Table of contents

Introduction

The Indonesian novelist Pramoedya Ananta Toer wrote in the New York Times of the 18th of April 1999 a remarkable article. He argued that it was the nineteenth-century novel *Max Havelaar: Or the Coffee Auctions of the Dutch Trading Company* by Eduard Douwes Dekker, that in fact had killed colonialism.[i] Pramoedya, a man who had suffered from colonialism, political oppression and censorship for the most of his live, recognized the enormous worth of a book that has captivated me as well. For Pramoedya argued, that it was this book that provided the liberal movement in The Netherlands with a weapon to bring about reform in Indonesia which led to the long dreamed of independence. In turn, the Indonesian Independence sparked revolution in Africa and other regions and thus, according to Pramoedya, *Max Havelaar* should be regarded as the foundation of the end of colonialism. The novel itself relates about difficulties in Indonesia that are almost of equal relevance today, as they were over a hundred years ago. Bad governance due to corruption and nepotism, unequal access to natural resources and religious and ethnic conflicts still form great challenges for any student in the field of conflict studies. Especially for this historian from The Netherlands.

However, if we focus on Indonesia today, there are quite some positive changes. Considerable progress has been made since the end of the New order Regime of Suharto in democratizing the country. A process of decentralization has been started and is anticipated to lead to greater stability and prosperity. Yet, with this decentralization and changes in legislation relating to land and natural resources, comes a change in the political opportunity structure. In this thesis we will focus on one particular form of organization that seems to profit from this change. These organizations operate between the levels of the state, society and corporate world and use combined strategies of threats, violence and legitimate forms of protest. They portray themselves as ambassadors of the interests of specific local indigenous groups and aides of the state in providing justice and protection on behalf of their community. The setting of this thesis is East Kalimantan, the regency of Paser and city of Balikpapan. Customary rights, henceforth *adat* rights, are at the core of this justice and protection. While *adat* rights are formally recognized after the decentralization, de facto recognition and access to the land, vital to the *adat* rights, is lacking. This leads in many cases to disputes and even violent clashes with companies and authorities as it is the aim of the organizations to get customary rights recognized. It is the objective of this thesis to explore the role of these socio-military organizations in the pursuit of land issues in the regions of Kota Balikpapan and Kabupaten Paser, East Kalimantan Indonesia.

Reformasi

As mentioned before, Indonesia broke with the New Order administration in 1998. After years of violence, corruption, nepotism and government repression in several forms, there followed a turbulent regime change. These events and the period referred to as *Reformasi*, were in and on itself bloody processes in which rape, ethnic and religious violence and great social unrest were ubiquitous. There were not only riots in Jakarta but also killings in Solo, Malang. Additionally there were the protracted difficulties in Aceh, the Maluku's, East Timor and West Papua (Coppel 2006: 5-9). Unfortunately, Kalimantan, the second largest Island in the Indonesian archipelago, also has had its share of difficulties. Clashes between Dayaks and Madurese occurred between 1977 and 1983, but were of low intensity. Especially in the late 1990s, there were violent clashes between these groups spreading from West-Kalimantan to Central-Kalimantan and the south, resulting in many deaths. Unfortunately, simplistic explanations of Dayak and Madurese violence, arguing that these groups are inclined to settle scores with violence, are still put forward (Loveband and Young in Coppel 2006: 151-2). Spared by large scale violent outbursts like in the neighboring provinces, East Kalimantan had attracted little attention of academics studying political violence in any form whatsoever.

In research conducted in 2006, Laurens Bakker came into contact with several leaders and members of organizations in East Kalimantan, he could not easily classify. He discovered that these groups are presenting themselves as having similar goals and method to local NGOs. However, at the same time they were not afraid to hint towards using violence if their prime targets, companies illegally exploiting natural resources who do not comply with their demands and everyone who does not respect the land that is claimed to belong to local indigenous people. The organizations seemingly were operating in the murky grey area that is created by the democratization process and the revaluation of the local and regional level. Appealed by the multitude of dimensions of this conflict and the relative lacuna in research on political violence in East Kalimantan, I decided to try to add to the investigation of the organizations. Therefore, the object of this thesis is to explore the role of the socio-military organizations in the pursuit of land issues in the regions of Kota Balikpapan and Kabupaten Paser, East Kalimantan Indonesia.

Introducing Gepak

An organization that has a leading position in this thesis as well as functions as an exemplar to other organizations, is the Movement of Indigenous Youth of Kalimantan (*Gerakan Pemuda Asli Kalimantan*, henceforth Gepak). Established in 2000, Gepak has subdivisions throughout East

Kalimantan and has become notorious for its methods of enforcing its demands. Like many of the organizations in this thesis, Gepak is officially unaligned to government or politics. Its aim is to optimize the potential, coherence, quality and human resources of Kalimantan's indigenous youth for the development of Kalimantan (Bakker 2008b: 6). Additionally, the organization has a ambiguous reputation with many of the non-members I interviewed and had conversations with, as the following will make clear.

"Why are you talking to people of Gepak? Don't you know they are provocateurs, criminals too! They make demonstrations and shout very loud. They are corrupt like politicians. You know corruption, it is in our blood", Arti says. Setiawan, visibly anxious to add to the former conclusion and looking for words in English, only partially agrees: "Yes, but corruption was brought here by the Dutch colonizers. They did it to keep the kings divided and take over the land. Now Gepak wants to do the same. They just want to get money from the companies and they use the Kalimantan people."[ii] This was part of a discussion which was similar in tone and content to numerous conversations with many people in East Kalimantan, Indonesia. It was only nine days after an interview with the vice regent, Hatta Garid of Kabupaten Paser. This self-declared pure son of Kalimantan spoke in a very different way about organizations like Gepak. In fact, he argued that he has a very good relationship with Gepak. "They are always trying to resolve problems", he said. Also their methods could count on the approval of the vice regent:"They are so hard, I like that (…) they fight the illegal logging." Only the fact that Gepak are wearing army-style uniforms slightly bothered him.

It were these kind of conversations that further aroused my curiosity to socio-military organizations like Gepak and made the researcher in me quite pleased. It seemed that I was on to something. When I started working on this subject, there was a great deal of uncertainty about the actual significance of the organizations. Although the existence of civil militias and other gang-like groups in different parts of Indonesia is quite a well-known fact, the data for East Kalimantan was extremely minimal. It seemed that in the academic world there was a relative lacuna in knowledge and analysis of the what I define as socio-military organizations in East Kalimantan. As mentioned above, Bakker, one of the few and first academics who have written about the organizations, introduced me to the matter.

The problem of classification

The groups I will do research on, have been given several different names as they are a relatively young phenomenon. Arguably, none of them fully capture the essence of the organizations. This is mainly due to the fact that the organizations are no part of any research tradition, it is interesting

and relevant to come up with a proper term. In his work on neighboring Central Kalimantan John F. McCarthy uses the term volatile socio-legal movements. McCarthy coins this term in an article on the decentralization program started after the fall of the Suharto regime. His analysis is the following: " [the] political processes at the national, district and village levels have led to [the formation of] highly volatile socio-legal configurations that create insecurity and heighten resource conflicts." (McCarthy 2004: 1199). This section is not the right place to discuss the analysis of McCarthy thoroughly as the focus currently lies on finding a good definition. However, the cited article and other work will be discussed in detail in coming sections. Here I want to focus on the term highly volatile socio-legal configurations. It is a term that is also fairly accurate for the organizations as studied in East Kalimantan, as it covers an important aspect of the organizations. Still, it is not accurate enough and in addition, the historical context in which the movements developed was very different from the situation in East Kalimantan.

To start with the latter, while West Kalimantan has witnessed intense ethnic violence in the late nineties, the situation in East Kalimantan remained fairly stable. There were no large scale pogroms, only very small scale local riots. The second element that is lacking in this definition is a referral to the duality of the organization concerning the armed branch of the organizations. Like ancient Roman god Janus, who was usually depicted with two opposing faces and can be found on many Roman doorways marking new beginnings and transitions as he looks to the future and the past, the groups have two faces. As we will see in the following chapters, these organizations take images, discourse and organizational structures from the past to form one side of the organization. The other side is modeled after modern economic and political discourse and organizational structures. With the groups in East Kalimantan have to recognize the fact that besides the social side, there is a criminal, or economical gain driven side, to them as well. This side is underrepresented in the works of McCarthy. The term also does not refer to the use, or threat of using, force as an important element. The highly volatile socio-legal configurations, as described by McCarthy, seem to be mostly social make claims bearing on the interest on the local people, leading to coordinated efforts on behalf of shared interests or programs, in which governments are involved as targets and can therefore best be classified as social movements (Tilly and Tarrow 2007:4). Again, following sections will elaborate further on this tremendously interesting element and interaction with other elements.

Bakker provides two names for the organizations active in East Kalimantan. Both vigilante group and civil militia are used to define the organizations under scrutiny and relate them to the contemporary and unique process of decentralization that is opening up opportunities for different groups to fill a power vacuum left by the retreating central state. Bakker argues however, that the organizations are different from the hired thugs controlled by the New Order regime, which they

could call upon to repress and control society or to do dirty jobs without having to use the police or military which would damage the governments' reputation. The *Pamuda Pancasila* is generally considered as a prime example here (akker 2008b: 5). The organizations we study in this thesis, despite regularly presenting themselves as NGOs, are also different from NGOs as they use military inspired uniforms and use threats and in some instances even use violence as a strategy.

The question remains whether we could call the organizations vigilante groups? In order to answer this question we have to look briefly at literature on vigilantism. This is highly specified and adjusted to the context in which the respective groups operate. Therefore, it is hard to come up with a general definition of vigilantism. As Ray Abrahams rightfully argues, vigilantism is, like civil society, part of a broad zone in the world of law and politics, encapsulated within the state and yet conceptually and at times politically opposed to official governmental institutions. Additionally, vigilantes also operate in the realm of the informal economic sector (1998: 7). As a result, it is not possible to give an exhaustive description or definition of vigilantism. What we can do is provide a broad description of the phenomenon, which one has to place in the specific context of the object of research. The most comprehensive general definition of vigilantism is perhaps provided by Johnston. He states that:

"Vigilantism is a social movement giving rise to premeditated acts of force – or threatened force – by autonomous citizens. It arises as a reaction to the transgression of institutionalized norms by individuals or groups – or to their potential or imputed transgression. Such acts are focused upon crime control and/or social control and aim to offer assurances (or 'guarantees') of security both to participants and to other members of a given established order." (Johnston 1996 in Abrahams 1998: 7-9).

Interesting in this respect is the fact that Abrahams argues that vigilantes need the presence of the state as they lay claim, at least partially, on the monopoly of force and criticize the state for being corrupt. In a society with vigilante groups, citizens do not trust the state to deal adequately with their problems and turn to others (Abrahams 1998: 9). In his article on vigilantes in Nigeria, David Pratten continuous on this important element. He argues that vigilantism concerns men and women who have the ability to represent the state or to enforce its laws and to move with impunity between appeals to the form of law and forms of extra-judicial practice that are clearly construed as lying outside or prior to the state (Das and Poole 2004: 13 in Pratten 2008: 64). In other words, vigilantes take over the duty of the state to enforce law, whereby the goal justifies the sometimes unconventional means. This usually points to the use of, or threat of using, force. Bakker also refers to the law enforcing role of the vigilantes. Additionally he also argues that many vigilante groups

emerge at the grassroots level under turbulent political circumstances and organize along ethnic or religious lines and so offer a forum to a group of leaders with no position in the established elite (Bakker 2008b: 5) The organizations in East Kalimantan certainly meet this criterion. But is this enough? Can we conclude after this that the organizations are therefore to be called vigilantes?

Here, I agree with Pratten and Abraham in interpreting vigilantism as practice rather than as an object of analysis with clear-cut conceptual and empirical boundaries (Pratten 2008: 8, Abrahams 1998: 7). Therefore, if we apply the comprehensive description of vigilantism by Johnston and the practical approach of Pratten and Abrahams to the organizations in Kabupaten Paser and Kota Balikpapan, we can see only a partial overlap. What is crucial in this thesis is the fact that the organizations indeed are using premeditated threats and violence as possible means to achieve their objective. The carefully constructed image of defenders of *adat* land and rights and use of symbols as the *Mandau,* shows their calculating nature.

Secondly, the notion of vigilantes as a reaction to a, possible, transgression of institutionalized norms also applies to the organizations in East Kalimantan. It is apparent in the vague situation concerning the position of *adat* in the two regions. *Adat* is informally recognized but not formally acknowledged, which leads to a grey legal situation that can be used for exploitation by companies, corrupt authorities and the organizations under scrutiny**.** This, and the fact that the acts of the organizations are, at least partially, designed to resort a positive effect on the illegal exploitation by companies of *adat* land and the resources which are part of this land, make *adat* claims central to the efforts of the organizations. The intention to regain ownership for the *adat* community over their land is linked as well to the personal desire of the elites of the organizations to gain political power and status.

The final dimension relating to vigilantes and the organizations in East Kalimantan, is that their acts should be focused on crime control and/or social control. The organizations under review most certainly have a social agenda which is, at least partially, designed to create social cohesion between the indigenous Dayak population in the regions the individual organization operates. Their struggle to get *adat* rights acknowledged is a broadly shared goal under the indigenous peoples of East Kalimantan and does relate to the many people. However, social control is not paramount for the organizations. There are simply too many interconnected activities they engage in, as we will see in the coming chapters. Additionally, controlling crime, i.e. illegal exploitation of *adat* land by corporations, is a significant part of the activities of the organizations. Nevertheless, the question here is whether this is to actually reduce crime or to capitalize from it? In other words, there are too many uncertainties regarding the organizations to define them as true vigilante groups.

