and organising them into a cooperative, they say, agribusinesses can in the future negotiate directly with smallholders and save the fees they have to pay to the forestry ministry so that in the end, everyone benefits.<sup>105</sup>

## VI. DEVELOPMENTS IN MESUJI, 2012-2013

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The fact-finding team appointed by the government completed its work quickly and in January 2012 made a series of useful recommendations related to each of the three conflicts portrayed in the infamous video.

With respect to Register 45, it recommended that the government take immediate legal action against land speculators who were fuelling the conflict by spreading distorted information; stop the mobilisation of settlers from outside the disputed area who were coming in based on information about cheap land for sale; and use persuasive means to enable those already at the site, who had been tricked or defrauded, to return to their original homes. It recommended that

103 Text message received by IPAC from Saurip Kadi, 25 February 2013.

104 Exactly a month after the Mesuji video was shown at the parliament, on 14 January 2012, a group of Dayak farmers from Bahaur village, Hanau subdistrict, Central Kalimantan, led by an elder named Arkani alias Jenggot Naga, flew to Jakarta to meet with Bob Hasan, Saurip Kadi and others. A member of the local legislature, Haji Budiardi, came with them. On 16 January, Saurip accompanied the group to the Indonesian parliament, where they told Commission III that a group of palm oil companies since 2003 had been developing more than 700,000 ha of mostly customary land. See "Lahan dirampas pengusaha sawit, warga Dayak Seruyan ultimatum pemerintah", koranpagionline.com, 14 January 2012. The villagers claimed the bupati of Seruyan was working with the companies to take their land. Ten days later, Saurip Kadi, Bob Hasan and a film actor, Roy Sahetapy, appeared in Hanau, ostensibly to try to mediate the conflict, only to be surrounded by an alternative adat group, Lembaga Persatuan Rakyat Berjuang Bersama Menuju Sejahtera (LPR-BBMS), that rejected their presence. As with Mesuji, the FPI, at Budiardi's invitation, came to the defence of the farmers, in what appeared to be a broader strategy of taking up land issues to mobilise mass support. It was on the basis of protecting the Seruyan farmers that FPI decided to open a branch in Central Kalimantan, one of the few provinces where it had no office. As word of the planned opening circulated in Palangkaraya by Facebook, Twitter and SMS, hundreds of Dayaks opposed to FPI – and supported by the governor Teras Narang – gathered on 10 February at a traditional customary house, Rumah Betang, in the governor's residential complex, wearing red headbands, a sign of war. They declared the formation of the Front for the Defence of Indigenous People (Front Pertahanan Masyarakat Adat). The next day, a high-ranking FPI delegation flew to Palangkaraya, the provincial capital, only to find the airport surrounded by masses of protesters, mobilised by two groups representing ethnic Dayaks, the Dayak Customary Council (Dewan Adat Dayak (DAD) and the Dayak Customary Council of the Archipelago (Majelis Adat Dayak Nusantara (MADN)). Delegation members were forced back on to the plane and had to leave. See "Saurip Kadi dihadang segerombolan orang di Kalimantan Tengah", yustisi.com, 27 January 2012.

105 IPAC email correspondence, member of Saurip Kadi's team, 3 March 2013.

negotiations be conducted to resolve the claims of the villagers from Talang Gunung and Pelita Jaya, in which the local and national governments, PT Silva and village representatives should be involved, and that meetings also be held with the Moro-Moro and district officials to ensure their political and civil rights be upheld.<sup>106</sup>

With respect to the company, it recommended that a coordination meeting be held at the central government involving the forestry and agriculture ministries, the National Land Bureau and the police to find a better way of supervising and monitoring commercial forests – not just in Register 45 but elsewhere in Lampung – noting that PT Silva or other parts of the conglomerate control between 50 and 60 per cent of all commercial forests in the province.<sup>107</sup> This recommendation stemmed from strong indications that PT Silva had violated the terms of its permit over the years, contributing to the conflict.<sup>108</sup>

The recommendations were concrete and to the point. The problem was that the situation on the ground kept changing. By February 2012, some 3,000 people were living in the tent city at Tugu Roda, most having been promised plots of land by Wan Mauli's *adat* council.<sup>109</sup> The provincial government formed what they called an Integrated Team for Order and Forest Protection to clear them out, and the acting district head, Albar Hasan, went around personally from tent to tent asking people to leave. They refused and said they would resist with sharpened bamboo spears, echoing Saurip Kadi: "We have the same rights to land as the company, the government should take our side".<sup>110</sup> On the day of the planned clearing, 28 February, the team backed off.

