

# THE INCIDENT IN DULLAH LAUT: Marine Tenure and the Politics of Village Leadership in Maluku, Eastern Indonesia

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*ABSTRACT* The marine resource management discourse limits its concern for property rights to their role as instruments of resource management. Through the analysis of a conflict over communal marine tenure at Dullah Laut village in Maluku, Eastern Indonesia, this paper highlights the socio-political and economic values of communal marine tenure. It argues that communal marine tenure in Dullah Laut village is not considered merely as an instrument for controlling marine territory and resources but also as a form of 'political capital.' In this role, marine tenure has been used in the power struggle by local elites over control of the village headship. In this circumstance, the practice of communal marine tenure is defined and re-defined to suit the political interests of those involved in the power struggle. As a result, the management aspect of marine tenure is not considered important. In fact, customary property rights were traded for political and economic support from a foreign fishing operation -- backed up by military and government officers -- which most likely uses cyanide in its operation.

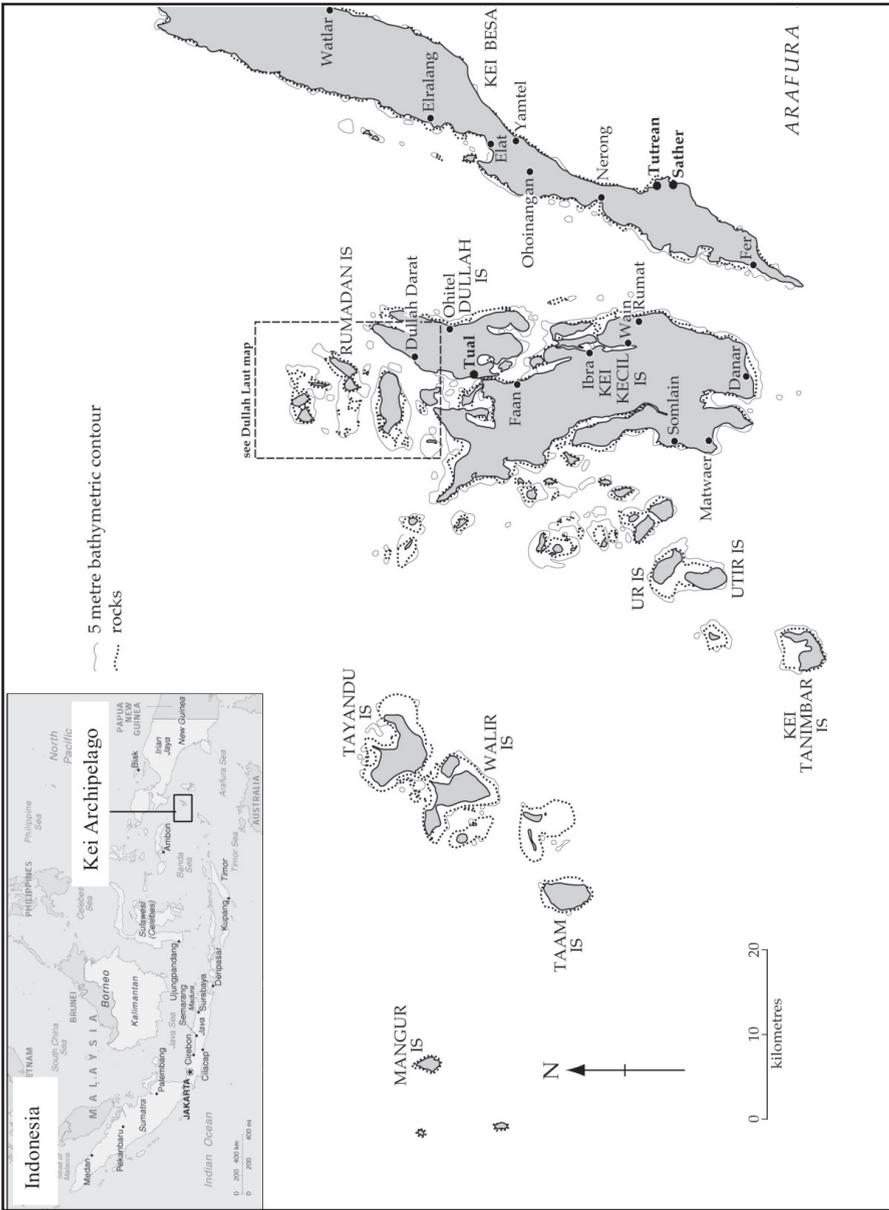
## **Introduction**

Resource tenure has always been one of the central issues in marine resource management. Following Hardin (1968), who argued that common property lies at the core of the problem of resource over-exploitation and degradation, many have come to agree that property rights are essential elements for creating sustainable and socially just resource management systems. The opinions of Hardin and his supporters concerning the question of what kind of property rights are the most suitable have been controversial, prompting worldwide debates at both theoretical and practical levels.<sup>1</sup> One important direction was given to the debates by studies that have pointed out the existence of communal marine tenure.<sup>2</sup> These studies show that the assumptions that lie behind the 'tragedy of the commons model' are not universally applicable. For example, Hardin's assumption that common property means nobody's property or a 'free for all' is contradicted by evidence of communities practicing communal marine tenure. The practice of communal marine tenure not only demonstrates that social groups claim ownership of resources -- and exclude others -- but also that there are rules and norms which regulate who may exploit the resources, and when, where, and how they may be exploited (McCay and Acheson 1987, Ruddle and Akimichi 1984). Again, this shows the inadequacy of Hardin's assumption that the driving logic of resource extraction is self-interest maximizing individuals unconstrained by social norms.

In turn, studies of communal resource tenure have prompted widespread reconsideration of communal property rights. These are mostly seen as being associated with 'traditional' communities, which are held as an alternative basis for sustainable and socially just marine resource management. For example, Berkes (1989:11-12) observes that communal property rights have five important roles. First, they ensure livelihood security, by enabling every member of a community to meet his or her basic needs through assured access to vital resources. The second role is conflict resolution. Berkes believes that communal property rights provide a mechanism for the equitable use of resources with a minimum of internal strife or conflict. Third, community property rights serve to bind members of the community into a single compact unit. This is because community property explicitly links group membership and resource control. This facilitates teamwork and cooperation. Fourth, communal property rights are conservationist since they are usually based on the principle of 'taking what is needed'. Finally, communal property rights are said to help maintain ecological sustainability, with communal management often incorporating ritual practices that synchronise resource exploitation with natural cycles.