There is another considerable counterargument for indeed naming the organizations vigilantes. This is the fact that these organizations operate between not only the state and civil-

society, but also the corporate sector in East Kalimantan. Their services, concerning securing and defending an area, usually done by the *laskar* division, can also be used by other parties than members of indigenous Dayak *adat* communities. *Laskar*, army or troops in Bahasa Indonesia, are a group of young men with military-style uniforms, Mandau swords or less lethal tools. They form the hardened backbone of the organization and are deployed to add weight and appearance to threats and violence or function as order troops in protest marches. Although the socio-military organizations create an image of social movements fighting for collective interests of the Dayak people which is not properly done by the state, economic and political motives also play important parts in this conflict situation. Additionally, there are even accounts of these organizations being involved in organized crime. All the formerly mentioned interconnecting dimensions can be observed in the diagram below. The organizational spheres, interconnected and permeable are in the center. Important to note here is that the dimensions themselves are modified by the organizations to fit the intended purpose and setting. The field they operate in is formed by the outer shell. Generally speaking, the organizations in East Kalimantan under scrutiny in this thesis cannot be qualified as mere social movements. Their flexibility in operating on and over to many boundaries relating to other forms of organizations renders them unfit to be called social movements nor true vigilantes. This means that we have to find another definition for them.
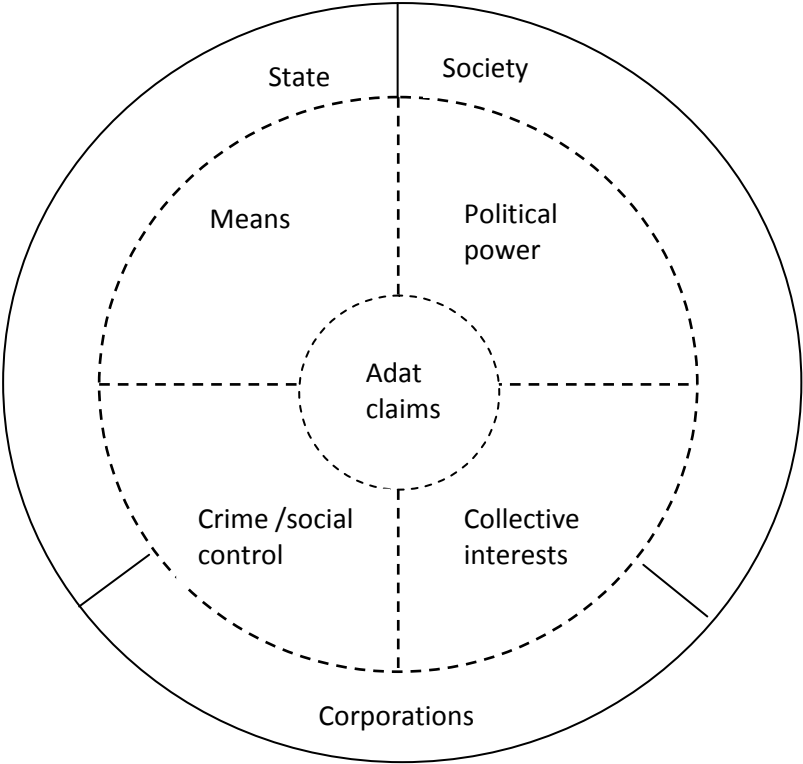

Diagram 1.

Civil militia and socio-military organization

Bakker's term civil militia (2008b: 5) is an interesting name for the organizations. The term tries to combine the two main faces in one term. The component militia refers to the threatening and violent army-style branch, while civil emphasizes the social face and underscores the civilian roots. However, there are also drawbacks with this description. A militia is a military force raised from the civilian population to supplement a regular army in an emergency.[iii] I have found no reliable evidence that the violent groups, as part of a larger organization, received any military training or supplemented the Indonesian armed forces. There is no doubt that the organizations use some degree of military symbolism. We should see this not so much as a sign of military aspirations, yet more as image building. As will become clear in later chapters, too much professionalism and connections with the military will be detrimental to their position and the authorities. In other words, there are certainly elements in the organizations that indicate militia-type activities and ideologies but the organizations are too diverse to call them militia, even with the adjective civil. Therefore, I believe that militia is a too strong a term and we have to search for another terminology.

Besides the empirical data that is difficult to reconcile with the term militia, there is also a theoretical argument against naming the organizations in East Kalimantan militias as a sub-division of vigilantes. We have seen that vigilantes are groups that are formed when the state cannot supply a popular demand that is closely related to law-enforcement. It provides a security service whilst not contesting the state as an entity. Militias, on the other hand are a tool for fighting the state. In East-Kalimantan the organizations are often referring to the weaknesses of the Indonesian state, however it is not in their interest to contest the state as an entity. In fact, as will become more clear later, it is counterproductive for them to adopt any strategy that will publically link them to militia type ideals, because the organizations benefit economically and politically from the state. It is exactly the grey socio-legal domain that enables the organizations to thrive and potentially develop their political potential. Vigilantes and militias are not one and the same, because militia can become insurgence, fighting the state, while vigilantes are essentially groups that operate inside the realm of state, and provide services to make up for the incompetence. Vigilantes do not contest the state as an entity; they fill the gap that authorities leave in providing one of the most basic needs, security.

For proper understanding of a new and important social trend, finding a correct definition is essential. As we have seen, the existing terms like highly volatile socio-legal configuration, vigilantes and civil militia are all to a certain extend representing important parts of the organizations this study focuses on, yet none of these terms provides an entirely accurate characterization. Therefore, I propose a new term that combines all the important indicators of the organizations that are identified in this research. Henceforth in this thesis, the term socio-military organization will be used

as the term used for the Janus-like organizations. I regard this term as a working title. If after further research more about the groups is known, perhaps a more appropriate and definitive term can be adopted. The term emphasizes the two main characteristics of the organizations, namely their social agenda in combination with their militaristic image and approach in solving conflicts about *adat* land in the form of securing and defending. The emphasis lays here on the diverse organizational structure, hence the component organization. All these characteristics are closely related to three contemporary theoretical debates in the field of social sciences and conflict studies.

The following chapter demonstrates the data collection techniques used and methodological limitations. In the third chapter we will address the question why the socio-military organizations use threats and violence. To answer this question and gain insight in the role of the socio-military organizations, we will use the theoretical framework collective action theory. We will see that by making use of the collective action theory and its four dimensions as formulated by Oberschall, we will clarify both questions relating to the use of violence as well as questions regarding the combination and overlap of greed and grievances related elements. The latter theoretical debate is interesting to study, given the context of the conflict in East Kalimantan and the fact that elites play such a key role in the rise of the organizations and the mobilization process that I s vital to their survival.

The fourth chapter will illustrate the context in which the socio-military organizations operate. The concept of *adat* is explained, decentralization and changes in legislation will be elaborated on and we will look at the organizational origins of the socio-military organizations. The aim of this chapter is to generate insight in the change to a unique political opportunity structure for the socio-military organizations to take advantage of. This chapter relates to the yet to be presented collective action dimension of discontent. It is this dimension that shows the murky legal situation in which valuable land has become the focal point of contestation and has led to the change of the political opportunity structure that is currently exploited by socio-military organizations. Furthermore, by combining NGO methods with the potential of violence, the socio-military organizations have positioned themselves neatly between the state, society and the private sector, whilst exploiting the weaknesses of the state.

The fifth chapter will give an insight in the motivations and strategies of elites within the socio-military organizations concerning mobilization of indigenous Dayaks and the role of violence. The collective action dimension named the capacity to organize is analyzed here. This chapter will try to demonstrate how this dimension manifests itself in Kabupaten Paser and Kota Balikpapan and has formed a link between greed and grievances for the socio-military organizations and especially their elites to capitalize on. Therefore, we will look at the position of the elites and the benefits and risks that come with starting a socio-military organization. Secondly, we will explore to strategies used by

the organizations and their elites. And finally, we will identify the problems concerning the survival of the organizations are discussed.

The final chapter is the conclusion in which I will shed light on the central puzzle, namely what the role of the socio-military organizations in the pursuit of land issues is in the regions of Kota Balikpapan and Kabupaten Paser, and hopefully all the pieces of the several chapter will come together.

II. Data collection and methodological limitations

The primary source of data for this thesis originates from interviews conducted in March and April 2009 in Kota Balikpapan and Kabupaten Paser, East Kalimantan. Since this research has an explorative character and the unidentified number of socio-military organizations, I had to resort to non-probability sampling. Snowball sampling and purposive sampling are used to find respondents. As a consequence, this means that I have focused mainly on leaders and members of the three largest socio-military organizations; the Movement of Indigenous Youth of Kalimantan (*Gerakan Pemuda Asli Kalimantan,* Gepak), the Cleaning Guards (Garda Sikat) and the Kalimantan Dayak *Adat* Defence Command (*Komando Pertahanan Adat Dayak Kalimantan Timur*, KPADKT). Studying these groups will lead to a better understanding of the full potential of the socio-military organizations. Nevertheless, it does not mean that smaller groups were neglected. I have also focused on leaders of recently separated socio-military organizations, in order study the incentives for separation and starting a new socio-military organization. These interviews and conversations are generally not representative for the socio-military organizations as a whole but should be seen in the light of the explorative nature of this thesis.

During the fieldwork I managed to interview twelve high-ranking representatives and three members of socio-military organizations, twice the vice-regent of Kabupaten Paser, once the head of the Balikpapan Environmental Office and once the then chairman of the Balikpapan regional General Election Commission (KPUD) who also is the founder of two socio-military organizations, Gepak and Garda Sikat. In the second interview with the vice regent of Paser, the heads of the bureau of the protection of society (Linmas) and the bureau of social welfare, *Kesejahteraan Rakyat* (Kesra) were present and interviewed as well. Additionally, I conducted an interview with one law professor of Universitas Balikpapan and had several conversations with Laurens Bakker. He is a Dutch researcher, PhD candidate and expert on East Kalimantan. Furthermore, three local NGOs were willing to give interviews, one representative of an oil-company and seven representatives of two local newspapers. All the interviews had an in-depth character. However, a list of questions composed prior to the fieldwork was used in every interview.

Besides interviews, I have engaged in many conversations with local youth, the head of an orphanage in one of Balikpapan's Islamic centre's, two classes with students from the law faculty of the Universitas Balikpapan and a leader of the Islamic law students movement of Balikpapan. I also tried to make an appointment for an interview with a spokesperson of KIDECO, one of the major foreign coal companies in East Kalimantan. They came up in several interviews as a target for socio-military organizations, KPADK in particular. KIDECO politely invited me to come and take a look at their corporate social responsibility programs. Unfortunately, the proposed date was after I was due

leaving. Further requests to answer any questions regarding contacts with any socio-military organizations through email were never replied to. Another disappointment was the fact that the vice regent of Paser could not keep his promise to compose a list with all the registered and non-registered NGOs and social organizations (*Organisasi Kemasyarakatan*, henceforth Ormas) Organizations in Paser and Kota Balikpapan, plus the exact amount of funding spend. The responsible offices, Linmas and Kesra, of both regions refused to cooperate because it was regarded as sensitive information. A third method of data gathering is trough doing literature based research. The formerly mentioned lacuna in knowledge about the socio-military organizations made this very difficult. The (un)published works of Laurens Bakker form the core of understanding the context of the conflict. Additionally, his early findings on socio-military organizations formed a point of reference next to which I could place my own results.

As mentioned before, I have been able to identify sixteen socio-military organizations. The three largest organizations, Gepak, Garda Sikat and KPADKT, all have multiple divisions. The other organizations are mostly locally operating. Some, like KOPPAD Borneo, are in advanced stages of preparation of expansion. There is a certain hierarchy amongst the socio-military organizations. The before mentioned largest organizations generate the most publicity and tend to receive the most media attention. This is partially due to their ability to mobilize large crowds for demonstrations and actions on various *adat* related topics and partially due to some charismatic leaders.

The relative lacuna in academic knowledge about the socio-military groups in East Kalimantan makes that the groups rarely have been confronted with foreign researchers and interviewers. Still, many leaders are aiming for gaining political influence and general publicity. This initially led in some cases, mostly with the heads of larger organizations, to the repeating of statements as made in the media. Though, through perseverance and occasionally continuing the interview off the record, the preliminary caution regularly faded away. However, in order to respect the private setting and nature of the conversations and some of the off the record interviews, some actual names have been changed into fictional ones. If opportune, this will be indicated.

Locating leaders and high ranking staff of the socio-military organizations was relatively easy. Laurens Bakker, coincidentally also in East Kalimantan for a short period of my stay, could introduce me to a few leaders. Moreover, my interpreter Hari Dermanto, law student of Universitas Balikpapan and former affiliate of a local human rights orientated NGO, had good connections and knowledge about the situation. Then again, locating members of the socio-military organizations was very difficult, as leaders were reluctant to introduce me to their members. Membership of socio-military organizations is surrounded with indistinctness. This is partially due to the fact that there are virtually no databases within the socio-military organizations accurately keeping track of memberships. Only Gepak could provide me with evidence, such as membership passes, for the staff and *Laskar* units.

This inability is a direct effect of the ambiguous position that the socio-military organizations hold between the state, society and corporations and between legality and illegality. On the other hand, socio-military organizations often claim their memberships on the basis of their contacts with local *adat* or village leaders and village councils. Moreover, occasionally socio-military organizations even claim other socio-military organizations' members as theirs because of intensified collaboration or when they feel they are higher on the hierarchal ladder. This makes it hard to put the size of the conflict in the right perspective. The interviewed leaders, but the members even more, felt pride and a sense of responsibility on the one hand and stigmatization due to the ambiguity of the reputation of the socio-military organizations on the other. The openness of the leadership about the vision and mission of the organization frequently turned into caution and prudence regarding providing information about mobilization techniques.

Unfortunately, there are no official figures regarding the exact amount of funding for the socio-military organizations in this research. Although I have collected vital information through various sources about monthly fees paid by members and payments by those who hire the socio-military organizations for securing, defending and reclaiming land from Gepak and the LPADKT, official numbers of government funding could not be provided. As mentioned earlier, this information is regarded as sensitive and was not provided by the responsible offices. As an alternative I will use the estimations of the heads of Linmas and Kesra as well as the vice regent of Kabupaten Paser are leading for this region. There are no reliable estimations for the Kota Balikpapan region due to a general lack of knowledge about the figures within the available sources for this research.

Despite these difficulties I regard the gathered information as extremely valuable. The initial caution and prudence frequently vanished during an interview. Occasionally, respondents wanted to speak about less legal practices, both of their own organization as well as organizations they previously had joined and at times also about rival organizations. This generally resulted in off the record statements. The in-depth interviews were of a structured nature, making it easy to compare results and triangulate specific cases related to land-occupation and one of the key figures connected to the rise of two very influential socio-military organizations. I have identified sixteen active socio-military organizations in Kabupaten Paser and Kota Balikpapan. Yet, based on local newspaper reports and the frequent separations of elites from established organizations, the actual number is likely to be much higher. Kabupaten Paser is located in the south of East Kalimantan and had 2007 a general population of 191,117 people.[iv] Numbers of 2008 of Kota Balikpapan, in the center-east of the province, show that it has 433,866 inhabitants.[v]

III. Theoretical approach

In this chapter the theoretical foundation of the research will we presented. Questions relating to the central puzzle of this thesis will be posed and key notions of the coming chapters will be introduced.

Between war and peace

When exploring the role of the socio-military organizations in East Kalimantan, I initially had great difficulties placing them in the proper theoretical setting of conflict. This has mainly to do with the fact that East Kalimantan is, in the words of Paul Richards, a place of no peace and no war. In East Kalimantan one cannot speak of dyads contesting each other's legitimacy. All parties are effectively acknowledged by each other. It essentially are the threats and violent actions, or lack thereof, which are contested. Instead of searching for direct violent confrontation with the government, socio-military organizations use violence and threats as a tool for personal gain and group benefits. Hence, although East-Kalimantan is certainly not a warzone, there are social agents present who potentially can and occasionally do disturb the peace. At times this happens in a non-violent manner, through the use of threats or references to past violent cases, other times violence is used by the socio-military organizations. However, here it is from the utmost importance to understand that it is Richards' intension to place war and violence back within the range of social possibilities, as something made through social action, and something that can be moderated by social action. Rather than viewing it as so exceptional as to require 'special' explanatory effort (2005: 3). Additionally, it is this apt description of social agents and social action in situations between war and peace, a circumstance highly applicable to Indonesia, which will be vital in the explanation of violence in East Kalimantan.