From that point on, PEKAT's people went into high gear, registering and organising the newcomers. In the process, the settlers brought in heavy equipment to build roads, houses and schools, cut down PT Silva's trees and burned land to clear it for cultivation, in violation of a forestry ministry regulation that specifically bans burning.

Andi Yendra testified that in March 2012, he and the families evicted in September 2011 got together and rented a bulldozer and grader at a rate of Rp.450,000 an hour that over the next month built a road that was 12 meters wide and seven km long.<sup>111</sup> No one stopped them. Between December 2011 and November 2012, according to PT Silva's data, over 11,000 ha of acacia trees were cut down and cleared across Register 45.<sup>112</sup>

When IPAC visited in February 2013, cutting and burning was still taking place, in full view of nearby army and police posts. On 28 February, the squatters in their new homes celebrated their first year of occupation of Register 45 in a ceremony that included a shadow-puppet performance with a well-known puppeteer (*dalang*) from Jakarta – and a welcoming speech by the district chief of police then responsible for Mesuji, Nazaruddin.<sup>113</sup>

#### A. *The Arrest of Wan Mauli and the PRD partnership*

Along the way there were a few setbacks to the effort to claim land back from PT Silva. First, the top civil servant in Lampung, Berlian Tihang, backed by the governor, set up his own Megou

106 "Laporan Tim Gabungan", op. cit., p. 124.

107 Ibid.

108 Ibid, pp. 88-93.

109 "Perambah di Register 45 Mesuji Terancam Diusir Paksa", *www.tempo.co*, 15 February 2012.

110 Ibid and "Mesuji Memanas, Ribuan Warga Siap Lawan Aparat", *Republika*, 29 February 2012.

111 Interrogation deposition of Andi Yendra, March 2013. At a minimum this would have cost over \$7,000, a rate that even with pooled resources seems unlikely to have been affordable without outside help.

112 Slide presentation, PT Silva Inhutani Lampung, made available to IPAC, 20 February 2013. PEKAT claims that one of its people was present when an officer from national police headquarters in Jakarta was at the site with a GPS instrument and proved that the land being cleared was not within the concession area of PT Silva, a claim clearly at odds with company data. It is not clear what a national police official was doing at the site in the first place.

113 IPAC email correspondence, activist in Mesuji, 1 March 2013. In June 2013 a new district police command for Mesuji was established, so Register 45 from then onwards was no longer under the Tulang Bawang command.



Pak *adat* organisation, challenging Wan Mauli's leadership and rejecting any land claims to Register 45. Then, on 5 March 2012, Wan Mauli was arrested on charges of illegally selling land. He reportedly admitted receiving payments of between Rp.1 and 1.5 million for two-hectare plots, but told the court he considered it money for the struggle (*uang perjuangan*).<sup>114</sup> He also reportedly collected Rp.225,000 from households to become members of a government-sponsored association of farmers with recognised usufruct rights in commercial forests – which no one in the Tugu Roda area had, though it was PEKAT's aim to secure them.<sup>115</sup> He said the money he collected, more than Rp.131 million in all (about \$13,500), was used in part to pay for the 14 December visit to the parliament.<sup>116</sup> He was also accused of helping bring some 1,500 families into the Tugu Roda area.

After he was convicted and given a short sentence – defended by the FPI's legal team for free – the alliance with Bob Hasan and Saurip Kadi collapsed. Each side claims responsibility for the break. Wan Mauli says he recognised the true nature of his former friends, but “if you're sick and a doctor comes to help you, you don't ask about malpractice.”<sup>117</sup> Likewise Bob Hasan says that the moment they found out Wan Mauli was involved with fraud, they dropped him.<sup>118</sup>

After the *adat* leader was released from prison, in late 2012, he changed his strategy. There was no further talk about the Megou Pak claiming the whole 43,100 ha of Register 45. Instead, he and the *adat* council focused on the 7,000 ha that Talang Gunung and Pelita Jaya claimed as theirs, much to the latter's outrage.<sup>119</sup>

In January 2013, Wan Mauli went to Jakarta and asked the left-wing People's Democratic Party (Partai Rakyat Demokratik, PRD) to represent his group. The PRD, set up by student activists in the waning years of the Soeharto government, had been modelled on the old Indonesian Communist Party with substructures for farmers, workers and students, and many of its leaders went to prison. In democratic Indonesia, many of those same activists left to join mainstream political parties and the organisation steadily declined in terms of membership and the quality of its leadership. In the last year, however, it has stepped up land-to-the-tiller advocacy with the aim of building up a base to become a political player again by 2019 – two national elections from now.<sup>120</sup>