This paper will challenge the argument that communal marine tenure always creates sustainable and socially just resource management. Referring to a case of conflict in Dullah Laut Village, Kei Islands, Southeastern Maluku, Indonesia, I argue that the understanding of communal marine tenure is subject to cultural and other local differences. The Dullah Laut community does not consider communal marine tenure only in terms of resource management. For them, the practice of communal marine tenure is an integral part of the social construction of their community. In reference to the conflict in question at least, communal marine tenure is connected to the dynamic of village politics. In the contestation between different political factions for the position of village head, communal marine tenure was used as 'ammunition' or 'political capital'. Each faction involved defined and redefined the practice of communal marine tenure to best suit their political needs. To be precise, one faction, led by a traditional leader, claimed the authority to transfer community fishing rights to an outsider fishing company. This manoeuvre was used in order to gain community economic and political support from the outsider fishing company. Another faction, led by the formal village head, developed a counter definition of the community's practice of marine tenure which sought to render 'illegal' the claim of the traditional leader. This second faction thereby hoped to eliminate the political and economic support to the challengers for the village headship by the outsider fishing company. In this power struggle, concerns about marine resource sustainability and social justice were not important. In fact, the conflict was triggered by the leasing of the village marine territory to this outsider company, which most likely would use cyanide in its operation. It is well known that cyanide fishing is destructive not only for fish and their habitat but also for the people who use it. (Dayton, L. 1995; Milan, V. 1993; Rubec, P.J. 1986, 1988, Johannes, R.E and M. Riepen. 1995). To add more complexity to the Dallah Laut case, though the lease was given by the traditional leader's political faction, the faction of the formal village head had itself been involved in giving a similar lease two years previously.

Figure 1: Kei Archipelago

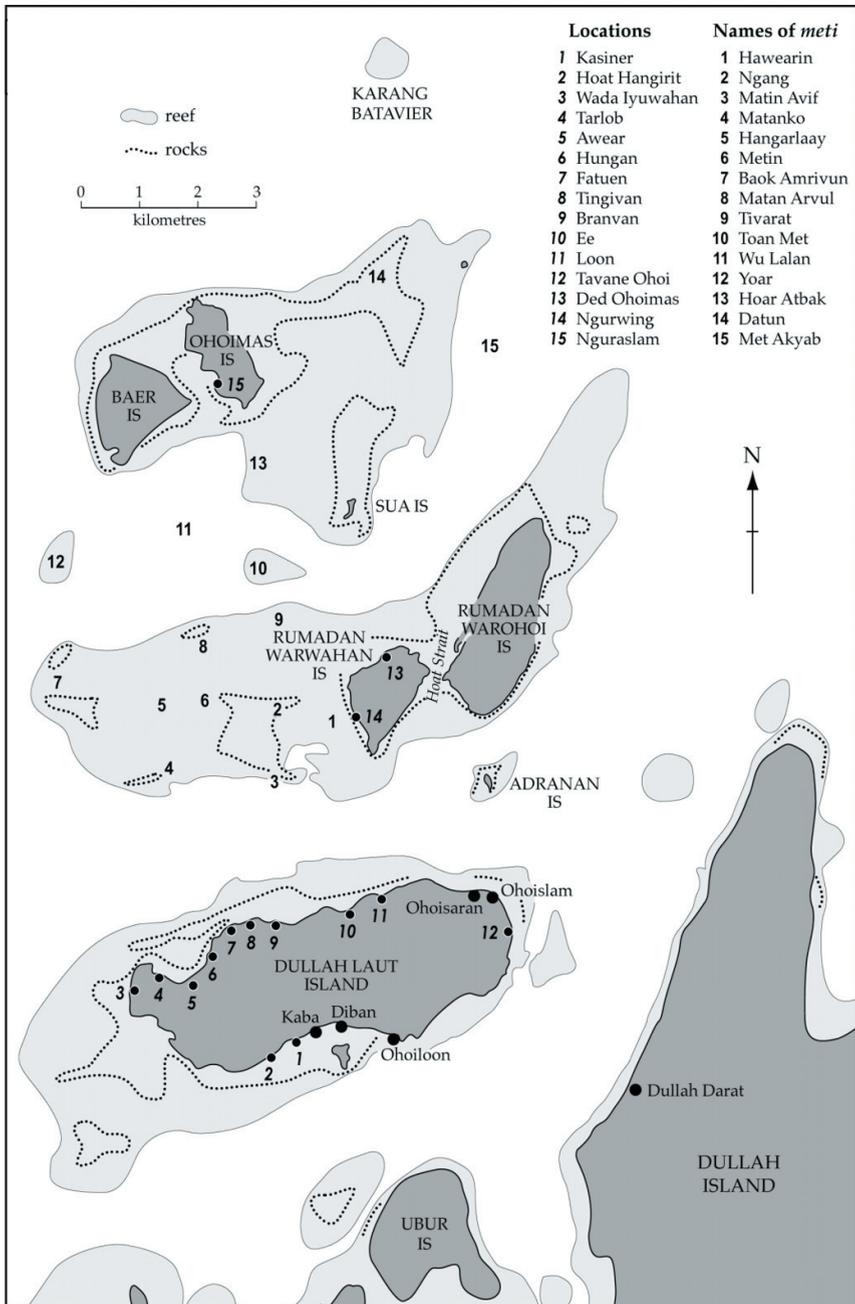


## The Setting

### *The Location and the People of Dullah Laut*

Dullah Laut is a village located off the coast of Dullah Island, which is one of the biggest islands in the Kei Archipelago of Southeastern Maluku, eastern Indonesia (see Figure 1). This village covers a group of nine small islands<sup>3</sup> and their adjacent waters (Figure 2). These nine islands are: Dullah Laut (Duroa), Moa, Adranan (Dranan),

Figure 2: *Dullah Laut*



Rumadan Warwahan, Rumadan Warohoi, Sua, Baer, Ohoimas, and Watlora (Ruin). They are all low-lying limestone islands and are covered with very thin soil. Thus the land of these islands is mostly unfertile and also lacks sources of fresh water. On all the nine islands, there is only one location, on Dullah Laut Island, where limited

fresh water is available. At the same time, the sea surrounding the islands of Dullah Laut village is considered as one of the best fishing grounds in the Kei Archipelago.

The population of Dullah Laut village was 1,231 persons in December 1996 and was divided into two separate settlements. The entire Muslim population of 904 persons, which represented seventy-three percent of the total population and 142 households, lived in the settlement of *Ohoislam*, while the 327 Catholics, who comprised twenty-seven percent of the total population in fifty-nine households, lived in *Ohoisaran*.<sup>4</sup> The main occupations of the Dullah Laut population are farming and fishing. Almost all adults, of both sexes, do some farming activities. Thus, the question of occupation relates more to what they do other than farming. In that regard, fishing is the most popular occupation of the Muslim settlement, with 113 people engaging in fishing activities. This number constitutes eighty-eight percent of the males of productive age (13-50). For the Christian settlement, the figure is different: only twenty males of productive age, or twenty-six percent of that population, earn cash from fishing. A small portion of the population of both settlements works as civil servants, tailors, drivers, small-scale shopkeepers, and teachers.