Collective action

The above leads to the question why socio-military organizations in East Kalimantan use threats and violence in relation to land claims? Which is a crucial part of the answer to the ultimate object of this thesis, namely exploring the role of the socio-military organizations in their pursuit of land issues in the regions of Kota Balikpapan and Kabupaten Paser, East Kalimantan Indonesia. To answer the first question we have to turn to the work on collective action by Anthony Oberschall, which will form the theoretical foundation of this thesis.

Anthony Oberschall is an emeritus professor and instructor in UNC-Duke Rotary International Program in Peace and Conflict Resolution. He has published on many issues relating to social

sciences, conflicts and social movements. Oberschall traditionally has been writing from a resource mobilization or rational choice perspective, yet during the years he has incorporated many elements of different theoretical origins into his work. As we will see, his now comprehensive approach towards violence, conflict and social movements make his theories extremely relevant to this thesis. In the coming paragraph I will elaborate on a particularly essential part of the collective action debate, relating to explaining violence as a tool for political means. Oberschall defines collective action as the product of interactions, mutual perceptions and expectations, called strategic interaction (1993: 3). In collective action, collective behavior and social movements are often studied together, as the former frequently occurs within the context of the latter (ibid: 2).

Nevertheless, the point has to be made that there are certain limitations regarding using collective action theory in the context of this thesis. The socio-military organizations as studied in East Kalimantan can only partially be identified as social movements, as can be seen in the previous chapter and diagram 1. As I will elaborate on in the following chapters, the organizations are in fact much more diverse and complex than a social movement. This is reflected not only through the means they use to accomplish their goals, since threats and violence are also part of the modus operandi, but also because of their organizational structure. However, the core of the theory of Oberschall on collective action, which is taken from a paper on explaining terrorism (2004: 26-37), can be very useful in exploring the role of the socio-military organizations of East Kalimantan. In the paper Oberschall points out that the theory of collective action is an appropriate tool for explaining the entire spectrum of the political arena, including terrorism (ibid: 26). Since terrorist organizations, like the socio-military organizations, can hardly be defined as mere social movements, it therefore can be argued that the theoretical foundation of Oberschall can also be applied to the socio-military organizations of East Kalimantan.

Oberschall argues that it is essential to collective action theory to accept that the acting parties and their targets in a conflict situation need to make moral claims to justify violence whilst trying not to cross the instrumental and normative restraints that limit violence in a conflict, because beyond this point violence cannot be successfully argued to be a political tool anymore (ibid). This is of great importance since it reveals a critical part of the conscious and calculating identity of the socio-military organizations. Collective action theory emphasizes the strategic interaction, or mobilization process, between four crucial dimensions which together can explain collective action. These dimensions are discontent, ideology feeding grievances, the capacity to organize and a political opportunity (ibid: 27-28). Two of these dimensions are of particular interest to this thesis, namely discontent and the capacity to organize. The other two dimensions will also be discussed, however in a less extensive manner. Besides, the second and third dimensions can also be combined to form one

large dimension, for ideology-feeding grievances and discontent have to connect, and often overlap, in order for the process of mobilization to succeed.

The reason why discontent and especially the capacity to organize will receive the most attention is because the fact that it are these dimensions that reveal the most about the modus operandi and organizational structure of the socio-military organizations and their use of threats and violence. It are these dimensions that will provide the most insight into the central question what the role of the socio-military organizations is in the pursuit of land issues in the regions of Kota Balikpapan and Kabupaten Paser.

Oberschall describes discontent and dissatisfaction as crucial in distinguishing i.e. terrorist groups from criminal gangs seeking personal goals, not as "social bandits". Discontent is therefore a prerequisite to justifying violence. Furthermore he defines the capacity to organize as the dimension in which the processes recruitment, fundraising, leadership, internal communication and decision-making take place. These processes, also referred to as mobilization, require in the case of terrorism a high level of mutual trust and dedication in which their activities are perceived as legitimate, not deviant (ibid: 28). We now have come far from the average social movement and find ourselves, so to say, in the outer regions of collective action theory.

When we apply collective action theory on Kota Balikpapan and Kabupaten Paser, we can see the presence of discontent on various levels and topics. The problems in the domain identified as discontent are essentially concentrated around the three following spheres. First, the regions are faced with economic deprivation in the form of the lack of job opportunities and contested (il)legal exploitation of natural resources of the local *adat* communities and Dayak people. Secondly, there is political uncertainty concerning a discrepancy between formal and de facto legal arrangements regarding land and law or status of *adat*. Finally, we can discern the perceived cultural discrimination of the Dayak people. We have to couple this mesolevel analysis of Kota Balikpapan and Kabupaten Paser to the macrolevel process of decentralization, or *reformasi*, in Indonesia. This process has led to the formal acknowledgement of *adat* as well as to de facto ambiguity. It has also put *adat* on the political map and the socio-military organizations consequently could transform it into a rough-edged ideology. These elements will all be elaborated on in the upcoming paragraphs and chapters.

Moreover, the discontent dimension of collective action is highly relevant to the case of East Kalimantan for another reason too. For East Kalimantan is rich in natural resources of various kinds and additionally is host to many migrants and subject to an ongoing process of decentralization. This is combined with the three formerly mentioned spheres of perceived disadvantages. Together these are all aspects which potentially can cause social difficulties and conflict. Oberschall rightfully expands his view on social movements beyond fixating on a poverty or social injustice exploitation interpretation of discontent and grievance and focuses on the political implications and aspirations of

social movements as well. This leads to the presumption that discontent is a condition which is used by manipulative leaders to frame into ideology feeding grievances and legitimize violent action. Whether this is also the case in East Kalimantan will be discussed in the chapter five.

Consequently, it makes this region extremely interesting for students of conflict studies fascinated by the debate on greed versus grievances, or rational choice theory and relative deprivation theory. However, what makes it truly interesting is the fact that East Kalimantan actually forms an outstanding case in which greed and grievances essentially come together and overlap. This thesis on socio-military organizations will provide insight in this process whereby collective action can be seen as the bonding agent. In other words, this thesis tries to understand why the socio-military organizations use threats and violence in a local and national context. Additionally, within this local context and within the socio-military organizations, elements of the greed and grievances debate are combined and overlap each other. By making use of the collective action theory and its four dimensions as formulated by Oberschall, we will clarify both questions relating to the use of violence as well as questions regarding the combination and overlap of greed and grievances related elements.

Greed and grievances

In order to understand the rationale behind the combination of and overlap between greed and grievances and the impending difficulties, let us now briefly look at the different strains in this debate, before returning to collective action theory again. Proponents of the greed side of the debate, also known as rational choice theory, argue that people essentially are profit maximizing agents. One of the most eloquent and outspoken advocates of the rational choice theory, Paul Collier, has time and again argued that conflicts essentially are caused by economic incentives and that grievances are used for framing and mobilization (Collier 2000: 91-92).

Although the tone of Collier's articles and books has become relatively milder and seemingly going towards a more grievance tolerant state, one should not let the titles of the latest articles deceive you. Collier's argument remains strong as ever. He still argues that certain situations make countries more prone to civil war and these situations can be identified through quantitative analysis of a number of proxies, not by analyzing the words of the conflict parties. According to Collier, because in any particular violent conflict the issue is highly politicized, with supporters of each side proffering a litany of self-serving explanations, the public discourse is hopelessly contaminated by advocacy (2008: 1). Proponents of grievance as the cause of violent conflict are hereby warned. Collier also developed the feasibility hypothesis, arguing that where a rebellion is feasible, it will occur (ibid: 2). This feasibility is linked to economy related proxies, percentage of young men aged

15-49 of the total population and primary commodity exports, to name just a few. The outcome of this data shows, according to Collier, that the feasibility thesis is statistically more decisive than the motivation, or grievance, theory (2009: 23).

Grievance-oriented academics, like Ted Robert Gurr, are not that convinced by the econometric approach of Collier. Gurr examined factors that determine the nature, intensity and persistence of a group's actions (2007: 136). Those, like Gurr, adhering to the relative deprivation theory, identify a sense of injustice as a source of social unrest. Vital in this theory is the extent to which the group has collective incentives for ethno political action, also known as grievances. These grievances consist of resentments about losses suffered in the past as this motivates people to seek redress for what was lost. The second element concerns the fear for future losses. This means that those who anticipate losses, experience progressive deprivation, which will lead to the groups support for movements that defend the present group status. The final incentive is the hope for relative gains. The group incentives for this are shaped by four general conditions. Namely, collective disadvantages or economic, political and cultural discrimination, the loss of political autonomy, repression and finally, frames for communal action. In other words, empowering ideas about the self gives impetus to communal movements which leads to the justification for collective action (ibid: 139-141).

Above mentioned sides of the greed versus grievances debates have quite reductionist characters in explaining violent conflict, especially in relation to a non-war conflict as present in East Kalimantan. This is why a comprehensive approach, which is essentially trying to pass the dichotomy, is quite promising. When criticizing the above mentioned Collier, C. Cramer essentially argues that a political economy framework should also take into account individual and group motivations, historical-, social- and cultural factors, and social change. In other words, people base their choices and actions not simply on economic benefits (2002: 1857).

Another notable author who is combining both greed and grievances is Stathis Kalyvas. Primarily as a reaction against the econometric approach of Collier, Kalyvas argues that political violence does not restricts itself to one single domain of the manifestations of conflict. In fact, in his work on the ontology of political violence, Kalyvas even argues that political violence is not always necessarily political (2003: 487). Actions on the ground often turn out to be related to local and private conflicts rather than the war's driving cleavage. It is often enticing to label political actors as ethnic actors and their violence as ethnic violence. However, this is problematic since civil wars usually entail a perplexing combination of identities and actions and there is seldom a direct correspondence between micro-level and macro- level (Sambanis 2003: 11). With macro-level studies of civil wars, local and individual identities are framed in the language of the war's master cleavage. This leads to miscoding of local cleavages. In other words, political violence is a multi

pillared phenomenon with different layers. The conflict can be very distinct in character and cleavages can have different degrees of salience, not only in time and space, but also from individual to individual. As we will see in the case of East Kalimantan, also the motives that justify the threat of violence and the actual use of violence are inherently complex and ambiguous. Kalyvas therefore argues that conflict cannot be labeled "ethnic" or "ideological" because actors can have many and often conflicting motives (Sambanis 2003: 56) which may not always derive from the top. Conflicts are no binary conflicts, but rather multifaceted blends of struggles. Moreover, the motives underlying action in these situations are inherently complex and ambiguous. (Kalyvas 2003: 476) This leads to the conclusion that the labeling or categorizing of conflict without considering the local cleavages is a futile enterprise. What is important here is that violence has multiple functions as well as the notion that political and non-political causes are extremely difficult to separate on the local level. This intertwinement is related to the position Kalyvas takes in the greed and grievances debate. He effectively presents an extremely interesting case in which two popular debates in the field of conflict studies, greed versus grievances, actually come together.

The implication of this theoretical isolation exercise for the conflict between the socio-military organizations, natural resource exploiting corporations and the government, is that East-Kalimantan provides a setting in which local conflicts derive from the ambiguous status of *adat* rights, use of land and the perceived underdevelopment of Dayak indigenous people. This is linked to the political opportunity structure provided by macro-level decentralization, making it extremely enticing for elites with a desire to gain political influence to start a socio-military organization and frame their vision and missions for mobilization to fit the local political opportunity structure. It is extremely important to acknowledge again the vital position of the socio-military organizations. They form the vehicle that is able to combine and hold together some of the greed and grievance theories. It is their remarkable rise to the socio-political scene that forms a clear-cut example of the fact that greed and grievance in fact can be interconnected. This means that instead of primarily looking at the question when people resort to violence, central in the greed-based debate, or the question why they resort to violence, the focus of grievance-based debate, we will look for the ways of *how* the socio-military organizations combine rational choice with grievances? This question will ultimately transcend the when and why, contributing to the comprehensive approach many authors envision.

Elites and foot soldiers

As collective action theory can help us understand how people join forces in order to achieve a goal, it does not help us with understanding the individual incentives to join a particular group or cause and instigate political violence. However, the context of East Kalimantan and the internal

organization of the socio-military organizations certainly demand such an approach, as successful and charismatic leadership seem to be decisive in the success of the socio-military organization. When writing on mobilization, Tim Jacoby links this theoretical concept also to the position of elites and foot soldiers. Thus creating an opening for rational choice and relative deprivation theory to connect with collective action theory. Jacoby argues that the internal organization of groups is extremely important. Elites may seek political objectives and positions of power, whereas foot soldiers are seen as more likely to be concerned with short-term material gain and remuneration and it is in this context that greed and grievances come together (2008: 142). This raises the question what the objectives of the elites of the socio-military organizations are? Can we find other objectives other than the claimed promotion of the Dayak cause? These questions will be addressed in the fifth chapter.

Essential in the connection between the political process of decentralization and the subsequent political communal violence in Indonesia, is to note that the timing of the current process of rising socio-military organizations matters greatly. The decentralization has provided a political economy or opportunity structure that can be exploited by socio-military organizations. The ingredients were already present during many years. The exploitation of natural resources and *adat* land by corporations was already occurring many years prior to the decentralization process. Moreover, considering the fact that grievances only occasionally give rise to violent upheavals while festering beneath the surface the rest of the time, we have to focusing our research effort on the political processes that actually produce those rare outbursts (Van Klinken 2007: 3). In other words and elaborating on the findings of Jacoby, we have to look both at how people are being talked into political conflict and what incentives the socio-military organizations provide in order to answer the question of how socio-military organizations combine greed and grievances. To properly analyze this, we will not only resort to the theoretical framework of collective action theory. As mentioned before, collective action theory has a strong focus on collective behavior and social movements. In the context of East Kalimantan it is also extremely important to pay attention to a more individual level of analysis and focus on the unique position of some elites.

Violence

Now we have established that political violence is apparent in East Kalimantan, it is interesting to look at how, when and in what circumstances social movement develop a capacity to use violence. In order to answer this question we have to examine what violence consists of? When can violence considered to be political and when not? And most important for this explorative study, what is the purpose of political violence in East Kalimantan?

In East Kalimantan social movements are partially embodied by the object of this thesis, the socio-military organizations. Part of these organizations engage in a sustained campaign of claim making, using repeated performances that advertise the claim, based on organizations, networks, traditions, and solidarities that sustain these activities (Tilly and Tarrow 2007: 8). Examples of these actions are the staging of demonstrations against authorities that have issued permits to corporations engaging in illegal activities and exploiting *adat* communal land. The socio-military organizations are acknowledged by all parties as political actors and hold political identities. However, the exact political identities of these organizations are not yet clearly defined due to a multiplicity of causes, of which the ongoing democratization process is arguably the most prominent. Establishing and guarding the boundaries of the ethnicity as a key part of the identity of the socio-military organizations is perceived as of the utmost importance. To protect this identity, violence is justified.

