LAND CONTROL ANDIDEOLOGICAL STRUGGLE: COMPETING ARTICULATIONS OF "THE OWNER OF LAND"

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ABSTRACT

The implementation of large scale industrial farming investment involves land deals that are not only being navigated through regulated practices, but state and non-state actors also employ a strategy to 'grip the minds of the masses' to enable the deals. 'Gripping the minds' involves articulatory practices within the terrain of ideological struggle, which put land deals always in process. This paper argues that 'the owner of land' as a cultural identity that was constructed historically by determining forces, and not confined merely as form of rights, is articulated in three competing positionings toward land deals: rejection, renegotiation and acceptance. The state and non-state actors or NGOs broker the process of identification toward modernismby constructing representations of capital as the good and bad Other. These representations of capital provide 'logic' which connected meanings of modernism with 'the owner of land' identity. 'Gripping the mind of the masses' to smoothen land deals involves correspondences as well as non-correspondences between modernism and the Marind identity of Anim-ha that render connected chain of meanings unstable. © 2013 Journal of Rural Indonesia[JoRI] IPB. All rights reserved.

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Introduction

When the investors come, in my opinion, what they want is not the people, but the land. Therefore, the communities have to set aside as victims, because this land is occupied by this or that investor, people has to move out. The community is seen as merely a nuisance that needs to be removed² (Mgr. Nicholaus

Adisaputra, the Bishop of Merauke Archdiocese)

What happened when the state and the corporation want the land but not the people who occupy it³?In many cases, the problem is resolved through regular transfer of land ownership by means of buying and selling; or leasing, if ownership

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is meant to be retained; or resettlement, when it comes to term with development or the worstis eviction.Too projects; often.it becomes problematic more whenthe people believe that they arethe owner of thiswanted land, while the State, who holds a control over unclaimed and non-legally justified land, regards them as transgressors. Since the people of the land possess no documented legal rights, according to the Torrens system4 of land ownership: the State is the land rights holder. In such a story about land contestation, the one that has been told too many times in many parts of the World, it often follows by a construction of victims and oppressor narratives, an emergence of resistance, an analysis of contesting forms of control, or ways of access to power (Couete & Turner 2010, Peluso & Lund 2011, Hall et al 2011). The long history of land struggle in many parts of Indonesia fit into this frame of narratives, but people of the land in Merauke-Papua, however, have a rather different story.

When Merauke Integrated Food and Energy Estate (MIFEE) was launched in 2010, and forty six companies were listed for large scale agricultural investment in this regency,land problems emerged directly as the main obstacle. Onlyafter four months of its launch, the Coordinating Minister of Economy and Minister of Agricultureannounced that another two million hectares of food and energy estates will be opened in other parts of Indonesia⁵. Then, after a year of little progress in Merauke, the Minister of Agriculture shifted the food estate project to East Kalimantan. The Minister stated, "The construction of the Merauke food and energy estate was obstructed by lack of regulation to clear necessary land". In contrast to these statements, in 2011, MEDCO Group, under a production forest license⁷ has cleared 1.176 hectares of forest land⁸. In the same year, this company has also successfully secured 25 percent of stakes from LG International, a South Korean holding company, to invest for a total 100 million USDof wood chip and wood pellet project for green fuel in Merauke. What went wrong? Which story presents the true reality? I would argue that both are presenting half of the story that is connected to one another and construct a less black and white picture of land investment in Merauke.

Under the Special Autonomy Law No.21/2001, indigeneity becomes legally defined and provides alegal protection for indigenous Papuans rights, which includes: a right to use land (hak ulayat) and other individual rights⁹. Without having to proof their claim of ownership throughland titling, the State and outsiders have to recognize the Papuans rights to use land based on their claim of indigeneity. Papuans, including the Marind-anim¹⁰ in Merauke, believe they are the Tuan Tanah - the land owner. This is where the gap emerges: the State recognized Papuans' rights only to use land, but the indigenous Papuans believe that they own every inch of land in Papua. Nevertheless, in practice, every outsider who needs land, including government agencies and Papuans who reside outside their homeland, must abide to the local customary land tenure. A land transfer can be done under the consent of individual clan member, or the whole clan or the tribe. The National Land Agency office in Papua is willing to grant a private landownership title only after the right is released by the clan or tribe landowner and handed it over to the new land holder.

An exception goes to a forest land. If the land is claimed as a forest area under the Forestry Law No. 41/1999, the Ministry of Forestry does not require a land right release from the clan or tribe, because their ownership of forest is not recognized by the State. Licenses to use forest land and resources can be issued without the clan or tribe consent. However, in reality, every trees, fish, and animals in the forest are belong to the indigenous Papuan landowner, which imply to fees or sanction if any of those were utilized without consent. In short, what is recognized as legal either by the State through its formal land law or the Papuans through their customary law and what is being practiceddemonstrate gaps. Within these gaps, the land availability for investment could be perceived as a legal failure, because the formal land law is being delegitimized by the Papuans's customary law. On the other hand, this 'fuzziness' can be perceived as achance to progress in a grey field: land seekers may use whichever law that suits their interests best. The latter is most likely to happen in Merauke, instead of the former.

Instead of directing this problem of land discourse ownership toa and practiceoflegitimation, which mightorient us to a legal pluralism debate. Inavigate the questions to the field of ideology and articulation. The problem of ideology asks how the social ideas of land and identity is formed, articulated and contested in different social formations, e.g.: between indigenous people groups, corporate actors, state actors, and NGOs actors; and thereby become a material force. This cultural politic analysis complements Borras et al (2012) analysisonpolitical tendencies of governing land grab. While directing land grab involves'regulate to facilitate land deals', 'regulate to mitigate impacts and negative maximize opportunities of land deals', and 'regulate to block and rollback' land deals, what I found is:land deals are not only being navigated through regulated practices, but state and non-state actors also employ a strategy to grip the minds of the masses'to enable the deals. 'Gripping the minds' involves articulatory practices within the terrain of ideological struggle (Hall 1996a), which put land dealsalways in process.