### *Social Organisation*

In Dullah Laut, two structures, 'old' and 'new', coexist. The 'old' structure refers to the local structure of village organisation which was based on tradition. The 'new' structure represents the structure that was introduced by the Indonesian government since Southeastern Maluku became an integral part of Indonesia in 1950s (Laksono 1990). Formally, that is from the government perspective, the new structure should have replaced the 'old' structure. Nonetheless, in reality, villagers treat the 'new' structure as complementary to the 'old' one. Thus, they use both structures interchangeably or even use particular elements of both structures as references for their actions.

In regard to the 'old' structure, Dullah Laut is considered as a single autonomous village (*negeri*). This means that, as a social unit, they have the right to govern themselves. Two main aspects used to be associated with self-governance. The first, what I call 'social autonomy', is the authority to self-manage all social relations in the village. The second deals with issues related to village territory. All villagers believe that, as a social unit, they control their own village territory, which means that they have the right to distribute and make use of their territory. This is what I call 'territorial autonomy'.

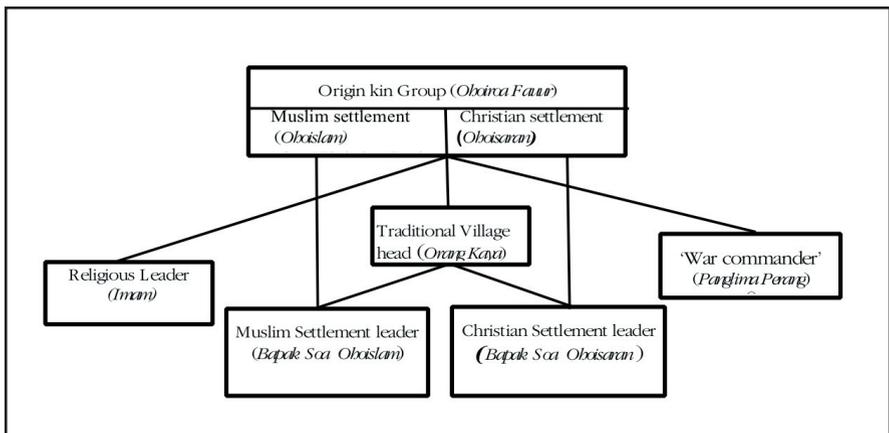
In terms of 'social autonomy', Dullah Laut is divided into two different *ohoi*.<sup>5</sup> Physically, these are the Muslim and Christian hamlets of *Ohoislam* and *Ohoisaran*. Each *ohoi* autonomously manages its own social relations. Only if there is a social problem that cannot be overcome in the *ohoi*, is it discussed at the village level. In terms of territorial autonomy, Dullah Laut as a *negeri* is not divided into smaller units. Thus, although 'socially', the village is divided into two *ohoi*, both *ohoi* share a single undivided territory. In Dullah Laut, people never talk about the territory of *Ohoislam* or *Ohoisaran*.

Theoretically, political life in Dullah Laut is in the hands of the *Ohoiroa Fauur*, the organization representing the original kin groups of the village.<sup>6</sup> In the political life of the village, the *Ohoiroa Fauur* is considered to be the ultimate power holder. This means that it controls all issues relating to Dullah Laut as a village, both

in social and territorial terms. This control works in both inward and outward directions. Inwardly, the *Ohoiroa Fauur* has the power to control the whole population of Dullah Laut in matters relating to the social order of the village. For example, if there is a conflict between villagers that lower level social groups cannot deal with, the *Ohoiroa Fauur*, represented by each origin kin group leader, will hold a meeting attended by all parties involved in the conflict. In this meeting the *Ohoiroa Fauur* will examine the nature of the conflict, decide which party is wrong and which is right and determine the solution to the conflict. Once the *Ohoiroa Fauur* has reached a decision, all parties must comply with it. In relation to the outside world, the *Ohoiroa Fauur* represents the interest of the whole village. This is its outward function. Thus, when a fishing company wishes to operate in Dullah Laut territory, for example, it is the *Ohoiroa Fauur* from whom the company should get permission. However, as the incident examined in this article shows, in reality it is more complicated than this.

For the purpose of effective decision-making, in customary meetings the seven groups of the *Ohoiroa Fauur* are represented by their leaders. In line with the division of the village into two settlements, *Ohoislam* and *Ohoisaran* also have *Ohoiroa Fauur* committees. As all seven of the original kin groups are represented in each settlement, their *Ohoiroa Fauur* also have representatives of all seven kin groups. These are the ultimate power holders in each settlement. In matters related to the village as a whole, however, the two committees will meet together to discuss the issue.

Figure 3: The 'Old' Structure and Distribution of Power in Dullah Laut



Source: Fieldwork

In practice, the *Ohoiroa Fauur* distributes its power to village functionaries who occupy hereditary positions transferred from fathers to eldest sons. The Dullah Laut *negeri*, has only five village functionaries (see Figure 3). They are the head of the village (*orang kaya* or 'the rich man'), *panglima perang* ('war commander'), *imam* (religious leader) and two settlement leaders called *bapak soa*. Theoretically, the role of the 'the rich man' is like a governor of the village. The 'war commander' is respon-

sible for dealing with physical or possible physical conflicts, particularly with outsiders. For example, during wartime, it is in his power to arrange the war strategy and direct people in what they should do. The religious leader was responsible for dealing with issues relating to religion and rituals. The *bapak soa* is the leader of an *ohoi* in the same way that 'the rich man' is governor of the village.

The 'new' structure was introduced in the early 1950s when the Kei Islands became part of the Republic of Indonesia. This 'new structure' brought two changes to Dullah Laut. The first change was to the internal structure of village government and the second concerned the relationships between the two traditional settlements, the Ohoislan and Ohoisaran. For the first, according to the 'new structure,' particularly after the implementation of Village Government Law No. 5, 1979, a village is led by a village head (*kepala desa*) whose position may be contested by any adult member of a village through an election involving all adult members of the village. As a result of Law No. 5, the position of a village head is no longer hereditary.

In the new structure, the position of village head is also powerful. For example, while for important issues the *kepala desa* should consult, or be responsible to, the Village Deliberation Council (VDC), which is the representative body of the villagers, the new law assigned the leadership of the VDC to the *kepala desa*. The *kepala desa* also appoints and thus controls his staff, which consists of a village secretary, an administrative coordinator, a development program coordinator, a welfare program coordinator, a treasury coordinator, a general coordinator, and heads of constituent hamlets (*kepala dusun*). All these positions, except the *kepala dusun*, are staff in the real sense. They mostly take orders from, and work for, the *kepala desa*. The *kepala dusun* is different because he is considered to be the representative of the *kepala desa* in the *dusun* (article No. 7/2 of the Village Law No. 5/79). This means that a certain amount of the *kepala desa*'s power is transferred to him. It should be noted however, that in appointing village functionaries, a *kepala desa* in Dullah Laut still consider tradition. Thus, so far, village functionary positions have been granted to representatives of origin kin groups who traditionally had the rights to be involved in village governance.

