

***Musibah:***  
**Entitlements, Violence and Reinventing Tradition in the Kei Islands,  
Southeast Maluku**

**Paper submitted for the  
International Association for the Study of Common Property  
9<sup>th</sup> Biennial Conference, Victoria Falls, Zimbabwe**

*These disputes ... create a mass of work and are in general difficult to settle  
because everything is based on tradition.* – G.W.W. Baron van Hoëvell (1890)

## **1. Introduction**

The Kei Islands of Southeast Maluku are renowned for their strong and vital customary law (*adat*). Revealed in seven edicts, with several sets of sub-clauses, *Hukum Larwul Ngabal* ranks among the more fully elaborated, formalized *adat* law codes of Maluku. It has survived four centuries of sporadic warfare, the conversion of most of the islands' population to Islam and Christianity, a half century of colonial rule, the turmoil of the early Republican era, and the order and progress of the New Order period. The former *Bupati* (District Head) of Southeast Maluku, Haji Hussein Rahayaan, had the words *Larwul Ngabal* emblazoned in two-meter letters on a concrete wall over a major intersection in the district capital Tual. He was fond of exclaiming, "When we speak of law in Kei, we mean first and foremost *Hukum Larwul Ngabal*. After that there is the religious law of the al-Quran and the Bible, and thirdly the formal law of the Republic of Indonesia."

For three months in early 1999, all law ceased to function in the Kei Islands. Intercommunal violence had broken out in the provincial capital Ambon in January that year, quickly escalating into a bloody civil war that has killed more than 5,000 people and displaced roughly 500,000 more. Once held up as a model of religious and ethnic harmony, communities in Ambon, Ceram, Buru and other islands in Central Maluku have become both perpetrators and victims of savage assaults and vigilante justice. The main dividing line between the two sides is religious identification, though religious issues were not at the core of the fighting when it first erupted.

When it began, few people believed that this conflict would spread to Kei, Tanimbar or the Southernmost Islands. Of the disbursed archipelagos comprising the District (*Kabupaten*) of Southeast Maluku, only Aru experienced any fighting during the opening months of the conflict.<sup>1</sup>

When the trouble did arrive in Kei, everyone was taken off guard by its ferocity and the speed at which it spread. Many Kei Islanders were living in Ambon, and some of these had been caught up in the violence as it unfolded there. People in Kei received radio, television and first-hand reports of the troubles in the capital. The mood in Kei, particularly in Tual, was tense. Fisticuffs occasionally broke out between groups of Christian and Moslem youths. On the 29<sup>th</sup> of March 1999, a 16 year-old Christian youth took a can of paint and scrawled "**Mohammad was Jesus' servant,**" "**Islam is filthy**" and "**Grimy Mosques**" on a wall in

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1 Aru has long been a locus of intercommunal strife. There are 13 indigenous ethnic groups, each with their own distinct language. Poverty, malnutrition and illiteracy are endemic among the local population. The local economy is dominated by powerful outsiders. Large timber firms clear-cut the islands' forests, and shrimp fishing fleets drag their nets within a few meters of the shoreline. Pearl companies pay pittance wages for dangerous work. Since the 1980s, the arrival of hundreds of government-sponsored transmigrants from Java has added to this volatile mix.

Tual. A group of Moslem protestors demanded an immediate investigation and arrest. The police apprehended the youth, but because he was under the legal adult age of 17, released him after a warning and “guidance.” The young man claimed that he painted these slogans in response to graffiti he had seen that said, “**Jesus had long hair full of lice.**”

The youth’s lenient treatment at the hands of the police (the Chief of Police for Southeast Maluku at the time was a Catholic) enraged the Moslem populace of Tual. That night, rumors spread like wildfire as neighborhoods erected barriers and assembled guard patrols. The police went on high alert. Soon, roving gangs of youths wearing white (Moslem) or red (Christian) headbands spread through the town brandishing machetes, spears, bows and arrows, bamboo cannons and Molotov cocktails. Brawling broke out between groups from Tual and Faan, a mainly Christian suburb to the south of Tual, and quickly escalated.

The sky filled with smoke, numbers of wounded and dead quickly mounted, and groups of frightened residents begin crowding into safe areas such as military bases and police stations, seminaries and schools. By the second day, skirmishes had spread to Elat, the port and *Kecamatan* (Subdistrict) seat across a narrow strait on the island of Kei Besar.

A long-simmering public rivalry between two local politicians – the (Protestant) District Secretary (*Sekwilda*) and his immediate superior, the (Moslem) District Head (*Bupati*) – was apparently the pretext for a vicious attack by villagers from Weduar Fer, the *Sekwilda*’s village, on the *Bupati*’s village, Larat. The attack took place on a Friday, as the men of Larat were gathered at the Mosque to pray. Several neighboring villages joined in the fighting. Gathering intensity, the confrontation spread from there to villages up and down the coast of Kei Besar, then across the strait back to Kei Kecil. The attacks became more vicious, and casualties quickly mounted.

