

Indonesia: Decentralisation and Local Power Struggles in Maluku

I. OVERVIEW

South East Maluku (Maluku Tenggara, commonly abbreviated Malra), a district in a remote corner of the Indonesian archipelago, is about to be divided in two, and many residents are worried about the possibility of conflict. Attention by provincial and national officials to latent communal tensions, equitable distribution of development funds and even-handed prosecution of corruption, as well as dissemination by neutral parties of information about the division, would help ensure that all remains peaceful.

The separation of the capital, Tual, from the rest of the district is taking place under a mechanism called *pemekaran* (literally, blossoming) that under Indonesia's 1999 decentralisation law permitted the division of provinces, districts and subdistricts into smaller units in the interests of better service delivery, more equitable resource distribution and more representative government. A subsequent implementing regulation set in motion a rush around the country to create ever more and smaller units. Despite the Yudhoyono administration's efforts to declare a moratorium, the carve-up shows no signs of stopping, with the number of districts alone increasing from 292 in 1998 to 483 in early 2007.

In most cases the process has been peaceful, and in a few it has actually produced the desired results. But too often it has been driven by local elites eager to get access to power and wealth, with concomitant problems, among them corrupt feasibility studies to determine the new units' economic viability, funds squandered on construction of palatial government offices, proliferation of new civil service posts with no one qualified to fill them, and a sense of entitlement for native sons and daughters based on increasingly narrow definitions of "native".

Pemekaran in former conflict areas is particularly problematic, because local power struggles can exacerbate communal and ethnic tensions that outside parties can exploit. West and Central Sulawesi provinces in particular have seen the outbreak of *pemekaran*-related violence. Maluku (the Moluccas), where communal conflict raged from 1999 to 2002, has a better record thus far. One new province, North Maluku, and eleven districts have been

created without incident since 1999. Malra has already been split twice before (see maps, Appendices A and B). In 2000, West Malra district (Maluku Tenggara Barat, MTB) was created. In 2003, the Aru Islands broke away, leaving Malra with the Kei archipelago: Kei Besar (Big Kei), Kei Kecil (Little Kei), Dullah and a number of smaller islands, with Tual the only town of any significance. Both splits took place relatively peacefully. As usual with *pemekaran*, local elites living far from the capital argued that they would be less marginalised and have better access to services if they had their own districts – and one look at a map shows the logic of their case.

The current case is different. In April 2007, after a hard-fought campaign and liberal amounts of money, a group of politicians in Tual succeeded in persuading the Indonesian parliament that their town should be declared a municipality (*kotamadya* or *kota*, equivalent administratively to a district) and in effect secede from Malra. This time it was not the neglected hinterland that wanted out – it was the urban centre with the district's only airport, tertiary schools, hospital and factory. Malra would be left with almost nothing. In the proposal submitted to Jakarta for approval, the rump district would consist mainly of Kei Besar island and, opponents argued, soon would be bankrupt. Proponents, most of whom live in Tual, argued that it would be a long-overdue boost to development on the island.

In late April, after the last bureaucratic hurdle for the district's creation seemingly had been cleared but before the authorising legislation was actually passed, the Maluku governor put forward a new option for boundaries that if accepted could satisfy more parties and substantially reduce the risk of communal tension and conflict over land and jobs (see map, Appendix C). In Jakarta, parliamentarians were leaning toward writing the governor's option into the legislation, due to be passed by the end of May but no final decision has been made. Money, as much as logic, will determine the outcome.

Regardless of which proposal becomes law, the reality of communal tensions needs to be faced squarely. The issues in Tual have nothing to do with religion and everything to do with who gets a share of the political and economic pie. But Malra is on the periphery of an area that saw intense fighting between Christians and Muslims. In March

1999, violence spilled over into Tual, Kei Besar and Kei Kecil. By the time the fighting ended, three months later, some 200 were dead and tens of thousands displaced. One reason it was so quickly resolved was that the area was relatively homogeneous ethnically, and strong customary (*adat*) mechanisms bridged the religious divide. The conflict's legacy, however, is a religio-political calculus that hovers in the background of all *pemekaran* discussions.

No official figures exist for the percentage of followers of different faiths in Malra today, in part because of their sensitivity. One source estimated the district to be about 45 per cent Catholic, 35 per cent Muslim and 20 per cent Protestant but others put the Catholics a little lower, or the Muslim-Protestant percentages closer. Protestants were numerically dominant in 1999 but lost that position when the districts of West Malra and Aru Islands broke away. Depending on how the borders are drawn, Tual's secession could leave the new municipality with a Muslim majority and the diminished Malra predominantly Christian.

The potential for differences over non-religious issues taking on a communal cast is thus always present, even if at the moment the debate largely reflects a local power struggle and "pro" and "contra" camps on Tual's secession are religiously mixed. Provincial and national officials need to be aware of the danger, particularly as preparations get underway for local and national elections in 2008 and 2009 respectively, and ensure that tensions – whether over boundaries, resources, choice of district capital or civil service appointments – are quickly resolved.

This briefing looks at the background to the division of Malra and the political interests of those involved on both sides. It is based on in-depth interviews with many of the chief players in Tual, Kei Besar, Ambon and Jakarta. Unfortunately, M.M. Tamher, the leader of the pro-*pemekaran* camp, was not available for comment despite many efforts to reach him in Malra and Jakarta.

II. PEMEKARAN IN MALUKU

Laws 22/1999 and 25/1999, passed under President Soeharto's successor, B.J. Habibie, created the framework for Indonesia's decentralisation program and resulted in a devolution of fiscal and political power to lower levels of government, especially the district level (*kabupaten*, or for urban areas, *kotamadya* or *kota*).¹ The devolution deliberately bypassed the provinces, its architects fearing

that to give the larger units more power might generate separatist tendencies, particularly in resource-rich or ethnically distinct areas. Hastily drawn up and internally inconsistent, the 1999 laws were superseded by Law 32/2004, which nevertheless left many problems unresolved. Both the 1999 and 2004 laws call for districts to receive a general block grant (*dana alokasi umum*, DAU) from the central government that for most constitutes more than 80 per cent of their revenue.² New districts also receive a special allocation (*dana alokasi khusus*, DAK) which is used among other things to finance the construction of new government buildings. Across Indonesia, the prospect of funds from these two sources is a strong incentive for *pemekaran*,³ even if it is often not based on realistic calculations.⁴

The criteria and procedures for forming a new district are set out in Regulation 129/2000, now being amended.⁵ Advocates must demonstrate the new unit's viability according to nineteen indicators. They also must secure approval of the district from which they wish to separate (which then must take on the costs of the breakaway district for the first year), the relevant provincial government, the ministry of home affairs, and the Indonesian parliament. A special team within the ministry, the Regional Autonomy Review Commission (Dewan Pertimbangan Otonomi Daerah, DPOD) was initially charged with reviewing proposals and drafting legislation for the parliament's approval. But *pemekaran* proponents quickly learned that if they went directly to the parliament's Commission II, they could speed up the process, so while the DPOD still

² "Decentralisation 2006: Stocktaking on Indonesia's Recent Decentralisation Reforms", U.S. Agency for International Development (USAID), Democratic Reform Support Program for Decentralisation, Jakarta, August 2006, p. 31. The DAU was supposed to be a tool for reducing inequities between rich and poor regions and matching local revenues with central government funds.