In practice, the prominent role of a *kepala desa* is obvious. He is the only representative of the village to deal with the outside world. By the same token, he is the only person to whom the power of the central government is delegated. It is only through the *kepala desa* that the Indonesian government provides subsidies, and various programs from diverse outside sources. All problems in the village that need to be resolved outside of the village are supposed to go through the *kepala desa* before they are taken to external agencies.

The second change to Dullah Laut was in the relationship between its two constituent settlements. From the 1950s until 1989, Dullah Laut was considered to consist of two different villages called Dullah Laut Islam and Dullah Laut RK (Roma Katolik, Roman Catholic) respectively. Being considered as two distinct villages meant that Dullah Laut Islam and Dullah Laut RK were each an autonomous unit with full rights to govern their own people and territory. Each village was led by its own leader, and each had its own functionaries and village council. Thus, when the central government started providing village subsidies in the 1970s, each village received the same amount of subsidy and was free to use it as they wished. During

this period Dullah Laut Islam was led by MN, who, although he occupied the position through an election, is the son of the former *orang kaya*. Dullah Laut RK was led by a member of a leading origin kin group who was replaced after he resigned by his secretary who was traditionally a *bapak soa* (head of settlement).<sup>7</sup>

Since this time, the traditional ties between the two settlement organisations have loosened. This has been not only because of the formal structural change that made each of the two settlements an autonomous unit, but also as a result of the intentional effort by the *bapak soa* of the Christian settlement who, by national law, was upgraded to be the village head of Dullah Laut RK. In this regard, in matters related to tradition, the *bapak soa* often went directly to the 'king' of Baldu (the leader of the *ratschap*<sup>8</sup> of which Dullah Laut was part). This meant that the *bapak soa* of the Christian settlement ignored the authority of the *orang kaya*, who by national law was considered as only the village head of Dullah Laut Islam.

Unlike the 'old' structure which did not change, the 'new' structures changed as government rules were revised. In 1989, the Governor of Maluku issued Provincial Decree No. 146/SK/39/89 which regulated the number and names of villages in the province of Maluku. By this decree Dullah Laut was considered to be a single village that bore the same name, consisted of two dusun (sub-villages or settlements): the Muslim and the Christian settlements. Thus, this decree degraded both Dullah Laut Islam and Dullah Laut RK from villages to sub-villages or settlements. However, for the Muslim settlement, this change was not thought to be a problem because the Christian settlement was placed in a subordinate position to the Muslim settlement. The village head was in the Muslim settlement, since it was considered to be the centre of the village. The direction of the decree therefore went against the direction taken by the former *bapak soa* of Christian settlement, who had tried to assert its independence from the Muslim settlement.

The people of the Christian settlement -- or at least the former head of the village -- questioned the decree. They were suspicious that some people had misused a letter that they had signed at a meeting held a year before the decree came into effect.<sup>9</sup> They also argued that if the village were to be considered a single village, it was the Christian settlement that should be its centre. Interestingly, the latter argument was developed based on another interpretation of their tradition. They believed that the decision on the location of the centre of the village should have been based on the original site of the settlement, which was the location of the Christian settlement, and not on the seat of the village head.

### **Communal Marine Tenure**

The practice of communal marine tenure in Dullah Laut, as in other parts of the Kei Archipelago, or in Maluku generally, lies in the concept of *petuanan*. This concept refers to an estate or territory of a certain traditional social group. The concept of *petuanan* covers both land (*petuanan darat*) and sea (*petuanan laut*). In Kei islands, the social group that claims ownership over a particular *petuanan* ranges from a settlement, a village, a *ratschap*, a moiety and even the whole society of Kei Islands. Thus, there is a *petuanan* under the control of a particular settlement, a village, a *ratschap*, and so on. Furthermore, there are two kinds of rights attached to *petuanan*

territory. The first is *hak makan* (literally the 'right to eat' usufruct) and the second is *hak milik* ('property right'). As the name implies the 'right to eat' is right to access and make use of both the territory and resources. The 'property right' covers both the 'right to eat' and the right to appropriate transfer of the 'right to eat' to a second party.

Dullah Laut is an example of a village that claims ownership to a particular *petuanan*. The *petuanan* under their claim covers all nine islands of Dullah Laut and the adjacent waters (Figure 2). This means that the land of all of the nine islands is their *petuanan darat* (land territory) and the adjacent sea is their *petuanan laut* (sea territory). The 'right to eat' over Dullah Laut sea territory is distributed to all members of the community. Thus, every villager is free to access and make use of the village sea territory. Those who do not live in the village but have a connection to Dullah Laut villagers either genealogically or by marriage are considered as having the 'right to eat'. The 'Property right' is an exclusive right of the original kin groups (*Ohoiroa Fauur*). Normatively, this means that the transfer of the 'use right' is possible only if is conducted by the *Ohoiroa Fauur*. Usually when outsiders propose to make use of the village sea territory, the leaders of all the original kin groups, each representing his kin group, will hold a meeting to discuss whether they approve or reject the proposal. Without such a meeting, the transfer of the 'use right' will be considered invalid.

### **The Case: A Raid on an Outsider Fishing Company**

The following is a description of conflict over the practice of communal marine tenure in Dullah Laut village. The conflict, which took place in the first quarter of 1997, was started by an incident of raiding an outsider fishing company in village's sea territory. The incident itself was triggered by an agreement made by AR, who was the descendant of the original *orang kaya* of the village and who lived in the Muslim settlement, with a grouper fishing company associated with a Taiwanese man and his wife, a Javanese. Their agreement was that AR granted the company permission to construct the company's base camp on Rumadan Island and operate their fishing activities in the surrounding waters. In return, the company would give a certain amount of money and employ some villagers in their operation. In this agreement, AR represented himself as the traditional leader of the village.

Some villagers raided the base camp of the company while it was under construction at the location designated by AR. The initiative of raiding the company came from some village leaders in the Muslim settlement who felt that the company was 'illegal' because its presence was without the permission of the *kepala desa*. After some discussions in the house of *kepala desa*, they went to Rumadan Island. On the way, they collected some people from the Christian settlement. The most important person was the *bapak soa* of the Christian settlement who at that time was filling the *kepala desa's* position, since the real *kepala desa* was away.