Before the mayhem ended in June 1999, some 200 people had been killed, over 4,000 homes, government offices, markets and places of worship destroyed or damaged, and more than 30,000 people – a quarter of the entire Kei Islands population – displaced. In hastily erected refugee encampments, many more people died of treatable diseases such as diarrhea, measles and malaria.

Three years later, the communities of the Kei Islands are still trying to come to grips with what happened, and to rebuild their villages, lives and community.

## 2. *Ken sa fak*: “We were all wrong”

Today, people in Kei refer to the 1999 hostilities as the “*Musibah*” – a term usually used to describe natural disasters such as earthquakes, typhoons, floods and fires. It is a widely held belief that the conflict was the result of local people’s disregard for the “wisdom of the elders.” The people of Kei, this logic holds, had become distracted by modernization, consumerism and individualism, which invited a return of the lawlessness and disorder that prevailed in the islands during the dark ages of “*Dolo Soin Ternat Wahan*,” before “stranger kings” arrived bringing law and civilization.<sup>2</sup> The solution to Kei’s problems, many people believe, lies in reviving the traditions of an imagined golden age of harmony and glory. A commonly heard refrain in Kei today is “*Ken sa fak*,” meaning “We were all wrong.” How will Kei find its way back to the path of righteousness?

This paper examines some of the underlying causes and the effects of the 1999 *Musibah* in the Kei Islands. It begins with an overview of the ethnic and cultural profile of Kei people,

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2 *Dolo Soin Ternat Wahan* refers to a time centuries past, when Kei was on the periphery of the Jailolo and Ternate kingdoms far to the north (Rahail 1993). This is described as a time of selfishness, lawlessness, murder, pillage and intrigue. (For a discussion of “stranger kings,” see below.)

and a history of their conversion to Islam and Christianity. A central topic in this examination is the story and text of *Hukum Larwul Ngabal*. The language of the law itself is very abstruse; a simple reduction is presented, based on the author's discussions and observations during field research in Kei in 1997-98. This is followed by a brief history of colonial and post-colonial government and capitalist endeavor in Kei, focusing mainly on attempts by external powers to reshape local institutions to better accord with colonial or national political economic imperatives. Each of these factors is then related to the central issue of property.

The narrative then returns to the present-day situation in Kei, to deduce the extent to which issues of property and entitlements contributed to the spontaneous outburst of murderous rage. It employs a simple analytical device known as the Sustainable Livelihoods Framework to frame this analysis.

### **3. The Ethnic and Religious Composition of Kei**

The community of Kei is ethnically and culturally homogeneous. There are small numbers of Bugis and Makassarese traders and Javanese civil servants and military personnel living in Tual and Elat, some Sino-Indonesian shop owners and businessmen, and a few villages established long ago by refugees or migrants from other parts of the country, that have retained some of the language and culture of their origin.<sup>3</sup> Everyone else is ethnic Kei. All of these communities have lived in relative harmony for many generations.

Like most Malukan societies, Kei is characterized by a stratified social structure grounded in a long history of migration, and later, externally imposed government forms. The original inhabitants of the Kei Islands arrived during Australoid migrations from the Asian mainland beginning around 2,500 B.C. (Bellwood 1985). Cave paintings at Ohoider Tavun in northwest Kei Kecil bear silent witness to these ancient seafarers. Genealogically organized groups lived in small settlements in the interior, where they were more easily defended against attack by other local groups, or raiders and slave traders from Papua.

Migrations during the early modern period had a strong influence in shaping the culture and social structure of Kei. During the Majapahit era (14<sup>th</sup> through 16<sup>th</sup> centuries), the great Javanese courts and vassal states developed oceangoing fleets, and expanded their influence throughout much of the archipelago. During this period a few emissaries and migrants began arriving in Kei from the west and north. Whereas expansion of trade was the driving force behind much of the migration and cultural penetration and transformation in North and Central Maluku, it appears that most of the settlers arriving in Kei were refugees from rivaling courts and kingdoms in Java, Bali and Sumbawa. Beyond its abundant ironwood and *teripang* (sea cucumbers), Kei had little to offer that would attract traders. Upon arriving in Kei, the strangers requested permission from autochthonous leaders to settle on empty land, or to join existing clan groups. Legend has it that the local villagers, who could see that these newcomers possessed superior cultural and social attributes, invited the outsiders to become their leaders. This phenomenon of "stranger king" is a common feature of many Malukan cultures (Andaya 1993). There is no evidence to suggest that the new leaders used military force to attain their superior position (Guertjens 1924; Laksono 1990). Under new leadership, villages in Kei began moving to the coast, and growing in size.