³ For earlier studies of *pemekaran*, see Crisis Group Asia Briefing N°37, *Decentralisation and Conflict in Indonesia: The Mamasa Case*, 3 May 2005; Asia Report N°60, *Indonesia: Managing Decentralisation and Conflict in South Sulawesi*, 18 July 2003; Asia Briefing N°24, *Dividing Papua: How Not To Do It*, 9 April 2003.

⁴ In the Aru Islands, a district created in 2003, the DAK was Rp.43,407,000,000 for FY2007 (about \$4.3 million); in West Ceram, it was nearly double. Ministry of finance figures, www.sikd.djark.go.id/dp/dak/Lamp_PMK128_2006.htm.

⁵ *Peraturan Pemerintah Republik Indonesia Nomor 129 Tahun 2000 Tentang Persyaratan Pembentukan Dan Kriteria Pemekaran, Penghapusan, Dan Penggabungan Daerah*, Government of Indonesia (2000), Jakarta. Redistricting has been possible from the earliest days of the Indonesian republic; several new provinces and districts were created in the late 1950s. But with post-Soeharto decentralisation, the financial incentives have increased as has the desire for influence of many groups denied power under old local government structures.

¹ For a critical examination of the 1999 laws see Gary F. Bell, "The New Indonesian Laws Relating to Regional Autonomy: Good Intentions, Confusing Laws", *Asian-Pacific Law and Policy Journal*, vol. 2, no.1, 2001.

carries out assessment missions, it is often the Commission II evaluation that counts.⁶ Corruption plays a major role, and genuine evaluations of viability according to the guidelines laid out in Regulation 129 often lose out to money paid over and under the table to parties involved in the review process.

The proliferation of districts, many of them *not* viable, has produced a drain on the central government budget without a concomitant improvement in services, causing President Yudhoyono in an August 2006 speech to the parliament to call for a halt to *pemekaran*. He instructed the cabinet to restore the role of the DPOD and noted that since the decentralisation laws were passed, seven new provinces and 141 districts and municipalities had been created, with little economic development to show for it.⁷ According to the vice-chairman of Commission II, 76 per cent of all regions produced by *pemekaran* are worse off after the split than before.⁸

Since then similar calls for a moratorium, or at least much stricter control over the *pemekaran* process, have come from political parties, the head of the Council of Regional Representatives (Dewan Perwakilan Daerah), and various academics, but to little effect. In March 2007, the minister of home affairs, just days after the parliament approved

seventeen new districts, suggested that a moratorium be put in place before the 2009 general elections, with no further divisions until Regulation 129 can be revised.⁹ On 30 March, the heads of the DPD and parliament agreed but it was not clear what impact this would have on proposals already in the pipeline – like Tual's.

A. HOW THE JUGGERNAUT WORKS

The problem is that the *pemekaran* process has become a juggernaut because of how a district is defined. In the original decentralisation law, a district needed to have at least three subdistricts, and a province needed to have at least three districts. Local political leaders who aspired to having their own district would have to first ensure that they had the requisite number of subdistricts to work with. In 1999, for example, Tual was the capital of Kei Kecil subdistrict. By October 2004 that subdistrict had been divided into seven, driven initially by a desire to provide better services for outlying island groups, but then increasingly to serve the interests of the Tual-for-district campaign.¹⁰ Separate regulations govern the elevation of villages to subdistricts, but there, too, once subdistrict status is achieved, it is only a matter of time before ambitions to access central government resources come into play, and moves begin to turn more villages into subdistricts so that the requirements for a new district can be met.

Criteria were tightened in 2004, in an amendment to the 1999 law, to try and slow the process down. Law 32/2004 introduced a minimum “age” before further subdivisions could take place: a province had to be ten years old, districts seven and subdistricts five, and the minimum number of subdistricts to be included in a new district, or districts included in a new province, was raised from three to five. But the incentives for multiplying are simply too high.

B. PEMEKARAN PROPINSI: A SOUTH EAST MALUKU PROVINCE?

Money and political power may be powerful drivers at the district level but a different dynamic comes into play in the move to form a province (*propinsi*). History, culture and a sense of regional difference take over; rent-seeking

⁶ Crisis Group Report, *Managing Decentralisation and Conflict in South Sulawesi*, op. cit.

⁷ “Pemekaran Wilayah Disetop”, *Koran Tempo*, 24 August 2006. Sixteen districts/municipalities (*kabupaten/kota*) have been newly endorsed, another sixteen (of which at least eight were considered certain to succeed) are under observation, and “hundreds” of proposals are still waiting at the home affairs department to be discussed. Already endorsed are: Pidie Jaya and Aceh Singkil in Aceh (Laws 7 and 8/2007); Batu Bara in North Sumatra (Law 5/2007); Empat Lawang in South Sumatra (Law 1/2007); Bandung Barat in West Java (Law 12/2007); Kayong Utara in West Kalimantan (Law 6/2007); Konawe Utara and Buton Utara in South East Sulawesi (Laws 13 and 14/2007); Sitiro, Bolmong Utara, Mitra and Kotamobago in North Sulawesi (Laws 15, 10, 9 and 4/2007); Gorontalo Utara in Gorontalo (Law 11/2007); and Nagekeo, Sumba Barat Daya and Sumba Tengah in East Nusa Tenggara (Laws 2, 16 and 3/2007). Under observation are: Padang Lawas and Angkola Sipirok (to split from Tapanuli Selatan) in North Sumatra; Manggarai Timur (to split from Manggarai) in East Nusa Tenggara; Kubu Raya (to split from Pontianak) in West Kalimantan; Puncak (to split from Puncak Jaya), Doguyai (to split from Nabire), *kabupaten* Nduga, Lanny Jaya, Yalimo and Memberamo Tengah (to split from Jayawijaya) in Papua; Kepulauan Meranti and Meranti (to split from Bengkalis) in Riau; *kota* Tual (to split from Maluku Tenggara) in Maluku; Tanah Tidung (to split from Bulungan dan Nunukan) in East Kalimantan; Pesawaran (to split from Lampung Selatan) in Lampung; and Serang municipality (to split from Serang district) in Banten. Information from Departemen Dalam Negeri, 26 April 2007.

⁸ “76 Persen Daerah Pemekaran Alami Kemunduran”, *Suara Pembaruan*, 10 April 2007.

⁹ “Pemekaran Ditunda Sementara,” *Kompas*, 9 March 2007.