In the eyes of PRD leaders, the partnership with Wan Mauli was a perfect fit. “Mesuji” was almost a household name, thanks to the December 2011 video, and the connection with PRD helped boost the latter's profile at least at a local level. Mesuji farmers are now joining PRD-sponsored actions with land claimants elsewhere and PRD flags and manifestos are plastered all over the entrance to Tugu Roda.<sup>121</sup> The Islamist group FPI is nowhere to be seen, although it report-

114 “Diduga Jual Beli Lahan, Aktivist Mesuji Ditahan”, *Tempo*, 7 March 2012.

115 The group in question, Association of People's Timber Plantations of Indonesia (Asosiasi Hutan Tanaman Rakyat [HTR] Mandiri Indonesia) was set up in conjunction with a national “people's timber plantations” program that began in 2006, designed to reforest degraded land and build up Indonesia's timber supply by persuading farmers to participate as smallholders on industrial tree plantations. While initially widely welcomed, there is a consensus among experts now that the HTR program has failed so far to meet its goals. See K. Obidsinski and A. Dermawan, “Smallholder Timber Plantation Development in Indonesia: What is Preventing Progress?”, *International Forestry Review*, vol. 12 (4), 2010.

116 “Diduga Jual Beli Lahan, Aktivist Mesuji Ditahan”, *Tempo*, 7 March 2012. Andi Yendra was also accused of receiving Rp.120,000,000 in *uang perjuangan*.

117 IPAC interview, Wan Mauli, Jakarta, 16 February 2013.

118 IPAC interview, Bob Hasan, Bali, 23 February 2013.

119 IPAC interviews, Pelita Jaya activists, Mesuji, 20 February, 2013. When IPAC showed them the dossier of supporting documents that Wan Mauli had provided, one said, “but those are OUR documents!”

120 IPAC interview, Agus Jabo, head of PRD, Jakarta, 16 February 2013. “Land to the tiller”, a slogan coined by Sun Yat Sen that later was associated with the Chinese Communist Party, has come to be used more widely by left-wing organisations pressing for land reform.

121 Mesuji settlers, in solidarity, joined a “long march” of farmers from Jambi, Sumatra to the presidential palace in Jakarta, 1,000 km away. The marchers, who were protesting land grabs by plantations, left Jambi on 12 December 2012 and arrived in Jakarta on 21 January 2013.

edly has staked a claim in a different part of the concession area.<sup>122</sup>

The local PRD activist and Wan Mauli have led the 1,878 families they claim to represent – at least half of them new arrivals since December 2011 – to believe that the forestry ministry has agreed to release the 7,000 ha to the Megou Pak *adat* -council, which will then distribute it in plots of between 1 and 1.25 ha.<sup>123</sup> The ministry says it has no such intention.<sup>124</sup> In the meantime, however, four “preparatory villages” have been established, complete with village-like structures and administration.

Wan Mauli claims not to know how all the new arrivals came in 2011, or who mobilised them, or what promises they were made. He also claims all the cutting of acacia for building of cheap houses is taking place across the road from the area they occupy around Tugu Roda and has nothing to do with him or his followers. He claims his people have never cut down a single tree. “I’m opposed to anarchic behaviour”, he said. “I don’t know who’s playing around here”.<sup>125</sup>

### B. *The Construction of New Settlements*

At the same time, between February 2012 and the present, the equivalent of several large transmigration sites have been built on Register 45 land, all neatly organised, with semi-permanent homes with new zinc roofs spaced evenly as far as the eye can see. The sites have names – Karya Jaya I, Karya Jaya II, Nusa Jaya and so on – and “coordinators” who register the settlers and assign plots of land. “Day by day, they’re becoming more brazen”, a district official said.<sup>126</sup> In June 2012, Saurip Kadi and Bob Hasan went to one of the new settlements to inaugurate a new school; later in the year there were reports of electricity being available in some sections.

