

# Gaining Recognition Through Participatory Mapping? The Role of Adat Land in the Implementation of the Merauke Integrated Food and Energy Estate in Papua, Indonesia

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Participatory mapping has recently become an instrument used by NGOs to advocate for *adat* (customary) land in Indonesia. Maps produced from participatory mapping are expected to support legal recognition through land formalization or titling. In order to stop land grabbing through the *Merauke Integrated Food and Energy Estate* (MIFEE) project, this strategy has also been applied in Merauke district, Papua. However, the pitfalls of communal participatory mapping have brought negative impacts to *adat* communities. This paper analyzes the land grabbing and mapping processes in three villages in the MIFEE area to show the unexpected consequences of participatory mapping. These mapping processes have caused fragmentation and conflict among *adat* communities. Furthermore, the legal recognition of communal *adat* land ownership is facilitating the buy-out of *adat* land by companies and/or the state.

**Keywords:** *Adat*; Land Grabbing; MIFEE; Papua; Participatory Mapping



## INTRODUCTION<sup>1</sup>

Gaining legal recognition for customary (*adat*) land is still a major challenge for indigenous people in Indonesia. *Adat* can be described as a way of life that links history, land, and law (Davidson & Henley, 2007). With regard to the recognition of *adat* communities, land constitutes a central issue because many *adat* lands are currently threatened by land grabbing. Compared to other provinces in Indonesia, Papua is leading in gaining legal recognition for *adat* land rights. Papuan *adat* communities gained legal recognition through the Special Autonomy Law for Papua No. 21/2001. It seems, however, that legal recognition through this law has failed to protect the customary rights of *adat* communities, particularly with regard to their *adat* land. Although legal recognition is believed to be the best method to guarantee these rights, it has clearly proved insufficient in the case of Papua. This is most clearly shown in Merauke district, where the *Merauke Integrated Food and Energy Estate* (MIFEE) project is developed.

The MIFEE project comprises over a million ha of land and is the first na-

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tional project in Papua developed by the Indonesian government after Papua was granted autonomy. The central government considers MIFEE an ideal space for agricultural expansion since its vast arable areas contain much potential. In 2010, MIFEE replaced the *Merauke Integrated Rice Estate* (MIRE) which was established by the local government in 2008 to boost investment. After failing to attract investors, MIRE was relaunched as MIFEE for broader investment targets in August 2010 (Ito, Rachman, & Savitri, 2014). The central government allocated 1.283 million ha for this new project (Government of Indonesia, 2010).

However, the project has faced a number of implementation problems, especially land conflicts with local communities. Through MIFEE, investors have taken over local *adat* lands of the Marind Anim tribe, one of the major tribes that lives in the Merauke district. The Papuan local government granted location permits for concessions to companies without any prior consent from the Marind Anim as the *adat* landowners and thus, land grabbing has been a major issue in the area (Aliansi Gerakan Reformasi Agraria, 2012; Ito et al., 2014; Lamonge, 2012; Zakaria, Kleden, & Franky, 2011).

Land grabbing refers to the purchase or lease of vast tracts of land to create agricultural operations producing food, feed, or fuel, the aim being to secure the long term supplies by foreign investors, private investors, or government (Arellano-López, 2012; Daniel, 2011; Daniel & Mittal, 2009). According to the FAO, there are three indicators to define land grabbing: first, the size of land with a minimum of 1,000 ha for a single deal; second, the direct involvement of foreign investors or governments; and third, negative impacts on food security in the recipient countries (Borras, Kay, Gomez, & Wilkinson, 2012). However, several researchers have criticized this definition as being too narrow. They argue that many land grabs are currently not carried out by foreign investors but also by domestic and transnational companies, often with encouragement and support from the central governments. Furthermore, land grabbing is not only limited to large-scale land deals (Borras & Franco, 2011, p. 5; Borras et al., 2012, p. 404). In land grabbing, the state engages in re-ordering or restructuring the country's land tenure system through policies that justify the use of idle, underutilized, or sparsely populated territories thus facilitating the entrance of large-scale land-based investment (Arellano-López, 2012; Daniel, 2011; Daniel & Mittal, 2009). For the purpose to analyzing MIFEE, land grabbing is defined as controlling or taking possession of large-scale lands in order to transform them into agricultural estates by domestic and/or transnational companies with the engagement of local and central governments.

In order to protect *adat* land in Merauke, NGOs have adopted participatory mapping as a way to advocate for *adat* rights. The purpose of participatory mapping is to gain land titling and formalization for *adat* land. Land titling is the specific type of formalization in which the state demarcates the boundaries of the land, records ownership, and recognizes the landholders' ownership and the right to sell, mortgage, or transfer it (Hall, Hirsch, & Li, 2011). Many researchers have examined the positive impacts of participatory mapping in helping traditional communities to protect their ancestral lands (Deddy, 2006; Gessa, 2008; Herlihy & Knapp, 2003). Some argue that local people can use maps created from participatory mapping to legitimize their claims over customary lands. Or in some cases, traditional communities were revi-

talized by the process of participatory mapping (Peluso, 1995; Pramono, Natalia, & Janting, 2006). Furthermore, participatory mapping may promote indigenous natural resource management and reduce conflict (Deddy, 2006). Such research provides positive encouragement for NGOs to promote participatory mapping. The pitfalls of communal participatory mapping may, however, also create several negative impacts. Research has shown that participatory mapping can cause fragmentation or conflict among communities due to the fixation of land control and the map's rigidity. It can weaken indigenous ideas and conceptions of space and promote land privatization. Moreover, participatory mapping expected to counter government mapping can be regulated and co-opted by the state (Fox, 2011; Fox, Krisnawati, & Hershock, 2005; Hodgson & Schroeder, 2002). The concerns about participatory mapping mentioned above were also found in the participatory mapping process in Merauke.