¹⁰ In 2001, the subdistrict of the Kur Archipelago was carved out of Kei Kecil. In February 2004, Tayando-Tam, another island group, became the second new subdistrict. Perhaps for insurance, since the decentralisation law was being amended to require five subdistricts instead of three, perhaps with the idea of a future province of South East Maluku, Kei Kecil was further divided in August and October 2004 into North and South Dullah, and East Kei Kecil, West Kei Kecil and the rum Kei Kecil.

is less of an issue. Across south eastern Maluku there has long been a desire to be free of the dominating influence of Ambon and Ambonese, first for historical reasons and more recently because of the stigma associated with the Ambon communal conflict. Virtually everyone interviewed in Tual, including the most die-hard opponents of the town's *pemekaran* campaign, nevertheless supported the idea of a separate province.¹¹

The idea of political independence from Ambon goes back at least to 1947, when the uncle of Malra's current *bupati* (district head) pressed for the separation of the Kei islands from the Dutch-drawn region of the South Moluccas and demanded that all Ambonese leave Kei.¹² During the Indonesian struggle for independence, Kei islanders were overwhelmingly supporters of the nationalists. They opposed the Republic of the South Moluccas (Republik Maluku Selatan, RMS), the rebellion based in Ambon that rejected incorporation into the Indonesian republic, even though RMS claimed the Kei islands as part of its territory, and the area suffered from counter-insurgency actions directed against the rebels. The Ambonese were perceived as domineering; cultural, political and economic differences played a role as well in the desire for separate political status. South East Maluku, then comprising Kei, Aru, Tanimbar and islands further south, was granted *kabupaten* status in 1954. Kei politicians specifically rejected the name of South Maluku (Maluku Selatan) for the new district precisely because of its similarity to RMS.¹³

The notion of a new province arose again in 1999; many in Malra believed they could avoid the stigma of the Ambon conflict by separating from Maluku.¹⁴ The creation of more districts can thus be seen as long-term strategy for achieving that goal. A province needs five districts, and there are now three – Malra, Aru Islands and West Malra (Maluku Tenggara Barat). MTB is likely to have a new offspring, Maluku Barat Daya (the split is expected in 2007), and if Tual becomes a district, the building blocks would be in place. Tual would also be the logical capital of the new province, with all its concomitant economic benefits. The catch is that Ambon is likely to resist a drive for provincial *pemekaran*. The “mother” province stands to lose not only territory but also legal and illegal income

through forestry (especially from Aru) and fishing, and communal demographics will again come into play.

According to local pro-*pemekaran* sources, it is not Kei's politicians who are making religious calculations but Ambon's. They say some of Maluku's Muslim leaders were opposed to the creation of Maluku Utara, because when it separated from Maluku in 1999, it left a slight Christian majority in the mother province. If a South East Maluku province were to be created, it would include a sizeable number of Maluku's Protestants, giving the rump province a Muslim majority. Since it is almost impossible to get good statistical data on religious adherence in Maluku, it is difficult to know whether the demographic reasoning is right but some Ambonese donors to the *pemekaran* campaign believe it.¹⁵

III. CONFLICT IN MALRA

In one sense, the Maluku conflict began in Malra. On 14 January 1999, five days before violence erupted in Ambon, a clash took place in Dobo, in the Aru Islands, then still part of Malra, between Muslims and Christians. The Tual-based *bupati*, Haji Husein Rahayaan, and district security officials flew to Dobo two days later, returning when they believed they had restored calm. As soon as they left, the fighting resumed, and paramilitary police (Brimob) were sent in from Ambon. They were still in Dobo on 19 January, preparing to return, when the much more serious fighting broke out in Ambon, prompting conspiracy theories that Dobo had been a diversion to lure troops away and ensure the violence escalated out of control.

Communal conflict quickly engulfed the wider region, as people from elsewhere in Maluku living in Ambon returned home.¹⁶ In late March, it spread to Kei. On 29 March 1999, two days after the Muslim holiday of Idul Adha, a Christian youth painted anti-Muslim slogans on a wall in Tual; he later said he had done this in response to graffiti that described Jesus as having lice in his hair. Because he was legally a minor, police released him after a warning, angering local Muslims who saw this as too lenient.¹⁷ Rumours of impending attacks from nearby

¹¹ Even members of the Alliance against *Pemekaran* in Tual said they supported the plan to create a Maluku Tenggara province because the Ambonese exploited Maluku Tenggara and it would be good to get rid of them. Crisis Group interview, members of the Aliansi Menolak Pemekaran, 21 February 2007.

¹² Richard Chauvel, *Nationalists, Soldiers and Separatists* (Leiden, 1990), p. 271.

¹³ Crisis Group interview, Abubakar Refra, Jakarta, 14 March 2007.

¹⁴ Crisis Group interview, Eka Dahlan Uar and Ratu Uar, Ambon, 18 February 2007.

¹⁵ Crisis Group interview, Jakarta, 14 May 2007.

¹⁶ One survey found that 75 of 100 respondents in Kei Besar and Kei Kecil believed that the violence in Malra was started by people fleeing Ambon. Eka Dahlan Uar, *Larvul Ngabal Sebagai Sistem Adat Dalam Penyelesaian Konflik Sosial di Maluku Tenggara*, M.A. Thesis for Gajah Mada University, Yogyakarta, 2005.

¹⁷ Craig Thorburn, “Musibah: Entitlements, Violence and Reinventing Tradition in the Kei Islands, South East Maluku”, paper submitted for the International Association for the Study of Common Property, 9th Biennial Conference, Victoria Falls,

communities or islands exacerbated an already tense atmosphere, and neighbourhoods began to erect barriers in anticipation of trouble.

Fighting broke out in Tual between groups of youths wearing white (Muslim) and red (Christian) headbands, and in the early hours of 30 March, several houses in Wearhir village on the outskirts of Tual were set on fire. The next day the violence spread. Christians attacked and burned Muslim villages along the west coast of Kei Kecil, forcing many to flee to Tual and surrounding areas.¹⁸ Along the south coast the Protestant villages of Ohoiseb and Elar were targeted; 24 people died in Elar and some 80 homes were burned. Villagers from Catholic Ohoidertutu, also on the south coast, attacked the Muslim village of Danar. Even mixed-religion villages like Ohoitel on Dullah island did not escape; Muslims there burned the homes of Protestant and Catholics.

On 3 April 1999, in Kei Besar, perhaps building on longstanding hostility between the Muslim *bupati* and the Protestant district secretary, men from the latter's village, Weduar Fer, attacked the *bupati*'s village of Larat during Friday prayers, killing dozens and destroying many homes. Villagers fled to Elat and Tual. Muslim villages along the north west coast were also attacked. On 1 May, Muslims from Dullah crossed to Kei Besar and attacked Weduar Fer, where 37 people were killed, and another Protestant village, Dangarat. When the fighting ended in Malra in May, some 200 were dead and the number of displaced was estimated between 30,000 and 48,000.¹⁹

Despite the casualties, the violence was contained rapidly in comparison with Ambon and central Maluku. Many gave credit to family ties and local customary law (*larvul ngabal*) that Kei islanders of all religions accepted as valid. A year after the initial outbreak, in March 2000, some 1,500 representatives of the Muslim and Christian communities held a meeting in Tual, reasserting the authority of traditional leaders (*raja*).

A series of *adat* ceremonies then began across Malra: a group of displaced would return home in the presence of indigenous Christian and Muslim leaders and often a senior military or police officer. In Danar, the village that fell to

a Catholic attack, the Muslim *raja* stressed that the young generation had been responsible for the conflict and should be forgiven by its elders so that friendship and religious harmony could be restored.²⁰

IV. DISPUTE OVER MALRA DISTRICT HEAD

While the wounds of the conflict were still raw, a dispute arose in Malra over who would become *bupati*. The chief contenders, M.M. Tamher and Herman Koedoeboen, became the leaders of the contending sides in the subsequent battle over *pemekaran*. The dispute shows how *pemekaran* and local power struggles are linked and how communal tensions left over from the conflict loom in the background.