Bob Hasan, elected secretary general of PEKAT in February 2013, acknowledges his ties to many of the field coordinators but denied that his organisation was involved directly in the clearing of land, rental of heavy equipment or construction. Its role was to motivate and organise, not to finance anything; he said: “Our goal is only to improve the lot of the people, to make them believe in themselves”.<sup>127</sup>

But the coordinators include men who by his own admission make frequent trips to Jakarta for consultation.<sup>128</sup> One such man, Abdul Majid, also known as Trubus, claims to have made the video used in the December hearing.<sup>129</sup> A former security guard of PT Silva who also apparently served as an intelligence agent for them, he changed sides, went to work for PEKAT and as of late 2012, according to the company, had become the field coordinator for some 2,000 ha near Tugu Roda.<sup>130</sup>

A settler in Karya Jaya, interviewed in February 2013, had come from a village about 40 km away where he still had 2 ha of rice paddy. He said he was an ethnic Mesuji, heard more land was available in Register 45 and came to check it out in early 2012. The coordinator, one of PEKAT’s men named Kristiyadi, known as Pak Yadi, allegedly offered him 2 ha without cost to plant cassava but told him he would have to supply his own funds for building a house – to settlement specifications. In his part of the settlement, there were 1,250 houses, all constructed over the past year. The entrance to the settlement was decorated with bunting for the one-year

122 A district official told IPAC that there was an FPI cluster in the part of Register 45 known as Pagyuban.

123 IPAC interview, PRD activist in front of several “neighbourhood heads” of Tugu Roda “villages”, Mesuji, 4 February 2013.

124 IPAC interview, secretary general of forestry ministry, Jakarta, 14 February 2013.

125 IPAC interview, Wan Mauli, Jakarta, 16 February 2013.

126 IPAC interview, district secretary, Mesuji, 19 February 2013.

127 IPAC interview, Bob Hasan, Bali, 23 February 2013.

128 Ibid.

129 “Trubus: Video Mesuji Bukan Rekayasa!” *Kompas*, 23 December 2011 and “In Occupied Mesuji, a Land Long Riven by Power and Politics, *Jakarta Globe*, 27 December 2011.

130 Ibid, and IPAC interview, PT Silva official, 21 February 2013.

occupation celebration; the settler had been told that Saurip Kadi himself was coming and was asked to contribute funds to support the event.<sup>131</sup> Later that day, a district official produced a 2013 calendar distributed to the settlers in Karya Jaya that showed photos of Saurip Kadi, Bob Hasan and Kristiyadi, among others.<sup>132</sup>

PT Silva's frustrations with local police were evident:

After the tents started going up [in December 2011] we wanted to stop them, but the police asked us to withdraw out of concern that there would be a clash. They said, "trust us". So we pulled back, and more came in. Then they started building huts, burning our land and taking our trees. Our workers were even invited to cut down trees. We went to the district police chief and said, "what now?" He assured us they were capable of dealing with it. We went to the provincial police and to the top in Jakarta but they were all getting the same message from the district chief, "everything's fine, under control, kondusif".<sup>133</sup> In the end, no one did anything. The problem is that everyone benefits: the provocateurs get money and the provoked get land.<sup>134</sup>

The unauthorised settlements have also allegedly created new problems of crime. "Every school child knows that drugs, gambling and prostitution go on there, why don't the police?" said a local.<sup>135</sup> The Moro-Moro settlers also said there was an increasing problem of thugs coming around to collect a "harvest tax" on cassava. The police refused to register complaints against them because the Moro-Moro have no legal status.<sup>136</sup>

### C. Yet Another Eviction Plan

In mid-2012, the coordinating ministry of political, security and legal affairs in Jakarta formed a team to implement the recommendations of the government fact-finding team, including by clearing out the squatters. The provincial government had allocated funding for the project but at the end of October, a major inter-village clash erupted in Balinuraga, South Lampung district

131 IPAC interview, Karya Jaya settler, Mesuji, 19 February 2013. IPAC subsequently learned that the total cost of the 28 February event was Rp.150 million, with funds collected from eleven posts inside Register 45. Because Wan Mauli was no longer working with PEKAT, no funds were collected from Tugu Roda.

132 IPAC has photographs of the calendar.

133 The word *kondusif*, borrowed from the English "conducive", has taken on a meaning of "back to normal, everything's fine". It is one of the terms most commonly used by police after violence has occurred, usually after some band-aid policy has been applied and none of the underlying issues addressed.

134 IPAC interview, PT Silva official, 21 February 2013.

135 IPAC interview, shop owner, Mesuji, 19 February 2013.

136 IPAC interview, Mesuji 15 June 2013.

between Lampungese and Balinese in which twelve died.<sup>137</sup> All available security funds were spent trying to restore order there, so the eviction was pushed into 2013.