To date, there has been no research on how participatory mapping was introduced in the MIFEE area, what the impacts are, and how the process differs from that in other parts of Indonesia. For that reason, this article aims to fill this knowledge gap and show the unexpected consequences of participatory mapping in Papua.

### LEGAL RECOGNITION OF ADAT LAND RIGHTS

During the Suharto government, the state did not pay due attention to *adat* communities and treated their land as state land (Hall et al., 2011). The 1999 Human Rights Act states that communal land, being part of the cultural identity, deserves recognition and protection (Fitzpatrick, 2007, p. 77). After the regime change, this recognition corresponded with the main agenda of the *Aliansi Masyarakat Adat Nusantara* (AMAN), the national indigenous peoples' organization that struggles for the recognition of *adat* communities (Arizona & Cahyadi, 2013). In 2011, AMAN and other NGOs advocating for the rights of *adat* communities proposed the draft bill of Recognition and Protection of *Adat* Communities and called on the Constitutional Court to review the Forestry Law No. 41/1999 regarding the existence of *adat* forest. However, until today, these efforts have still not materialized in substantial changes to the land regime. The decision of the Constitutional Court to recognize the existence of *adat* forest land has not changed the government policy regarding *adat* land in general. *Adat* land is still treated as idle land that is put under the jurisdiction of the state (state land). Hence, land conflicts between *adat* communities and the state continue.

In fact, however, *adat* communities do not have to wait for the enactment of a national law to gain recognition, but local governments at the district or province level have the authority to recognize *adat* communities under local regulations. After the fall of Suharto's authoritarian regime, the new government under president Habibie started implementing decentralization policies in 1999.<sup>2</sup> These policies transferred power from central to local government and gave wider authority to local governments to enact their own local regulations as long as they do not contradict national law. This also includes regional authority for the recognition of *adat* (Bakker &

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2 See regional autonomy laws No. 22/1999 and No. 32/2004, and laws on the fiscal balance between central and regional governments No. 25/1999 and No. 33/2004.

Moniaga, 2010). However, local governments are usually reluctant to recognize *adat* communities in their regions as they are competing to attract investment for regional development. Land designated for concession areas or other investment has often been cultivated by *adat* communities, especially outside of Java. Therefore, local governments perceive the legal recognition of *adat* communities as a burden. As a result, local governments often facilitate land grabbing by working closely with corporate actors (Alhamid, Ballard, & Kanowski, 2009).

### THE CASE STUDY SITE

The district of Merauke comprises a vast area of 4.6 million ha in the autonomous province of Papua. The total population of Merauke district is 263,664 people (Population and Civil Registration Board of Merauke District, 2015). The indigenous population of Papua comprises 56.3%; the rest are transmigrants (43.7%) who mainly came from Java and Makassar (Statistics Indonesia, 2011). The biggest tribe in Merauke is the Marind tribe, often called Marind Anim. This tribe is divided into seven big clans: Gebze, Mahuze, Ndiken, Kaize, Samkakai, Balagaize, and Basik-basik. Each clan has its own clan leader. Each local village, where Marind Anim live, usually consists of these seven clans and is headed by an *adat* leader. Whereas this leader represents customary law, each local village also has a village leader that is legally recognized by the state. In addition, there is also a customary community council (*Lembaga Masyarakat Adat*, LMA) leader – a position created by the central government after the establishment of the Papua Special Autonomy Law. This function sometimes overlaps with the function of the *adat* leader. These three levels of leadership make up the political complexity of local villages.

In the Marind Anim tribe, *adat* land ownership is based on clan membership with borders that have been agreed upon among the clans that own the *adat* land. Usually, land ownership is based on ancestral heritage and passed down through oral stories from generation to generation. Trees, stones, rivers, or sago palm huts are used to signify the land borders of *adat* land. *Adat* communities also have their own mechanisms for leasing *adat* land. To lease a piece of *adat* land from one clan, the transfer has to be agreed upon by the clan members and the seven clans leaders who live in the village through an *adat* meeting that is led by the village *adat* leader.

In this article, I examine three cases in three villages – Selu, Duku, and Alu village<sup>3</sup> – which serve as examples of the land grab process. Selu (435 people, 108 households) represents a village that accepted company cultivation of their *adat* land in the early stages of the MIFEE implementation, when John Gluba Gebze still served as the head of Merauke district (2001-2010). Duku (691 people, 153 households) represents a village that accepted company cultivation of their *adat* land after Romanus Mbaraka became the new head of Merauke district in 2011. And Alu (430 people, 73 households) is a village that rejected company cultivation of their *adat* land. All three villages initiated and conducted participatory mapping (Statistic Indonesia, 2011; Yasanto, 2013).