A. FILLING DISTRICT VACANCIES

In early 2000, the Malra district council (DPRD) agreed that Saumlaki subdistrict could break away and become the new district of West Malra (Maluku Tenggara Barat, MTB), a decision that took effect that October. The 35-seat council, dominated by PDIP and Golkar, had eleven representatives from Saumlaki, who had to leave Malra and serve the new district.²¹ The need to select their replacements delayed the election for Malra district head, originally scheduled to take place in October 2000.

Seven new members from PDIP and four from Golkar were chosen. The recent conflict almost certainly affected the way the parties were perceived: PDIP as Christian, Golkar as Muslim.²²

The governor of Maluku province selected a caretaker *bupati* for Malra as plans for the district council's election of the "definitive" *bupati* got underway. The five largest factions nominated their slates on 9-10 April 2001. PDIP's was headed by Herman Koedoeboen, a Protestant; Golkar's by M.M. Tamher, a Muslim from Dullah. The third major contender was the Muslim-based United Development Party (PPP), led by M. Taher Hanubun. When the election was held on 29 September 2001, the Golkar and PPP-headed slates were tied with five votes each. They demanded a run-off between the top two but PDIP insisted that all five slates take part again. Since the relevant law had no

Zimbabwe, 2002, retrieved from <http://dlc.dlib.indiana.edu/archive/00000932/00/thorburnc170502a.pdf>.

¹⁸ "Lintas Peristiwa Kerusuhan di Maluku 1999 s/d 2001", Crisis Centre Keuskupan Amboina, at www.websitesrcg.com/ambon/documents/lintas-peristiwa.doc.

¹⁹ The Catholic Church gives a figure of 48,345 in April 1999, with the displaced spread across eleven villages in Kei Kecil and five in Kei Besar. Ibid. Craig Thorburn, a scholar at Monash University, uses the lower figure. Throughout the Maluku conflict, officials at the local and national levels often inflated the figures for displaced as a way of embezzling humanitarian aid.

²⁰ "Lintas Peristiwa," op.cit., p. 3.

²¹ PDIP, the Indonesian Democratic Struggle Party, led by Megawati Sukarnoputri, is a secular nationalist party but represents an amalgam of the old Indonesian Nationalist Party led by Megawati's father, Indonesia's founding president, Sukarno, and several Christian parties. Golkar, also secular nationalist, was the ruling party under Soeharto.

²² Eka Dahlan Uar, *Larvul Ngabal*, op. cit.

provisions for what to do in the case of a tie and both sides refused to back down, a stalemate ensued.

In the midst of this, the term of the caretaker *bupati* came to an end, and the Maluku governor in July 2002 appointed a new one for six months. The ministry of home affairs gave the DPRD three options for resolving the deadlock over a full-term replacement. One was to hold a new election in the DPRD. On 12 December 2002, the council tried to nominate three slates: PDIP, Golkar and a third faction, the Indonesian National Union (Kesatuan Kebangsaan Indonesia, KKI), but new problems arose. The KKI faction pulled out, saying the election was rigged, among other things because the presiding DPRD chair also was the head of PDIP. The election was indefinitely postponed.²³

So much time had passed that the Maluku governor was obliged to replace the second caretaker *bupati* with a third. On 27 February 2003, Dra. Ien Z. Rery became the new caretaker, and efforts to hold a new election inched forward. On 22 April 2003, the DPRD determined it would choose between only two slates, PDIP and Golkar, and on 16 June it chose PDIP – thus ensuring the election of Koedoeboen, a high-profile prosecutor, as *bupati*.²⁴ Frustrated Golkar supporters, charging that the process was unfair, occupied the DPRD building and demanded that the election be annulled.

Eventually the home affairs ministry, on 1 September 2003, issued a decree ending the term of the caretaker and a second authorising the installation of the PDIP slate, led by Koedoeboen.

B. USING ADAT FOR POLITICAL ENDS

On 16 September, invoking *adat*, the *raja* of Tual, from the same family as the losing Golkar candidate, M.M. Tamher, ordered that fences of coconut leaf (*hawear*) be placed around the *bupati*'s office and elsewhere in Tual, including the airport, harbour and the major bridge linking the islands of Kei Kecil and Dullah, disrupting schools, commerce and transport. Sometimes defined as “*adat* no trespass signs”, the fences are considered impassable under *adat* law: those who dare to cross them risk “the wrath of unknown forces”.²⁵

²³ Ibid.

²⁴ Koedoeboen prosecuted Ja'far Umar Thalib for incitement and rebellion after he gave an incendiary speech in Ambon but Ja'far was acquitted in early 2003. In April 2003 he successfully prosecuted Alex Manuputty and Samuel Waileruny of the (largely Christian) separatist organisation, the Moluccan Sovereignty Front (Front Kedaulatan Maluku).

²⁵ “Ambon/Maluku Glossary”, Ambon Information Website, www.websitesrcg.com/ambon/glossary.htm.

Tamher was accused of exploiting *adat* for his own political interests. His supporters said the *hawear* would only be taken down if the central government declared the election of the PDIP slate invalid but his use of a potent customary tool was deemed inappropriate even by some within his own clan.²⁶ The local military commander warned that the placement of *hawear* by one small group and the resentment it was causing risked starting a new wave of unrest.²⁷ On 19 September 2003, a Brimob platoon was sent from Ambon to reinforce the Tual police in case of trouble. The caretaker *bupati*'s intensive efforts to resolve the stand-off produced no results but the Maluku governor went ahead anyway and inaugurated Koedoeboen and his deputy on 8 October at the district council building outside Tual.

The stalemate had overtones of national politics as well. Tamher's camp alleged that Koedoeboen's election had been managed from Jakarta through the intervention of then President Megawati's husband, Taufik Kiemas, and Jakarta businessman Tommy Winata, who owns Malra's largest factory, PT Ting Sheen Banda Sejahtera, in Ngadi, near Tual. On 9 September, Kiemas and Winata had come to Tual to visit the factory and announce a new investment of \$60 million – which the new PDIP *bupati* claimed was a result of his lobbying.²⁸ The Tamher camp threatened to put *hawear* around the factory.

It was in this context of intense rivalry between two political camps and a power struggle at the district level that the *pemekaran* debate took off.

V. THE PEMEKARAN DEBATE

The idea of dividing Malra and creating Tual *kota* dates back at least to 1997, before the conflict erupted or the decentralisation laws were in place. But in the late 1990s, the discussion was linked to aspirations for a new province, separate from Ambon's control. When the debate over Tual was revived in a changed political context in 2006, it was much more about local power, and the criteria set by Jakarta for determining the viability of the proposed district became highly elastic or non-existent as political interests took over. All *pemekaran* supporters interviewed

²⁶ “Hawear di Jembatan Usdek Tual Belum Dilepas,” Maluku Media Centre, 21 September 2003. *Hawear* is normally used to mark off land that a clan wants to protect from encroachment.

²⁷ Ibid.