Leaders of the immigrant and indigenous groups formed blood bonds, slitting their palms or forearms and drinking the blood of their new "brothers." As siblings, intermarriage between

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3 For example, the villages of Banda Eli and Efruan on Kei Besar are populated by the descendents of Banda Islanders who escaped Jan Pieterszoon Coen's eradication of the native population of the nutmeg island in 1619-1621. Another village, in Kei Kecil, is named Selayar, after an island village in South Sulawesi. The entire population of the island of Tarwa (dispersed since the 1999 violence) bore the surname "Bugis."

the two groups is forbidden, tantamount to incest. This relationship developed into a caste system, with differing rights and clearly delineated politico-religious functions assigned to the respective groups. There are three castes in Kei: “*mel-mel*,” descendants of migrants, “*ren-ren*,” autochthonous inhabitants, and “*iri-ri*,” the slave caste.<sup>4</sup>

Aside from occasional Papuan raiders, traders from Ceram, Ternate, Sumbawa and Sulawesi, and the refugees from Java and Banda, there were few visits by foreigners to the Kei Islands during the early modern period. Kei was incorporated into colony of *Nederlandsche Oost-Indische* in 1817, when along with the other southern and southeastern islands it was placed under the jurisdiction of the *Gouvernement der Zuid Molukken*, with its capital in Amboina.

Colonial officials and entrepreneurs were alarmed by the spread of Islam in the Kei Islands. They worried that Mohammedanism bred fanaticism and rebellion, and thus constituted a serious threat to the colonial missions of promoting enterprise and developing an industrious and prosperous society. Moslems in Kei were described as “sly, full of tricks, disloyal, sneaky, quiet and retiring, but cunning and deceitful, mischievous and prideful, and too lazy to do work” (Von Hoëvell 1890:121).

As late as the 1860s, the only Moslems in the islands were refugees from Banda in the villages of Banda Eli and Efruan, and a few Macassarese traders in Tual and Elat. By 1887, however, 5,893 people, or nearly a third of the entire Kei population, had converted to Islam (Von Hoëvell 1890). Islam tended to spread more rapidly in regions where the Dutch were attempting to increase their own influence (Ricklefs 1981; Andaya 1993).

The idea of introducing Christianity to help “civilize” the people of Kei was first promoted by Adolph Langen, a German entrepreneur who was attempting to develop a timber and agriculture concession in the islands (see Section 5 below). Langen had been impressed by the Catholic Church’s achievements in Larantuka, Flores, where they had succeeded in converting “a nation who was lazy in the past ... to work and aspire to progress,” and sent a letter to the Vicar Apostolic in Batavia urging him to establish a mission in the islands (Haripranata, n.d.: 8).

The alarming growth of Islam in Kei led the government to expedite the petition to establish a mission in Kei. The first Catholic missionaries arrived in Kei in 1888, and set up in the port town of Tual. Islamic influence was already well established in Tual, and they made no inroads there. The following year, the Fathers distributed medicine during a cholera outbreak in Ohoingur, a village just across a narrow strait from Tual on Kei Kecil, winning the trust and admiration of people there. They baptized their first converts in 1889. The next year the mission moved its headquarters to Ohoingur (later renamed Langgur in honor of Adolph Langen), which today still serves as an important center of the Catholic religion in Southeast Maluku (Renyaaan 1996).

The Catholic Fathers quickly learned the importance of class and family relations for their conversion efforts, and embarked upon a systematic study of Kei culture and social structure.<sup>5,6</sup> Sometimes, village elders would encourage a single individual to become a Catholic,

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4 *Iri-ri* are descendents of captives from past wars, or villagers who had been condemned to death for violation of *adat* rules (usually intra-caste marriage or fornication), but then spared from execution. In return for their life, these individuals and their descendants became perpetually beholden to the family of the person who granted clemency or made retribution on their behalf. *Iri-ri* own their own gardens, and enjoy most of the rights of other villagers, although they can never assume any political office, and are forbidden to marry out of their caste.

5 Over the years, Catholic scholars have produced most of the important scholarly work on Kei society (e.g., Kusters 1895, 1898; Geurtjens 1921, 1924; Klerks 1931; Gielen 1979; Ohoitimur 1983; Laksono 1990; Renyaaan 1996).

then watch what happened. If the results were favorable, they would then lead the entire village to convert. The missionaries also placed great emphasis on education. By 1919 there were 78 primary schools in Kei, and better students were recruited to secondary schools for training to become teachers (Lasomer 1985).