Remarkably, every single leader of a socio-military organization pointed out that their organization was for the benefit of and run by pure Kalimantan people. Hence, ethnic boundary keeping starts with the claim of ethnic purity of every socio-military organization. Although the facts immediately proved these statements to be false, as many leaders and secretaries of the organizations had mixed ethnic backgrounds or non-Kalimantan backgrounds all together.[vi] To put it in the words of many interviewees, it is the vision and mission to help develop the Dayak people of East Kalimantan. This basically means that the socio-military organizations claim to exist by and for the deprived social, economic and political position of the Dayak people. This shows not only the ethnic component of the context in which the organizations operate, it also forms the ideological foundation on which the organizations rest virtually all their claims and sets ideological, ethnic and political violence related boundaries for the socio-military organization.

As constructivist theories regarding ethnic identity formation shows, identity is social category, which is a set of people given a label (Fearon and Laitin 2000: 848). In the social process of establishing and maintaining an ethnic identity it is vital for a group to draw and uphold the groups' boundaries that the people themselves recognize as ethnic (Barth in Baumann 1999: 59). When we relate this to the use of threats and violence in East Kalimantan, we can see that these threats and violence are trying to be justified through the moral claims or discourse of the struggle to get indigenous rights acknowledged. Additionally, threats and violence are used to promote and protect the ethnic boundaries of those who perceive themselves to be pure Kalimantan, or Dayak, people and those of other ethnic origin. Ethnic identity in East Kalimantan is important and due to the rise of the socio-military organizations even more so, as the indigenous identity is a vital asset in the discourse of claiming land. The Dayak identity has evolved from a discredited identity to a valuable and sought after benefit that can legitimize threats and violence. However, this also works the other

way around as both aspects are intertwined. Threats and violence only serve a purpose when used in the context of the struggle for the acknowledgement of indigenous rights and the Dayak identity. It seems therefore that threats and violence are to be considered a political tool for creating and maintaining ethnic boundaries and compel both local authorities and corporations to conform to the national revaluation of indigenous rights.

However, there is another face of the socio-military organizations which is engaged in another type of violence, making it a fallacy to argue that the threats and violence used by the socio-military organizations are purely political. This violence is directed against the land exploiting corporations and occasionally against other socio-military organizations. Due to the combination of natural resource or land related issues and claims, formed by grievances; we have to look for a comprehensive model. In this model will the threat or actual use of violence be a political tool that parties use to achieve their dualistic goals. Moreover, if we want to understand the capacity to organize and the conduct of the socio-military organizations, we also need to understand local problems pertaining to land, social conflicts and organizations.

Violence, whether carried out by the state or not, is argued to be an integral part of the culture of Indonesia (Coppel 2006: 3). Several historical events are often mentioned as contributing to this part of this cultural identity of Indonesians. I find this rather primordial notion hard to reconcile with another widespread perception of Indonesians having a culture of consensus and deliberation. Nevertheless, there is a strong connection between the socio-military organizations and their inclination towards the use of violence and the New Order period. Criminal thugs, or *preman*, with ties to the state were in this era mobilized to demand money in turn for protection (ibid: 5). This gives rise to the question whether the socio-military organizations besides their political motive also have an economic motive and whether threats and violence are tools for this cause. Furthermore, if this is the case, to who is the use of violence for economic gain the most beneficial?

The answer to this question lies in the way threats and violence are used to claim land, the most prominent activity of the socio-military organizations. A question to be answered with the help of collective action theory. As will become clear in the next chapters, the tactics, appearance, discourse and cultural awareness of the socio-military organizations are attuned to fit exactly into the political opportunity structure created by decentralization and the cultural and historical setting of the conflict. Through exploring their capacity to organize and the political opportunity, both elements of collective action, we will be able to not only answer the question how the socio-military organizations combine rational choice and grievances, we will also be able to answer the question how and why threats and violence are used.

## IV. Decentralization and changes in legislation

The conflict in East Kalimantan is deeply embedded in the reform process that started after the downfall of the Suharto regime in 1998. The still ongoing process, referred in Bahasa Indonesia as reformasi, has led to enormous changes in Indonesia. This chapter will analyze the collective action dimension named discontent. One of the most influential changes established under the reformasi is the acknowledgement and subsequent increase in the significance of adat. Since adat forms such a fundamental element in this conflict, the first aim of this chapter is to explain what adat represents. Next, we will look at the process of decentralization because only after the concept of adat is clarified, we can fully comprehend the extend and impact of the changes in laws and land legislation, which have led to the change of opportunity structure. Subsequently, we will take a look at the change in land legislation following the decentralization. Finally, we will look at the organizational origins of the socio-military organizations. The aim of this chapter is to generate insight in the change to a unique political opportunity structure for the socio-military organizations to take advantage of.

Adat

Adat is generally referred to as customary rights and is related to a multitude of sources (Bakker 2008a; Palmer and Engel 2007; McCarthy 2004). *Adat* is the result of longstanding traditions and is, due to the use of precedents, an organic product of local societies. Table 1 shows the inception of *adat*. *Adat* touches upon virtually every aspect of life. Ethics, law and land rights are in this thesis most relevant. Due to the all encompassing and truly local character, *adat* can be a rather indistinct concept to those used to a civil law system.

Like state law, *adat* is primarily about maintaining social order. However, it allows a considerable margin for communities to specify

M. Naser, *Kerangka Teori,* lecture 26-03-09
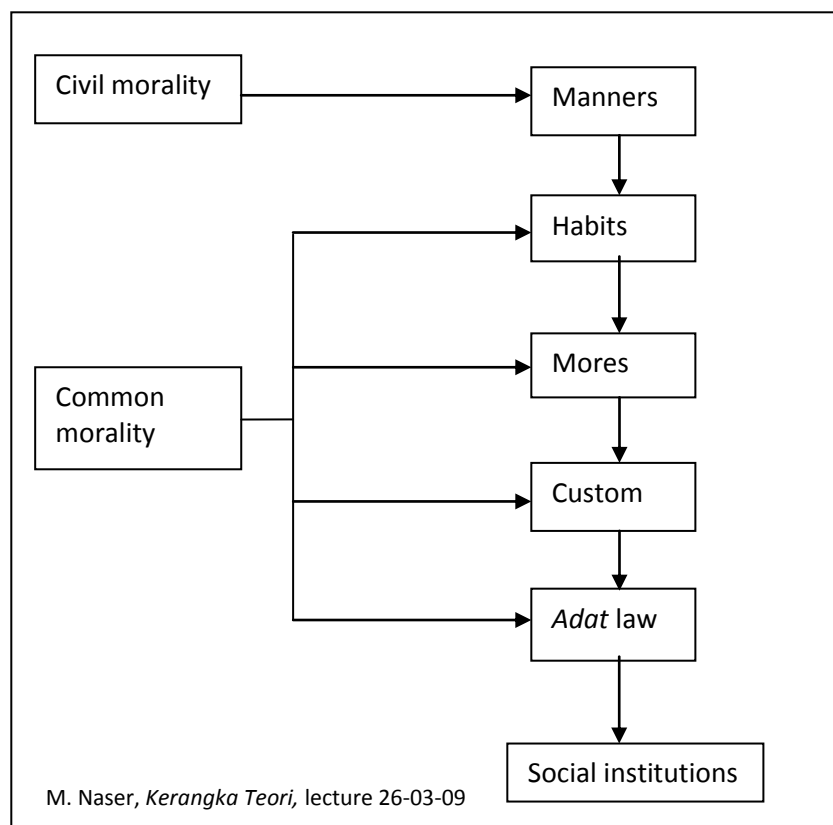
and adjust to their local context. This makes that, although supporting principles regulate inter-village relationships, *adat* can differ between communities (Bakker 2008a: 121). The indigenous communities living according to *adat* regulations and who are in conflict with other parties about the land they claim as theirs, are in this thesis referred to as *adat* community.

The two most important forms of *adat* in this thesis are individual rights and communal rights. Both forms ultimately derive from the forest the *adat* communities live in or nearby. The forest is revered as a holy being, as it is perceived to harbor spirits and grant magical abilities. But the forest also provides the *adat* communities with sustenance and practical products. In fact, the forest is so much connected to the identity and lives of the indigenous people that without the forest there cannot be an *adat* community.[vii] Although forest and land are seen as belonging to the community, a personal bond can be established with the land. Traditionally, when a person puts his individual effort into a piece of forest or land, he creates something of a personal identity of self and soil. If this relation becomes lasting to the degree that he intensifies this and cultivates the land, it becomes a legal relation. Consequently, the powers of the collective community with respect to that particular cultivated field, fish pool, garden or house compound are reduced (Ter Haar 1979: 95-97). Subsequently, exploitation of the land should only benefit persons of the immediate or extended family. Usually, the land was marked by certain trees that indicated the borders of the *adat* community land (McCarthy 2004: 1209). This land was not to be crossed or used without permission. Due to the extreme close bond between the local *adat* community and the land and forest, those outside the *adat* community were only permitted to use the communal land after paying a fee and continuing to pay rent (Ter Haar 1979: 95-97).

This situation of communal land and marking with imprecise knowledge about the exact location of boundaries is not extremely efficient in a modern environment. That is why mapping of land was introduced during the colonial era. Initially, this mapping often was done halfhearted or not at all and in many instances there remained uncertainty about the exact boundaries. Additionally, the New Order regime of Suharto placed Indonesia's forests under government control (Palmer and Engel 2007: 2131). *Adat* rights were now not only thoroughly ignored when issuing concessions, known as HPH (*Hak Pengushahaan Hutan*), to timber companies. Often the companies even logged inside the *adat* land. In many areas the borders between timber concessions and *adat* lands were left vague, which caused concessions to log extensive areas from which they might otherwise have been excluded. (McCarthy 2004:1209). Even worse, also during the New Order era, politics of resettling people away from forest areas and limitations on forest used were implemented. As Palmer and Engel rightfully argue, state forestry laws consequently had little legitimacy in the eyes of local people (FWI/GFW, 2002 in Palmer and Engel 2007: 2131).

Decentralization

The concept of *adat* has seen a revaluation during the decentralization process in Indonesia. In this section I will elaborate on this process. I will start with a brief overview of the regime change of 1998, followed by a analysis of decentralization from a theoretical perspective. Then I will advance to analyzing the change in legislation which changed the political opportunity structure in which discontent could develop. I will use the premise of political opportunity structure formulated by Minkoff and Meyer. They argue that the core assertion of political opportunity structure is that exogenous factors enhance or inhibit prospects for mobilization, for particular sorts of claims to be advanced rather than others, for particular strategies of influence to be exercised, and for movements to affect mainstream institutional politics and policy (2004: 1457-58).

Decentralization can be a precarious undertaking. Prior to the demise of the Suharto regime in 1998, Indonesia was a highly centralized state and Jakarta was the base of power to which the outer islands saw their revenues and disappearing. Finally, in 1998 the call for decentralization in Indonesia was indeed answered. That year the Suharto regime fell and it ushered in a decade of political reform. The philosophical foundation of the Indonesian state or *Pancasila*, as developed by Sukarno and later adopted but modified by Suharto, was officially kept in place although it changed in meaning overtime. This credo went from Indonesian Unity to the unanimity of the Indonesian state. This opened possibilities for *adat* to regain local significance as pluralism and regional diversity where once again, at least theoretically, acknowledged (Loveband and Young in Coppel 2006: 155). Indonesia went through a turbulent period of regime change during which the outer islands gained more control and democratization began. As McCarthy puts it: "In this case the shift to decentralization also reflects the need for a new legitimizing discourse for the state and its need to withdraw from discredited unitary ambitions of an unaccountable centralized state power." (2004: 1218).

In Indonesia, the *reformasi* turned out to be an arduous process which, especially at first, was accompanied with tremendous bloodshed and a deep economic crisis and deep social division (Tadjoedin and Murshed 2007: 689 and Farid in Coppel 2006: 270). Because of the enormous diversity and distances of the country, intensity and instances differ. This implies that the exact causes vary from region to region. The decentralization process, the culmination of a the historical and political development (Van Klinken 2007: 1), not only changed the political opportunity structure, it also proved to be coinciding with a significant amount of risk as well.

In theory, decentralization provides the option to maintain the territorial integrity of the state while providing some form of self-governance for disaffected groups (Wibbels and Bakke 2006: 2). This leads to the hypothesis that the potential of political violence occurring in an environment in

which ethnicity is a factor of conflict, tensions can be reduced through the decentralization process. In fact, research on the effects of decentralization on conflict indeed indicates that decentralization can work extremely beneficial on reducing political violence. Provided that the institutions of decentralization are well established and that these institutions take the characteristics of the societies they govern into account. However on the other hand, decentralization can also cause destabilization and the encouragement of mobilization along ethnic lines (Wibbels and Bakke 2006: 36). Secondly, the success of decentralization is also depending on the degree to which federal states politicize both ethnicity and inequality. According to empirical analysis, higher regional inequality and ethnic concentration coincides with a higher chance of conflict (Wibbels and Bakke 2006:37).

If we relate the previous comments on the causes of conflict in Indonesia and the conditions for a beneficial decentralization process, we can see that in the case of Kalimantan there were quite some problems shortly prior to and after the fall of Suharto. The inlands of Kalimantan are the home of the indigenous communities and have generally lower living standards than the lower coastal areas, dominated by in-migrant communities. There were clashes between Dayaks and Madurese occurring between 1977 and 1983were of low intensity. However, especially in 1997, 1999 and 2001 there were violent campaigns between local Dayaks and Malayu versus Madurese migrants, resulting in many deaths. Simplistic explanations like that of Loveband and Young, try to explain the violence by attributing it to being part of Indonesian culture or society that goes back to colonial or pre-colonial times. These groups are said to be inclined to settle scores with violence (Loveband and Young in Coppel 2006 : 151-152). This is in my view largely disregarding the context in which these violent outbursts were part of.

Van Klinken provides a more interesting and convincing explanation. His approach, using statistical data, is very much attuned to the effects of decentralization as elaborated on by Wibbels and Bakke. It is argued by these authors that higher regional inequality and ethnic concentration coincides with a higher chance of conflict. However, West and Central Kalimantan were not amongst the regions with the highest amount of inequality nor were they among the most affected areas of the economic crisis (Van Klinken 2007: 4). East Kalimantan, region of focus in this thesis, had a substantial higher amount of in-migrants than the formerly mentioned regions. Yet, in East Kalimantan the situation remained largely quite and no massacres have occurred. Therefore, there must be another explanation to the outbreak of violence besides what Van Klinken eloquently describes as the polarization between ethnicities or religions due to in-migration or conversion (2007: 5).

According to Van Klinken it is not so much relative deprivation or ethnic tensions which are the reason behind the violent episodes of communal conflict following the fall of Suharto in Indonesia. It is rather the change of the political opportunity structure provided by the

decentralization program and political context of modernization, urbanisation, state formation, developmentalism, and clientelism. In fact, Van Klinken argues that communal conflict is best portrayed as local politics by other means in a situation where state institutions were vulnerable, and not as the anomic breakdown of social relations in a situation of intolerable injustices (ibid: 13).