²⁸ “Aset Tommy Winata Terancam Disegel Warga”, *Sinar Harapan*, 18 September 2003. Koedoeboen is quoted as saying as soon as his selection was confirmed, he went to Jakarta and met with Tommy Winata to urge more investment and to promise him that as *bupati*, he would guarantee economic and political stability.

by Crisis Group made the usual arguments: Tual's separation would bring government closer to the people, improve public service delivery and help to fulfil the region's potential. But given the lack of development on Kei Besar, the logic was open to question.

A. THE DEBATE HEATS UP

A group campaigning to make Tual a *kotamadya* succeeded in 1999 in securing an official recommendation letter from the Malra district council (DPRD).²⁹ The letter, signed by council chair M.M. Tamher and his two deputies, gave the council's support for the *pemekaran* drive. It also recommended that the *bupati* take concrete steps to follow up, including by preparing the division of Kei Kecil subdistrict (*kecamatan*) into four so that the criteria for having enough subdistricts to form a district would be met.³⁰

Despite this letter, nothing happened. In 2002, in the midst of the dispute over who would be *bupati*, Tamher, now deputy council head, secured a new council decision supporting the creation of Tual district.³¹ Still there was no movement, even as another part of South East Maluku – the Aru islands – successfully split off.

On 12 June 2003, a letter from the “highest leadership of the *adat* leaders in Maluku Tenggara” was signed by the *rajas* of Tual and Dullah and sent to President Megawati, parliament, all concerned ministries and the governor of Maluku, as well as local political and religious figures. It expressed support for the pro-*pemekaran* team and its “consultation, lobbying and consolidation” efforts.³²

In September 2003, one month before Herman Koedoeboen took office as *bupati*, the caretaker officially expressed her support for the creation of three additional subdistricts and the *pemekaran* of Tual. But when Koedoeboen was finally installed, he declared that it was not in the power of a caretaker *bupati* to so recommend and took up a position against *pemekaran*.³³ Opposition between the “pro” and “contra” groups began to intensify.

Two main documents form the basis of the debate: the study on the proposed district's viability (*studi kelayakan*), prepared by Tamher's group in October 2005, and a presentation prepared by Koedoeboen, both of which were given to the ministry of home affairs' assessment team in January 2007.³⁴ The viability study notes the longstanding support for *pemekaran* from the Malra district council and the population at large. It includes lists of signatures as proof and provides economic, social and political data leading to the unsurprising conclusion that Tual fulfils all criteria in the law and that *pemekaran* would have a positive impact on people's lives. There is no thorough analysis of the effect of *pemekaran* on the economic viability of the rump Malra district, in effect Kei Besar.³⁵

Koedoeboen's presentation comes to a different conclusion. Citing letters against *pemekaran* by *adat* leaders from Kei Besar, the Kur islands to the west of Tual, Taar village on Dullah island, and leaders and citizens from the overwhelmingly Catholic town of Langgur (where the district's only airport is located), the *bupati* argues a decision on *pemekaran* should be based on a public opinion poll and not move forward until the issues of boundaries can be addressed. PDIP, the party that had put Koedoeboen forward in the *bupati* election, stayed out of the debate.³⁶

Two models for the administrative borders of the future district were floated from the beginning, only to be replaced by a third in late April 2007, adding to widespread confusion about what exactly *pemekaran* would entail. One option was to merely split off Dullah island with the

²⁹ The terminology has since been changed from *kotamadya* to *kota* for municipalities.

³⁰ Dewan Perwakilan Rakyat Daerah (1999), Surat Rekomendasi Nomor: 07/DPRD. II. MT/II/1999.

³¹ Dewan Perwakilan Rakyat Daerah (2002), Keputusan Dewan Perwakilan Rakyat Daerah Kabupaten Maluku Tenggara Nomor: 135/KEP/17/2002, “Tentang Persetujuan Pembentukan Kabupaten Kota Tual” [Agreement Concerning the Formation of Kabupaten Kota Tual].

³² Pimpinan Tertinggi Pemangku Adat Pata Siwa Pata Lima Maluku Tenggara (2003), Surat Rekomendasi Nomor: 02/RK/PTPA-PSL/2003.

³³ Koedoeboen is not against *pemekaran* in principle. In 2004, he agreed to the creation of subdistrict Pulau Dullah Utara.

³⁴ “Studi Kelayakan”, undated document obtained by Crisis Group. It features relevant correspondence since 1999, lists with signatures collected in support of *pemekaran*, lists of recommendations, a brief history of *kota* Tual, statistical data, *pemekaran* criteria and a map showing the new administrative borders. “Paparan Bupati Maluku Tenggara pada Pertemuan dengan Tim DPOD Depdagri dalam rangka Persiapan Pemekaran Kota Tual”, *Bupati's* presentation, Ambon, 24 January 2007.

³⁵ The governor of Maluku, however, alleged that the dispute over *pemekaran* was entirely the fault of the *bupati*: He was supposed to do the feasibility study, and when he failed to do it, eventually the campaign team did one for themselves, and the governor signed off on it. Crisis Group interview, Ambon, 7 February 2007.

³⁶ PDIP reportedly abstained in a vote on *pemekaran* in the Malra DPRD. A document dated 8 August 2005, “Dukungan Terhadap Proses Pemekaran Kabupaten Kota Tual Maluku Tenggara”, is signed by representatives of Partai Penegak Demokrasi Indonesia, Partai Persatuan Pembangunan, Partai Persatuan Nahdlatul Ulama Indonesia, Partai PNI Marhaenisme, Partai Kebangkitan Bangsa, Partai Keadilan Sejahtera, Partai Bintang Reformasi, Partai Bulan Bintang, Golkar, Partai Keadilan dan Persatuan Indonesia, Partai Amanat Nasional, Partai Perhimpunan Indonesia Baru, Partai Patriot Pancasila and Partai Karya Peduli Bangsa.

town Tual on it, a plan that seemed to have the most support of the three but which was quickly discarded apparently because of the ambitions of the *pemekaran* supporters to include as much territory as possible.³⁷ The second option, which became the basis of discussion until April, had Tual district encompassing all islands except Kei Besar. This was known as the “7-3” option because the new district would get seven of Malra’s subdistricts, while the rump district would be left with three and a promise that two more subdistricts would be created on Kei Besar to give Malra the required number. A third option was unexpectedly brought forward by the Maluku governor in late April 2007. Under this “6-4” option, the district of Tual would consist of Dullah, Kur and Tayando islands, together comprising four subdistricts, while Malra would be left with both Kei Kecil and Kei Besar.³⁸ It would give Malra more than the first option but less than in the second.