During the first decades of the 20<sup>th</sup> century, the number of Catholic converts in Kei grew rapidly. Protestant missionaries from the *Indische Kerk* in Ambon arrived in Kei in 1900, and by 1905 had established a foothold near Elat, in Kei Besar. Soon, an unhealthy competition arose between the two missionary groups. Antagonism between Dutch Catholic and Protestant clerics spread to their flocks, creating new fault lines in Kei society (Lasomer 1985). Presently, population of Kei is about 45 percent Catholic, 40 percent Moslem, and 15 percent Protestant. Only a few pockets of the original animist faith, now called “Hindu,” remain.<sup>7</sup>

Ukru et al. (1993) suggest that the study of Kei should be named “theography.” Due to the phenomenon of mass conversions, whole villages generally cleave to one religion or another, creating a patchwork pattern. In villages with more than one religion, adherents of different faiths tend to live in separate neighborhoods. When groups converted to Islam, they often formed new *kampung* a small distance from the original village. These people were not expelled, and the move occurred without rancor. The newly converted Moslems required settlements that were free of dogs and pigs. During the author’s fieldwork in the Kei Islands in 1997-1998, numerous informants stressed that religion was not a divisive issue in Kei, that the bonds of family and *adat* were far more important, and far stronger, than any differences between imported religions.

#### 4. *Hukum Larwul Ngabal: The Law of the Land*

*Wo, a la but wau, su ntev alihin bes ni wang ... NN ... o;  
Ni wang fel bebak lak, lakteaaw nda mav ne wang ... NN ... o.*

We are shocked, ashamed, it is a pity, for the mighty law has thrust its brass hook into you,  
and you ... NN ... have become a part of it;  
Like the reddish duck, like the dove that flies, it carries you away ... NN...  
to become its possession.

- Processional chant as a condemned prisoner is led to his execution (Ohoitumur 1983).

According to legend, law was introduced and disseminated in Kei by two different groups of leaders (mostly “stranger kings,” but also a few autochthonous rulers). Various terms are used to name these men: *Hala'ai* means “leader” or “big man,” *Mituduan* is usually translated as “ruler of the land” (a title used by autochthonous clan leaders). *Rat*, *Ratatnas*, *Viswad* or the Indonesian (Sanskrit) *Raja* mean “king.” The legends that describe the genesis of *Hukum Larwul Ngabal* also provide the framework for the sociopolitical order that still pertains in Kei.

The best known of these legends is the story of Ditsakmas, the daughter of a Balinese *raja* named Kasdew who lived in what is now the village of Letfuan, on the western coast of Kei Kecil. During a trip around the island to seek a suitable husband, Ditsakmas was accosted and robbed by ruffians. After dispatching the perpetrators, Ditsakmas’ brother Tebtut – generally

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6 Asymmetrical connibium – the assigning of bride-giving and bride-taking roles to particular clans – often worked in favor of the missionaries’ conversion efforts. If a *mangohoi* (bride-giving) clan converted to Catholicism, then the bride-taking *vanur* clans would have to follow suit, in order to retain a guaranteed supply of women for their sons.

7 The New Order government’s interpretation of the state ideology *Pancasila* required that all Indonesians be members of a world religion, i.e. Islam, Catholic, Protestant, Buddhist or Hindu.

considered to be the “father of *Hukum Larvul Ngabal*” – summoned eight other *Hala'ai* to discuss matters of peace and security, and to form a federation. The assembled *Hala'ai* agreed on certain edicts, and sacrificed a buffalo named *Hungar Nar* to seal their alliance. Pieces of the meat were presented to each of the nine *Hala'ai* in attendance. Together, these *Hala'ai* formed a federation named *Ur Siu*, meaning “Nine Heads” or “Nine Leaders.” Additional portions of the buffalo were sent to other *Hala'ai* who had not attended. With these symbolic gestures, the law was thus spread to all corners of Kei Kecil, Dullah and Kei Besar.

At about the same time, a second federation, the *Lor Lim* (“Five Heads, or Leaders”) was formed in Ler Ohoilim, in southwestern Kei Besar. These men killed a whale (or serpent, or dragon) with a Balinese lance (*Ngabal*), and divided it among their five clans. Different versions of the story of *Larvul Ngabal* assign different roles to the separate groups – some claiming that the law actually originated at the Ler Ohoilim meeting and was later spread to the *Ur Siu* group in Kei Kecil, others say that the *Ur Siu* group formulated the first four clauses (*Hukum Larvul*, or the “Law of Red Blood”), while the remaining three (*Hukum Ngabal*, the “Law of the Balinese Lance”) emerged from the *Lor Lim* meeting, and that *Hukum Larvul Ngabal* was only complete once the two parts had been joined. In its final form, *Hukum Larvul Ngabal* comprises the following seven clauses:

1. *Uud entauk na atvunad* (Our head rests atop the nape of our neck);
2. *Lelad ain fo mahiling* (Our neck is respected, exalted);
3. *Uil net enwil rumput [or atumud]* (A skin [of soil] encases our body);
4. *Lar nakmot na rumud [or ivud]* (Blood stays calmly within our body);
5. *Rek fo kilmutun [or mahiling]* (Boundaries [of ash, i.e., the doorway to a household or room] must be respected);
6. *Morjain fo mahiling [or kelumutun]* (Marriage and purity must be respected, exalted);
7. *Hira i ni [ntub] fo i ni, it did [ntub] for it did.* (A person’s property shall remain that person’s property, our property remains our own).