Change in legislation during decentralization

Due to the decentralization process, the hierarchy of law in Indonesia has considerably changed. As mentioned, during the New Oder *adat* was not acknowledged as a legitimate form of law. This changed after the fall of Suharto. The hierarchy of Indonesian law was transformed and it was officially announced in a decree that law, from which legislation can be derived, can be both written and unwritten.[viii] Since it does not mention other criteria or characteristics of the source of law, it is understood that *adat* rules can be a foundation of contemporary Indonesian law[ix] (Bakker Forthcoming : 65). Formally, according to law number 10 of 2004 on Lawmaking, the constitution of 1945 is the principal source of rights and law. Secondly in the hierarchy are laws created by parliament and the president and Government regulations replacing such laws. Then Government regulations, presidential decrees and finally regional regulations (ibid: 66). This however does not imply that the regional regulations, the category pertaining to *adat*, are to be seen as irrelevant. This layered configuration simply demands that lower regulations do not conflict with higher regulations.

The change of the status of *adat* has considerable consequences for the legislation relating to land and forest issues. But before we will go into this essential issue, a quick overview concerning decentralization legislation will be presented. These changes have shaped the political opportunity structure for the socio-military organizations as the decentralization legislation provided the regional level with a great deal of autonomy. As a consequence, the political opportunity structure changed and opened up for a multitude of political power seekers.

To meet the widespread regional demands of increased autonomy, Jakarta devised landmark regional autonomy laws in 1999 and 2004. The initial laws 22/1999 and 25/1999[x] of 1999 were considered too vague. There were uncertainties about the formulations of the fields and limits of the regions' new autonomy. As a consequence the 1999 laws were amended by Law 32/2004 on Regional Government and Law 33/2004 on the Fiscal Balance between the Central Government and the Regions.[xi] These laws restructured regional autonomy and provided a more detailed definition of the authorities of the various levels of government administration (ibid: 71).

Crucial in the decentralization process was that regional and provincial authorities now had the right to cover all fields of governance, except authority in foreign politics, defense and security, the judiciary, monetary and fiscal matters, religion and authorities in other fields. Moreover, authorities in other fields concern the policies of national planning and macro national development, financial balance, state administration and state economic institutions, human resources development, natural resources utilization, as well as strategic high technology, conservation and national standardization (Ibid: 71).[xii] This negative summary of authorities does not explicitly mention what the decentralized authorities can do. The provincial level received authorities in the field of inter-district/municipality cross-border governance, as well as authorities in other certain fields of governance. In addition they received authorities not yet, or not yet able to be conducted by district or municipal regions. And finally, authorities in the field of governance delegated to governors as representatives of the government.[xiii] In contrast, as stated in article 11 of law 22 of 1999, the provincial level is largely sidestepped as districts and municipalities receive far more authorities.

The authorities of district and municipal regions cover all government authorities other than those mentioned before. And additionally, government tasks that must be performed by districts and municipalities include public works, health, education and culture, agriculture, communication, industry and trade, capital investments, environmental issues, land issues, cooperatives and manpower affairs (ibid: 72) The replacement of Law 22 of 1999, with Law 32 of 2004, leaves the division of responsibilities between the central government and the lower levels as defined in Law 22 of 1999 intact. However, the districts and municipalities now had to share a great amount of their administrative independence with the provinces (ibid: 73). Regional heads would from then on be elected, rather than appointed, giving the people more direct influence and accountability (ibid: 74).

The position of the village was also affected with the replacement. It contained a extremely important phrase that has a great impact on the ground. The state would respect and recognize the unity and rights of an *adat* law community, if it was in accordance with the development of society and provided the *adat* can be said to still be adhered to by the community (ibid: 77). In East Kalimantan this has led to a grey situation in which districts like Kabupaten Paser officially hold no *adat* rights, whereas local indigenous people claim *adat* still is very much alive and adhered to. Consequently, the authorities find themselves in the awkward position of formally denying the existence of *adat* rights, whilst in effect tolerating the situation.

Changes in legislation have contributed to another vital alteration on the village level. The combination of village head and village council were now assigned to form village regulations. This legislative power is only limited by the demand that the legislation cannot go against higher legislation (ibid: 76). Therefore, the village-level is granted a substantial amount of power. This power is extremely attractive to the socio-military organizations. They usually try to establish good

connections with village heads and village councils. This ensures that whenever there is a conflict between an *adat* community and a company, the organization closest to the community are most eligible for finding a solution, either through negotiations, threats or violence. Secondly, good relations with a village head and village council leads to an increase in potential members to mobilize. In fact, it also makes mobilization easier because often a single telephone call will ensure the appearance of a certain amount of men for the *laskar* division, demonstration or other activity. Thirdly, socio-military organizations often claim the entire village as members when there are relations with village heads or village councils. Since most organizations do not have accurate membership databases, precise numbers of memberships are hard to reveal. However, active members greatly differ between organizations ,ranging from a dozen to hundreds in the case of Gepak.

Decentralization also made it possible that socio-military organization can assert a lot of pressure on local or regional authorities. As the regional heads are now elected and often had promoted themselves as native sons (*putra daerah*), concerned with the interests of the region. The socio-military organizations, besides having a potential ally in office, can also remind a person of keeping his promises regarding the defense of interests of the indigenous population. Furthermore, as sons of the region, authorities can also prove to be supporters of the socio-military organizations. Vice regent Hatta Garid of Kabupaten Paser, renowned *putra daerah,* is a good example of this. He claimed to have good contacts with Gepak, *Pertahanan Benuo Adat* (PBA) and other socio-military organizations in Paser. Authorities are lenient towards the socio-military organizations and their practices, but whether this is a result of the positive attitude of Hatta Garid towards the socio-military organizations, however likely, is not proven.

Land legislation

As we have seen above, *adat* is particularly related to land rights. So, let us now look at the effects of the decentralization process on land legislation. In Indonesia the legal position of *adat* land is related to two legislative aspects. First there is the Basic Agrarian Law (BAL) and secondly the decentralization process in which *adat* has obtained an official and binding dimension. The BAL was promulgated in 1960 and is still in effect, it intended to provide a framework for a national system of land legislation (Bakker Forthcoming: 79). Unfortunately, from the *adat* perspective, the BAL did refer to *adat* as the underpinning of laws pertaining to land and water but left the position of *adat* unclear. The BAL did capture the notion of *adat* and tried to incorporate it in the national land law. However, de facto recognition of *adat* land rights is lacking. This led to a problematic situation regarding to the current legal situation in which *adat* is recognized as legitimate. As mentioned

before, the consequences can be seen in East Kalimantan. There is a very ambiguous situation in Kabupaten Paser and Kota Balikpapan with regard to *adat* rights. The authorities at times have no choice but to acknowledge these claims when civil unrest is feared. In addition, they can be send home after elections and have to remind themselves that the *adat* communities are their constituencies as well.

The socio-military organizations capitalize on this murky situation. They move in when communities claim their *adat* land rights are being disregarded by the government and corporations. Usually land is taken and exploited by corporations if there is no record of land registration by any other party. This is all endorsed by the authorities. Land registration is supposed to happen at the National Land Agency (NLA), which is in charge of implementing the regulations of the BAL. Registered title holders are supposed to report any changes to their rights, such as through sale, gift or inheritance, to the regional NLA offices that are responsible for the maintenance of land registries. Failure to do so would not render the right void, but it would cause difficulties to the new right holder in proving his right (Harsono, 2005:515-516 in Bakker Forthcoming: 81). However, according to the NLA, due to the lack of popular will to keep the system updated and valid, their databases are not always up-to-date. The reason for this is that the NLA has a bad reputation with many people and in fact is often thought of as corrupt. The NLA has this image due to the fact that registration is very costly and there are many certificates for the same land areas. Additionally, NLA officers have been known to demand high prices and have a general reputation for corruption. Moreover, a NLA certificate by itself is rarely sufficient or decisive in a land dispute, even if the case is brought before the court. (Bakker Forthcoming: 82) Therefore many prefer to take care of their own business and seek recognition of land in the community and the expensive and uncertain NLA registry is often bypassed altogether.

An increasingly popular way for an individual to get his or her *adat* land back from an exploiting company is to call in the help of a socio-military organization. Let us now look at the procedure of a relative small and new organization operating in Kabupaten Paser, the *Laskar Pemuda Adat Dayak Kaltimantan Timur* (LPADKT). This organization claims only to get involved in a reclaiming procedure if there is an official document stating that the land belongs to the *adat* community or person. Usually this document is a letter of a village head (*surat kuasa*) which acknowledges the land to be the property of a particular person. Next to a NLA registration, this is considered to be of great value and are often used as source of the actual NLA registration. In many occasions though, the *surat kuasa* does not end up in the archives of the NLA because of the formerly mentioned reservations with regard to the NLA. If there is a *surat kuasa*, the LPADKT starts the negotiations with the company that is exploiting the land. When the company does not leave, the land is secured and

defended and the conflict intensifies. However, the LPADKT argues it has never been defeated in this game and perhaps more interesting, the authorities do not intervene.

There are two extremely interesting elements in this case. First, one can ask why the authorities do not intervene. Secondly, why the permission is granted to the company to exploit the land in the first place, since local authorities almost can know of the existence of an *adat* claim and *surat kuasa*. The answers to these questions are interrelated as there is an ambiguous situation concerning the issuing of permissions and *adat* rights. On the one side authorities formally deny the existence of *adat* rights, but as we have seen *adat* claims can be tolerated. Still the permissions to exploit land and forest are issued since they result in investments. If the local government actually would intervene after issuing a permission, they would then acknowledge the existence of *adat* rights. This would be incongruent with formal policy. Not to mention that this would probably lead to a rise in *adat* claims and loss of land for many corporations. On the other side, when the government would position itself next to the corporation in the dispute over land, civil unrest would break out as the delicate balance in the status quo on *adat* rights in Kabupaten Paser would be broken. This is also why the socio-military organizations are being tolerated by the authorities, who do not intervene. They function as middlemen between *adat* communities and the state and patch up crooked situations which through good governance should not be broken in the first place. In the middle of this there is also a third popular explanation pertaining to corruption. It is often said that local government officials are making a lot of money by granting companies exploitation permissions. To go against these companies might endanger their careers when this would indeed come out. In other words, due to the ambiguity over the status of *adat* rights the government is benefitting financially at the possible cost of great unrest.

The organizational origins of the socio-military organizations

Following the change in political opportunity structure, the question rises whether the socio-military organizations are a completely original phenomenon or if they have a foundation in other already existing forms of organizations? For this we have to go back to the discussion about classification. We have seen that the main characteristics of the organizations are their social agenda in combination with their militaristic image and approach in solving conflicts about *adat* land in the form of securing and defending. This is usually done by the *laskar* division of the socio-military organization.

The duality of their characteristics is mirrored by their roots. The socio-military movements therefore compare themselves often to NGOs, however emphasize an important difference, namely their willingness to use violence. NGOs originally have had to overcome many difficulties in Indonesia. Since the New Order regime of Suharto, NGOs and other social organizations are severely

restricted by legislation and firm government control. Criticism and opposition were potentially sanctioned by disbanding of the organization (Bakker 2008: 4). Many socio-military organizations are either registered as a NGO or a social organization. However, in order to avoid falling under these laws, socio-military organizations present themselves as *adat* organizations. Although this title has no official status, the approach seems to work as authorities do not intervene (ibid: 5).

On the other hand, socio/military organizations are quick to deny the fact that they are militias as they do not deny the legitimacy of the state nor do they form any sort of armed rebellion or carry out militia-type activities and ideologies. Nevertheless, they occasionally deploy tactics, mainly in the securing and defending of land, beyond what can be called legal. The process of securing and defending *adat* land is virtually the same with every organization. Some ten to a couple of dozen men, depending on the size and expected resistance of the workers in the area, enter the claimed *adat* land. They usually are dressed in army-style uniforms and carry traditionally *Mandau* swords with them to scare or clear the area of unwanted individuals. If necessary, fences are erected on the easy accessible entrances on the perimeters or barricades are placed to prevent expelled persons from re-entry.

These and other tactics make that many local people as well as Bakker argue that the socio-military organizations share a large number of characteristics with a notorious youth organization founded in the New Order era. This organization, called the *Pemuda Pancasila* (PP), formed the strong-arm of the regime and helped forming a link with and controlling of the underworld (Ryter in Bakker 2008: 5). Although the PP and similar groups were dispersed from their political allies after the fall of Suharto, they remained a factor of importance and a threat to contemporary politics (Bakker 2008: 5). The socio-military organizations have adopted many of the violent images, like the army-styled uniforms and parades, of groups like the PP. They do however also try to make it very clear that, although they are capable of violence and are ready to do so, it is their intension to come to a solution through the use of "soft power". This refers to NGO methods like negotiations, publicly criticizing or commenting upon government and corporate policies. Protests are staged and dialogues with government officials are held. These strategies are adopted at first, later on threats and violence are said to might follow.

Conclusion

Decentralization laws provided the different levels of government with more autonomy to a point where villages could become autonomous legal units, in which they also could create legislative bodies and rule enforcing institutions (McCarthy 2004: 1209). Although this is tremendously appreciated by local *adat* communities, the de facto recognition of their rights is lacking in

Kabupaten Paser and Kota Balikpapan. This has led to a murky legal situation in which valuable land has become the focal point of contestation and has led to the change of the political opportunity structure that is currently exploited by socio-military organizations. By combining NGO methods with the capacity of using violence, the socio-military organizations have positioned themselves neatly between the state, society and the private sector, whilst exploiting the weaknesses of the state.

V. Elites and the capacity to organize

We have seen the political opportunities structure being changed by decentralization. Now it is interesting to explore the establishment and modus operandi of the socio-military organization. In other words, we will analyze the collective action dimension named the capacity to organize. This chapter will mainly focus on the elite perspective. We will deal with three crucial elements in this context and seek to answer what the objectives of the elites of the socio-military organizations are. First, we will look at the crucial position of the elites and the benefits and risks that come with starting a socio-military organization. Then we will move on to strategies used by the organizations and their elites. And finally problems concerning the survival of the organizations are discussed.

Elites and the instigation of a socio-military organization

When we study the narratives of the start of the organizations, we find that all accounts are quite alike. The organizations start generally out as vehicles for the development of the position of the Dayak people and *adat* rights and as a reaction to the greed of companies and authorities. In more recent cases also the greed of leaders of other organizations is said to be a prime reason for starting one's own socio-military organization. Finding a niche and maintaining themselves in a heavily competitive and crowded playing field, leads to a highly dynamic situation in which the position of a socio-military organization is under constant threat. Usually the socio-military organization has a local focus, rooted in a specific community or part of town. However, with a smart and charismatic leader, the organizations can attract the attention of other communities, leading to the expansion of their activities towards another area.