The hotly contested second option would leave the “mother” district (*kabupaten induk*) of the already shrunken Malra with a population of around 44,000, with the remaining 102,000 inhabitants in Tual. The contra camp argues that this would kill Kei Besar economically; supporters say it would stimulate growth.³⁹ According to data provided by Koedoeboen, the island currently contributes a mere 0.76 per cent of Malra’s income.⁴⁰

The location of Malra’s capital (*ibukota*) after Tual secedes is another issue. Under the “7-3” option, Elat, the main harbour on Kei Besar’s west coast, is the obvious choice but it has little to offer. The main road is in disrepair; mobile telephone signals are sporadic at best, and there are few shops or public facilities. It is, therefore, likely that the capital would either remain temporarily in Tual or would be established in a better-equipped area of Kei

Kecil until the basic infrastructure could be built in Elat.⁴¹ Elsewhere in Indonesia, however, violence has erupted when a town designated as a temporary district capital has finally been asked to give up that status, in part because of the economic losses that often ensue. There is another potential source of conflict here as well: many Malra civil servants now living and working in Tual would have to transfer to Elat if it becomes the capital. Not only would they be unhappy but there would inevitably be charges of discrimination over who was to be transferred and who was to stay.⁴² The *raja* of Tual claimed Koedoeboen’s anti-*pemekaran* position was based on his reluctance to move to Elat.⁴³

If the “6-4” option succeeds, Langgur on Kei Kecil could be a contender for Malra’s capital. Larger and better equipped than Elat, it also has the airport. But if it were chosen, it would destroy the argument that *pemekaran* would boost Kei Besar’s development, because all the new government buildings would be on Kei Kecil. Communal calculations also come in again: the town of Elat is majority Muslim; Langgur is overwhelmingly Catholic. If Langgur ended up becoming Malra’s capital, one politician feared that it would increase opposition to and competition with neighbouring Tual, with negative consequences for Christian-Muslim relations.⁴⁴

Allegations of corruption have added fuel to the fire. Both sides accused the other of buying demonstrators and forging signatures.⁴⁵ Opponents singled out for particular criticism the creation of a team within the district council in Tual designed to deal with all questions regarding *pemekaran*. They claim it was given between Rp.500 million and 800 million (about \$50,000 to \$80,000) by the DPRD, and the money has not been properly accounted for.

B. THE ISSUE OF LAND

Access to land and resources is a highly sensitive topic in the Tual *pemekaran* debate. Everywhere in Indonesia, the creation of a new region can raise or lower land values, give new groups opportunities for access to resources and

³⁷ Crisis Group interview, Eka Dahlan Uar and Ratu Uar, Ambon, 18 February 2007.

³⁸ According to a letter from the governor of Maluku dated 17 April 2007 and a subsequent DPRD Malra decision on 21 April (signed by M. M. Tamher), *kota* Tual will consist of *kecamatan* Dullah Utara, Dullah Selatan, Pulau-Pulau Kur and Tayando-Tam, leaving South East Maluku district with *kecamatan* Kei Kecil, Kei Kecil Timur, Kei Kecil Barat, Kei Besar, Kei Besar Utara Timur and Kei Besar Selatan. Crisis Group interview, Husein Rahayaan, Jakarta, 27 April 2007.

³⁹ Crisis Group interview, Hamdi Kabakoran and Ratna Madubun, Tual, 22 February 2007. Some claimed that out of South East Maluku’s ten subdistricts, five remain underdeveloped. Of these, three make up the island of Kei Besar, and the other two are the small island groups to the north west, Kur and Tayando. The argument is that the DPRD, representing the people of Malra, wants these areas developed, and *pemekaran* will serve that purpose.

⁴⁰ According to these data, Malra’s overall annual PAD (Pendapatan Asli Daerah, local GDP) amounts to Rp.15 billion (about \$1.5 million) of which only Rp.81 million (about \$8,100) comes from Kei Besar.

⁴¹ Crisis Group interview, Abbas Ames Hanubun, Jakarta, 27 March 2007.

⁴² Crisis Group interview, Djameludin Koedoeboen, Langgur, 21 February 2007.

⁴³ Crisis Group interview, *raja* of Tual, Haji Moh. Tamher, 22 February 2007.

⁴⁴ Crisis Group interview, Husein Rahayaan, Jakarta, 27 April 2007.

⁴⁵ One allegation by the contra team regarding a 13 February 2007 demonstration in Ambon was that 50 to 60 people demonstrating in support of *pemekaran* were actually Butonese pedicab drivers who were paid by the pro team.

generate a construction frenzy in which the new regional head can direct tenders to friends and supporters.

When Malra first became a district in the 1950s, communally owned (*hak wilayah*) land was provided for the development of the district capital, Tual. Three villages claiming to have provided that land – Langgur, Kolser and Faan – expressed their opposition in late 2005 to *pemekaran kota* Tual. They argued that it was against the law to split the territory from the mother district. What is more, the village head of Taar on Pulau Dullah circulated a letter in September 2006 stating that the Renyaan clan of Taar owned land called *Tanah Sather* which is part of the town, and calling for compensation and clarification on the ownership issue before proceeding with *pemekaran*.⁴⁶ One man said that the ancestors of Kei people struggled to develop Tual into a town “from a village surrounded by jungle” and that it should be the capital for all of Kei.⁴⁷ Another said *pemekaran* was inappropriate: “It is like a child who grows up in a house with his parents and when he is grown up and strong, tells his parents to get out and find themselves another house”.⁴⁸

Another problem is the perceived lack of appropriate land to erect new government buildings in Kei Besar. Apart from unfinished reclaimed land by the harbour, only the sports field in front of one of the main schools in Elat could accommodate the kinds of buildings needed to house a district government. There is widespread resistance to provide land for such purposes, too. Virtually all land on Kei Besar is communally owned; people cross back and forth between Kei Besar and Kei Kecil to collect coconuts, and some resist any developments threatening their fields. Members of the Alliance against *Pemekaran* also said they would not give away land to build the new offices.⁴⁹ A Kei Besar *raja* made clear that he was concerned about the land issue. Anything regarding *hak wilayah* requires consultation and deliberation, he said, but nothing of the kind has taken place.

C. CURRENT STATUS

All signs in 2007 are that Tual is set to become a *kota* and that M.M. Tamher’s group has won. Following the approval of the district council (the provincial parliament’s

approval dates back to 1997), an assessment team from the home affairs ministry visited in January 2007 for less than 24 hours. At this stage an incident took place which ratcheted up the debate. Nineteen civil servants from the *bupati*’s office were among a group that went to the airport when the ministry team arrived on 25 January; one was the wife of the *raja* of Tual, a *pemekaran* champion. Koedoeboen, angry that civil servants would take a position, ensured they were subjected to “administrative sanctions” (*sanksi administrasi*) and officially reprimanded. They say it was because they did not support the *bupati*’s position and claim almost 80 per cent of civil servants support the division but are scared of differing with their boss. The incident did nothing to ease the tension, and the “group of nineteen” became among the most vocal *pemekaran* supporters.

On 21 February 2007 a five-member delegation from the Regional Representatives Council (Dewan Perwakilan Daerah, DPD), the second house of the Indonesian legislature, which is responsible for regional government issues, came to Malra to assess the future *kota* Tual and clarify some final issues. Because the plane had been delayed, they stayed for only one hour and did not leave the airport. One team member recalled that upon landing in Langgur, Koedoeboen, who had been on the same flight from Ambon, suddenly changed the schedule and decided to give his presentation at the airport, rather than encouraging the team to go into town.⁵⁰ The meeting room was so small that not all stakeholders the team had wanted to meet could fit in. The same team member speculated that the *bupati* probably thought the DPD team was pro-*pemekaran* already, although he maintains it was still “50-50” at that point.⁵¹ A planned demonstration fizzled.⁵²

The last hurdle on the way to *pemekaran* was approval by Commission II in the Indonesian parliament. On 27 March 2007, the Commission endorsed the creation of *kota* Tual. All that now remains is for the full parliament to adopt a law. That law, embracing *kota* Tual and seven other new *kabupaten/kota*, is expected by the end of May 2007, although on 18 May the home affairs ministry was still

⁴⁶ Pemerintah Kabupaten Maluku Tenggara Kecamatan Pulau Dullah Selatan Kepala Desa Taar, letter 01/KDT/IX/2006 “Menolak Pemekaran Kota Tual diatas Tanah Sather”, 12 September 2006.