Ideological Articulation

The classical theory of ideology is proposed by Karl Marx in many different ways and uses. Even, Hall asserts that Marx theorizing in this subject was much more ad hoc (Hall 1996a: 26). It could be found in The German Ideology written together with Engelsthat places ideology as a 'distortion' of thoughts;in the Poverty of *Philosophy* where he wrote about bourgeois ideology that naturalized the relations of bourgeois production; also.in the Capitalvol. 1 in which Marx explained about 'the capitalism's common sense' that constructs false consciousness, explaining how the capitalism work out and practiced as a spontaneous process, and lastly, the commodity fetishism as a mystification of social relations into relations of things. Nevertheless, Barret (1991) assessed at least three most influential propositionsstill inspired writers and thinkers to date: ideology as false consciousness, as ruling ideas which are the ideas of the ruling class, and as commodity fetishism. These three propositions, however, formed the critiques to its classical forms: the reduction to economism andthe

determinateness of class belongingness that neglects ideology belongingness to other forms of social formations as well as its formation by subject positions (Hall 1996a). The base/superstructure model links directly the economy (material base) with ideology. The critiques on this determinateness by Gramsci, Althusser, and (early) Laclau have inserted a mediating level, which was called as a political level, where civil society and the state were properly placed in the model (Barret 1991).

Taking on these critiques of classical forms, Stuart Hall, inspired by Althusser¹¹, ideology proposing in more 'discursive practice' conception: as systems of representations or systems of meanings through which we represent the world to ourselves and one another, which are materialized in social practices (Hall 1985, 1996a; Grossberg & Slack 1985). Hall defines as:"a ideology mental frameworks—the languages, the concepts, categories, imagery of thought, and the systems of representation—which different classes and social groups deploy in order to make sense of, define, figure out and render intelligible the way society works" (Hall 1996: 26). For not mistaking his definition of ideology as merely discourse, Hall argued that 'the system representations' emphasized the discursive character of ideology, but ideas are not floating around in empty space, they are materialized in, and inform practices. For Hall, social practice is not language or 'an open discursive field' but it operates like a language. Furthermore, by pulling ideologyaway from a reduction to class belongingness, it brings in the role of articulation to express meanings and practices of different social groups that converge at certain historical conjuncture. History is emphasized by Hall retain a determination (Bowman 2007:57). Historical forces have produced the present and continue to function as constraints and determinations discursive articulations. What is being articulated by the Subject at present is a residue of the history that has already condensed, then reworked, rearticulated or disarticulated, when it encounters 'new' ideology or 'new' systems of meanings.

In Merauke, Papua, the Marind-anim who have been identify them-self as Anim-Ha, the Real Man, are encountering a big large-scale wave of change: commercialization. This idea of exchanging land for a huge amount of money and luxury thingsstrikes system of meaning about land and their identity position as the owner of land. On the other side, the Regency government, who represents the face of the State, has deployed legal as well as modernitynarratives to justify their control over land use allocation, transaction and transfer from the local land owner to the corporations. Trying to secure control, the corporations have offered promises to the people that based on a 'better future' scenario. The NGOs whose concernsare the people rights over the land, also have intervened with counter-narratives about the social ecological effect of large scale genocide industrial plantation: environmental destruction. These whole narratives place the Marind-anim as the audience. Every single actorsaims for their messages to be adopted, received and put into actions by the Marind-anim. However, Marind-anim is not a passive subject, the ideology of Anim-ha has been embedded to their life since time immemorial. Animha is an embodiment of *Adat*. Adat is usually translated as custom and tradition, but in this paper I use it to signify a system of representation specifically related to the Marind-anim identity (Anim-ha): the real man, the owner of the land.

This paper aims to explain that these competing ideologies of adat¹³ (Anim-ha) and modernityhas been articulatedand translated in different ways by the Marindanim, because the Marind-animis not homogenous. They have undergone different historical identity formation in relation to land. Li (2000) asserted that a group's self-identification as tribal or indigenous is a positioning which draws upon historically sedimented practices, landscapes and repertoire of meaning, and emerges through particular patterns of engagement and struggles. The Marindanim's struggles did not unite, and can't be seen as one form of struggle. Consequently, the effective control over land has never been settled in one's hand, either in the hands of corporation or the Marind-anim, not even when many parties' claims have already been secured by legal property rights.

Creating Dream, Prosper Life Conjuring

Papua has become the infamous site of human rights violations in which contested land ownership -among others- becomes the root of conflict and the reason for violent measures (Colchester 1986a, 1986b,1994; Broek van den 2001;KONTRAS 2004; Widjojo 2009). The presence of Freeport-the US mining company-since 1967 hasdemonstrated a long unresolved conflict and incident of killings that have never been ceased for more than 40 years¹⁴. Ironically, it was

responded by increased security measures for peace keeping. In the recent violent event of Papuan People Congress in 2011 and labor protest at Freeport, it was being revealed that the police and military have been receiving payment for security services from big corporations, Freeport and Korindo, since many years (KONTRAS, 2004). Learning from the Freeport controversial attempt to resolve conflict, which allegedly fertilized the soil for military's security business, national State has taken different route to deal with large scale land acquisition for MIFEE project. The route is ideological: to construct*consent* of various parties about ways to form a prosper life.

In Merauke, the State, corporations, and in return also NGOs, construct a social idea of 'the modern and prosper future' as a way of perceiving, understanding and believing a better life for Papuans. The question of land control is going to be answered through the discourse and practice of progress and prosperity. As the materialization of a future, MIFEE was not solely articulated as the national state's measure to reverse 2007-2008 food and energy crisis to economic opportunity (Ito et al 2011), but also a local government's goal to exit poverty and modernize the society through economic growth. The national-local state's link of interests was expressed by the launching of 2007 as the year of investment in Merauke, to follow the 2006 President's inauguration of Merauke as the nation's food basket (Ito et al 2011). This path to progress is culminated bythe launch of MIFEE project in 2010. The projectisplanned to cover 2 million hectares of land with given land permits to 46 corporations who are ready to operate. MEDCO with its partner LG

International, for instance, has projected to annually produce wood chip and wood pellet of 1.4 million tons and 360,000 tons, respectively, with LGI having off-take of 50% on total output¹⁵.

First is to create dreams. MIFFE is the dream of the region rulers, which are being made from the dream of the capital owners: the working of accumulation. But, this dream needs to be taken too as the dreamof the people of the land. Therefore, the task of the rulers and capital owners is dream for theMarindto create animthatcanmirror their own dream. Creating a dream is the act of conjuring. performing a magic show that picture the future without distance to present, simplify it by erasing the process of its making, by making invisible of what put at stake to make the dream as *reality*. Simply put, it is a partial explanation of projecting what to be a reality. Tsing (2005: 58) asserts that conjuring is supposed to call up a world more dreamlike and sweeter than anything that exists, magic rather than unsparing description, calls capital. The key element of conjuring is spectacularity. It has to be a spectacular dream for investors, owners of the land, and ruling elites. Tsing uses 'a spectacular accumulation' to emphasis the importance of its profitability appearance. The spectacularity is a partial explanation of how surplus can be gained, but hide the other side of explanation of how it can also pose a threat of dispossession and famine to whom that gain is excluded.