As obscure as they may seem, Kei people agree that these seven edicts form the basis of social relations and order in the Kei Islands. The first four combine criminal law (i.e., “Thou shalt not kill”) with an elucidation of an ideal – and mystified – concept of proper social order (Head atop the neck, blood flowing calmly within the body). Numbers five and six comprise family law, stressing the sanctity of marriage. Numbers five and seven form the basis for Kei property law.

Nearly all adults in the islands are able to quote verbatim and explain the meaning of these seven phrases. Sanctions for those who violate these laws are generally quite severe, ranging from public humiliation, to payment of gongs, brass cannons or gold taels, exile, or death by drowning or live burial.<sup>8</sup> The seven edicts of *Hukum Larvul Ngabal* are further elaborated in several sets of equally recondite sub-clauses, known as *Sasa Sor Fit*, *Hanalit* and *Nevnev*.<sup>9</sup>

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8 These latter sanctions have not been practiced in Kei for many decades.

9 The seven wrongdoings/violations (*sa sa*, or *sa sorfit*) of *Hukum Larvul* – Kei’s “criminal code” – are contained in the *Nevnev*:

- *Murnai, subantai.* (Swear or insult.)
- *Hebang haung.* (Make plans with intent to harm.)
- *Rasung smu-rodang daid.* (Harm someone using black magic, curses.)

In the introduction of this essay, the term *adat* was translated as “customary law.” In fact, its meaning is far broader, and more diverse, than that. Hooker (1978: 50) notes that “it can mean any one of the following: law, rule, precept, morality, usage, custom, agreements, conventions, principles, the act of conforming to the usages of society, decent behavior, ceremonial, the practice of magic, sorcery, ritual.” He goes on to point out that “the precise meaning of the term depends upon the context.” Elsewhere in the same text, remarking on the study of Indonesian *adat* and customary law in general, Hooker challenges the distinction many legal scholars draw between the “rule of law” (from above) and “order of custom” (from within). He quotes Diamond (1970) to illustrate this “well-known hardy annual in the ethnography of law”:

Custom – spontaneous, traditional, personal, commonly known, corporate, relatively unchanging – is the modality of primitive society; law is the instrument of civilization, of political society sanctioned by organized force, presumably above society at large, and buttressing a new set of social interests.

By this definition – and, it should be noted, according to the Kei people themselves – *Larvul Ngabal* is Law. *Hukum Larvul Ngabal* is “the instrument of civilization” in Kei, it is “sanctioned by organized force,” is “above society at large,” and “buttress[es] a (no longer) new set of social interests.” For the people of Kei, the law/custom of *Larvul Ngabal* draws additional power and legitimacy from its antiquity, and its “relatively unchanging” character.

- *Kev bangil*. (Hit or strike someone.)
- *Tev hai-sung tawat*. (Spear, stab someone.)
- *Fedan na, tetwanga*. (Kill, cut, hang someone.)
- *Tivak luduk fo vavain*. (Bury someone alive, drown someone.)

Seven wrongdoings/violations (*sa sa* or *sa sorfit*) of clauses five and six of *Hukum Ngabal* – Kei’s “family law” – are set out in the *Hanalit*:

- *Sis auf, sivar usbuuk*. (Gesture to or call someone using rude hand motions, whistling or hissing.)
- *Kufuk matko*. (Flirt, make eyes at someone.)
- *Kis kafar, temar u mur*. (Pinch someone, or poke them from the front or behind with your bow or spear.)
- *En a lebak, en humak voan*. (Grope, hug, kiss.)
- *Enwail, sig baraung enkom lawur*. (Take off or damage a woman’s garment/loincloth.)
- *Enwel ev yan*. (Impregnate a woman out of wedlock.)
- *Ftu fweer*. (Elope, or run away with a woman.)

Additionally, there are three more *sa sa/sa sorfit* that although technically still fall under *Hanalit*, are sufficiently severe that punishment is determined by *Nevnev*:

- *Rehe wat tee*. (Steal another man’s wife.)
- *Itwail ngutun-enan, itlawur umat hoan*. (Take off a woman’s garments, spoil another man’s wife.)
- *Dos sa the’en yanat the urwair tunan*. (Incest.)