The research scope is limited to the period between the implementation of the MIFEE project (2010) and the end of Susilo Bambang Yudhono's (SBY) presidential

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3 Due to the sensitivity of the issue, the names of the villages have been changed.

term (2015). Data collection was carried out in the Merauke district in January, August, and September of 2014. Data were collected through interviews with leaders in each of the three villages, *adat* community members in each village, the former governor who initiated the MIFEE project, local government representatives, the company that holds concessions in that area, and NGOs which act as advocates on behalf of the *adat* communities in these villages.

### MIFEE AS A LAND GRABBING PROJECT IN THE NAME OF DEVELOPMENT

MIFEE was launched by the central government in August 2010. The project is meant to strengthen the national food and energy stock and at the same time accelerate economic development in Merauke (Government of Indonesia, 2010). MIFEE is a continuation of the Merauke District Program. The local government launched this investment program on the 105th anniversary of the Merauke district in 2007. The program was marked for the symbolic handover of *adat* land from *adat* communities to the government to be hereafter given to the investors. Later, in 2008, the local government and investors agreed to create a specific project called MIRE (Awat MIFEE, 2012). The establishment of MIRE was in line with president SBY's speech on the great rice harvest in 2006: "First, let's develop Merauke as a rice granary; second, develop plantations in Merauke such as sugarcane and palm oil to deal with food security problems" (Yudhoyono, 2006). In order to realize MIRE, a consortium of 15 Saudi Arabian investors and Indonesian corporations was ready to take part in the project (Rulistia, 2008). The Bin Laden Group, an investor from Saudi Arabia, prepared USD 4 billion to develop 500,000 ha of land in Merauke. However, this investment was cancelled due to the global financial crises (Awat MIFEE, 2012). To make the project suited for the new conditions, the government re-packaged the MIRE project into MIFEE. MIFEE was expected to attract investment in Merauke that was not only limited to rice cultivation but also in the plantation and forestry sector. It was in line with president SBY's ambition to "feed Indonesia, feed the world" after the global food and energy crises in 2008 (Awat MIFEE, 2012). Under Government Regulation No. 18/2010, MIFEE was officially launched in 2010.

However, these investments threaten *adat* land. From 2007 to 2010, the district head granted location permits for over 2.4 million ha of land (more than 50% of the total area of Merauke) to 36 companies.<sup>4</sup> When granting location permits, the district head based his decision solely on the spatial planning of the district, without notifying or receiving the consent of the *adat* communities, which were in effect the *adat* landowners. The location permits neglected the rights of the Marind Anim people. This became the major factor that prevented permit holders from establishing plantations. In order to make the process of land transfer smoother, several companies used illegal ways to get permission from *adat* communities.<sup>5</sup> Local government and village leaders were frequently involved in this process.

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4 This area was greater than allocated in the initial plans for the MIFEE (1.283 million ha) (Investment Board of Merauke District, 2011).

5 Companies used many methods to ensure the transfer of land rights from *adat* communities, including intimidation, co-opting village leaders, and cheating during the negotiation process (Zakaria et al., 2011).

No	Company	Commodity	Area (ha)		Location (subdistrict)
			Location Permission	Operation Permission	
KORINDO GROUP					
1	PT. Dongin Prabhawa	palm oil	39,800	34,000	Ngguti
2	PT. Berkat Cipta Abadi	palm oil	40,000	14,525	Ulilin
3	PT. Inocin Abadi	industrial timber plantation (IUPHHK-HTI)	100,000	99,665	Ulilin
4	PT. Papua Agro Lestari	palm oil	39,800	32,347	Ulilin
MEDCO GROUP					
5	PT. Selaras Inti Semesta	IUPHHK-HTI	301,600	169,400	Kaptel
6	PT. Medco Papua Industri Lestari	wood and chip	2,800	na	Kaptel
7	PT. Medco Papua Alam Lestari	IUPHHK-HTI	74,219	na	Kaptel
MODERN LAND GROUP					
8	PT. Wanamulia Sukses Sejati	IUPHHK-HTI	61,000	na	Animha
9	PT. Agri Surya Agung	sugarcane	40,000	36,774	Ilwayab, Tubang, Ngguti
10	PT. Nusantara Agri Resources	sugarcane	40,000	39,005	Ilwayab, Ngguti
11	PT. Mega Surya Agung	soybean, corn	24,697 (changed from coordinate into 9,882)	na	Kaptel, Ngguti
12	PT. Wanamulia Sukses Sejati	IUPHHK-HTI	96,553	na	Kaptel, Muting
13	PT. Wanamulia Sukses Sejati	IUPHHK-HTI	116,000	na	Kaptel, Okaba, Ngguti, Muting
HARDAYA GROUP					
14	PT. Hardaya Sugar Papua Plantation	sugarcane	44,812	37,898	Jagebob
15	PT. Hardaya Sawit Papua Plantation	palm oil	62,150	44,740	Jagebob

Table 1. Companies and Concession Area in MIFEE, 2014.  
(Investment Board of Merauke District, 19 August 2014).