A design for the prosperous future of Merauke, whichis called MIFEE, is presented by the State as a spectacular dream of future. The spectacularity is demonstrated by the large area covering of 2 million hectares, the use of high-technology, and 46 corporations that are

ready to participate. Within ten years, MIFEE is projected to produce yearly: 1.95 million tons of rice, 2.02 million tons of corn, 167 thousand tons of soy, 64 thousand cows for meat, 2.5 million tons of sugar and 937 thousand tons of Crude Palm Oil (CPO). All of these produce equals to US\$ 514 million of import reduction (Ministry of Agriculture, 2010). In addition, to annihilate a spatial barrier, Merauke is located hundreds thousands kilometers from awav Indonesia's capital city, the government of Merauke Regency has bought three Boeing 737-300 airplanes, one Twin Otter, five sea fleets, including one tanker.

When this spectacular dream presented to the land owners in Zanegi village, it needs to connect with the villagers' dream. Understanding this quite well. theformer Head of Regency connected the MIFEE dream to the villagers' dream of modernity. He conjured their village as 'a future small city', which comes from a change that will be brought by the investor. The MEDCO corporation, the investorwho needs the land in this village, has offered many promises to the Marind of Zanegi:they will shed the light of knowledge for the people, from intelligence, ignorance to provide employment opportunity, teachers. permanently built church, electricity, and free transportation to the city.In other village, called Wayau, the WilmarGroup spreads promises to fund the education for the young until they graduate from college. In Domande village, a promise for receiving fortune in their bank account without sweat was also offered to the villagers by the Rajawali Group. These promises serve to thedream of becoming modern: educated, having electricity at home, working in the office, receive salary, capable to operate heavy machinery, having a bank account, drive a motor cycle.But, it will come true only when the Marind-anim surrender their land for the corporations, who are going to work outthe land for the promised better future.

Acceptance and Re-negotiation: The Case of MEDCO Corporation

This offered dream of becoming modern will stay empty unless proved to be attainable and perceived as a sincere, not deceitful. gesture. **MEDCO** corporations in Zanegi and Buepe village, try to express 'the sincerity' by entering the Marind-anim system of meanings about kinship and conjugal ties. They placed the corporations as outsiders, who came asking shared food-plate from householder or marry the daughter of the housefather. They pledged for acceptance by offering 'a gift' as a common tradition for those who are entering a new family tie. However, this gift was a certain amount of money ranges from millions to billions rupiahs. The Marind-animof Zanegi and Buepe, received 300 million rupiahs, electricity and roads, and also employment in the company as a daily wage labour. For the corporation, this exchange means a land transaction.To secure this transaction legally, MEDCO pushed for a signed MoU with the Marindanim in Zanegi. The MoU was rejected by the customary leader and village head, but it was finally has to be signed and delivered by all clansafter the former Head of Regency threat the village head to ban all supports for the village. In return, 169.000 hectares of land belong to the Marind-anim in Zanegi and 2.800 hectares of land belong to Buepe people were released for MEDCO's uses.

By creating a dream about becoming a city dweller, exploiting the idea of becoming modern and prosperous, the state agent as well as the corporation attempted to create a connection with the assumed ideal model of Marind-anim's way of life. However, the connection was not made until it is materialised in practice. The gift money and threat of abandonment were the signification of this dream. This means that the new life: being modern that was articulated by the State and the corporations did not gain meaning for the Marind-anim, not until some cash and facilities were provided. They learned from successful migrants at the neighbouring villages that being modern will not be achieved without money and supporting facilities. At this point, the Marind-anim a process of identification. enters Identification occurs when a subject encounters a discursive practice and tries to search a nodal point where the subject identifies themself in that discourse, as termed by Hall (1996b:2): 'subjectification to discursive practices'. It is a process of construction and always in process. Therefore, when the corporations regarded thatthe transaction has been sealed off after their gifts were accepted and MoU was signed, for the Marind-animit was only a temporary closure, because there are many promises of progress remain unseen. The process of making the dream into reality is thedealthat is still to be seen of being realized. The position of Marind-anim as the owner of land is actually entrenched by the fact that the land is already handed over but the dream is not yet come into reality.

The broken dream

Two years after the Marind-anim in Zanegi signedan MoU with MEDCO

corporation, about 1.176 hectares of forest have been cut and fifty two villagers were employed as daily waged labour of PT Selaras Inti Semesta (PT SIS). According to the MoU, clan land owner will be paid Rp 2.000,- per cubic meter of timber. Actually, this is way below a standard of payment that was being regulated by the Governor of Papua, which is Rp 10,000 per meter cubic of wood. The MoU also guarantees a protection for their sago garden and sacred places and employment for all Zanegians.

It took two years to finally see some discontents that emerged from the fact that the decision of wood price was one-sided; it was imposed by the corporation. The pricewas usedby the corporation as an example to calculate the timber value when **MEDCO** promoted the idea of sellingtimber, but itwas never put into a negotiation with the land Secondly, destructed sago gardens were found in several spots where land clearing took place. Thirdly, many of young people in Zanegi were still unemployed, and job applications were not replied. These disappointments have been sitting and waiting for a right moment until a CEO of LG International came to visit the project site. The Marind-anim of Zanegi who believes that as land owners they have an equal position with these company owners, suggested a meeting with them. Their was rejected; proposition and disappointment burst into anger that almost burnt the logger base camp to the ground. After this incidence, their proposal about fairer timber price was taken to the District and Regency Head. But, because the District Head threat to stop company's support for new church construction, the Marind-animwas forced to allow more woods to be cut. Later on, the Regency Head delayed his approval for MEDCO's 2012 logging plan until the price dispute is settled, and the logging progress was slowing down.