⁴⁷ Crisis Group interview, Hamid Rahayaan, 22 February 2007.

⁴⁸ Crisis Group interview, Rudi Fofid, Ambon, 15 February 2007.

⁴⁹ Crisis Group interview, members of the Aliansi Menolak Pemekaran, 21 February 2007.

⁵⁰ Midin Lamani is a member of DPD for Maluku and has been involved in the motion submitted at DPD for nineteen regions to undergo *pemekaran*. His father is from Central Sulawesi and his mother from Maluku. He grew up in Tual.

⁵¹ Crisis Group interview, Midin Lamani, Jakarta, 21 March 2007.

⁵² There had reportedly been a crowd of people the day before when the plane was originally scheduled to arrive but they all went home when it did not come. However, military warned visitors leaving the airport not to be scared if there was activity on the streets. A few trucks carrying fewer than 100 activists in total could be seen on the main road in Langgur. Security forces, mostly police, guarded the airport as well as the streets in Tual and Langgur but the atmosphere did not seem tense.

raising questions about whether Malra and Tual had the requisite number of subdistricts.⁵³

Throughout the months leading up to the commission's decision, lobbying in Ambon and Jakarta was intense, accompanied by much mudslinging but no physical conflict. At one point, the contra team allegedly threatened to break into the Malra district council.⁵⁴ The council was bombarded with letters and received "hundreds" of visitors from the pro side.⁵⁵ Husein Rahayaan, now a DPD member, filed a report with the Tual police accusing several *pemekaran* opponents of stirring up trouble, lying, slander and corruption. Counter to some suggestions that opponents are all Christians, many of the targets of Rahayaan's action were Muslim.⁵⁶

The situation took an unexpected turn in late April 2007, when the governor of Maluku intervened and asked the Malra district council to change the borders for the new *kota* and the *kabupaten induk*. The council obliged, producing the "6-4" option that increases the overall feasibility of the mother district.⁵⁷ By early May, information about this newest proposal had only slowly (if at all) found its way to the public but tensions and emotions were running high.

If the creation of Tual *kota* goes ahead, M.M. Tamher stands the best chance of becoming its head. In theory, Koedoeboen would stay as *bupati* of Malra but he may have a better consolation prize awaiting him: In early March, he was named as a possible candidate for deputy governor in Ambon.⁵⁸

⁵³ "Aturan Moratorium Pemekaran Wilayah Sudah Jadi", 19 May 2007, www.merauke.go.id. The ministry seemed to suggest it was all a question of how the draft law was worded, however, rather than a problem with the division per se.

⁵⁴ Crisis Group interview, Herman Koedoeboen, Tual, 22 February 2007.

⁵⁵ Crisis Group interview, Midin Lamani, Jakarta, 21 March 2007.

⁵⁶ Crisis Group Interview, Husein Rahayaan, Jakarta, 27 April 2007. He lists fourteen people from South East Maluku and eight from Jakarta whom he says have been mobilised by *bupati* Koedoeboen.

⁵⁷ A new airport is being built near Ibra in eastern Kei Kecil. It will replace the military airport in Langgur currently used for civilian flights and will feature a 3km airstrip as compared to Langgur's, which is less than half that length. In the future, bigger planes will be able to land in Malra, and there are hopes for direct flights from Denpasar (Bali) or even international flights to bring in tourists. The land has been bought and cleared, and building work by the local government is under way.

⁵⁸ The article identifies Koedoeboen as a possible replacement for Edison Betaubun, who is deemed to lack popularity. He would be running with Muhamad Latuconsina. "Cawagub Golkar: Koedoeboen yang pantas dampingi Latuconsina", *Ambon Ekspres*, 3 March 2007.

VI. CONCLUSION

Pemekaran is a complex and multi-layered process. No one interviewed thought insoluble problems had arisen thus far but no one was willing to rule out the possibility of conflict once the final decision is made. On the other hand, there may be more winners than losers in the end – the pie has become bigger, and alliances can change with political shifts. This became apparent on the day that Commission II in the Indonesian parliament gave its approval to *pemekaran*. Both sides had sent people to Jakarta to witness the outcome, and an erstwhile ardent opponent of *pemekaran* was already making arrangements with the pro side regarding a possible position.

The Maluku governor's intervention in the Tual debate may have been last minute but it is illustrative of the role local and national leaders need to play to ensure that local disputes remain manageable. *Pemekaran* in many parts of Indonesia may be problematic on economic grounds but it also has implications for social cohesion and, in conflict areas, for inter-religious harmony.

The geography of Indonesia's more than 13,000 islands clearly poses challenges to governance, and the goals of the original decentralisation program remain essential. The problem is not in the concept but in poorly written and even more poorly enforced laws, and in the corruption and lack of oversight that has allowed so many unsustainable regions to be created. It should be noted that the criteria for viability of new districts and provinces set forth in Regulation 129 include not only economic factors but social-political and social-cultural ones as well.

Former conflict areas need special attention. While there is little likelihood that communal conflict on the scale of Ambon in 1999 or Poso in 2000 can erupt in today's Indonesia, because the underlying political dynamics have so changed for the better, fears, grievances and tensions remain. *Pemekaran* if clumsily handled can bring all those to the surface. Throughout Central Maluku, villages that were once religiously mixed are now either Muslim or Christian; *pemekaran*, carefully thought through, could help build bridges. Driven by rent-seeking, however, it could foster more mistrust. In south eastern Maluku, because the conflict was shorter, the dangers may be lower. But disputes that start out over minor administrative issues can still open old wounds. Anyone interested in ensuring that Maluku and Central Sulawesi stay peaceful should look closely at the impact of *pemekaran*.