The owner of the fishing company and his wife were surprised by the arrival of these people who were suddenly accusing them of operating illegally,<sup>10</sup> and who asked them to stop their work and leave the village territory immediately. In order to learn what was going on and to explain to the inhabitants of the village their

company's position, the company's owners sent one of their workers, who were all Dullah Laut villagers, to ask AR to come to Rumadan Island. However, AR did not turn up but asked his son to represent him. AR's son tried to explain the position of the company to the villagers involved in the raid, but he failed to convince them. As he gave up his effort, he suggested to the company's owners that they follow the villagers' demand.

At the end of the raid, it was agreed that the company would stop its activities and leave village territory until they made a further settlement with the *kepala desa* and representatives of the *Ohoiroa Fauur*. The villagers confiscated one of the company's speedboats as a guarantee that the company would comply with the agreement. They promised to return the speedboat if the company left the village the day after. The company and AR, with the support of the local military commander, protested this incident the following night and forced the leader of the Christian settlement, as the acting head of the village, to organise a customary meeting that very night. Although the *bapak soa* could not escape from this pressure, leaders of the *Ohoiroa Fauur* in the Muslim settlement refused this request. The customary meeting was cancelled.

However, in the following day the pressure was more intense. Early in the morning the *bapak soa* was taken from his house to the military post and 'lectured' by the military commander. In the village, people feared that this incident would trigger a physical fight between the followers of AR and those of the *kepala desa*. The leaders of the *Ohoiroa Fauur* in the Muslim settlement gave in and a customary meeting was held at around five o'clock in the afternoon that day. The meeting was attended by the *bapak soa*, a representative of the local military post, the owners of the company, AR and representatives of the *Ohoiroa Fauur*. Interestingly, three groups of representatives of the *Ohoiroa Fauur* attended: one from the Christian settlement, and two groups of representatives from the Muslim settlement. Of these latter, one represented the *kepala desa* political faction and the other AR's faction.

The customary meeting, which was led by the *bapak soa*, did not end with any resolution. In his opening remarks, the representative of the army commander told the people that his commander wanted the meeting to decide whether the company would be given permission to continue its work. He expressed his commander's request that: 'the decision is up to the people, but, if the meeting decide not to allow the company to pursue their work, the villagers should declare, in writing, that their sea territory is closed to outsiders.' Although, AR, his political faction, the *bapak soa* and some representatives from the Christian settlement supported this instruction which, for reasons explained below, suited their interests, leaders of *Ohoiroa Fauur* who were politically on the side of the *kepala desa* and who were mostly involved in the raiding the day before, rejected this demand. Subsequently, the meeting did not proceed in the direction expected by the military commander, but instead become an arena for a fight between the different political factions in the village, which were organised around the *kepala desa*, the *orang kaya*, and the *bapak soa*.

### **Marine Tenure and the Politics of Village Leadership**

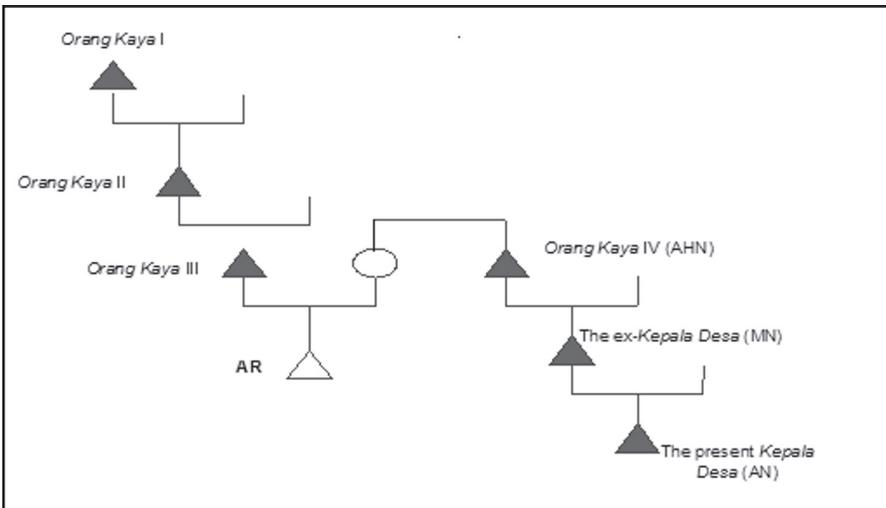
Before I discuss the political meaning of the incident, let me shed some lights on the history of village leadership in Dullah Laut. The main reference for the discussion

of village leadership in Dullah Laut is the history of *orang kaya* ('the rich man'). The starting point of the history was the appointment of YR as the first *orang kaya* by the colonial government in the last decades of the nineteenth century. Although it was the Dutch that appointed the first *orang kaya*, it seemed that the people of Dullah Laut welcomed his appointment. In fact, this appointment was the point of reference for the claim that the position of traditional leader in Dullah Laut is the right of YR's descendants.

This belief was also the reason why people accepted the transfer of the position to the second, third and the fourth *orang kaya* who were YR's son, YR's son's son and YR's son's son's brother-in-law respectively (see Figure 4). The succession of the first two followed the usual traditional pattern for transfers of the title, that is, from father to son. The transfer from the third to the fourth *orang kaya*, was unusual because it was not from father to son but between in-laws. However, since the transfer was initiated by the legitimate person -- the retiring *orang kaya* -- and for a legitimate reason -- the lack of an adult descendant of the *orang kaya* -- people accepted the leadership of the fourth *orang kaya*. In such circumstances it is quite common for the title to be transferred to those who have close relations with the former titleholder. During the leadership of the third *orang kaya*, his brother-in-law -- AHN -- often helped him in time of difficulties. This was the reason why the third village head transferred his title to AH in the early 1930s.

One of the significant signs of the peoples' acceptance of the fourth *orang kaya*'s leadership was the involvement of AR, a son of the third *orang kaya*,<sup>11</sup> in the development of the village during the second half of the fourth *orang kaya*'s leadership. In 1963, AR initiated the establishment of an elementary Islamic School. This idea became a shared dream of all the villagers in the Muslim settlement. They worked

Figure 4: *The Genealogical Connections of Dullah Laut Leaders*



Source: Fieldwork

together in constructing the school. Some local volunteers were also prepared to teach in the school. During that period, their only mosque was also enlarged. AR

donated his land for this purpose.

However, this development program was said to be the beginning of the conflict between the elite members of the village, particularly between AR and the fourth *orang kaya*'s kin group. The conflict worsened when the fourth *orang kaya* died and his son, MN, replaced him in 1967. AR disputed this transfer by claiming that the title should have been transferred to him. His claim was based on the fact that the three first *orang kaya* at Dullah Laut were his father, his grandfather, and his great grandfather. Explaining why his father transferred his title to AHN, AR argued that his father had entrusted him with the position because, at that time, no one of his generation was old enough. According to AR, it was agreed that whenever the descendants of the first *orang kaya* were ready to take over the position, AHN would resign and transfer the title back to them.