Another possibility is to start a franchise. Mister Toson is an example of this method. This owner of a mine and land in Kabupaten Paser is now also the leader of Gepak Tanah Grogot. He has established close contacts with local authorities and other socio-military organizations. Since the two years that Gepak has established itself in Tanah Grogot, Toson has formed his Gepak division to the top of the local socio-military organizations. Even the vice regent Hatta Garid of Kabupaten Paser is extremely charmed with Gepak. Quite remarkably, he stated that he has a very good relationship with Gepak and liked the way they handled much of the problems in Paser. He argued that it was a shame that so many trees are being cut in Paser and land is illegally used. Gepak formed a welcome mediator to counter these activities, something actually the vice regent and authorities themselves should do. The hard approach of socio-military organizations like Gepak can count on the support of the vice regent, although he did not really like the appearance of the organizations nor could he formally agree that *adat* is present in Kabupaten Paser and de facto acknowledged.[xiv]

The effects of starting a socio-military organization on the socio-economic position and influence of a person are numerous. First, along with the position of leader comes a certain degree of social standing. As we have seen in the previous paragraph, leaders of influential socio-military organizations have high level contacts. There are regular formal and informal meetings with authorities and occasionally with other leaders of socio-military organizations. Additionally, taking part in the struggle for acknowledgement of *adat* rights is often tied in with cultural and historical discourses. There are many accounts of leaders and members comparing themselves to local freedom fighters in the colonial era, thus transferring a certain degree of their acclaim to themselves. Secondly, together with the social status comes the increase in political influence. As we have seen in the previous paragraph, the socio-military organization, and especially the *laskar* division, can be deployed for multiple cases besides the securing and defending of land. One of the most practical functions of these divisions is emphasizing political aspirations or as pressure groups for guarding political interests.

One of the most prominent elites of the socio-military organizations is Rendi Ismael. His career is heavily intertwined with the rise of socio-military organization. Ismael is founder of Gepak and after leaving the leadership of this organization, he started Garda Sikat. This organization is considered to be profoundly connected with Gepak. The *laskar* divisions of Garda Sikat and Gepak even are said to be interchangeable and often work together in land actions. Through the powerful *laskar* division, Rendi Ismael remains a considerable force in the Balikpapan based chapter of Gepak. This can also be the reason why Gepak has put local newspapers under considerable pressure not to report negatively on the actions of Gepak and Rendi Ismael. The above mentioned incident would eventually return and haunt Ismael to cause a serious setback in his plans.

Ismael was chairmen of the Balikpapan regional General Election Commission (KPUD) but had to resign from his position on the first of April, 2009. The cause of his dismissal was twofold. In 2003, Ismael had attacked a member of the board of directors of a company that wanted to lay off a number of workers including members of Gepak. The incident will be discussed in detail in an upcoming section. Although he was only sentenced to serve six months in jail, the multiple charges carried more than five years of imprisonment. The disciplinary council of the KPUD therefore recommended, based on the 2007 election administration law which bans former convicts who have committed crimes punishable with five years in jail from contesting polls commission seat, the dismissal of Rendi Ismael. Secondly, Ismael turned out to have resigned as the Penajam Paser Utara chairman of the Ulema National Awakening Party (PKNU) on May 12, 2008. This while the election administration law requires poll commission member candidates to quit politics at least five years before the selection process begins.[xv] One of the leading regional newspapers that brought the news were visited by a small number of Gepak members. Although they did not explicitly demanded the

newspaper to stop writing about them, they nevertheless made it very clear that they did not like the articles and urged the newspaper to alter its tone and to publish their side of the story. This threatening situation did not miss its effect on the editors. Reporting in the issue continued though with a considerable amount of restraint.

A more direct form of using the *laskar* divisions for political use can be seen in the 2009 campaigns for the parliamentary elections. Gepak staged a rally to support their local favorite candidate where some 150 Gepak members took part in this event.[xvi] It is not uncommon for Gepak and other socio-military organizations to provide public support. Usually it are members of the organization with a political ambition that call upon their support. However, occasionally they are hired by non-members.[xvii] It is a force to be reckoned with as some organizations, like Gepak, have a considerable and loud rank-and-file. In other words, a socio-military organization can also be a vehicle for political ambitions. In fact, Ismael has also declared that it was his wish for Gepak and Garda Sikat to evolve political parties besides their current organizational structure as well. The fact that socio-military organizations like Gepak openly admit their political aspirations can be considered as a significant step away from the image of *adat* organizations seeking to create understanding and recognition of their rights through negotiation.

Separation

During my research I was often confronted with accusations by elites of socio-military organizations, members and outsiders alike that stated that some leaders of socio-military organizations had double agenda's. This led to two interesting separations which I would like to elaborate on here. These separations give more insight in the question what the incentives are for elites to start a socio-military organization.

Sevin Jon of the *Komando Pengawal Pusaka Adat Dayak Borneo* (KOPPAD Borneo) is a prime example of separation by an unsatisfied elite. This extremely young organization separated from the KPADKT in March 2009, according to Jon mainly because the leadership of the KPADKT was using the organization as a vehicle for their own benefit. Personal gain had become paramount to transforming the position of the indigenous Dayak people and assisting them in land disputes. Jon, a Balikpapan based legal representative, felt that the KPADKT was heading the wrong way and decided to start his own organization. Besides the KOPPAD division, essentially a *laskar* brigade to assist in land disputes, he also established a legal aid institute named Heirloom of the Dayak of Borneo, or *Pusaka Dayak Borneo*. In this centre, Jon intends to assist people with legal problems of both public as private nature. These intentions are quite similar to those of the KPADKT, Gepak, LPADKT or any socio-military organization for that matter.

The accusations of Jon are quite straightforward. He blames some of the elites of the KPADKT divisions, especially those who happen to own logging companies, palm oil plantations or mines, to misuse their positions within socio-military organizations in order to extend their operating areas. When *adat* land is reclaimed from another company, this can have a beneficial effect for the reputation of the socio-military organization as well as the private enterprise. The formerly mentioned Toson of Gepak is a prime example of this. Next to being a leader of the Gepak division of Kabupaten Paser, Toson is the owner of local mines and land. For men like Toson, the increased economic possibilities one can obtain and economic control one can exercise, are from an economic point of view extremely interesting. This, so argues Jon can become a larger motivator than to help the indigenous Dayak population. Through the actions and claims of Gepak representing the Dayak population and engaging in the struggle to get *adat* rights acknowledged, men like Toson can also increase their influence over land by keeping unwanted companies from that local land. Successfully securing and defending *adat* land from illegal and unwanted exploitation by companies creates goodwill and a powerful image with the local population. Subsequently, this goodwill with the local village heads and village councils can eventually be used in negotiations about exploitation for personal business interests. Increasing ones economic opportunities can thus be an important motivator for elites to start a socio-military organization or to separate from an already established organization. Both methods have their own advantages. The latter brings the benefit of an already existing name and reputation. This makes it easier to access the socio-military organization market. However, starting a new organization brings the benefit of forming it specifically to fit a not yet exploited niche.

Strategies

Let us now continue with the strategies and means the socio-military organizations adopt to achieve their goals reclaiming *adat* land from the corporations, the improvement the socio-economic position of the Dayak people and to get *adat* rights acknowledged. The focus here rests on the role of threats and violence, elements in which the groups differentiate themselves from other social movements. We have to start by going back to the fall of the Suharto regime. This fall was partially the result of the growing protests by PDI party members and students that were fed up with the regime. These demonstrations changed in character due to insurgent provocateurs and ultimately led to the riots in Northern Java. During these riots large numbers of ethnic Chinese were raped and slaughtered (Coppel 2006: 5). Incidents like these, in which demonstrations were used by provocateurs to spread chaos, are imprinted in the minds of many Indonesians. This caused many to associate demonstrations with, at least the possibility of, violence. Depending on the location,

demonstrations are perceived as a possible dangerous tool or on the brink of what can be called violence. The latter view is congruent with the situation in the less dense populate area of Kabupaten Paser, where the traditional culture of consensus and deliberation is stronger than the more urbanized Kota Balikpapan.

Demonstrations are used by the socio-military organizations in several ways. Marches are organized as celebrations and cultural festivities. During these marches, uniforms are worn by the *laskar* units. However, it is not this form that is causing the most controversy. It are the demonstrations against government policy concerning *adat* and the demonstrations against the activities of companies on *adat* land, which are considered to cause violence or in fact are violence. During these demonstrations, members from the region are mobilized by the leaders of the socio-military organization and urged to come demonstrate. The *laskar* units function as order troops, thereby creating an image of the socio-military organizations of being in control of the crowd while at the same time generating an image of a legitimate organization concerned with the rights of the indigenous people.

Another strategy, sometimes adopted simultaneously with protests, are negotiations with the company that is claimed to violate *adat* law and rights. During these negotiations it is emphasized that they are controlling the popular outrage and in fact are capable of clearing out the workers from the *adat* land in events socio-military organizations call securing and defending actions. As mentioned before, during these actions *laskar* units, ranging from ten to a couple of dozen men, enter the claimed *adat* land. They usually are dressed in army-style uniforms and carry traditionally *Mandau* swords. If necessary, also fences are erected and guards are placed at the easy accessible entrances and barricades are placed to prevent banished persons from reentry.

The Ianus character of the socio-military organizations is illustrated again in the way violence is used. As we will see in the next paragraph, towards the public everything is done to look like a strapping but legitimate social movement, concerned with the rights of the indigenous people. However, the hinting towards violence during negotiations and occasional use of violence in securing and defending actions is a clear signal to companies and authorities alike that these groups mean business.

Generating publicity and the image of self

Publicity and image are of great significance for the socio-military organization. This is primarily due to the fact that the organizations operate in a extremely dynamic environment. As we will see in the upcoming section, publicity and reputation generates revenue and political opportunities and holds

the key to the survival of the organization. One of the most important ways to establish an image is through using the media. This explains why elites like Rendi Ismael use the media in a calculated way.

Whenever there is an event organized by, or in the interest, of socio-military organizations, the media is notified. Especially in the case of demonstrations with a pro-*adat* character, organized or participated by a socio-military organization. Local newspapers are utilized for promotion of ideals and ideologies as well. However, if it concerns a sensitive issue like the dismissal of Rendi Ismael or confrontations with the law by their members, threats are made not to pay attention to it. Additionally, besides public appearances and making use of the media for promotion, the larger socio-military organizations try to be visible in cities and towns as well. In particular Gepak and Garda Sikat have multiple public offices.

The use of media fits exactly in the general picture that derives from the data for the fieldwork of this thesis. The stories about the vision, mission and origins of the organization are without any significant distinctions. All accounts are virtually identical and fit neatly into the discourse of Dayak underdevelopment. This discourse has become a generally accepted subject after the decentralization and riots of 1999 and 2001. Also counterarguments on the statement that socio-military organizations are generally perceived as having rough and sometimes even dangerous members, are similar amongst the elites of the several interviewed groups. On the question why organizations like Gepak are considered dangerous, Rendi Ismael came up with a broadly shared and often mentioned argument that is also attempted to get across in the media. He pointed out three main reasons. First, he argues, the government stigmatized organizations like Gepak because they would incite disintegration and separatism. This is entirely incorrect according to Ismael and other leaders. Their goal is not independence, their goal is acknowledgement of *adat.* Secondly, socio-military organizations want to change the unequal situation of economic opportunities and distribution of wealth. They are making clear that a situation in which the indigenous population can exploit but a fraction from the land, which essentially belongs to them, is wrong. And finally, the socio-military organizations are emphasizing the significance of the Dayak identity. They want to preserve their ethnic identity. Ismael even made a reference to the marginalization of the aboriginal people in Australia as a dreaded example of what should not happen.

To what extend these remarks are accurate or not, is not important here. What is important is the fact that these remarks show that, at least, the leadership of the socio-military organizations have tailored their image and publicity discourse to fit the discourses on decentralization, economic development and perceived cultural discrimination. In other words, the image of and publicity on the socio-military organizations is made to measure the domain that Oberschall has named discontent. Greed and grievance come together, not only in the actions of the socio-military organizations, but also in the way they situate themselves in the media and other forms of exposure. However, there

remains another side to the socio-military organizations as well. This dubious face is somewhat of a public secret. One can think here of accusations of drug trafficking, organized gambling and the actions that ultimately led to dismissal of Rendi Ismael at the KPUD.

How to survive as a socio-military organization?

We have seen how socio-military organizations have come to the forefront and how elites play a significant role. But we have not quite sufficiently studied the manner of how these organizations survive. There are however a number of factors that contribute to the survival of the socio-military organizations in the extreme dynamic context in which they operate. Studies from Bakker in 2006 and this research indicate that competition between the organizations if fierce and influence and a leading position is hard to maintain. This is partially due to the ever changing political opportunity structure, and partially because of internal rivalry. However, socio-military organizations generally depend on three main factors to survive; funding, support and mobilization of the people and finally,keeping the support of their members and *laskar* units. In this section we will explore these three factors, starting with their funding.

Socio-military organizations get there funds through several ways. Some organizations receive government funding as part of the expenditure on cultural and social movements. Information on the exact number of organizations that receive government funding and the corresponding amount was deemed sensitive information by the responsible offices. As a consequence these figures cannot be presented here. However, my own research shows that not all socio-military organizations receive funding. Large organizations like Gepak receive around RP 10 million (US\$ 1200) per year. Smaller socio-military organizations receive often less or even none at all. In Kabupaten Paser the budget of funding is provided by the bureau of the protection of society (Linmas) and the burea,u of social welfare (Kesra) to the government related *Lembaga Adat Paser* (LAP). The LAP is a platform for the promotion of Paserese culture and they are entitled to distribute the funding among the social movement in the region.[xviii] This means that good ties with the LAP or local authorities increases the likelihood of funds.

Secondly, larger socio-military organizations like Gepak, Garda Sikat and KPADKT receive a small administration fee ranging from RP 5000 to RP 10,000 (US\$ 6 to \$12) per year from their members and occasionally a gift from wealthier members or admirers. Many leaders of the socio-military organizations also assured me that they invest a lot of money in the organizations themselves. Unfortunately, they would not mention exact amounts.

The socio-military organizations seemingly get the bulk of their funding through the assistance in land disputes between indigenous people and companies exploiting their land. After a

successful negotiation between the socio-military organization, on behalf of the land owner, and the company, there will be an indemnification fee disbursed to the landowner by the company. A part of this fee is paid to the socio-military corporation. Additionally, when the *adat* community or original landowner can exploit the land again, the socio-military company often get between twenty and thirty percent of the profit made by the landowner. This makes that there are enormous opportunities for socio-military organizations in regions with a high amount of illegal and contested land exploitation.

Lastly, there are various accounts of socio-military organizations, especially Gepak, that would engage in criminal activities like the trade in drugs and gambling. This led Bakker to conclude that Gepak puts a highly pragmatic turn to the definition of indigenous *adat* rights (Bakker 2009: 6). He describes an event in November 2008 where members of Gepak Balikpapan came to the police headquarters after a member had been fatally shot by police officers attempting to arrest him at a market where he had been overseeing a gambling operation.[xix] Gepak subsequently wanted to know why an indigenous person had been shot and what the ethnic background of the police officer to blame was. They furthermore stated that the police was expected to pay an indemnification fine according to *adat* law and demanded an investigation of the case. No attention or commends were spend on the illegal gambling operations (Bakker 2009:6).[xx] However, the accusations, especially the ones related to drugs, are hitherto without any solid proof.