The seventh dictate – Kei’s “property law” – has its own set of wrongdoings/violations, set down in the *Hawear Balwarin*:

- *Faryatad sa*. (Illegally covet the belongings of another.)
- *Etkulik fanaub, or fatub a fa bor-bor*. (Harbor stolen goods.)
- *It bor*. (Steal.)
- *Tefen it na il umat i ni afa it liik ke the ifanaub*. (Not return another person’s property, whether lost or stolen.)
- *Taan gogom, or taan rorom/rasun/ratsun*. (Not work, eat the fruits of stealing.)
- *It lawur kom i ra i ni afa*. (Destroy or damage another person’s belongings.)
- *Et na ded vut raut fo en fasmus the enfakuis umat lian*. (Take or do anything with intent to harm.)

Three main themes feature prominently both in the text and legend of *Hukum Larvul Ngabal* itself and various scholarly and popular analyses (e.g., Ohoitmur 1983; Geilen 1979; Klerks 1939; Laksono 1990; Rahail 1993, 1995; Renyaan n.d.). These are: law/power, harmony/order, and property/matrimony.

**Law/power:** The law – its rich phrases, splendid ceremony, and sundry totems, trappings and symbols – is itself a talisman that embodies, and yields, great force. Disseminating the law and bestowing and acknowledging political power are inextricably linked in Kei. The legends describing the genesis and transfer of *Larvul Ngabal* throughout the islands represent the validation – the “proof” – of Kei’s political order. *Hukum Larvul Ngabal* supplies the power of “power relations” in Kei. When a *Hala’ai* accepted *Hukum Larvul Ngabal*, he gained the title *Rat* and became part of a larger confederation. He also gained the awesome power and majesty of the law. These events possessed great gravity and force, involving the transfer of the resonant phrases of law and legend, along with special attributes of law/power – lance, sword, gold disc, cannon. Over time, many of these symbols have transmogrified into particular trees, rocks or islets, that continue to retain symbolic significance and mystical and ideological power in Kei.

**Harmony/order:** Indonesian *adat* – and indigenous knowledge systems more generally – are characterized as systems whose primary function is the preservation of harmony. Man, community, nature and the supernatural are seen as indistinguishable parts of a unitary whole, and the function of *adat* is to identify and enforce proper behavior in one’s relations both with other people and with natural phenomena. Most analyses posit a sense of equilibrium, that if disturbed must then be restored. When *adat* is adhered to, society is at peace, and in harmony with nature.

In his analysis of *Hukum Larvul Ngabal*, Ohoitmur (1983) suggests that the function of punishment is not to deter or avenge so much as to restore order/balance. If the “order of things” is upset by the wayward acts of an individual or group, there will surely be grave consequences. Acts of theft, slander, desecration or incest put everyone at risk. Fish will not take the hook or will die and putrefy, the earth may tremble or typhoon winds come to tear forests and villages from the earth. To assure peace and harmony, authority/law must be obeyed, and offenses must be redressed. Balance must be restored. The law demands it.

In addition to the law’s power discussed above, another important feature is its pervasiveness and universality. A supplementary definition of *adat* that features prominently in the work of Hooker (1975, 1978) and others is “obligations system.” Discussing the nature of *adat* in indigenous culture, Hooker (1978: 51) remarks that, “there is practically no sphere of life to which the term ‘*adat*’ is not somehow apostate.” Under indigenous social structures, “elements which are thought of as disparate in European legal thought are commonly referred to in the same usage.” Magic, ethics, religion, matrimony, land holding, amongst others, are all discussed in the same framework. In Kei culture, *Larvul Ngabal* mediates and constrains all manner of relationship and interaction; embodying, preserving and enforcing harmony/balance, and restoring it when it becomes upset.

The late *Rat* of Maur Ohoi’wut, Johannes Rahail, wrote two small books in the 1990s to “preserve” Kei *adat* and introduce it to a wider audience (Rahail 1993, 1995). The second of these, *Bat Batangan Fitroa Fitnangan*, is an exposition of Kei property and natural resource management practice and institutions. It features a collection of proverbs and axioms about fish eggs, *kus-kus*,<sup>10</sup> roots, and seagrass, which he translates as evidence of the profound respect and sense of responsibility the Kei people feel toward the land and sea that sustain

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10 *Phalanger* spp., a small, sluggish tree-dwelling marsupial.



them. These sentiments, forged by generations of intimate contact with the environment, are codified in various expressions and verse:

*Itdok fo ohoi itmian fo nuhu*  
*Itdok itdid kuwat kokwain itwivnon itdid mimiir*  
*Itwarnon afa ohoi nuhu enhov ni hukum adat*  
*Itwait teblo uban ruran*  
*Ikbo hukum adat enfangnan embatang haraang*  
*Nit yamad ubudtaran, musid teod erhoverbatang fangnan*  
*Duad enfangnan wuk*