According to MN, he did not return the position for several reasons. The first was because AR did not ask for his right 'politely.' The second was that the Indonesian government recognised his position. For the latter, the head of Southeastern Maluku regency issued a letter for his appointment as head of Dullah Laut village in November 1979. This letter was a result of MN having won the election of village head that had been conducted several months before. By making this second claim, MN implied that his position was not traditional leader (*orang kaya*) but formal village head (*kepala desa*).

The conflict escalated when the connection between Dullah Laut and the central government and other outside agencies started to develop. This period began when the central government started providing a village subsidy in 1970 (Kato 1989) and when donations were received from some outside agencies for the construction of the elementary school. The conflict was mostly in relation to the distribution of the money or materials that the villagers received.

The conflict came to a climax in 1989. At that time AR organised a meeting at the former village office. The meeting decided that MN had to return the position before his retirement. A number of people were appointed to go to MN's father's brother (who was the leader of MN kin group) to discuss the proposal. AN, the present *kepala desa* -- who was, at that time his father, MN's, secretary -- was very upset and hit one of the representatives. Because of that, at night, MN's house -- where AN also lived -- was attacked. Some people were injured and some parts of the house were damaged. When the incident was brought to court, six of AR's allies were sentenced to three months in jail.

Although the physical violence has stopped, the conflict continues. AR and his allies have written several letters reporting MN's misbehaviour. These letters were directed to various government offices in the regency and Maluku province. Although most of their letters were ignored, one of them brought MN to court, and he was sentenced to six-months in jail in the mid 1990s. However, the high court in Ambon freed him when he appealed.

Conflict also occurred in the latest election for *kepala desa*, which was held in 1992. There were two candidates, AN (the son of MN, the former *kepala desa*) and AR's brother. AR's brother seemed poised to win the election since his followers outnumbered those of AN and he was supported by the head of Kei Kecil sub-district or the *camat*, who is the direct superior of the *kepala desa*. The *camat* supported AR's brother because she believed that AR's kin group was the original kin group of Dallah

Laut that traditionally held the position. Unfortunately for AR and his brother, however, they made a mistake. They issued a letter giving permission to a Madurese fisherman to fish in the village sea territory and signed it on behalf of *kepala desa*. AN reported the matter to the *camat* and brought the letter into question. The *camat* considered it to be a serious mistake, thinking that even before being elected to the *kepala desa* position, AR and his brother were involved in the manipulation of power. The sub-regency head feared that AR and his brother would abuse their power if they won the village head election. Thus, she switched her support to AN. In her effort to support the AN, the sub-regency head asked her staff to direct voters from the Christian settlement to the AN's side. The sub-district staff called the *bapak soa* of the Christian settlement and asked him to influence his people to vote for AN. In return, the sub-district staff promised the *bapak soa* to upgrade the status of his settlement into a village. That meant, at least until they conducted an election for the village head, the *bapak soa* would be the head of this new village. The *bapak soa* agreed. In the end, AN won the election by fifteen votes. However, the promise of the sub-district staff was never fulfilled.

After he failed to be elected, AR's faction did not give up. In opposition to AN, AR and his supporters ran their own programs. These programs included building a small prayer house (*musholla*), constructing a small harbour and widening their settlement. These programs have been carried out on the eastern part of the Muslim settlement populated mostly by AR's political followers.

Now, let me turn to the history of leadership in the Christian settlement. Conflict over the issue of leadership has never occurred in the Christian settlement. This is quite interesting since the leadership of the settlement was not transferred from father to son and the position was never in the hands of a descendant of the *orang kaya*. When I spoke with some elders at the Christian settlement, they told me that most of the *orang kaya*'s descendants do not live in the village. They usually worked as government civil servants, teachers and in other white-collar jobs outside of their village. Recently, one family had returned, but the family head was not interested in the position because the position of the settlement leader was no better than the position he had retired from. Some other elders told me that although those who led the settlement were not the descendants of the traditional leader, they were the best people for the position. They were also members of original groups who had settled the village.

However, due to the fact that the leader of Dullah Laut village is from the Muslim settlement, the people of the Christian settlement have developed a kind of resistance movement. Although they never expressed their resistance directly to the people or leader in the Muslim settlement, it was apparent that they had tried to cut their dependant connection with the Muslims. This movement was led by the present *bapak soa*.

In the remainder of the discussion, I examine what the conflict was really about. I do this by looking at the meaning of the conflict to each of the political groups in the village, particularly to their leaders. I begin by looking at the meaning of the conflict for AR. It is clear that for AR marine tenure represented 'political capital' to oppose the power of the AN (the *kepala desa*). The act of leasing the right to use their sea territory to an outside fishing company was certainly a political performance demonstrating his leadership of the village. In relation to the content of

the agreement with the company there were at least three crucial aspects. First, leasing the village's territory was a demonstration of his territorial power both to the villagers and to outsiders. It was as if he said, 'Look! The territorial power over the village territory is in my hands, so I can represent the whole village in transferring the use-right of the territory.' It was, of course, a public challenge to the *kepala desa*'s power on the issue of territorial rights.

The second important aspect of the agreement was that it stipulated that the company would employ villagers in its activities. This was considered effective for two reasons. On the one hand, these people became a buffer for both the company and AR. Whenever the opposing villagers confronted them, this aspect allowed them to say, as they did say in the customary meeting: 'Look! This business is not only for us (the company and AR), but also for villagers.' The implication was that the opposing villagers not only attacked the company and AR, but also fellow villagers who, according to tradition have the use rights to the territory. On the other hand, the involvement of the villagers was also a means to win the hearts of the villagers. By Indonesian village law, the numbers of voters is important in securing a *kepala desa* position. Unless voted in by a majority of the villagers, a *kepala desa* candidate is unable to take his seat. In the same way, villager(s) can remove a *kepala desa* from his position.

Money was the third important aspect of the agreement. Although when the incident took place people did not know how much money the company would give, it was certain that money was a part of the agreement. This money was important for AR, not only for his personal income but also for running his programs. Money was the most important factor that could make these programs successful. In this context, the agreement was significant because the money involved was likely much greater than the amount generated voluntarily by his political followers. There was also the possibility that the company would be asked for some additional economic support during the term of their agreement.

An additional significant value of the agreement lay in the connections offered by the company. The most important of these was with the army. In Indonesia, the army is a powerful institution. It not only controls military related issues but also has a significant influence in political, social, and economic affairs (Kristiadi 1999:48, Crouch 1979). It is also a public secret that army officers not only use their power for the benefit of their organisation but also for their personal interests. For these purposes they are involved in both legal and illegal businesses (Samego *et al.* 1998).