No	Company	Commodity	Area (ha)		Location (subdistrict)
			Location Permission	Operation Permission	
RAJAWALI GROUP					
16	PT. Cenderawasih Jaya Mandiri	sugarcane	40,000	22,117	Malind, Kurik
17	PT. Karya Bumi Papua	sugarcane	30,000	15,628	Malind, Kurik
18	PT. Rizki Kemi-lau Berjaya	sugarcane	10,000	na	Kurik
ASTRA GROUP					
19	PT. Dharma Agro Lestari	sugarcane	50,000	na	Tubang, Okaba
20	PT. Bhakti Agro Lestary	sugarcane	26,098	na	Animha
MAYORA GROUP					
21	PT. Swarna Hijau Indah	sugarcane	36,363	33,668	Tubang, Kimaam
22	PT. Randu kunning Utama	sugarcane	40,000	na	Ilwayab, Tubang, Kimaam
23	PT. Kurnia Alam Nusantara	sugarcane	50,00	na	Tubang, Ilwayab
BIA GROUP					
24	PT. Bio Inti Agrindo	palm oil	39,900	36,400	Ulilin
25	PT. Ulilin Agro Lestari	palm oil	12,538	na	Ulilin
WILMAR GROUP					
26	PT. Wahana Samudra Sentosa	IUPHHK-HTI	79,033	na	Kaptel, Ngguti
27	PT. Anugrah Re-jeke Nusantara	sugarcane	27,457	na	Tanah Miring, Animha
28	PT. Lestari Subur Indonesia	sugarcane	25,102	na	Jagebob, Sota
AMS GROUP					
29	PT. Agrinusa Persada Mulia	palm oil	40,000	39,692	Muting
30	PT. Agriprima Cipta Pesada	palm oil	33,540	na	Muting, Ulilin

Table 1 (continued).

No	Company	Commodity	Area (ha)		Location (subdistrict)
			Location Permission	Operation Permission	
WITHOUT GROUP					
31	PT. China Ghat Agriculture Development	rice, cassava, ground nut, corn	20,000	na	Okaba
32	PT. Internusa Jaya Sejahtera	palm oil	18,567	na	Muting, Ulilin, Elikobel
33	PT. Purna Karsa Wibawa	sugarcane	20,223	na	Ngguti, Tubang, Okaba
34	PT. Plasma Nutfah Marind Papua	IUPHHK-HTI	67,736	64,050	Ngguti, Okaba, Kaptel
35	PT. Merauke Rayon Jaya	HTI	206,800	na	na
36	PT. Sino Indonesia Shunlida Fishing	fish processing industry	33	na	Merauke
37	PT. Dwikarya Reksa Abadi	fishery	na	na	Ilwayab
38	PT. Cipta Papua Agri Lestari	HTI	na	na	
39	PT. Indonesia Jaya Makmur Investasi	sugarcane	20,223	na	Ngguti, Tubang
40	PT. Global Papua Abadi	sugarcane	31,026	na	Tanah Miring, Jagebob
41	PT. Karisma Agri Pratama	rice, corn, ground nut	40,000	37,786	Tubang

Table 1 (continued).

The local government usually gave support to the companies rather than the *adat* communities. When first approaching these communities, local government representatives did not always explain the company's project in detail. They used money and vague development promises to persuade *adat* communities to support the projects. On the whole, *adat* landowner communities agreed, especially if the head of the Merauke district was the one to approach the communities directly. Because the negotiation process excluded any detailed explanation of the proposed projects and because much information was deliberately withheld by the company, the land transfer process became a land grab.



### The Village of Selu

In Selu, for example, the *Selaras Inti Semesta* (SIS) company wanted to gain the right to cultivate *adat* land. SIS is a subsidiary of the *Medco Group*, which was founded by Arifin Panigoro, an active member of the *Indonesian Democratic Party of Struggle* (PDI-P). He was particularly active in encouraging Merauke's local government to open up the district to investment for large-scale plantations and agriculture (Awat MIFEE, 2012). SIS held a concession from the local government for over 169,000 ha of land (Investment Board of Merauke District, 2014) that they and the local government made use of without the consent of the communities (Zakaria et al., 2011). In response, the communities blocked the company from entering their lands. In order to open the blockade and get the permission of the communities, SIS asked John Gluba Gebze to help SIS to approach the communities in his role as the district head of Merauke. Due to his close relationship with Arifin Panigoro,<sup>6</sup> John Gluba Gebze agreed to help the Medco Group approach the communities about leasing their *adat* land to SIS. After the involvement of the district head, who was also a member of the Marind Anim tribe, the *adat* communities in Selu agreed to negotiate with the company representatives.

We made a rejection letter that was sent to the district head. [It] forced John [Gluba Gebze] to visit Selu together with the company. . . . He promised to develop Selu if they gave permission for the company to operate in Selu. (head of Selu, 22 August 2014)

The district head promised, if the *adat* communities in Selu permitted Medco to cultivate their lands, Selu would become a small city. . . . They [the company] came to the *adat* communities and brought a document that was signed by the district head, so that the *adat* leader had to accept it. (*adat* leader of Selu, 22 August 2014)

In the end, the *adat* community agreed to give permission to SIS in exchange for IDR 300 million (USD 22,750) – *tali asih* (ex gratia) – to compensate for the use of *adat* land. Although the agreement was in writing, the company did not fully explain the details of the project during negotiations with the *adat* communities. Moreover, it did not mention the exact area of the *adat* land to be used by the project. As a result, once the project started, the communities felt that the company had cheated them. For example, one interviewed *adat* member, explained that he did not know that his land would be used for 60 years after 2009. This type of problem emerged because the process of obtaining free, prior, and informed consent was not carried out appropriately. Community members did not know the exact content of the agreement between the leaders in Selu and SIS. Once the company started to clear forests and establish forest plantations, the ability to gather food from the forest was limited, affecting the livelihoods of communities in Selu. Under a Corporate Social Responsi-