The Marind-anim in Zanegi tries to hold on to their dream by forcing a way for re-negotiation. However, a social damage has already been too deep. At present, after nine head of clans receive routine payments from wood for the last two years -500 million rupiahs in total-, money regulates social relation more than ever. Whenever one family went hunting and caught a meat, other families have to buy to get a share, while it used to be communally shared. Sago and fish have been replaced by instant noodle and canned fish. Consequently, aftermore than two years, the deprivation effect started to show: fifteen children were diagnosed as malnutrition. The mothers complained of taking heavy burdens after the company operated in their village, as captured by Secretariat for Justice and Peace of Merauke Archdiocese (SKP KAM) in their village discussion that was published in SORAK Bulletin: "PT SIS16 has eliminated life resources, like forest and animals. Consequently, women have to walk very far to find water and fuel that used to be located quite close to home". Even more, the most devastating effects is a sharpening internal conflict that was motivated, among others, by land dispute that led to a killingincident in Zanegi.

Re-negotiation, nonetheless, is the path also taken by the Sanggase people with other MEDCO corporation that operates a chip mill in Buepe. After accepting Arifin Panigoro, the MEDCO CEO, as *Namek* or a brother, and their land were traded for some money and

unfinished housing, the Marind-anim in Buepe faced a delegitimation over their landownership from the Marind-anim in Sanggase. The Sanggase claimed that the land in Buepe is theirs, and not belong to the Mouyend clan of Buepe, who has received payment from MEDCO. Therefore, the Sanggase feltthat they are entitled receive more to money compensation from MEDCO. The Marindanim of Buepe and Sanggase organized a customary rite to lay out historical evidences of their land claims, which was concluded by recognition of Sanggase's ownership right. However, this articulation of land ownership represented by the Sanggase and Buepe, which has taken nine months of time, consumed almost a hundred million rupiahs for thirty people subsistence in Merauke, seventeen meetings with various parties, and two demonstrations that stopped the mill operation in Buepe. All of these was meant to hunt down the corporation or 'ohan' in Marind-anim's term. The money received was agreed to be evenly divided. Their request to MEDCO started from 5 billion, and was bubbled up to 65 billion rupiahs because they were angry by the way MEDCO undermined and ignored their positions as Mit Anem or Tuan Tanah, owner of the clan's land. The Marind-anim of Sanggase and Buepe finally received 3 billion rupiahsas an anticlimax. The money, again, became a source of dispute that disintegrates their move to assert their identity.

The Zanegi and Sanggase-Buepe stories reveal that rather of seeing a Marind-anim direct adoption ofmodernism ideology as expected by the State and corporation, then, entails to an effective transfer of land control to the corporation, the process of identification continues to destabilize the control. This explains why the land transfer process that has gone through many strategies, from legal means to customary rites, is still standing on a shaky ground.

Rejection: The Case of Makaling village

Throughout 2010-2011, where inland villagers were overwhelmed by the new comers: the corporations, Makaling was also part of the targeted areas for food crop industrial farming. The CGAD - a company owned by a South Korean - came to sub-district Okaba and invited all villages to attend a socialization of company's planned investment on cassava plantation for ethanol and other products. Only one village rejected to come; it was Makaling. Instead, the Makaling village leaders (Mayo and Imo cult leaders, village head, and elders) invited every village along the coast of Okaba up to Tubang district to convene and decide company's request to use their land.

Makaling villagers prepare woods, food, meeting venue and places to sleep for the invitees, which took them two weeks to be ready. On the day of the convention, 19th of April 2012, fourteen villages sent their representatives and more than a hundred Marind-anim participated. including a priest from Okaba parish. The meeting was opened by an eloquent sing of Mayo and Imo prayers that set the sacred nuance of the meeting. Then, every village representatives and others who need to express their opinions and messages about their land were invited to talk. The Mayo leader of Makaling stated that: "the land will never be given to the company because our ancestors have never said that giving land for investment will make us rich. Let

us live like it this". Another strong rejection was also expressed by the Imo leader of Makaling: "My mother has given birth to me, for what? I don't want to sin over my grandchildren....I am a Marind who has never been starved. Others who came and made me starve. Makaling has distributed land in justice for Javanese, Makassar people and Ambonese who live here. A Marind has self-respect as the Anim-ha, the real man, while nowadays many men are not real because of forgetting their grandchildren. Work and live! Men without land will only weep for their lost...". A woman with a baby in her hands came to the fore and lifted her baby above her head, and then slowly she put him down so his feet can touch the ground, then she said: "I gave a birth to this baby so he can walk and live on this land, his land. Don't give his land away".

The moment culminated when all of the cult leaders from 14 villages made a vow before Ka'u or the testimony pole that they will not give their land away for investors, but reserve it for the next generations to come. The closure was made by the District Head of Okaba statement, the only known government actor who is against land investment project; in Marind language he stated that: "Namik, nahisa, nahai anim, es anim, nahin, makan dimatab oleb. Mabateme, wanangga es hanid nanggo" (Mothers and fathers, brothers and sisters, don't sell your land to the companies. It will be a pity; it belongs to your children and grandchildren in the next future). Later on, the villages in Tubang district followed this convention and also invited the priest of Okaba parish to come.

Why Makaling directly reject the investor while others have finally

surrendered for cash and the dream of modern lifestyle? They key is perpetuation of initiation rite that keeps the construction of Anim-ha identity timeless and still alive in generations that is supported by strong leadership. Behind this tradition and custom, a strong influence of the former village head leadership, a Bataknese named Sitompul, has entrenched the perpetuation of Marind norms and custom. Being a migrant who travelled a long way from North Sumatra in 1970s and loaded with experience of living in monoculture plantation areas, Sitompul came to Makaling as outsider who were longing for an ideal village for home, which was exactly offered by hospitality and nature-rich abundance of Makaling. He married an orphaned Marind woman who worked her life to provide for her four little brothers. Since then, Sitompul has been living his life with his family for 40 years by Marind tradition, simply because he admires the Marind's norms and custom¹⁷. As the only outsider at that time, who conducted his life voluntarily as a Marind, and willing to be actively involved in community matters, Sitompul's sincerity was highly The appreciation appreciated. was expressed by a trust to elect him as the village head for more than ten years.

As a village head, Sitompul has successfully played the role as *pakas anim*, a representation of Marind community leader in the past that was erased by the Dutch colonial's policy of village recomposition and restructuring (Overweel 1992). He resolved land conflict and sorcery by the enactment of Marind custom and norms. He alsoensured that everyone in his village has access to land, including migrants from Java, Makassar and Ambon.