The circumstances in the Kei Islands were no different. Although civilian leaders headed most of the government offices, the military's involvement in political and economic spheres is indisputable. When I did my fieldwork, for example, I met a military official who carried out a political census just months before the general election in 1996. People also knew well that some military officials were involved in cyanide fishing businesses. Yet no one, not even the district head, dares to challenge their power (Adhuri 1998).

AR was very much aware of this situation. He also knew how to use the military. The agreement was one way of improving his relations with the army. At least two benefits were gained from the army's involvement. Firstly, the army became a shield against his fellow villagers' resistance. Those who opposed the agreement could be understood as blocking the interest of the army. Secondly, his relation with

the army was also useful to smoothen his way whenever he met other local leaders. The latter was important since AR's final goal was to be elected to the position of *kepala desa*.

From the point of view of the *kepala desa*'s political faction, raiding the fishing company was a 'must' in order to demonstrate the *kepala desa*'s power as the legitimate head of the village.<sup>12</sup> From their perspective, the company's activities in Dullah Laut territory were 'illegal' for two reasons. First of all, this company had 'entered their house without knocking at the door,' as they put it. Without the consent of the *kepala desa* -- the 'door' in the metaphor -- no outsider could be allowed to make use of the village territory or resources for commercial purposes. People explain that both tradition and Indonesian law regulates this. Secondly, judging from their equipment, this company was likely to use cyanide, which was also illegal.

In the eyes of those who sided with the *kepala desa*, AR's agreement with the fishing company was also a way of challenging the *kepala desa*'s power. They regard the *kepala desa* is the only legitimate person to represent the interests of the village to the outside world. They also believed that AR's claim of being the owner of the village territory was wrong. Dullah Laut territory is under the shared control of the original kin groups. This meant that AR had no right to make the agreement. In this context the incident was a way of 'getting things straight'. It would put the *kepala desa* into the top position and restore control over the village territory to the hands of the origin kin groups. Ecological, economic, and social justice concerns raised in the meeting appear only to have been used as a means to justify the *kepala desa*'s faction's raid on the company. As noted, two years before this incident, the roles were reversed: then it was the *kepala desa* who allowed a different fishing company to use cyanide to fish in their sea territory for one year. At that time, it was AR who opposed the leasing.

Finally, the significant aspect of the incident in the eyes of the *bapak soa* of the Christian settlement was the timing. This incident occurred when the *kepala desa* was away and the *bapak soa* of the Christian side was appointed as the acting village head. From his perspective, it was a time when he held the power that he had been dreaming of since Dullah Laut RK had been degraded to being only a settlement unit. He could score points if he succeeded in persuading the customary meeting to allow the company to continue their activities. The first point was that he would be considered to have passed his examination of holding the power of *kepala desa*. This meant that he was a credible occupant of the position. Second, he could succeed in opposing the *kepala desa* without being considered to have done so, as he had always done, by using the pressure from AR, the army commander and the company as his alibi. Third, he could use the network of the company, as AR did, to help him make his dream come true.

## **Concluding Remarks**

The case that I have discussed clearly demonstrates that communal marine tenure is not thought as merely an instrument of resource management for the villagers of Dullah Laut. The concept and practice of communal marine tenure are rather an integral part of the social construction of the community. As such, the social dynam-

ics of the community define and re-define the concept and practice of communal marine tenure. In particular, the political dynamic in Dullah Laut, represented by the contestation and conflict over village leadership, defines communal marine tenure as political capital which is used strategically to control the key leadership posts in the village. In these struggles, the definition of communal marine tenure as a means for managing the resources is forgotten. In other words, the case shows that communal resource tenure is a re-negotiated and re-invented in concept and in practice. While it is claimed to have its roots in local tradition, it is really a basis for modern power struggles, triggered by the global marine resource trade and the intervention of government and military apparatuses in community political life as well as in marine resource exploitation.

I would suggest that to think about improved resource management, we have to broaden our perspective on human-resource relations from merely biological or ecological perspective to perspectives which take into account the social and cultural values of the practices. Communal marine tenure is not only an instrument of resource management but, as the case indicates, it is also an instrument in socio-political processes within the community. Accepting this 'allows for the inclusion of value differences and the political dimensions of access and appropriation of resources' (Visser 2004). Thus, when we formulate a particular model of resource management, its social, political, and cultural contexts need to be taken into account.

## **Acknowledgements**

This paper is based on a chapter of my thesis (Adhuri 2002) and was presented at a seminar at the Research Institute for Humanity and Nature (RIHIN), Kyoto, 29 January 2004. For the former, I would like to express my appreciation to Prof. James J. Fox and Dr. Andrew Walker who assisted me in writing the thesis. For the latter, I would like to thank Prof. Tomoya Akimichi who organised the seminar that generated comments and questions on the earlier draft of this paper. MAST has also sent the original draft to an anonymous reader to whom I would like to express my thanks. Derek Johnson from MARE Amsterdam has also edited my English and commented a draft of this article, for which I owe him an expression of my gratitude. Last, but not least, Prof. Leontine Visser also read a draft of this article and provided critical comments and questions which were very useful for improving it. I would like to express my sincere appreciation for this. The mistakes and shortcomings that remain are mine.

## **Notes**

<sup>1</sup> See, for example, Hardin and Baden 1977; McCay and Acheson 1987; Berkes 1989; and Pomeroy 1994.

<sup>2</sup> Some examples of these studies are Johannes, R.E 1978, 1981; Ruddle, K and T. Akimichi 1984; McCay and Acheson 1987; Peterson, N. and B. Rigsby 1998. For Indonesian cases see, for example, Polunin, N.V.C. 1984; Zerner 1996; Bailey, C and C. Zerner. 1992; Adhuri, D.S. 1993, 1998; Wahyono, A. et al. 2000.

<sup>3</sup> This number is open to contest since a kin group in another village claims ownership over the islands of Rumadan Warwahan and Warohoi.

<sup>4</sup> Ohoi means settlement, slam and saran stand for Islam and Serani (Christianity) respectively.

<sup>5</sup> This division goes back to the history of religious conversion of villagers to Islam and Christianity. Before the conversion, there was only a single settlement on the village. A new Muslim settlement was

established when some of villagers converted to Islam. When the rest of villagers converted to Christianity at the end of the 19<sup>th</sup> or early 20<sup>th</sup> century, the old settlement started to be called Ohoisanan (Christian settlement).

<sup>6</sup> According to oral history that describes the establishment of the village, ancestors of these kin-groups were those who established the village. Thus, they have special privileges in the village politics. Originally, the number of these original kin groups in the Ohoiroa Fauur was eight, but this fell to seven when all the members of one group either died or moved away.

<sup>7</sup> This appointment shows that Dullah Laut villagers considered tradition still important although the formal structure of village government had changed.