Between 15 and 18 January 2013, a team from the coordinating ministry, the forestry ministry and the National Land Bureau visited Mesuji and spoke with provincial- and district-level officials. They heard from the provincial forestry office that 2,250 personnel had been put together for the eviction operations, involving the police and forestry personnel, but the funding would not be released until February. The regional military commander noted he had one company that he could make available for the operation. The then district police commander said it was very important not to make things worse because if the operation went wrong, it would just strengthen solidarity among the squatters and lead to huge demonstrations.<sup>138</sup>

Settlers had heard that the eviction would take place in March, and the forestry ministry confirmed to IPAC in early March that all authorisations had been signed off on at the national and provincial levels. But March came and went and none of the usual warnings had begun in the settlements. Rumours were circulating in the district government that the settlers had amassed some 500 homemade firearms -- Lampung is known as being a centre for producing them -- as well as knives and spears, raising the prospect of a serious confrontation.<sup>139</sup> Bob Hasan and PEKAT, however, were convinced that no clearing would ever take place. The potential political clout of the settlers was also increasingly a factor as elections approached for the Lampung governorship.<sup>140</sup>

Within the Mesuji district government, officials from the forestry and social affairs office expressed frustration at the inability to come up with a solution. When asked in February why the “field coordinators” – between 17 and 21 people depending on whom one asks – were not being prosecuted, an official said, “that’s our question, too, particularly because there’s no shortage of evidence”.<sup>141</sup> The arrest in March 2013 of one coordinator in Wan Mauli’s camp – Andi Yendra again – only raised more questions about why others were not being touched when crimes of tree-cutting and land-clearing with fire were continuing to take place daily.

There was clearly sympathy in Jakarta for the Talang Gunung, Pelita Jaya and Moro-Moro groups but little for the new arrivals. The solution offered to the first two is a slight variation on

137 On 27 October 2011, two Lampungese girls from Agom village, Kalianda subdistrict, were returning home from market on a motor scooter when two Balinese youths from Balinuraga, Way Panji subdistrict, tried to stop them, forcing them to run into a bicycle. As they were slightly injured, the youths tried to help them but the girls screamed, and rumor spread that the girls had been sexually assaulted. The village chief of Agom, Muchsin Syukur, went to Balinuraga to demand restitution. In the meantime, text messages had been circulating among the Lampungese that it was time to teach the Balinese a lesson. Muchsin demanded damages from the Balinuraga village chief who agreed to pay the girls’ medical expenses. But in the meantime, a few hundred Lampungese had gathered and marched toward Balinuraga, whose residents mobilised to defend the village. An earlier outbreak of Balinese-Lampungese violence in nearby villages in January 2012 still rankled, and Muchsin’s men on 28 October began attacking other migrant homes on the way to Balinuraga, including in Sidoreno village. Three Lampungese were shot and killed in the fighting there and photos of their bodies began circulating by text and Internet, drawing more into the fight. Police deployed hundreds to guard Balinuraga village but made no attempt to disarm the mob nor to stop attackers from mobilising elsewhere. By 29 October, the Lampungese mob had grown to over 10,000, swelled by many with anti-migrant sentiments who had joined from other areas. The Lampung police chief focused on trying to persuade the Balinese to flee their village for safety, not on dispersing the mob. By the time the attackers reached the village, they far outnumbered the police, and began sacking homes and temples. At this point the army arrived as backup, and began chasing out the attackers, without firing a shot. Twelve people were killed in all. Lampungese clan associations in South Lampung called for the expulsion of all Balinese from Lampung. The governor’s office initiated peace talks that ended with the Balinese forced to sign an apology for having triggered the conflict. IPAC interviews, Lampung, 7-9 December 2012.

138 “Laporan Tim Terpadu Tindak Lanjut dan Monitoring Penanganan Kasus Mesuji, Bulan Desember 2012”, Jakarta, January 2013.

139 IPAC interviews, district officials, Mesuji, 19 February 2013.

140 “KPU Coret 1,2 Pemilih”, *Radar Lampung* online, 17 July 2013. In mid-July, a member of the provincial Lampung election commission suggested that the Moro-Moro – and perhaps all the settlers in Register 45 – be given the right to vote in both the election for governor then scheduled for late 2013 as well as the national legislative elections in 2014.