This land reform initiative has never happened in other villages. He successfully conducted land redistribution using Marind norms and tradition that allow asharing of food-plate with others. His respect and consistency to conduct Marind tradition has made him appointed as a *mithawal*, a rank of rule executor in Marind customary structure¹⁸. Sitompul was also the one who proposed for a Marind convention to articulate their position against land investment. The presence and deeds of Sitompul has strengthened the belief of Marind in Makaling that their norms, custom and traditions are invaluable and worth to be continued by their youth. To present, every young men in the village has already received education about Marind culture through the Mayo initiation rite. They expressed their concern in the convention that the elders should not give away land where their future is placed. In Makaling, custom, tradition, beliefs and norms of Marind-anim as the Anim-Ha. continuously connects therefore. generation to another. It is embodied as an identity.

Anim Ha: The Owner of Land Identity

The Marind-anim do not use 'indigenous people' as an identity to represent themselves to outsiders. They believe that they are the Anim-Ha or the Real Man with personal dignity and selfcontained superiority. For Anim-Ha, the land is the source of becoming. Every Marind-anim is named after the land where his ancestors started a life. A male Marindanim's name used to be consisted of three parts: the first name is the given name after a victim of headhunting rite, the second name is the igih or a name after the land where he belongs or his *mit milah*, the third one is the clan/sub-clan name. The first name disappeared when headhunting was banned by the catholic mission and Dutch colonial government in 1902-1931 (Overweel 1992), but the second one remains as a sign of origin and land ownership¹⁹. However, the female name does not describe the name of her ancestor's land where she belongs, because women do not have any land rights, except to work on and cultivate her husband or her father and brother's land.

Beyond the material base, however, the land is their myth of pro-creation (van Baal 1966, Boelaars 1986, Erari 1999). It is where the Marind-anim dema²⁰ and totem came from. The Marind-anim clans and sub-clans was named after their dema who embodied in plants and animals, such as: sago for Mahuze clan, coconut for Gebze clan, cassowary for Kaize, stork for Ndiken, crocodile for Balagaize and pig for Basik-Basik. For the Marind-anim, the land, these plants and animals represent their ancestors, their life and themselves. The Dema never disappears, but lives around them, seeing what they do and how they live, and occupies certain places, which are considered as sacred and protected. According to Knauft (1993:137-138) Dema were subjectified as present beings and Marind objectified themselves as creative embodiments who continued the dema's restless wanderings and vital energy. Therefore, being an Anim-Ha or Real Men means a great, true, complete man with all of these attributes embodied to his existence. At the time before the church and colonialism established, it was expressed through bodily ornaments and grandiose ritual performance of Marindanim cults: Imo, Mayo, Sosom and Ezam (Van Baal 1966; Knauft 1993, 1999).

This system of belief is -to some extent- still being practiced, and a concrete existence in a sense that there are protected places and forbidden territories. Through a participatory mapping process facilitated by WWF in 2005-2006, the sacred places were identified and received the district government recognition as it was taken into the district/regency spatial plan. The sacred places were assigned as cultural protection zones and should be degazetted areas²¹. concession from anv convergence between district spatial plan and Marind-anim sacred places was regarded as the district government's innovative strategy to respect, recognize, but also to redeem conflict and reduce hindrances for investment²². Nevertheless. as a native Marind, the present Head of Regency perceived that it is inadequate to avoid internal conflict and inter-generational claims over the released land, since customary land holding is not vet mapped²³.

Theoretically, mapping the land of the Marind-anim will contain less conflictridden facilitation, since in principle almost every adult and elderly were educated to know and understand their clan or sub-clan territory boundary. Every Marind-anim is perfectly aware that Marind-anim territory belongs to the whole tribe, therefore, land sale is forbidden, but lending it for others' uses is common. Normally, the decision to lend a large scale of land that covers many clans' territories to outsiders requires a collective decisionmaking from four cults of Marind-anim. Every cult has slightly different rules regarding agrarian and social relations, particularly related to the degree of sanction. Therefore, a convention of all Marind-anim clans of four cults is needed

to avoid land-related conflicts. Otherwise, disputes tend to be settled through sorcery and counter-sorcery by which sickness and death follow. This practice is used to be a form of sanction, but nowadays it is misused to channel grudge and jealousy.

Furthermore, because a private right is for family member within granted communal land rights of clan (boan) or sub-clan, the boundaries between clans' landholding and among families within one clan is necessarily made clear memorised. Every family -as a clan member- has a private right to use and cultivated land, which is inherited in a patrilineal line. Sago garden, in this case, is privately owned. Taking sago from other family garden is strictly forbidden. Every family within one clan is aware of other family's land boundary and location of sago garden, as well as land of other clans because every river and its tributaries, almost every curves of a river, each parcel of dry land within swampy area, were all named. These places were named by Marind-anim ancestors through their extensive journey around Marind territory from Kondo to Digul, either when they performed headhunting raids or seasonal hunting in the past.

The ancestors' journey is a very important historical evidence to justify land ownership²⁴ of every clan, as shown by the case of Sanggase-Buepe dispute. The first hunting band or kalughab, who opened and settled in one area, is entitled to land ownership of this particular location. This hunting band usually consists of two to four clans or sub-clans. Their territory boundary was set and determined to allow recognition by the subsequent coming groups, so the latter group could set their own territory outside the boundary. When this first hunting band moved or continued their journey, other clans may use the first group's territory without erasing its right as the owner of the land, and the newly settled clans are considered to have right as the keeper of the land. This property arrangement has been established since vears. probably thousands of and institutionalised perpetuated, oral tradition, and most importantly by the rite of initiation.

From 1902-1931, started when the Mission of Sacred Hearts from the Netherlands and the Dutch colonial government post were settled in Merauke, the systematic civilization program has erased the Marind-anim rituals up to the level of cultural loss. Sir Hubert Murray, the British colonial representative for New Guinea, expressed his concerned as noted by Overweel (1992) that "According to our British ideas this social revolution should have been the end of Marind-anim. We should expect them to loose all interest in life and simply to disappear". Anim-ha lost his 'real' existence to the point that some anthropologist identified as apathies and pragmatic or *matohale* in the Marind's term (Dinas Sosial kabupaten Merauke 1972, Overweel 1992).