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6 The close relationship between Arifin Panigoro and John Gluba Gebze (JGG) was manifested by his granting Panigoro the title Arifin Dipanigoro Warku Gebze as a member of the Gebze clan. This nomination enabled Panigoro to become the owner of the *adat* land (Tabloid Jubi, 2009).

bility (CSR) project, the company created a vegetable garden (*kebun sayur*) and a rice field for the communities to cultivate. This project did not work, however, because the *adat* communities were not familiar with rice cultivation as they traditionally gathered food from the forests. Few people joined the CSR project. In addition, few people in Selu were employed to work for the company. The communities became dissatisfied with these conditions and were disappointed as the promises from the district head had not materialized. As a result, they now want to reclaim land from the company.

### The Village of Duku

Land transfer in Duku offers another example for land grabbing. The PT. Karya Bumi Papua and PT Cenderawasih Jaya Mandiri companies (subsidiaries of the Rajawali Group) were granted location permits by the district head in 2010 for over 70,000 ha<sup>7</sup> of sugarcane plantations (Investment Board of Merauke District, 2014). The negotiation process involved the head of the Merauke district parliament approaching the *adat* communities in Duku and asking permission for the Rajawali Group to open sugarcane plantations on their lands. The company, through the head of the district parliament, promised to improve the economic conditions of the *adat* community in Duku through CSR projects. The interesting thing in this case is the position of the head of the district parliament. Not only did he serve as head of parliament, he was also the consular head of a local NGO (Yasanto) in Merauke. This NGO signed a Memorandum of Understanding (MoU) with the Rajawali Group to implement an empowerment program as a CSR project. This explains why the presence of an NGO advocating for the *adat* community has not been effective in this case.

The Rajawali Group also co-opted the LMA leader in Duku to help persuade the *adat* community to give their lands to the company. The LMA leader in this village is more active in dealing with matters outside the village, whereas the *adat* leader only deals with matters inside the village, particularly rituals on behalf of the community. With regard to the communication with the company, the LMA, supported by the village secretary (village administration), is more active compared to the *adat* leader. During the negotiation process, the company promised the leaders in Duku money for their efforts to convince the communities. The LMA leader in Duku began to actively persuade community members to lease their land for plantations by promising them that they would earn money from the lease. In return, the *adat* leader, the LMA, and the village leader in Duku as well as the village administrators received a monthly payment of between IDR 500,000 (USD 38) and 1,000,000 (USD 76) from the Rajawali Group.

By involving the head of the district parliament and the LMA leader at the village level, the companies were successful in getting the *adat* community to agree to lease their land for sugarcane cultivation. On 21 November 2010, seven clans signed an agreement document, which stipulated that 158 households would receive IDR 6 billion (USD 455,060) in compensation for their *adat* land. The money was to be given out by the head of each clan, according to the area that the clan occupied.

7 PT. Cenderawasih Jaya Mandiri holds a location permit for 40,000 ha in the Malind and Kurik sub-districts; PT. Karya Bumi Papua holds a location permit for 30,000 ha in the Kurik sub-district.

### The Village of Alu

In contrast to the cases described above, the community in Alu, although also threatened by the MIFEE land grab (by the Rajawali group), still retains their land. There are two major reasons for this: First, since their land was used for transmigration programs during the Suharto period, the contested area of community land was small (around 15,000 ha), and second, NGOs actively advocated for the protection of *adat* land in Alu. Due to the involvement of NGO advocates, the community maintained a strong position vis-à-vis the company and local government representatives. Pusaka, an NGO from Jakarta, was very active in mobilizing the *adat* communities. The village sent an official letter to the Rajawali Group and local government to reject the request to cultivate their *adat* land. Later, in 2011, as advised by Pusaka, the village also created an *adat* land map, using participatory mapping exercises in order to counter the government map that was used for MIFEE investment guidance.

As seen above, agricultural expansion of MIFEE has threatened the existence of *adat* land of the Marind Anim community through land grabbing. The government issued the concession over the *adat* land without the consent of the *adat* communities as the legitimate owners of the land. The local government was involved in a land leasing process that was perceived as unfair and harmful by the *adat* communities. Supported by the local NGOs, therefore, *adat* communities started to conduct participatory mapping to protect their *adat* land.