141 *Ibid.*

what they were offered – and rejected – in 2000. Their homes, schools and other social facilities would be enclaved and they could work in a partnership with PT Silva, planting industrial trees. The problem is that the enclave, as measured by the forestry ministry, would only be 149.1 ha – not close to the 7,000 ha the villagers want back. An effort by the ministry on 8 October 2012 to set down markers around the proposed enclave failed when the villagers prevented the surveyors from coming in. By June 2013, another possible solution had been suggested: declare the contested 7,000 ha a transmigration site, in which the residents of Talang Gunung, Pelita Jaya and two other hamlets would be given two ha of individually-owned plots.<sup>142</sup> The forestry ministry seemed unlikely to agree.

As for the Moro-Moro, they were told directly by the *bupati* in early 2013 that they were not in danger of eviction, but at present, they could not be granted any documentation or usufruct rights because this would only encourage the new arrivals. Once the new settlers were cleared, they were told, then their situation could be regularised.<sup>143</sup>

#### D. Conflict Erupts Again

On 9 June 2013, deadly conflict erupted again in Register 45. The violence shows the danger of allowing the conflict to fester; this time the fighting was between two groups of settlers, both of whom have ties to local officials.

The problem started with the arrest on 9 June of four members of a Talang Gunung gang on charges of stealing rubber from PT Silva. One was the protégé of a man known as one of the most notorious land speculators in Register 45 who reportedly has evaded arrest because of his district-level political connections.<sup>144</sup> Another was the bodyguard of the brother of a police officer; two were minors.

In response to the arrests, another member of the rubber gang organized a mass demonstration in front of PT Silva offices in Mesuji, demanding that the four be released. In the course of the protest, one of the company's guardposts was burned down but police were able eventually to disperse the crowd.

On 13 June, a member of the Talang Gunung gang and a settler named Wayan Ana, who also controls hundreds of ha in Register 45, organized a larger demonstration for the release of the four. Locals said they were offering Rp.200,000 per head to take part in the protest and some 200 people showed up.<sup>145</sup> Another PT Silva building was vandalised, and the district police chief agreed to release the four.

When the demonstration was over and participants demanded their money, however, they were reportedly told they would be paid when the four were released.<sup>146</sup> Angry, the crowd turned on Wayan Ana and his son, attacking them with machetes, then setting fire to his home and his car.

<sup>142</sup> IPAC interview with delegation, Jakarta, 18 June 2013.

<sup>143</sup> IPAC interview, Moro-Moro leader, 4 February 2013.

<sup>144</sup> A PT Silva official said that members of the gang have been frequently arrested for thefts of both rubber and timber but the local police chief finds reasons to let them go. One of the four had been caught with eight others by company guards about a month earlier and turned over to the police who formally detained them. They were held for ten days, then eventually turned over to the Talang Gunung hamlet head who guaranteed their good behavior while their case was prepared for trial. When the prosecutor's office was ready to try the case, the perpetrators were nowhere to be found, and the police said the hamlet head had been forced under duress to give the guarantees. The case was effectively dropped. Text communication with PT Silva official, 19 June 2013.

<sup>145</sup> IPAC interview with resident, Mesuji, 15 June 2013.

<sup>146</sup> Ibid.

## VII. CONFLICT RESOLUTION

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There are two key questions for the Indonesian government. How is a conflict of this magnitude and complexity resolved without bloodshed – especially when there is no solution that will satisfy all claimants? The more important question, that goes far beyond Mesuji, is how can Indonesia avoid getting sucked into such intractable conflicts in the future?

The three-part solution the government is toying with now – enclave and partnership for Talang Gunung and Pelita Jaya; status quo for Moro-Moro; and eviction of the rest with relocation assistance, may be the least bad of a difficult set of options but it will satisfy no one and possibly provoke serious resistance. One way to look at the issue is to break it down into a few component parts.

### A. *The 7,000 Hectares*

The government should at least consider doing more to acknowledge the claims of the Talang Gunung and Pelita Jaya farmers than just agreeing to enclave 149.1 ha and offering them a partnership with PT Silva to plant industrial trees that none of them want. One alternative might be to offer usufruct rights (*hak tanaman rakyat*, HTR) to plant anything they want on the 7,000 ha. This would in effect be taking the land in question out of PT Silva's control, and could only be done with the company's acquiescence. Otherwise, it will simply sue the administrative court to recover the land as it did in 2003 and almost certainly win. The only quid pro quo the government could offer that would likely carry weight with PT Silva is eviction of all of those who arrived after a particular date – say, 2010 – in a way that would enable PT Silva to plant trees again. That would include most of the Tugu Roda settlers and all of those in the new settlements. It would also mean running up against the political interests backing those settlements – who now represent a certain number of potential voters in a district campaign – and ensuring that evictions were carried out humanely, lawfully and without violence. That is a tall order if poorly trained local police forces are involved.