Jobs opportunities and the support of the people

Since it is crucial for the survival of a social organization to have the support of the people, I wanted to find out what incentives the socio-military organizations offered to potential members. When asked about the motivations for supporting and joining Gepak, Yuyun and Fitriansyah laughed. "I don't know", Yuyun said. "I wanted to do something you know, something for and by the Dayak people, to support the true Kalimantan people." "Yes, and because all our friends have joined too. You know that Gepak is the biggest youth organization in Balikpapan? I wanted to join also.", Fitriansyah added to the comments of his friend. This answer of the two men was practically the same as the answer of a woman later that week. Hesti, former member and secretary from 2001 to 2005 with Gepak, also argued that she wanted to join in order to do something, to develop the skills and opportunities for the local pure Kalimantan people. In her days with Gepak, the organization was doing a lot of charity work and even schooling. Hesti was very active within the women's section of the organization, providing furniture for the poorest and training like sowing classes for the unemployed. Although Gepak always had a primary focus on ethnic issues, land and justice, something along the way changed within the organization. According to Hesti, this had very much to

do with the manifestation of a charismatic leader. When Rendi Ismael came to the fore, more people got interested in Gepak.

As mentioned before, this section intends to demonstrate the offered incentives by the socio-military organizations to the (potential) members. As a result of the comprehensive theoretical model as shown in the third chapter, I devised the hypothesis that the incentives offered by the socio-military organizations are likely to entail an element of greed as well. I found it interesting to look into the field of (un)employment. Official figures of the Paser Regency indicate that in 2008 only 3.62% of the total population was looking for a job. Moreover, 55.54% was working and 30.69% was taking care of the household.[xxi] Exact figures of Kota Balikpapan were not available. The national unemployment rate of 2008 was 8.4%.[xxii] Interestingly enough, these figures are contradicting the data from my fieldwork research. The general representation from respondents in Balikpapan as well as Paser indicated that finding and keeping a job was very difficult. Especially low-educated men from more remote regions, home to most of the Dayak *adat* communities, had difficulties with finding steady jobs.

After learning about these difficulties of many young Dayak Kalimantan men to obtain jobs, one cannot but be curious whether the organizations somehow act on this situation and offer access to job opportunities in one form or another. Here we have to go back to Rendi Ismael, co-founder of Gepak and founder of Garda Sikat, Universitas Balikpapan affiliate and up until the day of the interview, which turned out to be his last day as chairmen of the Balikpapan regional General Election Commission (KPUD). Confident and eager to explain the role, vision and mission of Gepak, Ismael elaborated on the approach he took when leading Gepak.

After the familiar discourse about the underprivileged position of the Dayak people and disrespect for *adat* by the colonial regime, the New Order and present day authorities of East Kalimantan, the interview took a turn towards economic issues. According to Ismael there is a big social-economic gap between the people and existing resources in East Kalimantan. Although there are resources collected worth millions of Dollars, most of the capital still flows away towards other regions and countries. Furthermore, Ismael argues that the people, and especially the Dayak people, are being tricked twice. First by their own government who sells the *adat* land which belongs to the *adat* community and secondly because the corporations hardly use any local personnel. On the question whether Gepak offers their members any jobs within the organization, like the *laskar* members who allegedly are on permanent standby and who's securing and defending work can last days and even weeks, the answer was negative. Furthermore, in a reaction to the widespread and persistent rumor that Gepak was including demands concerning jobs for their members with several corporations as part of land deals, Ismael answered a furious no. In fact, he argued that the actions to assist the Dayak people occasionally even cost people their jobs. This rather curious statement

was followed by a referral to an incident in Balikpapan with PT Eka Dharma, the truck supplier of Volvo in June 2003. Ismael had a clash with the director of the company and according to him the dispute began when Volvo wanted to lay off 53 people, who happened to be Gepak members. Although Ismael supported the men facing the loss of their jobs with a strike, they nevertheless lost their jobs, without Gepak being able to help them. Thus, as Ismael argued, even members of Gepak are not always secure about their jobs.

However, after analyzing multiple sources about the incident, there is another side to this story. The event began when 31 employees, who were facing dismissal, demanded the dismissal of eight members of the management without any particular reason. Later on the 31 employees demanded Rp 10 billion (US$1.2 million) in compensation. The demand was turned down as it was irrational according to a spokesman for the security service of PT Eka Dharma. During the negotiation, the situation spiraled out of control when Rendi Ismael attacked Michael Ollson, a member of the board of directors of PT Eka Dharma, with a spear. Mister Ollson suffered three stab wounds to his back and also three slash wounds to his head and shoulder, but survived. For this crime and the illegal possession of a weapon, Rendi Ismael was sentenced to six months imprisonment. This factory incident, which was brought to my attention by Ismael himself, although intended and presented different, is extremely meaningful in this case. It proves that the co-founder of Gepak is not afraid to use violence in order to get what he wants. One can imagine that this event can be exploited for the benefit of Gepak and Rendi Ismael himself. Although the negotiations were unsuccessful in their outcome, Ismael had shown to be a dedicated and ruthless leader of Gepak. The loyalty of the members and admiration for Ismael, especially with those in the *Laskar* division, can without a doubt be traced back to this incident.

Another interesting counterargument to the statement that Gepak is not providing some of their members with jobs, is that of Hesti, former secretary of Gepak. Although she was unaware of Gepak Balikpapan providing their members with jobs, she did know this of Gepak Sangata, also East Kalimantan. Hesti argued that some members were given training to uneducated people to fulfill simple jobs. A similar but more elaborate example was given by Jon. This ex-secretary of the Balikpapan based subdivision of *Komando Pertahanan Adat Dayak Kalimantan Timur* KPADKT) has left this organization at the end of March 2009 and started his own socio-military organization, named *Komando Pengawal Pusaka Adat Dayak Borneo* (KOPPAD Borneo). Jon stated that KPADKT has provided jobs for their members and that it was his intention to do so as well for the future members of KOPPAD Borneo. Jon knew of at least 30 members that have found jobs within different companies, mainly in the oil and real-estate sector.

The modus operandi of the socio-military organizations with regard to getting their members hired, is explained to me by a employee with a large Australian Coal company. A delegation of high

ranking members of a socio-military organization comes to the local headquarter of the particular company and insist on a meeting with representatives. The subsequent demands concerning *adat* land follow quickly after the company is notified about the fact that it allegedly is involved in activities on that local *adat* land. As part of preventing the socio-military organizations starting taking matters in their own hand, meaning the securing and defending of the land by the socio-military organizations, the demand is articulated that the company should hire a certain amount of people that are appointed by the socio-military organizations. Another possibility is that in the negotiations during a securing and defending action by the organizations and the company is kept from making use of the land, the demand for jobs rises. If the socio-military organization does not get what it wants, other tools are made use of. Intimidation, the securing and defending of land, strikes and demonstrations can be deployed. In other words, threats and violence are used as leverage in the bargaining process.

All things considered, there are strong indications that two of the three large socio-military organizations, namely Gepak and KPADKT, have at least occasionally used their power and influence to persuade companies to employ certain members. In a socio-economic environment that is marked by inequality, these accomplishments have gotten great informal publicity and led to the image of socio-military organizations and especially certain charismatic leaders, taking care of their members. This construction of economic opportunities, which are scarce for the low-educated and Dayak members, has on the one hand led to a rise in popularity of both leaders and socio-military organizations, and subsequently has augmented the chances of their survival. However, on the other hand it has also led to a widespread shady image.

Conclusion

This chapter has tried to demonstrate how the collective action dimension referred to as the capacity to organize, manifests itself in Kabupaten Paser and Kota Balikpapan and has formed a link between greed and grievances for the socio-military organizations and especially their elites to capitalize on. Starting a socio-military organization brings social standing, political opportunities and economic benefits. Media attention is very significant for both the position of the elites as well as the image of the socio-military organizations. The organizations use the media in such a calculated way that whenever there is an event organized by, or in the interest of, socio-military organizations, the media is notified. On the other hand, intimidation and repression is used to keep unwanted publicity at a minimum. However, the rough and violent image of the socio-military organizations, though officially denied by the organizations, seems to have a beneficial side too. The existing apprehension of

companies towards the socio-military organizations is successfully combined with intimidation tactics and violence to obtain their goals.

VI. Conclusions

In the preceding chapters I have explored the role of the socio-military organizations in the pursuit of land issues in the regions of Kota Balikpapan and Kabupaten Paser, East Kalimantan. Due to the fact that these groups are recent phenomena, there is a relative lacuna in academia concerning the study of these organizations. Therefore a proper term had to be devised that accurately addressed them. Based on the fact that they are neither true vigilante, nor civil-militia or social movements, the term socio-military organization is devised. This term relates to the important characteristics of the organizations identified in this research.

With the help of collective action theory, which emphasizes the strategic interaction, or mobilization process, between four crucial dimensions which together can explain collective action, the question why the socio-military organizations in East Kalimantan use threats and violence in relation to land claims has been addressed. This use of threats and violence sets the socio-military organizations apart from other movements that share the goal of de fact recognition of *adat* rights and land issues. Of the four dimensions of collective action theory; discontent, ideology feeding grievances, the capacity to organize and a political opportunity (Oberschall 2004: 27-28), two dimensions were of particular interest to this thesis, namely discontent and the capacity to organize. Studying these dimensions, we have seen several key elements relating to the context the socio-military organizations operate in, as well as crucial aspects pertaining to their internal structure, objectives of elites and organizations, and modus operandi relating to claim making.

On the rise

Arguably the biggest structural factor contributing to the rise of the socio-military organizations is the process of decentralization after the fall of the Suharto regime in 1998. The effects of decentralization generally are only beneficial to strengthening the state and society and reducing political violence when the institutions of decentralization are well established and when these institutions take the characteristics of the societies they govern into account. The latter provision was certainly considered at the top level. As we have seen, decentralization laws provided the different levels of government with more autonomy to a point where villages could become autonomous legal units, in which they also could create legislative bodies and rule enforcing institutions (McCarthy 2004: 1209).

Although this revaluation of locality is greatly appreciated by *adat* communities in East Kalimantan, the de facto recognition of their rights is lacking in Paser and Balikpapan. Considering the fact that many coal, timber and palm oil corporations unscrupulously exploit the forests which are perceived and claimed by the *adat* communities as theirs, tensions rise. Socio-military organizations, more or less modeled after the thuggish strongmen brigades of the New Order regime, grabbed the opportunity which was provided by the changed political opportunity structure, and rose to the front. By combining NGO methods with the capacity of using violence, the socio-military organizations have positioned themselves neatly between the state, society and the private sector, whilst exploiting the weaknesses of the state. These weaknesses are formed by corruption and nepotism, leading to a diluted trust in authorities. Corruption of the authorities plays an ambiguous part in this setting. While the authorities on the one hand formally deny the existence of *adat* rights, so they can issue concessions to corporations leading to increasing revenues, on the other hand they informally concede to the fact that *adat* is still very much alive and adhered to. Together with the tolerant and sometimes positive stand of the authorities on the position and methods of the socio-military organizations, an indistinct situation of formal and informal laws and bylaw has been created. It is in this context that threats and violence, as methods of the socio-military organizations to obtain their goals, are often left unpunished and therefore part of the means of the organizations.

Collective action, greed and grievances

The formerly mentioned changed political opportunity structure and the consequent rise of the socio-military organizations gives indications to answers to the question when people resort to violence, central in the greed-based debate, as well as indications to why they resort to violence, which is the focus of grievance-based debate. However, it is when we apply collective action theory that we also can see *how* the socio-military organizations combine rational choice with grievances. As a result, by presenting the findings of the socio-military organization of East Kalimantan, we can contribute to the comprehensive approach towards explaining violent conflict which many authors envision.

On the elite level we can observe greed and grievances coming together in the foundation of a socio-military organization. This action brings social standing, political opportunities and economic benefits as well as the opportunity to effectively reclaim *adat* land and create job opportunities for their members. Although exact numbers of members has not been found, as these are often claimed instead of documented, indications in the media as well as in the conducted interviews exist, supporting the notion that support and member numbers for the organizations are growing. The increase in support can, at least partially, be explained by increasing successes in claiming land and

by the certain influential elites. When we focus on the collective action dimension known as the capacity to organize, we can see that the processes recruitment, fundraising, leadership, internal communication and decision-making, are dominated by the capacities of the elites. Highly charismatic and inventive leaders like Rendi Ismael of Gepak and later Garda Sikat, appeal to many Dayak ethnics and supporters of their goals, which consist of reclaiming *adat* land from the corporations, the improvement the socio-economic position of the Dayak people and to get *adat* rights acknowledged.

Another very significant aspect for both the position of the elites as well as the image of the socio-military organizations is the media attention. The rough and violent image of the socio-military organizations seems to lead both to more positive as well as negative reactions with the public. It certainly brings more attention to the existence, goals and tactics of the socio-military organizations. This brings us back to the premise of collective action theory as formulated by Oberschall in the third chapter. He argues that it is essential to collective action theory to accept that the acting parties and their targets in a conflict situation need to make moral claims to justify violence whilst trying not to cross the instrumental and normative restraints that limit violence in a conflict, because beyond this point violence cannot be successfully argued to be a political tool anymore (2004: 26). The organizations use the media in such a calculated way that whenever there is an event organized by or in the interest of socio-military organizations, the media is notified. On the other hand intimidation and repression is used to keep unwanted publicity at a minimum. These methods make sure that the threats and violence used by the socio-military organizations present the desired image and additionally ensures that threats and violence can remain to be presented as a political tool in the struggle to get *adat* rights acknowledged by both the authorities as well as the corporations.

The role of socio-military organizations

Although further research is necessary, this thesis has revealed some indicators that can help to answer the question of what the role of the socio-military organizations in the pursuit of land issues in the regions of Kota Balikpapan and Kabupaten Paser is. They essentially form an escape valve and quick fix solution for tensions rising due to the ambiguous position of *adat* in these regions, whilst forming a vehicle for local elites to combine personal with collective interests. The socio-military organizations created and currently occupy a niche between the state, society and corporations. A position which they can maintain, provided the threats and violence will successfully remain to be seen as a political tool.

On the local and regional level, questions remain whether organizations can maintain their position. Not only because mutual competition is fierce, but also because the ambiguous position of

the authorities towards the socio-military organizations eventually has to be clarified. This ultimately might lead towards a hardening in the conflict between the socio-military organizations and the state as the former most likely will not let their lucrative position be taken without a fight. Also allegations of criminal activities and the occasional hiring by companies of *laskar* divisions as mercenaries or strongmen in disputes between companies and local people could further be investigated. On a higher level, questions remain about their role and effect on ethnic conflicts, their effect on corruption and nepotism and whether they in the long term will inhibit decentralization and reform to resort the desired and permanent positive effect.

Bibliography

Abrahams, R. (1998) *Vigilant Citizens : Vigilantism and the State*. Cambridge : Polity Press.

Bakker, L. (Forthcoming) "Laws and Regulations. Official Dimensions" In PhD Dissertation: *Who owns the Land? Looking for Law in Reformasi East Kalimantan*. 63-103.