### CONDUCTING PARTICIPATORY MAPPING TO GAIN RECOGNITION OF ADAT LAND

In Indonesia, participatory mapping began in 1992, following the international trend in the 1990s to actively advocate for customary rights through participatory mapping. The first participatory mapping project was conducted by the World Wildlife Fund (WWF) in Kayan Mentarang, East Kalimantan (Peluso, 1995). Participatory mapping of Dayak communities was also conducted in West Kalimantan by the Pancur Kasih organization in 1995 in order to receive due recognition for the *adat* communities and their lands (Pramono et al., 2006). Participatory mapping became more prevalent after the establishment of the government's Regulation No. 69/1996 concerning public participation in spatial planning. Indonesian activists responded to the regulation by forming the Network for Participatory Mapping (*Jaringan Kerja Pemetaan Partisipasi, JKPP*) in 1996 (Pramono, Samperante, & Achmaliadi, 2009). Between 1996 and 1997, participatory mapping was conducted in several *adat* villages in Kalimantan (Deddy, 2006). It was difficult, however, for these maps to be adopted into government policies on spatial planning, especially during the Suharto government (Pramono et al., 2006). After Suharto's fall in 1998, advocacy for the rights of *adat* communities intensified. The establishment of AMAN in 1999 encouraged the struggle for the rights of *adat* communities in Indonesia. In line with the AMAN agenda, participatory mapping initiated by JKPP became an important strategy to strengthen *adat* claims to lands and forests in order to guarantee the continuity of their livelihood (Pramono et al., 2009).

In the province of Papua, participatory mapping has gained importance since the enactment of the Special Autonomy Law No. 21/2001. This law has opened up wider opportunities for participation, which has been used by NGOs to carry out participatory mapping in several villages in Papua in order to ensure land formalization and titling. The implementation of MIFEE has become an obvious example for the way in which the Indonesian government neglects the existence and rights of *adat* communities in Papua in exchange for support for development projects. It shows the contradiction of implementing a Special Autonomy Law that stipulates recognition for customary rights, while at the same time implementing a spatial planning process that prioritizes economic development at the expense of *adat* land in Merauke. This contradiction encourages NGOs to advocate for *adat* communities to fight against land grabbing in the course of MIFEE's implementation. After the launch of the project, many NGOs united to form the Papuan People's Solidarity to Reject MIFEE (SORPATOM). The NGO group was extremely effective in highlighting the negative impacts of MIFEE for *adat* communities in Merauke. The group wrote letters to the United Nations Committee on the Elimination of Racial Discrimination (UNCERD), requesting the committee to urge the Indonesian government to abandon the implementation of MIFEE (Ginting & Pye, 2013). Many of the NGOs that were incorporated in SORPATOM promoted the termination of the MIFEE project because it led to land grabs of *adat* land. These NGOs did not succeed in stopping the MIFEE project but they believed that participatory mapping could be used as an instrument to stop land grabbing. They therefore persuaded communities to create *adat* land maps to protect their land and to gain legal recognition and titles for their lands.

Several of the villages that are affected by the MIFEE project have created or plan to create *adat* land maps at the behest of NGOs. The involved NGOs believe that an *adat* land map created by a participatory mapping process can be a powerful instrument to counter government maps that are used to make claims over land or forest areas. Participatory mapping, therefore, has become a way to resist the implementation of MIFEE. Every village has its own specific reason to create an *adat* land map through participatory mapping. For example, in Selu, *Yayasan Pusaka*, an Indonesian NGO supported by international NGOs, raised awareness among *adat* communities about the importance of participatory mapping. After SIS was deemed in violation of its promises to Selu communities, the village leader asked Yasanto to help create an *adat* land map of Selu. Participatory mapping in Selu was conducted in 2013. The process took three months (from October to December). Local government funded the project<sup>8</sup> in an effort to counter the negative backlash to the land grabs that had spread during the implementation of the MIFEE. The *adat* map also made it easier for the government to map the owners of *adat* land in the respective villages (Yasanto, 2013). In addition, the close relationship maintained by Mbaraka, the new head of Merauke district, with Yasanto may have influenced his decision to trust the fund for participatory mapping of the village.

*Yayasan Pusaka* was also very active in introducing participatory mapping in Alu. The communities in Alu trusted *Yayasan Pusaka* because the NGO had supported

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8 Participatory mapping for this village was funded from a grant made in 2013, provided from the Merauke district budget. The local government granted IDR 560,300,000 (USD 42,410) to conduct participatory mapping in five villages in Animha sub-district (Yasanto, 2013).

them in protecting their lands from the Rajawali Group. *Adat* communities, through the head of village, asked the NGO to help with the participatory mapping of their *adat* land. In 2011, participatory mapping of the village was conducted with the financial support of two international NGOs – the Forest Peoples Program (FPP) and the Climate Land Use Alliance (CLUA). In the process, a participatory *adat* map was established for the border area between Alu and neighboring villages. The map was anticipated to provide a last defense for Alu communities against the Rajawali Group as the major instrument to claim their lands.

In Duku, the secretary of the village requested students from Musamus University (Universitas Musamus Merauke) to facilitate participatory mapping. The *adat* communities in Duku felt that creating the *adat* land map was important and planned to self-fund the project. Duku was initially driven to make an *adat* land map after communities from Alu claimed parts of Duku *adat* land as their own. *Adat* communities in Duku aim to use the map to reclaim the *adat* land that is now claimed by Alu communities. However, the participatory mapping has yet to begin and remains under negotiation between Musamus University and village administrators in Duku.

From these three examples, it is clear that participatory mapping has become an important instrument to create a sense of legal ownership for the *adat* communities. In Selu, the *adat* map created through participatory mapping will be used to reclaim *adat* land that has been taken by the company by means of unfair negotiation. In Alu, *adat* members feel that the *adat* map is an important tool to protect their lands from a company that tried to grab them. It is also important for claiming *adat* land ownership for Alu members who feel that the community was left with too little land after the transmigration project. Unlike the other two villages, the Duku community feels that participatory mapping is important to claim lands that are threatened by *adat* communities in their neighboring village. In all three villages, *adat* maps created by participatory mapping are seen by *adat* people as powerful instruments to claim ownership of *adat* land.