Almost a hundred year after, despite of many restrictions to the cults practice, the grandiose Mayo ritual of the coastal Marind-anim was performed for the last time in Salor, including an initiation rite. This was the most important event in Marind-anim adult life, where through initiation every young man was introduced to the whole cultural aspects of Marind by story-telling and performances about the dema, ancestors' journey, creation of territories, name of the land, life rituals,

etc. The women can also participate in this event, and perform as one of the dema, but not all of mythical characters and stories can be told or performed before them²⁵. However, after Salor, cult's ritual and initiation were never performed again, except in Makaling, a village located at the coastline of Okaba sub-district. Although at its very basic version, not as grandiose as it used to be, this village performs initiation rite almost annually, simply because the elders feel a need to maintain the culture and pass it onto the youth. This was proven to work out well to retain land control.

The Power and Counter-power Brokerage: The Role of Government and NGOs

The making of good Other

The different positioning and articulations of the owner of land was produced through complex social relations and forms of intervention by the state and NGOs actors. The position of power brokers plays an important role in creating a possible space for establishing 'truth'. They deal in people and information in the maintenance of coherent representations of social realities and in the shaping of their own social identities (Lewis & Mosse 2006).

The sub-district head in Domande, for instance, played an important brokerage role to channel the Rajawali Group corporation interest and moulded it into a traditional fashion to convey a meaningful gesture to the Marind; the *tali asih* or the gift money was one of the successful translations. The words of *tali asih* literally means the cord of love, which used by the corporation to match with the idea of

'borrowing for use' or *pinjam pakai*, a social mechanism of land transfer that is commonly practiced by the Marind, which is a contrast to terms like rent or lease. The Marind in Domande stated that the former Malind sub-district head introduced these words to them.

The former Malind sub-district head does not appear like general Papuans. Although he is originated from Domande village, her mother is not Papuan, so he does not have a pure Marind blood. However, he is perfectly aware that a pure blood for the Marind-anim has never been a problem, as the Marind has always been practicing adoption of outsiders since the time immemorial. Therefore, his identity position as the state representative as well as the half-Marind of Domande has made possible an easy entry of the Rajawali Group to the village elites' consent, especially to approach the village head, the village secretary who holds the actual leadership, and head of Customary Community Council of Domande. Later on, after the MoU was signed and customary rite to validate the release of land was performed, these three village were paid monthly by elites corporation to work as the liaison of the company.

Besides translating corporation narratives and practices to local custom, other significant role of this government actor is to reduce or eliminate any tendencies of conflict that may hinder the company work. When the Marind in Domande protested the company road construction that has transgressed their territory, the former sub-district head advocated the company position as the good Other by convincing the Domande elders that the company build the road not

only to serve for its self-interest but for public use as well. Even, the company has assisted the government by taking over government's responsibility to provide a good infrastructure. He tried to convince that without the company presence, Merauke will be infamous for a bad place investment, which means development for Merauke. After presenting the company as the good Other, he turned to play the identity connection. As the Domandean, he guarantees a protection of his elders from tricks or manipulation of agreement. Supporting this argument, the head of Customary Community Council tried to convince others that they are the one who control the negotiation with the company, because the company listen to him and the former sub-district head as the representative of the Domandeans. This statement of guarantee did not effectively lower the tone of opposition coming from young leaders.

At the end, a one-on-one approach by the liaisons produced a new land deal with the head of clan who owned the land on the planned road construction. This is a relatively new strategy in compare to other companies. Different to other company strategy of having one MoU to bind all land agreement, Rajawali Group -aside of MoU- has managed to make a one on one deal with separate head of clan to gain land little by little. Although the voice of opposition was still expressed by the youthof Domande, but a promise of employment and community cooperative has reduced resistance to the wait-and-see position.

The former sub-district head of Domande is not the only player. There are some other government officers taking the same roles. They managed to interplay the identity connection, a translation of contractual relation into traditional practice (from rent to borrow for use), and a narrative consistency of the company as the good Other. The interplay of these cultural elements: identity, custom, and representation enable a gained control over connected land. They the offered modernity of cash, motorcycle, and hi-tech audio-player with individual clan's agenda, and uses the liaisons relations to avoid This collective process. two level mediation: at the village supra-level and village level has developed an effective brokerage to land control for corporations.

The making of bad Other

The counter-power type of brokerage was played by the NGOs. Ginting and Pye (2011) noted that during 2010, a loose coalition came together as the Civil Society Coalition against **MIFEE** (Masyarakat Sipil Tolak MIFEE). The coalition coordinates exchange between around 30 local and national organisations. The key member is Foker LSM Papua, the umbrella NGO for 118 member organisations all over Papua that was founded in 1991. The Secretariat for Justice and Peace (SKP KAM), organization under Merauke Archdiocese, is also central in this coalition. Important national organisations include AMAN, the Indonesian Environmental Forum (WALHI, Friends of the Earth Indonesia), the mining advocacy network (JATAM), Greenpeace Indonesia, and the think tanks: PUSAKA and Sawit Watch.

At the national and international level, these national NGOs actively voice the negative social ecological impact of MIFEE to key government agencies, as well as international human rights organizations. The voice from the ground, as the feed for advocacy substance, was organized through village community meeting that was reported and documented by Merauke NGOs, such as: YASANTO. In 2011, YASANTO assisted a community training on FPIC and mapped the positions of 54 villages about the incoming of The other important investors documentation media is a bulletin namely SORAK or the voice of villagers that published monthly by SKP-KAM. SORAK contains various village problems that were reported by village reporters, who were trained by SKP KAM. The printed bulletin distributed widely in Merauke, especially to the villages; it is also published online. This bulletin expressed the fear, concerns and confusions of villagers facing the incoming strangers called as 'perusahaan' or the company, as follows:

Several days ago, I heard that company came to measure the land up to our sago gardens which located as far as 1-2 km inland. Those sago gardens are located near to our spring water, and close to Bian river. We are worried about this information. Hope that the company will not destroy our sago garden anymore²⁶. (reported by **Apolinaris** Customary Leader of Domande, 19/10/2012. Published in SORAK no.13, October-December 2012)

In 2011, a book about MIFEE was published by a national NGO, namely PUSAKA, to build argument and show evidences of the devastating effect of the project, even at its early stages. It argues that the whole events of MIFEE implementations are happening beyond the Marind's imagination. The magnitude of effect and people future was depicted as a gloomy picture. Later on, this book was discussed in the Indonesian Institute of Sciences (LIPI) with aim to gain scientific

analysis on the impact of MIFEE project and produce policy recommendation. This discussion in Jakarta that was attended by Merauke village representatives and Papua civil society organisations resulted into the rejection of MIFEE as the development path to exit poverty and backwardness.