Jakarta/Brussels, 22 May 2007

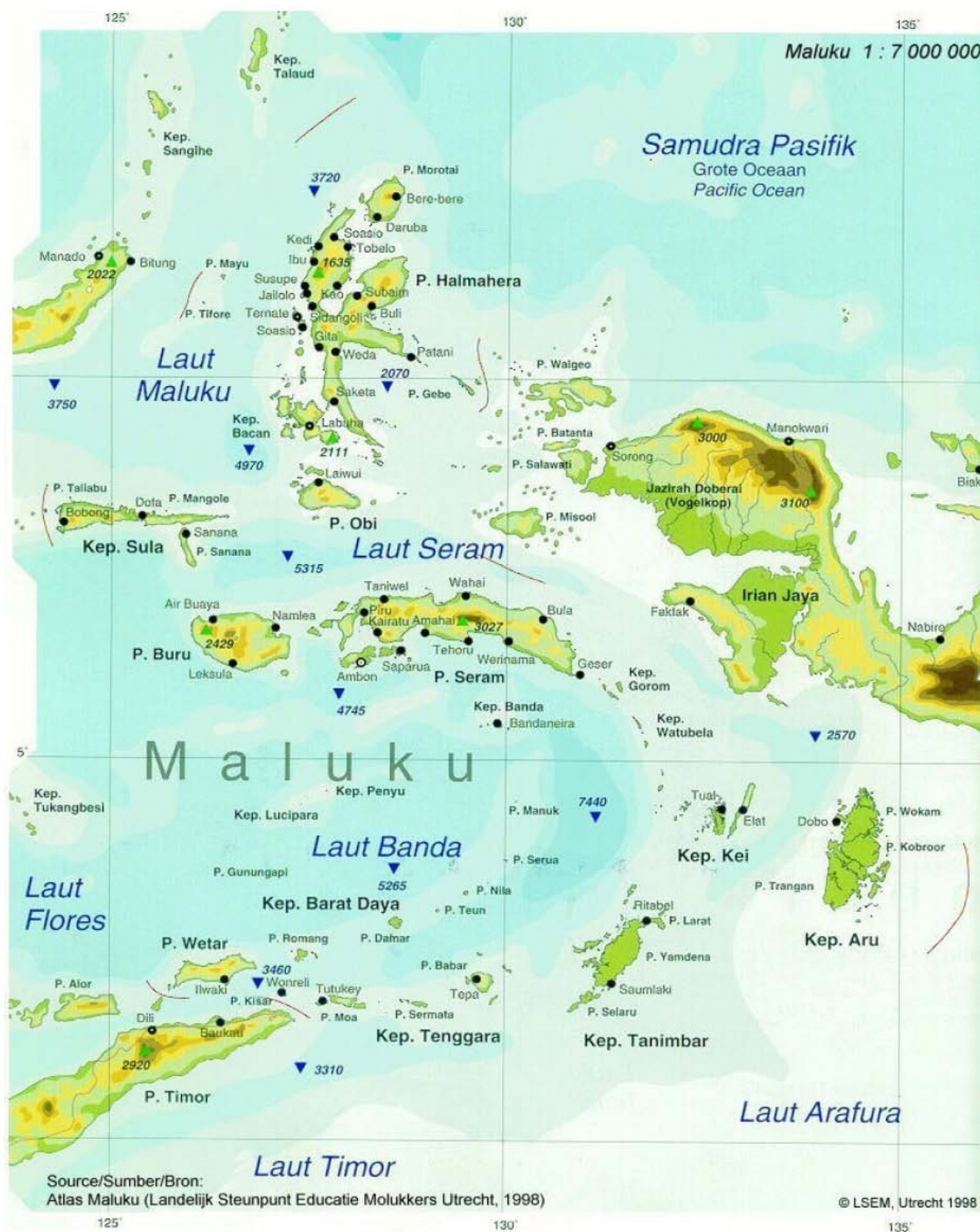
APPENDIX A

MAP OF INDONESIA



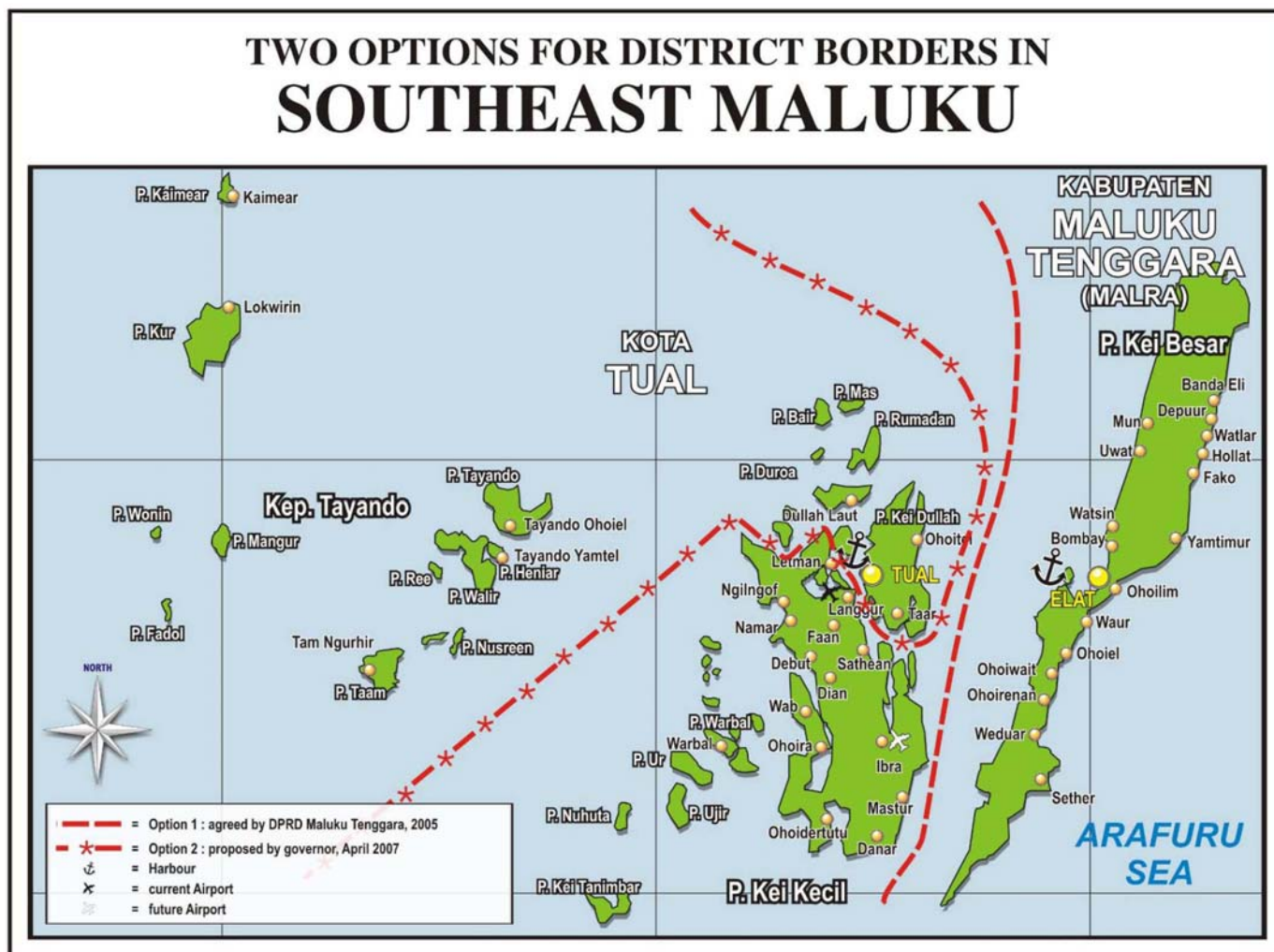
APPENDIX B

MAP OF MALUKU AND NORTH MALUKU



APPENDIX C

MAP OF SOUTH EAST MALUKU



APPENDIX D

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May 2007

APPENDIX E

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