Bakker, L. (2008a) "Life in the Hinterland. Meaning and usage of communality in the mountains of Pasir (East Kalimantan)" In: Carrol Warren and John McCarthy (eds.) *Locating the Commonweal: Community, Environment and Local Governance in Indonesia.* London & New York, Routledge. 121-144.

Bakker, L. (2008b) *The Strong Arm of Indigeneity: Activism at the borders of the law in East Kalimantan.* Paper presented at the conference: The State and Illegality in Indonesia. Australian National University, Canberra, 22-24 September 2008.

Baumann, G. (1999) "Ethnicity: Blood or Wine?"In: *The Multicultural Riddle: Rethinking National, Ethnic and Religious Identities*. London/New York: Routledge 57-68.

BPS of Paser Regency, Seksi Integrasi Pengolahan Dan Diseminasi Statistik (2009) *Paser Regency In Figures 2008,* Publication Number : 64.016.0716.

Bouvier, H. and G. Smith. (2006) "Of Spontaneity and Conspiracy Theories: Explaining Violence in Central Kalimantan." *Asian Journal of Social Science,* Vol. 34 (3) 475-91.

Carnegie, P.J. (2008) "Democratization and Decentralization in Post-Soeharto Indonesia: Understanding Transition Dynamics" In: *Pacific Affairs,* Vol. 81 (4) 515-525.

Casson, A. and K.Obidzinski. (2002) "From New Order to Regional Autonomy: Shifting Dynamics Of "Illegal" Logging in Kalimantan, Indonesia." *World Development,* Vol. 30 (12) 2133-51.

Collier, P. (2000) "Doing Well out of War: An Economic Perspective" In: Berdal, M. and D. M. Malone (eds.) *Greed and Grievance: Economic Agendas in Civil Wars*. Boulder: Lynne Rienner Publishers 91-112.

Collier, P., A Hoeffler and D. Rohner (2009) "Beyond greed and grievance: feasibility and civil war" In: Oxford Economic Papers (6) 11–27.

Coppel, C.A. (ed.) (2007) *Violent Conflicts in Indonesia : Analysis, Representation, Resolution*. London: Routledge.

Cramer, C. (1997) *Civil War is Not a Stupid Thing: exploring growth, distribution and conflict linkages*. Working paper. Last viewed 17 April 2009, <http://www.soas.ac.uk/economics/research/workingpapers/file28886.pdf>

Cramer, C. (2002) "*Homo Economicus* Goes to War: Methodological Individualism, Rational Choice and the Political Economy of War" In: *World Development,* Vol. 30 (11) 1845-1864.

Della Porta, D. (2008) "Research on Social Movements and Political Violence" in: *Qualitative sociology*, Vol. 31 (3) 221-230.

Engel, S., P. López and C. Palmer (2006) "Community–Industry Contracting over Natural Resource Use in a Context of Weak Property Rights: The Case of Indonesia" In: *Environmental & Resource Economics*, Vol. 33. 73–93.

Fearon, J. D. and D.D. Laitin (2000) "Violence and the Social Construction of Ethnic Identity" In: *International Organization,* Vol. 54 (4) 845-877.

Fearon, J.D. (2005) "Primary Commodity Exports and Civil War" In**:** *Journal of Conflict Resolution,* Vol. 49. 483-507.

Gee, J.P. (2005) *An Introduction to Discourse Analysis: Theory and Method*. New York: Routledge.

Gleditsch, N.P. (2001) "Environmental Change, Security, and Conflict" In Crocker, C.A. (ed.) *Turbulent peace : The Challenges of Managing International Conflict*. Washington: United States Institute Of Peace Press.

Gore, C. and D. Pratten (2003) "The Politics of Plunder: The Rhetorics of Order and Disorder In Southern Nigeria" In: *African Affairs*, Vol. 102. 211–240.

Gurr, T.R. (2007) "Minorities, Nationalists and Islamists: Managing Communal Conflict in the Twenty-First Century" In: Crocker, Chester a. et al (eds.) *Leashing the Dogs of War: conflict management in a divided world*, Washington, D.C.: United States Institute of Peace Press.

Homer-Dixon, T.F. (1994) "Environmental Scarcities and Violent Conflict: Evidence from Cases" In: *International Security*, Vol. 19 (1) 5-40.

Jacoby, T. (2008)*Understanding Conflict and Violence : theoretical and interdisciplinary approaches*. London : Routledge.

Jenkins, J.C. (1983) "Resource Mobilization Theory and the Study of Social Movements" In: *Annual Review of Sociology* Vol. 9. 527-553.

Kalyvas, S.N. (2003) "The Ontology of "Political Violence": Action and Identity in Civil Wars." In : *Perspectives on Politics*, Vol. 1 (3) 475-494.

Kalyvas Stathis N, I. Shapiro and T. Masoud (eds.) (2008) *Order, Conflict, and Violence.*Cambridge: Cambridge University Press.

King, C. (2004) "The Micropolitics of Social Violence" In: *World Politics*, Vol. 26 431-455.

Kristiansen, S. and L. Trijono (2005) "Authority and Law Enforcement: Local Government Reforms and Security Systems in Indonesia" In: *Contemporary Southeast Asia,* Vol. 27 (2) 236–54.

Mansfield, E. D. and J. Snyder (2002) "Democratic Transitions, Institutional Strength, and War" In: *International organization*, Vol. 56 (2) 297-337.

McCarthy, J.F. (2004) "Changing to Gray: Decentralization and the Emergence of Volatile Socio-Legal Configurations in Central Kalimantan, Indonesia" in: *World Development,* Vol. 32 (7) 1199–1223.

Minkoff, D.C. and D.S. Meyer (2004) "Conceptualizing Political Opportunity" In *Social Forces*, Vol. 82 (4) 1457-1492.

Norton D. and P. Regan. (2005) "Greed, Grievance, and Mobilization in Civil Wars" In; *Journal of Conflict Resolution* Vol. 49 (3) 319-336.

Oberschall, A. (1992) *Social Movements : Ideologies, Interests, and Identities.* New Brunswick : Transaction Publishers.

Oberschall, A. (2004) "Explaining Terrorism: The Contribution of Collective Action Theory" In: *Sociological Theory*, Vol. 22 (1) 26-37.

Palmer, C. and S. Engel (2007) "For Better or for Worse? Local Impacts of the Decentralization of Indonesia's Forest Sector" In: *World Development,* Vol. 35 (12) 2131–2149.

Peluso, N. Lee (2007) "Violence, Decentralization, and Resource Access in Indonesia" In: *Peace Review,* Vol. 19 (1) 23-32.

Peluso, N.Lee and E. Harwell. (2001) "Territory, Custom, and the Cultural Politics of Ethnic War in West Kalimantan, Indonesia." In *Violent Environments,* Nancy Lee Peluso and Michael Watts (eds.) 83-116. Ithaca and London: Cornell University Press.

Pratten, D. (2008) "The Politics of Protection: Perspectives On Vigilantism In Nigeria" In: *Africa,* Vol. 78 (1) 1 -15.

Richards, P. (2005) *No Peace, No War: An Anthropology Of Contemporary Armed Conflicts.* Athens, Ohio University Press.

Sambanis, N. (2004) "What Is Civil War? Conceptual and Empirical Complexities of an Operational Definition" In: *The Journal of Conflict Resolution*, Vol. 48 (6) 814-858.

Schiller, A. (2007) "Activism and Identities in an East Kalimantan Dayak Organization." *The Journal of Asian Studies, Vol.* 66 (1) 63-95.

Tacconi, L. (ed.) (2007) *Illegal logging: Law Enforcement, Livelihoods and the Timber Trade*. London: Earthscan*.*

Ter Haar, B., (1948) "Adat law in Indonesia" In: E. Adamson Hoebel and A. Arthur Schiller (eds.) (1979) *Adat Law in Indonesia: by B. Ter Haar. Translated From the Dutch*, New York : AMS Press

Tilly, C. and S. Tarrow (2007) *Contentious Politics.* Boulder : Paradigm Publishers*.*

Van Klinken, G. (2002) "Indonesia's New Ethnic Elites." In: *Indonesia: In Search of Transition,* Henk Schulte-Nordholt and Irwan Abdullah (eds.), 67-105. Yogyakarta: Pustaka Pelajar.

Van Klinken, G. (2007) "Communal Conflict and Decentralisation in Indonesia" In: *Occasional Papers Series* [Online] The Australian Centre for Peace and Conflict Studies (ACPACS) Last viewed 13-05-2009, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1025846>

Wibbels, E. and K.M Bakke (2007) "Diversity, Disparity, and Civil Conflict in Federal States." In: *World politics*, Vol. 59 (1) 1-50.

Newspaper articles:

 "Garda Sikat Rayakan HUT Ke-2"In: Tribun Kaltim, 22-01-2009. Last viewed 29-03-2009 <http://issuu.com/tohirtribun/docs/2201_gabung/20>

"Local polls body chief fired for party ties, jail time" In: The Jakarta Post, 01-04-2009. Last viewed 01-04-2009 <http://www.thejakartapost.com/news/2009/04/01/local-polls-body-chief-fired-party-ties-jail-time.html>

 "Ormas Bantu Tugas Kepolisian: LPA Dukung Sikap Tegas Kesbangpol" In: Post Metro Balikpapan Online, 15-03-2009. Last viewed 29-03-2009 <http://www.metrobalikpapan.co.id/index.php?mib=berita.detail&id=10348>

"Poll commission chief faces dismissal" In: The Jakarta Post, 25-03-2009. Last viewed 26-03-2009 <http://www.thejakartapost.com/news/2009/03/25/poll-commission-chief-faces-dismissal.html>
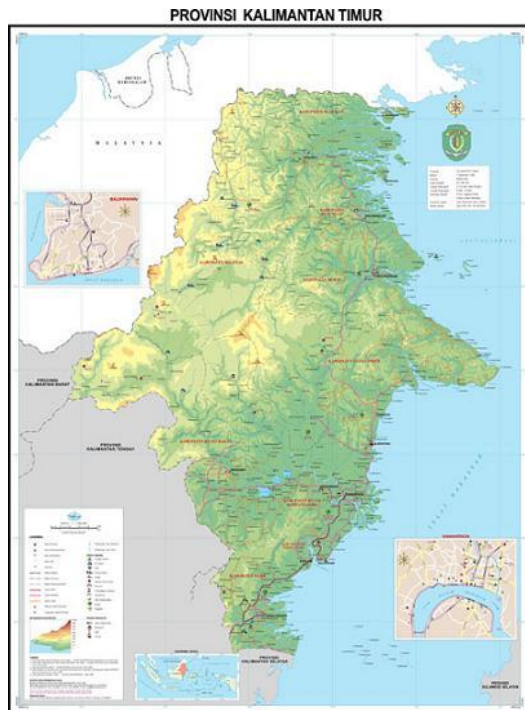
 "Swedish Volvo director attacked" In: The Jakarta Post, 13-06-2003. Last viewed 06-04-2009 <http://www.thejakartapost.com/news/2003/06/13/swedish-volvo-director-attacked.html>

Annex 1. List of terms and acronyms

Adat	customary rights
Gepak	Gerakan Pemuda Asli Kalimantan
Kabupaten	district/regency
KOPPAD Borneo	Komando Pengawal Pusaka Adat Dayak Borneo
Kota	city district
KPADKT	Komando Pertahanan Adat Dayak Kalimantan Timur
KPUD	Balikpapan regional General Election Commission
Laskar	army or troops of socio-military organization, group of young men with military-style uniforms and swords
LPADKT	Laskar Pemuda Adat Dayak Kaltimantan Timur
Mandau	Traditional Dayak sword
PBA	Pertahanan Benuo Adat
Putra daerah	son of the region
NLA	National Land Agency

Map 1.

Map2.

Map 3.

Map 1. : Province of East Kalimantan.

(http://www.paserkab.go.id/images/Peta%20Dasar%20Wilayah%20Kab.%20Pasir1.GIF, last viewed 10-08-2009)

Map 2. : Kabupaten Paser. (http://www.paserkab.go.id/images/pic2.jpg, last viewed 10-08-2009)

Map3. : East Kalimantan, Balikpapan region.

(http://encarta.msn.com/map_701510456/balikpapan.html, last viewed 10-08-2009)

Endnotes

[i] Pramoedya Ananta Toer (1999). "The book that killed colonialism" in: *The New York Times Magazine*. April 18: 112-114. Last viewed 07-07-2009, < http://www.nytimes.com/1999/04/18/magazine/best-story-the-book-that-killed-
colonialism.html?scp=1&sq=Pramoedya%20Ananta%20Toer%20Max%20Havelaar&st=cse&pagewanted=1>

[ii] In order to respect the private setting and nature of the conversations, I have changed the actual names into fictional ones.

[iii] Oxford online dictionary.

[iv] Paser Regency in Figures 2008, p. 59.

[v] GeoNames, last viewed 29-06-2009. <http://www.geonames.org/search.html?q=&country=ID&startRow=50>.

[vi] E.g. the secretary of Gepak Tanah Grogot came from South Sulawesi.

[vii] Many interviewees as well as Professor in Law of UniBa, who was kind enough to let me attend a lecture on *adat* law, stated this.

[viii] *Ketetapan Majelis Permusyawaratan Rakyat Republik Indonesia Nomor III/MPR/2000 tentang Sumber Hukum dan Tata Urutan Perundang-undangan.*

[ix] Information gathered by L. Bakker from conversations with legal scholars and judges from several district courts, the Indonesian Supreme Court, and various Indonesian universities.

[x] *Undang-Undang Republik Indonesia Nomor 22 Tahun 1999 Tentang Pemerintahan Daerah* and *Undang-Undang Republik Indonesia Nomor 25 Tahun 1999 Tentang Perimbangan Keuangan Antara Pemerintah Pusat Dan Daerah.*

[xi] *Undang-Undang Republik Indonesia Nomor32 Tahun 2004 Tentang Pemerintahan Daerah* and *Undang-Undang Republik Indonesia Nomor 33 Tahun 2004 Tentang Perimbangan Keuangan Antara Pemerintah Pusat Dan Daerah.*

[xii] Law 22/1999 article 7 paragraph 1 and 2.

[xiii] Law 22/199 article 9.

[xiv] Data from two interviews with vice-regent Hatta Garid of Paser.

[xv] Jakarta Post 25-03-2009 and 01-04-2009.

[xvi] Author was witness of this event on 02-04-2009 in Balikpapan.

[xvii] Data from a personal conversation with ex-high ranking member of Gepak.

[xviii] Data from interviews with Wakil Bupati Hatta Garid of Paser, heads of Linmas and Kesra of Kabupaten Paser as well as the secretary of the LAP.

[xix] Bakker found that most newspaper reports of the affair have been taken offline, however managed to find the following account http://pemudakaltim.blogspot.com/2008/11/seorang-anggota-gepak-tewas-dianiaya.html

[xx] Personal communication of Bakker with POLRI officers in Balikpapan, 16 March 2009.

[xxi] *Paser Regency In Figures 2008* p. 61.

[xxii] CIA, The World Factbook: Last viewed 24-06-2009, <https://www.cia.gov/library/publications/the-world-factbook/geos/ID.html>