In 2012, two films about MIFEE were produced. Both films were taken from villagers' experiences of broken promises and miseries of physical, social, cultural and material loss. One of the films was shown in villages that are undergoing or haven't undergone a process of land deal negotiations. The filmmaking and showing were done through a collaboration of SKP KAM with several national NGOs, who organized village discussions about the impact of investment.

These media of significations: the book, films, and narratives recorded and published in bulletins. have effectively constructing the corporations as 'the bad enemy'. Such representation, as detected during village discussion after the film was showed in eight villages, extracts response of rejection to 'the company'. Many responses in Wayau, Domande, Okaba, and Bupul village discussions reflected fear upon a tragedy of land, forest and life sources loss as seen in other villages (Zanegi and Buepe).

In Makaling, the film of Buepe and experiences instantly Zanegians has responded by the idea of convening other villages to build a consensus against 'the company'. The same response expressed in the discussion with Merauke Archdiocese priests and sisters. A strong rejection is conveyed publicly by the Bishop, who wrote in the local newspaper²⁷ that: "...timber gives a big profit for the investor, while the people who own the woods suffer in their own land. In that case, it should be questioned whether that investment, which has entered the people land, brings prosper or disaster? The answer is clear: a disaster.

The making of the company as the bad Other brokers the process of Marind identification to the offered dream of modernism. This counter power brokerage materialized as action in Makaling, and successfully spread the seeds of discontents in other villages. The fear of losing 'the good-old life' as well as losingchances of a new life²⁹ was expressed as an ambiguity.

Conclusion: One Identity, Different Articulations

When the ideology of modernism is articulated by the State and corporations through the implementation of MIFEE project, the Marind-anim identification to this modernism has resulted different positionings. The modernism discourse encountered the owner of land identity, which was formed historically through tradition, civilization and colonialism. The Marind-anim in Zanegi, Buepe, Sanggase, Domande and Makaling are all share the same historical process, from the glorious Anim-ha to the less of it, as eroded by social revolution, which had produced matohale as Marind's signification of identity after many rituals were banned and diminished.

The story of Makaling and its Sitompul is certainly unique to that community because of the initiation rite experiences and the presence of inspiring outsiderwere successfully attached people to their *adat*. This asserts that Anim-ha as

the Marind ideology still standsas a point of identification for the Marind-anim identity. The cultural lost at the time of civilization and colonialism, however, was not able to completely strip down this identity. The people of Makaling demonstrated how Anim-ha has been strongly articulated asthe owner of land identity whose control transcends the offer of cash or modern-lifestyle. It is not that they do not want a modern prosperous life, but by excluding outsiders from the privilege of social economic advantage coming from the road construction, the Makaling people embrace a chance for modern life in ways and pace under their controls.

In different experiences, a construction eroded identity resulted different articulation. Overweel (1992) analysed this particular moment of matohale as hardened by the intervention of outsider role as teachers and catechists³⁰, who were not only educated the Marind children but also surpassed the role of pakas animby settling almost every problems in the community. The outsider became the big Other, who are smarter and often condemn the Marind as lazy, passive and slow to progress. "Bodok!" or stupid was and still is a commonly heard curse addressed to the Marind villagers that usually used by the Moluccans who inherited the high-social position of teacher from their parents or grandparents. Oral history of Papuan government officers educated in Dutch colonial time as collected by Visser (2012) also supported the secondary position of native Papuans before the eyes of other ethnic group, who received earlier higher education from the Dutch.

This construction of *matohale* and *bodok*, however, was used by the Marind

in Domande and Kaliki as the argument to their receptive response iustify investment of Rajawali Group. The Marind of Kaliki argued that they received the corporation because the government has abandoned development in their villages, which resulted into low education and poverty. The commonly used expression to articulate the fault of the government is: "The government has never come to our villageand we are tired of being poor and backward". Therefore, they place a hope that investment will bring mutual profit between them and the company. Being a Marind, as the Anim-ha with embedded land ownership, the frame of poor and uneducated combined with land owner identity was reworked to gain entitlement of cash and modernity.

Different articulation of 'the owner of land' in Zanegi and Buepe-Sanggase has produced a re-negotiation act because the identification to modernism has never met its nodal point. Instead of solidifying a formation of the new Marind identity as labour and labour reserved army, the owner of land or *Tuan Tanah* identity was entrenched to launch a pressure force to the realization of the promised modernity.

The owner of land as an identity, not confined merely as form of rights, is articulated in three competing positionings toward land deals: rejection, renegotiation and acceptance. Rejection signifies a noncorrespondence between identity and the articulated modernism ideology.Renegotiation means identification to modernity is still in process. This implies that acceptance may only a temporary positioning, which to closure or new identity process alignment is not guaranteed. On the other hand, the failed alignment of new identity was evidenced by the failure to turn the 'owner of land' into a 'labour'. Instead of taming it, labor process hasentrenched the land owner identity.

The state and non-state actors or NGOs broker the process of Marind identity identification toward modernism by constructing representations of capital as the good and bad Other. These representations of capital provide 'logic' which connected meanings of modernism with owner of land identity. This logic is expressed as fear (for loss) and hope (for gain).

As capital enters the life frontier, the ideological struggle between modernism and *adat* (Anim-Ha) has broken the owner of land identity into three different pieces of positionings. Itpresentsthat 'gripping the mind of the masses' to smoothen land deals is farthan a simple process of constructing and consolidating consent. There are correspondences as well as non-correspondences between modernism and *adat* ideology (Anim-ha) that render connected chain of meanings unstable. In this case, land deals negotiation constructs a crucial point where connections can or cannot find its closure.

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²Ketika para investor datang yang dibutuhkan itu bukan masyarakat, menurut saya yang dibutuhkan adalah lahan. Maka masyarakat harus menyingkir, sebagai korban, karena wilayah itu sudah diduduki oleh perusahaan..., lalu masyarakat yang di situ dianggap sebagai pengganggu, harus disingkirkan. Disitulah letaknya sebuah kemalangan (Ind.)

³See Li (2009;68-69).