Such a solution would also require an announcement from the forestry ministry, effectively communicated to the Tugu Roda farmers and their backers, that under no circumstances will the settlers in Tugu Roda be eligible for the 7,000 ha and the Megou Pak *adat* council will play no role in the distribution of the land concerned. But even here, more problems are created as fast as the old ones are solved. For example:

- The ministry would have to find a formula other than *adat* rights for recognising the Talang Gunung-Pelita Jaya claims, in part because the Pelita Jaya claimants are mostly migrants and in part because of the multiple and mutually exclusive *adat* claims that currently exist. As in many other areas of Lampung, the notion of indigeneity has become distorted beyond recognition as elites use the rhetoric of *adat* claims to enhance their own power positions.<sup>147</sup>
- The Talang Gunung and Pelita Jaya activists are not united and any solution is likely to create more competition between them.
- The process of establishing who would have a usufruct right is immensely complicated by the amount of time that has passed since the original expansion of Register 45, the natural increase in the number of families and the potential for fraud given the land values involved.

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147 "Resource Struggles and the Politics of Place", op. cit., p. 300.

The difficulties, however, should not deter authorities from trying to find a better solution for the group with the strongest historical claims to the land.

### B. *Dealing with the Squatters*

The term *perambah* in Indonesian is as perjorative as its English equivalent, squatter, and it is a term thrown around by all parties in the Mesuji conflict toward groups they do not like. To PT Silva, anyone living or cultivating any land within its concession area is a squatter, including those from Pelita Jaya and Talang Gunung and the Moro-Moro. To the latter, the Tugu Roda settlers are all squatters, without legitimate claim to the land. To some of the Tugu Roda farmers, the term applies to the PEKAT-sponsored people in the new houses across the road.

For PEKAT and PRD, any poor farmer willing to work the land should have a higher claim than a capitalist corporation; they base this on Article 33 of the Indonesian constitution, which states that the land, water and resources of the country should be used for the prosperity of the people. They claim that if PT Silva has not contributed to the prosperity of the community – and a host of arguments are cited to this effect, from the abusiveness of its security guards to the reported violations of the terms of its permit – then the occupation of its land by the farmers is perfectly justified. The argument fails to take into consideration the problems of competing interests among the occupiers or the fact that certain individuals are benefiting enormously from the land-use deals accompanying the occupation.

For the Indonesian government, the real problem is the organised influx after 2011. If the newcomers are allowed to stay, it will encourage more such operations by groups like PEKAT in Lampung and elsewhere and the creation of economic and political facts that benefit outside parties. It would be one thing if the new arrivals were locals so that a community solution could be negotiated.<sup>148</sup> But many of them are from outside Mesuji and should be encouraged to return to their place of last residence, with relocation packages if necessary. It will not be cheap, but the costs of the dispute continuing to fester are immeasurably higher.

Eviction will only work as a solution if it is accompanied by workable alternatives for those evicted; a better deal for the more legitimate claimants, as outlined above; a thorough and impartial investigation of the allegations of violations by PT Silva, as outlined in the government fact-finding report, with appropriate sanctions as necessary; and a carefully thought through communications strategy so that everyone understands exactly what is happening. It is also critical that if a major eviction is to take place, the government take no funding or personnel from the company and no live ammunition be assigned to anyone.

### C. *Addressing Violations*

So many crimes and administrative violations have been committed in connection with Register 45 over the last several years that it would be impossible to prosecute them all. A few of the dozens of land brokers have been caught and convicted; a handful of farmers have been charged with illegal occupation. But except for Wan Mauli, no one has been charged with organising the illegal occupation, let alone cutting down PT Silva's trees, clearing the land and overseeing the building of the settlements. The forestry ministry, in cooperation with the police, should undertake a systematic investigation into how these settlements were allowed to emerge unobstructed,

<sup>148</sup> One conflict in Bungamayang, Lampung was resolved by the local adat council "adopting" the plantation company at the heart of the dispute as a member of the adat community, in exchange for the company doing a better job of maintaining local infrastructure, paying market prices for goods, training more local residents and ceding certain parts of the plantation back for traditional forest uses. Described as a win-win solution by a scholar, it would not be possible in Mesuji given the different groups involved. See Craig Thorburne, "Land administration and policy in post-New Order Indonesia", *Asia Pacific Viewpoint*, vol. 45, no. 1 (April 2004), pp. 44-45.

despite the fact that all local officials knew they were being built and did nothing to stop them.