We stay in the *kampung* where we live, and eat from its land  
We live in our place and we guard what is ours  
We shoulder the responsibilities of our *kampung* with its *adat* law  
We live justly and we walk straight and tall  
And thus our *adat* will protect us  
And thus our ancestors will guard us  
And thus God<sup>11</sup> will bless us

Rahail's treatment of *Larvul Ngabal* and customary land and marine resource management in Kei are good examples of an increasingly popular interpretation of traditional knowledge and lore. "The ancients" and their tribal descendents have lately been imbued with an aura of deep ecological wisdom. The "close personal relationship" between indigenous peoples and the lands, waters, forests, sky and mountains where they are resident is contrasted against the Northerners' view of land and resources as commodities, and practice of extracting resources from distant areas that do not belong to them (e.g., Posey 1993; Gadgil, Berkes and Folke 1993; Alcorn 1994). Rahail's analysis is not without merit (and charm), however the harmony promoted by *Larvul Ngabal* and doctrines like it is the peace and order that derives from an hierarchical social order and supporting norms, rules and (especially) obligations, and sanctions for those who do not abide. *Rat* Rahail's "green" patina is a more recent innovation – a convergence of local knowledge and global discourse.

**Property/matrimony:** Geurtjens (1924:108) records that before *Larvul Ngabal*, the people of Kei "did not even recognize the ownership of goods or matrimony, and were always out robbing and looting."<sup>12</sup> The promulgation of *Hukum Larvul Ngabal* constituted the codification of property rights in Kei. The story of Ditsakmas is the first mention of the use of sacred tokens to protect possessions: After her first journey was so rudely interrupted (and once her molesters had been apprehended and dispatched), she set out again, taking another buffalo. This time, the beast was adorned with a *hawear* totem, made from the plaited leaves of a young coconut frond, a symbol still used in Kei today to denote property, warn off (or curse) trespassers, and prohibit harvest/gathering/taking/using.<sup>13</sup> In addition to its being the first formal account of property rights in Kei, Laksono (1990, pers comm. 2002) suggests that the

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11 Early Catholic missionaries translated the name *Duad* as "God." It is unclear whether this title originally referred to an individual being, perhaps some proto-ancestor. In some early ethnographic tracts, the term "God-the Dead" is used, without further elaboration (e.g., Geurtjens 1924).

12 Geurtjens also noted approvingly that the Balinese kings had compelled people in Kei to wear clothes to cover up their shame.

13 The term *Hawear Balwirin* denotes both the plaited coconut totem itself, and the set of rules defining property relations and transgressions (see Footnote no. 8).

centrality of the Ditsakmas legend signifies the commodification of women.<sup>14</sup> He further conjectures that the mutual obligations deriving from bride price, and the resource and property entitlements associated with marriage constitute the “warp and weft” of the social fabric of Kei.<sup>15</sup>

Clearly, the institutions of marriage, organized punishment, and a new sociopolitical hierarchy brought important changes to the Kei islands. The pace of change accelerated after the Dutch colonial officials and missionaries arrived and began to impose their own rules, obligations and systems in Kei.

## 5. Order and Progress

Since Kei had no cloves, nutmeg or gold, the VOC (*Vereenigde Oost-Indische Compagnie*, the United East Indies Company) showed little interest in the islands, and there were few visits by foreigners. After the collapse of the VOC in 1796, the colonial government of the *Nederlandsche Oost-Indische* established the *Gouvernement der Zuid Molukken*, which encompassed Kei and the other southeastern islands. In general, colonial government policy towards isolated, economically unimportant regions such as Kei was abstention. The expenses were seen to outweigh the advantages of more direct rule, barring “emergency and commanding necessity.” Ships would occasionally call to show the flag (and cannons), forge and renew bonds with local chieftains, and occasionally intervene to settle local disputes. Visiting dignitaries often presented small tributes – silver-knobbed walking sticks, pennants, suits of arms and the occasional bronze cannon – to enhance the dignity of trusted allies, and these tokens soon took on a talismanic significance similar to the Balinese lance (*ngabal*) and other trappings of a *Rat* or *Hala'ai*'s power. These chosen few attempted to muster the power of their new Dutch totems to consolidate their own political positions in Kei, to lure new minions and intimidate adversaries.

The colonial government's attitude toward Kei and places like it changed in 1870 with the commencement of a new “Ethical Policy,” which made it the duty and mission of the *Nederlandsche Oost-Indische* government to guide and assist the native populations to a higher level of civilization, so that they could learn to enjoy the fruits of labor, enterprise and order.

In pursuit of the Ethical Policy goals of modernization and improvement, colonial officials – often in collaboration with Catholic and Protestant missionaries – undertook a number of initiatives during the early decades of the 20<sup>th</sup> century. To borrow the terminology of a subsequent era, they attempted to promote economic development and local government reform. Reasoning that barter was a serious hindrance to economic and social development, officials introduced a head tax (*hoofdelijke belasting*) of one Guilder per person aged 16 or older.<sup>16</sup> People would thus be required to sell produce at markets in order to acquire the cash they needed to meet this obligation. Later, the amount could be gradually increased, to the point that the people of Kei would be paying for their own uplifting.