### THE LIMITS OF PARTICIPATORY MAPPING

Experiences from several countries over the last decades have shown that participatory mapping has helped communities to receive recognition of customary rights (Chapin, Lamb, & Threlkeld, 2005; Deddy, 2006; Gessa, 2008; Herlihy & Knapp, 2003; Roth, 2009). Participatory mapping has led to successful land claims, compensation for customary lands taken by states or companies, and the recognition of customary lands and territories (Fox et al., 2005; Peluso, 1995). The maps enhanced community capacity to negotiate access to local resources, and increased their involvement in policy processes. However, the practice of participatory mapping may also bring unexpected consequences for the communities. First, mapping can cause fragmentation and conflict among communities. Second, because the map fails to provide customary land use information, it can erode the status of indigeneity of customary lands. Third, the map can increase state co-optation over customary lands by giving the government authority to control customary lands under legal regulations (Fox, 2011, p. 66). The participatory mapping that has been carried out in order to counter MIFEE has also faced the problems described by Fox (2011), including fragmentation

and conflict among members of the Marind Anim tribe. After participatory mapping was conducted, a dispute about the border between neighboring villages emerged. Previously the two villages did not have a rigid concept of their border but used a natural barrier such as a stand of trees, a river, or stones to signify the border between *adat* land held by a certain clan and to recognize existing *adat* land ownership. The border was acknowledged based on a mutual understanding among the community members. For example, when they hunted kangaroo (*saham*) and the animal died on another clan's land, the hunters would divide and share the meat with the owners of the land.

However, after the participatory mapping was conducted, the rigidity of the map caused problems. The communities felt that claims to certain areas were very important. A clear example concerns the neighboring villages of Alu and Duku. Alu wanted to protect their land from the company and the local government, but when they conducted participatory mapping, they failed to consult with the neighboring village of Duku. This led to their claiming an area near the border of the two villages. The Alu community used the map to claim *adat* land that overlapped with the *adat* land of Duku. This led to fragmentation between the communities in Alu and Duku. The two communities are both from the Marind Anim tribe and members often intermarry. Therefore, the *adat* land of these two villages does not require a rigid border. In addition, because of intermarriage, *adat* landowners cannot be divided firmly on the side of one village or the other, because the next generation could inherit the rights over *adat* land from either village. This is why Alu's claim over Duku's *adat* land ignited the anger of Duku members. On the other hand, Duku's rejection of Alu's map also sparked the anger of Alu members.

They [Duku] violated the *adat* land border that has been existing. Rajawali Group created the border beyond the original border. This caused the conflict. . . . There was a meeting between Alu and Duku to discuss this border. They persisted [on the newly created borders] and I evicted the Duku village head. (village head consultative body in Alu, 20 August 2014)

That is Duku land, but after the company operated, they [Alu] did not accept that border. They defended that [border] . . . even the conducted *adat* meeting cannot solve this [*adat* land border] dispute. Besides that, they even threatened us. (village head of Duku, 21 August 2014)

These issues not only fragmented *adat* communities, but also led to social conflict. In the case of Alu and Duku, tensions have erupted between *adat* members from both villages. Worse still, the traditional *adat* meeting that is customarily used to solve problems among *adat* communities has not been able to settle the problem of overlapping land claims. In order to settle the conflict, administrators from both villages agreed to bring the problem to the district head of Merauke for resolution. However, as of September 2014, the conflict had yet to be resolved.

This conflict shows the irony of participatory mapping of *adat* land. While *adat* communities struggle to gain recognition, the community itself no longer recognizes their own *adat* rules. Despite the aim to revitalize indigenous values through the

implementation of participatory mapping, the recognition of *adat* land instead keeps them away from their indigenous values. The conflict between Alu and Duku villagers has contributed to the loss of indigenous values for the Marind Anim tribe. The map made things worse through a lack of information and a failure to address *adat* values during the participatory mapping process, which created misunderstandings about land ownership. In fact, it is considered taboo among *adat* communities to discuss the history of *adat* land with anyone from outside the village clan.

The case of Selu is different from the two cases above. The map created with participatory mapping in Selu will be used to reclaim the *adat* land that is cultivated by SIS. The *adat* communities in Selu do not know how many hectares of land have already been cultivated by the company. Nonetheless, the map is also expected to be useful for reclaiming *adat* land after the contract with Medco is finished. Unlike the map in Alu that only delineated the border with its neighbors, the participatory *adat* map in Selu also maps *adat* land among the clans inside Selu. The map does not only show the border with the neighboring village, but also states the name of the clan that owns *adat* land within the village (Yasanto, 2013). Indeed, the goal of this map is not the delineation between villages but the mapping of *adat* landowners among the clans in Selu. The rigid and detailed map produced by the communities of Selu may loosen kinship ties within single clans of Marind Anim, causing members to become individualistic. This, in turn, could make clan members become more pragmatic in seeking economic profit as individual landowners. Because the map does not recognize the concept of *adat* land, it may transform communal land into private land. As a result, a race to claim *adat* land may take place in this village. In the long term, the map may ignite fragmentation or even conflict as the participatory mapping process has failed to gather complete information about the history of *adat* land.