The internal investigation unit of the police, working with a neutral and independent investigator, should also do a thorough examination of the district police office of Tulang Bawang, responsible for Mesuji, as to why it made no effort to enforce the law.

## VIII. CONCLUSION: CONFLICT PREVENTION

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If Indonesia wants to avoid the kind of protracted conflict that Register 45 represents, then it needs to go much further than untangle this one case. As many scholars and policymakers have written, it needs to rethink policies on plantation agriculture, undertake a thorough review and revision of the laws governing land and forest use, clean up corruption and strengthen legal institutions.<sup>149</sup> If there is one principle it should abide by, it is democratising access to land and water for local farming communities.<sup>150</sup>

Especially as Indonesia pays more attention to issues of long-term food and energy security, it must examine how models other than large-scale land acquisitions by corporations can serve those security needs, improve rural welfare, protect human rights and protect forests at the same time.<sup>151</sup> This can be done by directing investment in agriculture and forestry toward small-scale farming, or ensuring the participation of smallholders in plantation agriculture on far more advantageous terms than are currently available.<sup>152</sup> The problem is that these alternative models require at least some state interventions that Indonesia's increasingly decentralised political system seems unable to provide.

The Register 45 case shows the difficulty of determining rights to land and forest use when so many overlapping regimes exist: why does a permit for the development of a commercial plantation trump individual ownership or customary rights and what institutions have the capacity to sort out multiple claims? An innovative "one map movement" led by President's Unit for Development Control and Monitoring Development (Unit Kerja Presiden Bidang Pengawasan dan Pengendalian Pembangunan, UKP4) is trying to overcome some of these issues through the concept of a single map to aid land use planning that will be drawn up *before* commercial concessions are granted. As of April 2013, it had only mapped about 14 per cent of forest areas and about 12 per cent of Indonesia's administrative areas, so the project is a long-term one. It is using, however, a much smaller scale than in the past (1:50,000 instead of 1:250,000) and a consultative process that includes an online interactive component for data-gathering.<sup>153</sup>

Efforts to revise Indonesia's antiquated land laws have repeatedly failed, and there are no sensible lines of authority between the National Land Agency, the body that should have the authority to deal with some of these issues, and the agriculture and forestry ministries – let alone between the central and local levels of government.<sup>154</sup> There is also no useful mechanism for sorting out competing customary claims. The government agency UKP4 recognises the problem but only the parliament can amend the laws – and the parliament is home to many with vested interests in the status quo. In the meantime, civil society groups as well as those government agencies interested in reform should press for full transparency from the forestry and agricul-

149 For example, Patrick Barron and David Madden, op. cit.; Rebecca Elmhirst, op. cit.; John McCarthy, "The Agrarian Transition in Sumatra, Indonesia", *Journal of Legal Pluralism*, 2007.

150 Olivier de Schutter, "How Not to Think of Land-Grabbing: Three Critiques of Large-Scale Investments in Farmland", *Journal of Peasant Studies*, vol. 38, no. 2 (2011), p. 250.

151 See discussion of Minimum Human Rights Principles in de Schutter, op. cit.

152 John F. McCarthy, "Processes of Inclusion and Adverse Incorporation: Oil Palm and Agrarian Change in Sumatra, *Indonesia*", vol. 37, no. 4 (2010), pp. 821-850.

153 IPAC interview with UPK4 official, 26 April 2013.

154 For a discussion of the ambiguity and shortcomings of Indonesia's land laws see World Bank, "More than Just Ownership" Jakarta, 2004.



ture ministries about how the decisions about land use and concession permits are made.

No major policy initiatives will be coming out of the Yudhoyono administration, but before the 2014 national elections it might be worthwhile for a consortium of NGOs, academics and donors to set forth a series of policy recommendations on streamlining law and bureaucracy on these issues that could be presented to the incoming administration.

Last but not least, Indonesia has to redouble efforts at legal access and judicial reform. Until people like the Register 45 farmers believe they can get a fair hearing in the courts, they are going to turn to other methods for restitution of grievances and demands for their rights, sometimes including violence.

### Appendix A: Map of Register 45

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