<sup>8</sup> Ratschap is a traditional political territory, modified and legalised by the Dutch colonial government, that incorporates two or more negeri (villages). The leader of a ratschap is called rat ('king')

<sup>9</sup> Actually, the letter was about the agreement between representatives of the Ohoiroa Fauur and kepala desa of the two villages to change their village names to avoid the use of same words 'Dullah Laut' and to avoid the negative connotation of using religion names (Islam and Christian). They agreed to change the name of Dullah Laut Islam to Dullah Laut and Dullah Laut RK to Duroa.

<sup>10</sup> The term 'illegal' referred to the fact that the company failed to ask permission from the formal leader and the Ohoiroa Fauur and, judging from the equipment found at the company's base camp, that the company would operate cyanide fishing.

<sup>11</sup> AR was still a child when his father passed away. Therefore, the position of orang kaya was not transferred to him but to AHN.

<sup>12</sup> As I mention earlier, the kepala desa was away when people raided the company. However, when I met the kepala desa in Jakarta (the capital city of Indonesia) and told him about this incident, he regretted that he was not in the village. He said that otherwise he would have led the raid himself.

## Bibliography

Adhuri, D.S.

1993 Hak Ulayat Laut dan Dinamika Masyarakat Nelayan di Indonesia Bagian Timur: Studi Kasus di P. Bebalang, Desa Sathean dan Demta. *Masyarakat Indonesia* XX (1): 143-163.

1998 Who Can Challenge Them? Lessons Learned from Attempting to Curb Cyanide Fishing in Maluku Indonesia. *Live Reef Fish: The Live Reef Fish Export and Aquarium Trade, Information Bulletin* 4:12-17.

2002 *Selling the Sea, Fishing for Power: A Study of Conflict over Marine Tenure in Kei Islands, Eastern Indonesia*. Submitted to the Dept. of Anthropology, Research School of Pacific and Asian Studies, Australian National University, Canberra.

Anonym

1991 *Laporan Penelitian Hak Adat Kelautan Di Maluku*. Ambon: Yayasan Hualopo, Fak. Hukum dan Pusat Studi Maluku Unpatti.

Bailey, C and C. Zerner

1992 Community-Based Fisheries Management Institutions in Indonesia. *Maritime Anthropological Studies* 5 (1): 1-17.

Benda-Beckmann, F. von, K. von Benda-Beckmann and A. Brouwer

1992 *Changing 'Indigenous Environmental Law' in the Central Moluccas: Communal Regulation and Privatization of Sasi*. Paper read at the Congress of the Commission on Folk Law and Legal Pluralism, August, at Victoria University, Wellington.

Berkes, F. (ed.)

1989 *Common Property Resources: Ecology and Community-based Sustainable Development*. London: Belhaven Press.

Crouch, H.

1979 Patrimonialism and Military Rule in Indonesia. *World Politics* XXXI (No. 4): 571-587.

- Dayton, L.  
1995 The Killing Reefs. *New Scientist* 148 (2003): 14-15.
- Hardin, G.  
1968 The Tragedy of the Commons. *Science* 162:1243-1248.
- Hardin, G. and J. Baden, (ed.)  
1977 *Managing the Commons*. San Francisco: W.H. Freeman.
- Johannes, R.E.  
1978 Traditional Marine Conservation Methods in Oceania and Their Demise. *Annual Review of Ecology and Systematics* 9:249-364.
- 1981 *Words of the Lagoon: Fishing and Marine Lore in the Palau District of Micronesia*. London: University of California Press, Ltd.
- Kato, T.  
1989 Different Field, Similar Locusts: *Adat* Communities and the Village Law of 1979 in Indonesia. *Indonesia* 47:89-114.
- Kristiadi, J.  
1999 The Future Role of ABRI in Politics. In G. Forrester (ed.) *Post-Soeharto Indonesia: Renewal or Chaos*, pp. 48-58. Singapore: Institute of Southeast Asian Studies.
- Laksono, P.M.  
1990 *Wuut ainmehe nifun, manut ainmehe tilor (Eggs from one fish and one bird): A study of the maintenance of social boundaries in the Kei Islands*. Ann Arbor: UMI Dissertation Information Service.
- Marsono  
1980 *Undang-undang Republik Indonesia nomor 5 tahun 1979 tentang pemerintahan desa*. Jakarta: Ichtiar Baru.
- McCay, B.J. and J.M. Acheson (eds)  
1987 *The Question of the Commons: The Culture and Ecology of Communal Resources*. Tucson: The University of Arizona Press
- Milan, V.  
1993 Cyanide Fishing, Tubbataha Reefs and the Chinese Connection. *Coastal Management in Tropical Asia* 1:16-19.
- Peterson, N. and B. Rigsby. (eds)  
1998 *Customary Marine Tenure in Australia*, pp. 1-21. Sydney: University of Sydney.
- Polunin, N.V.C.  
1984 Do Traditional Marine "Reserves" Conserve? A View of Indonesian and New Guinean Evidence. In K. Ruddle and T. Akimichi (eds) *Maritime Institutions in the Western Pacific*, pp. 267-283. Osaka: National Museum of Ethnology.
- Pomeroy, R.S. (ed.).  
1994 *Community Management and Common Property of Coastal Fisheries in Asia and the Pacific: Concepts, Methods and Experiences*. Manila: International Center for Living Aquatic Resources.
- Rubec, P.J.  
1986 The Effects of Sodium Cyanide on Coral Reefs and Marine Fish in the Philippines. In J.L. Maclean, L. B. Dizon and L.V. Hosillos (eds) *The First Asian Fisheries Forum*, pp. 297-302. Manila: Asian Fisheries Society.
- Ruddle, K and T. Akimichi.  
1984 Introduction. In K. Ruddle and T. Akimichi (eds) *Maritime Institutions in the Western Pacific*, pp. 1-9. Osaka: National Museum of Ethnology.

Samego, I. et al.

1998 *Bila ABRI Berbisnis: Buku Pertama yang Menyingkap Data dan Kasus Penyimpangan dalam Praktik Bisnis Kalangan Militer*. Bandung: Mizan.

Surat Keputusan Gubernur Kepala Daerah Tingkat I Maluku (the Governor of Maluku Provincial Decree)

1989 No. 146/SK/39/89, Tentang Jumlah dan Nama-nama Desa dan Kelurahan di Provinsi Maluku (Number and names of *desa* and *kelurahan* in the province of Maluku).

Visser, Leontine.

2004 *Territoriality and its relevance for integrated coastal development and regional governance*. Paper read at XI World Congress of Rural Sociology, Trondheim, Norway, July 25-30.

Wahyono, A. et al.

2000 *Hak Ulayat Laut di Kawasan Timur Indonesia*. Yogyakarta: Media Pressind.

Zerner, C.

1996 *Sea Change: The Role of Culture, Community, and Property Rights in Managing Indonesia's Marine Fisheries*. Jakarta: Yayasan Obor.