Another problem is that the head of Merauke district has not yet signed the document that would make *adat* maps a legal proof of *adat* land ownership. Accordingly, the map still lacks the force of law. Based on my observations, local government support for participatory mapping is only voiced to counter the negative backlash from implementing MIFEE. Although local government is trying to promote the protection of *adat* land in Merauke, its unwillingness to legalize the participatory *adat* map indicates its half-hearted support. Furthermore, the local government even intends to use the maps to conduct negotiations with landowners. According to them, the main obstacle to implement MIFEE is the complexity to lease *adat* land. The *adat* map makes it easier for the government and companies to target whom to negotiate with. A concrete example for this argument is a land deal in Baley village, where the company SIS leased land to set up a saw mill. As there was no *adat* map that showed the owners of the land, the company mistakenly gave financial compensation to the *adat* community in Baley. However, the *adat* community in the neighboring village (Sesa), was the actual owner of the land used to set up the factory. The situation led to a conflict that was disadvantageous for the company and could have been avoided through a detailed map. Therefore, the government and the company both benefit from *adat* maps that guide their investments. In turn, the same maps often leave *adat* communities without the legal protection they hoped to gain from the participatory mapping process.

The cases show that the communities perceive the maps as the final accomplishment of all forms of struggle for their *adat* land: “We have our original map [participatory map] that shows the border of our land” (village head consultative body in Alu, 20 August 2014). Hence, holding an *adat* map means having authority over the area that is claimed. The communities do not realize, however, that participatory mapping produces flexible maps that can change at any time with social change in the community. Even in the NGO participatory mapping report, “it stated that the map is not the final map. This map is an early stage of *adat* land owner map which has to improve and update with the existed information to obtain the definitive map” (Yasanto, 2013, p. 41). Inter-marriage among villages also can change the piece of *adat* land status in the village. Besides that, the *adat* land that is owned by an *adat* community in one village is not always only inside the village, but also situated in other villages (Yasanto, 2013, p. 102). However, how this affects the map was not communicated well to the *adat* community in the process of mapping.

This lack of understanding the map, its legality, and how it can be used causes conflict among the members of clans and villages. Over-simplification of the importance of participatory mapping by the NGOs has contributed to the problem. Participatory mapping has become a generic prescription for all *adat* communities struggling for their lands, whether or not the resulting maps are recognized by the government. The promotion of participatory mapping by Indonesian NGOs follows an international NGO movement, which also actively supports and funds the local NGOs working with *adat* communities in the MIFEE project. Although the NGOs believe that the maps produced from participatory mapping can be used to gain land formalization, and even land titling from the government, they have not considered the possible problems that these maps may cause.

## CONCLUSION

Participatory mapping has been considered as an important mechanism for *adat* communities in their struggle to claim rights to customary land. This perception is boosted by NGOs in Indonesia who also advocate on behalf of the Marind Anim indigenous people in Merauke. They believe that participatory mapping can stop the land grabbing taking place under the MIFEE project in Merauke district, Papua, and protect the *adat* land of the Marind Anim. Through an analysis of the land grabbing as well as the subsequent participatory mapping processes in three villages in the MIFEE area, this article has shown that, contrary to the intended purpose, participatory mapping has initiated problems. First, it has caused fragmentation and conflict among *adat* communities. Second, the legal recognition of *adat* land through land formalization has led to the co-optation of *adat* land by companies and/or the state. Usually, the key problem for a company is the vagueness that surrounds *adat* land ownership. Participatory mapping renders visible the clear ownership of *adat* land, making it easier for a company to identify the target of negotiation for land. In addition, once a parcel of *adat* land is fixed as land owned by one person, *adat* land can be easily transferred into private land and can then be more easily leased by legal means. It is often forgotten that not only the *adat* communities themselves and NGOs, but also investors want legal recognition for *adat* communities. Traditional communities



are always seen as obstacles to development and are difficult to target for investors. Legal recognition makes it easier for them to find the target person with whom the company representative has to speak and negotiate. Thus, it can be said that participatory mapping is creating a new space for legal land grabbing.

For *adat* land ownership, land formalization and titling could become a trap for *adat* communities and endanger their livelihoods. After land titling, *adat* land can be transferred, mortgaged, and sold in a legally-binding fashion, a process already observed in Cambodia (Milne, 2013) and in the Philippines (Crisologo-Mendoza & Prill-Brett, 2009). It is therefore not impossible that *adat* land will cease to exist and that private land ownership will become the dominant land ownership regime in Papua. In this sense, participatory mapping may become a new instrument to accelerate legal land grabbing and create new conflicts between members of *adat* communities.

The new government under president Jokowi intends to continue the agricultural expansion in Merauke. The central government is planning to open another 1.2 million ha for rice cultivation. To clarify the status of the land, Jokowi released the one map policy. The policy aims to create one map as a basis for spatial planning and for the release of all further investment permits. Considering that *adat* land has always been an obstacle for the implementation of the expansion project, can this policy be an opportunity for indigenous peoples to incorporate their traditional territories based on *adat* maps resulting from participation or does the mapping facilitate the investment in *adat* land? This question has to be considered by NGOs in their support of participatory mapping.



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