⁴Torrens system is first introduced in South Australia as the Real Property Act of 1857-1858, and institutionalized in the Philippines by the issuance of the Land registration Act No. 496 in 1902 (Rodil 1992), while in Indonesia the system is not explicitly defined and referred, but the practice of land registration and use of deeds to proof land ownership clearly refer to Torrens system.

⁵http://m.mediaindonesia.com/index.php/read/2011/01/08/193878/4/2/Selain di Merauke Pemerintah Akan Bangun Food Estate Baru (last accessed: 11/02/2011)

⁶http://www.thejakartaglobe.com/business/indonesiaturns-back-on-papua-food-bowl-plan/459493 (last accessed: 29/4/2012, 23:29)

⁷license number: SK IUPHHK No. 18/Menhut-II/2009 for 169.400 hectares, received from the Ministry of Forestry

⁸Data from PT SIS Annual Work Plan 2011 and land clearing map from the contractor.

⁹Law No. 21/2001, article 43, paragraph 1 & 2.

 10 According to Van Baal (1966) the Marind-anim are one of the relatively few Papuan peoples who have a name of their own to denote their tribal identity. The word *anim* means men or people (sing, anem, fem. anum). The inland people (*deg*) use the word Marind with r, but the lowland or coastal people (*duf*) name it with l or Malind. I use Marind for a consistency with other literature. The Marind-anim occupy a vast territory, stretching all along the coast of the Merauke district in the south of the western half of New Guinea, from the southern entrance of Kimaam or Kolopom Island southeastward to a point about 15 miles east of Merauke.

¹¹For Marx (1965/1969, pp. 231-236)

¹²Hall's critique to Laclau & Mouffe's *Hegemony and Socialist Strategy* that produces a profound theory on articulation and political subject formation in post-Marxism strain, which placing the society as discourse.

¹⁴See Munninghoff Report: Laporan Pelanggaran Hak Asasi (1995). A report produced by ELSHAM and SKP Jayapura, but officially taken into the Bishop Jayapura responsibility (Mgr. Hermann Munninghoff, ofm).
 ¹⁵LGI Enters Industrial Forestation Business In

Indonesia. IR News, Date : 2009. 09. 30.http://www.lgicorp.com/jsp/eng/ir/ir_news/news_view_jsp?txtGubun=Q&txtSeqNum=75 (last accessed: 3/2/2012, 20:06)

¹⁶PT. Selaras Inti Semesta - MEDCO's subsidiary company work in Zanegi area under a license for production forest concession of 169.000 hectare, issued by the Ministry of Forestry.

¹⁷The story of Sitompul life and a share of his thought were told to the writer in our three day long discussion about the history of Makaling people and their land.

¹⁸The highest rank is *wadikasi*, as the decision maker, follows by *kunaam* as the advisor, then *mithawal* and *boraroh* as executors of rules, and *dema anim* or lay people. This is a customary structure based on cults. The position ofwadikasi is ascribed in clan line, but the person appointed is because of his capacity (Yul Bolle Gebze 2005, Sofyandy 2010)

¹⁹Land ownership should be understood as the highest level of use right, because it was leveled by the first, second, and following occupation by various groups of clans who settle in one area.

²⁰Dema is the mythical ancestor of Marind-anim. Van

²⁰Dema is the mythical ancestor of Marind-anim. Van Baal (1966: 179) explained that dema is the ancestors of the clans and subclans and are associated with their totems.

²¹National Spatial Plan Coordinating Body (BKPRN) recommendation for MIFEE zonation planning

²²Information received from the Head of Planning Agency and WWF representative in Merauke. WWF facilitated and assisted the participatory mapping of Marind-anim sacred places in 200/2006, including its integration to the district spatial plan.

²³The statement of Romanus Mbaraka, the present Head of Merauke Regency, at a meeting with the writer and his other staff in his office on 19 June 2011.

²⁴Land ownership should be understood as the highest level of use right, because it was leveled by the first, second, and following occupation by various groups of clans who settle in one area.

²⁵The restriction is related to the use of women for fertility rituals, which is known and obeyed by the women due to sanction threat, but it is not allowed to be spoken before them, as stated by the Mayo cult leader of Makaling in our discussion about initiation rite. Even, a woman who was present in this discussion was asked to leave.

²⁶(Ind.) Beberapa hari yang lalu, sa ada dengar perusahaan ukur-ukur tanah sampai masuk ke dusun sagu yang jaraknya kira-kira 1-2 kilometer. Dusun sagu itu dekat dengan sumber mata air kami. Selain itu, dekat dengan Kali Bian. Kami rasa cemas dengan kabar ini. Jangan sampai perusahaan dorang bongkar kitorang pu dusun takaruang lagi.

dusun takaruang lagi.

²⁷Mgr. Nicholaus Adisaputra. 2011. MIFEE: Berkah atau Musibah?. Cenderawasih Pos, Sabtu 11 Agustus 2012.

²⁸(Ind.) "...kayu memberikan keuntungan yang amat sangat besar bagi investor. Sedangkan masyarakat pemilik kayu malah makin menderita ditanah mereka sendiri. Kalau begitu, patut dipertanyakan investasi itu (MIFEE) tersebut masuk ke tanah masyarakat ini membawa berkah (kesejahteraan) atau musibah? Jawabannya juga jelas: "Mereka membawa musibah".

²⁹Actually, we are the Wayau are not ready to accept the investor. We have to learn from the experiences of Domande, Zanegi and Buepe whose land taken for a long time. We are the hunter and gatherer that taking food from the nature. Besides, we don't have enough education. Our people who graduated from school are very few. How can we work in the company if we have no education (reported by Elias Gebze, Head of Dewan Stasi Wayau, 23/9/2012. Published in SORAK No.12, August-September 2012). (Ind.)Kalau dilihat, sebenarnya kitorang warga Kampung Wayau belum siap untuk terima investasi. Kitorang harus belajar dari pengalaman Kampung Ndumande, Zanegi, dan Buepe

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yang tanahnya su diambil untuk waktu lama. Kitorang masih hidup meramu, masih mengharapkan hasil dari alam saja. Selain itu, kitorang pu SDM juga masih kurang. Warga Kampung Wayau yang tamat sekolah bisa dihitung dengan jari. Bagaimana mau kerja diperusahaan kalau sekolah saja tidak tamat.

diperusahaan kalau sekolah saja tidak tamat.

30 The teachers and catechists were sent from Langgur and Kei island in Maluku, as the center of catholic diocese that served the area of southern Papua in early 1930s.

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