Catholic and Protestant missions cooperated with the colonial government to increase the circulation of money in the islands. Missionaries introduced western clothing to the people of Kei; the new fashions were immediately popular. Whenever a village or clan converted, the

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14 Rahail (1993) asserts that *Hukum Larvul Ngabal* is an expression of Kei people's deep respect toward women, to which Laksono replies that respect for the institution of marriage and respect for women *per se* are not necessarily the same thing, and that “valuing women” might be a more appropriate translation.

15 Bride price goes largely unpaid in Kei, because perpetual indebtedness is far more useful to the bride-giving and bride-taking clans than bronze cannons or gongs.

16 A Guilder at the end of the 19th century was worth the equivalent of about 100 coconuts.

church would sponsor a bazaar that often lasted for several days. Villagers paraded their new outfits, purchased trinkets and consumer goods, ate, and gambled.

The church also trained and employed dozens of local teachers. They also hired carpenters and laborers to build churches and other buildings, and later to work in the hospital. The church, and later the government, began sending large numbers of Kei teachers, carpenters and clerks to New Guinea, Aru and Tanimbar to assist the missionary and civil administration work there. Later, young Kei men also were recruited to enlist in KNIL, the native armed forces of the Netherlands East Indies, for service in other parts of the archipelago.<sup>17</sup> This had the effect of establishing remittances as one of the primary sources of money in the Kei Islands, and supporting a consumer economy, a pattern that persists to the present day.

To encourage investment, the government promulgated a new Agrarian Act (*Agrarische Wet*) that allowed private entrepreneurs to obtain 75-year alienable leasehold rights to “waste land.” The first foreign capitalist to seek his fortune in Kei arrived in 1882, the same year the *Gouvernement der Zuid Molukken* established a *Posthouderschaap* office in Tual to oversee governmental affairs in the district. Adolph Langen, a German national, was granted a license to develop a timber business to provide ironwood beams and planks to the shipbuilding centers in Macassar and Batavia. Langen also had plans to develop modern agriculture in Kei Kecil, and established trial plots to grow coffee, cloves, pepper and nutmeg. Neither enterprise was particularly successful, and Langen left the Kei Islands in 1890. His primary contribution to the history of Kei was the role he played in bringing Christianity to the islands.

Besides promoting trade and generating revenue, the *Controlleur*’s office also strove to rationalize local government in the islands. This took several forms, and Christian missionaries also assisted with these efforts. The rationalization process included resettling scattered groups living in the hills or on small islands into larger villages, and instructing everyone to move out of traditional communal houses and construct individual family dwellings. Officials attempted to tidy the map of Kei, part of a larger effort to shift from a genealogical to a territorial system of government and land control. As early as 1890, Von Hoëvell predicted that agricultural improvement in Kei would be complicated by what he called “land slavery” – meaning that land access and use was controlled by traditional leaders and structures, barring more rational division and exploitation of resources.

There are presently 22 kingdoms, called *Ratschaap*, in Kei. The term *Ratschaap* is a Dutch construction, combining “*Rat*,” the Kei word for Raja or King, with “*-schaap*,” the Dutch suffix meaning “-ship.” As previously described, these fall mainly into two groups, *Ur Siu* (*siwa* – nine) and *Lor Lim* (*lima* – five).<sup>18</sup> The *siwa-lima* groupings probably predate the events described in the legend of *Larwul Ngabal*, deriving either from the great Northern Malukan empires of Tidore (*Siwa*) and Ternate (*Lima*), or evolving from ancient autochthonous roots in Kei and other southern island societies (Aru, Tanimbar, Luang). These associations were still very much in flux when the colonial government of the *Nederlandsche Oost-Indische* set up office in Tual in 1882.

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17 Scheffer wrote in 1933 that “The Kai [sic] is strongly attached to his native land no matter how little the land yields him. Once in awhile, on might migrate for a few months or at the most a year as [unintelligible] or as a wood chopper to the Aroe islands, but one always returns afterward.” This changed in subsequent years, as Kei migrants began to take paying jobs with the government and church in Papua and elsewhere in Southeast Maluku, eventually coming to dominate many of the *inlander* (native) positions in these realms.

18 In this regard, Kei is similar to many other Malukan societies, whose cosmological-political universe is divided into two complementary and opposing moieties, symbolized by the numbers nine and five (*siwa-lima*, or *siu-lim* in the Kei language). For an informative exposition of the meaning and origins of the *siwa-lima* moieties, see Valeri (1989).

Several *Hala'ai*, and the areas and populations they controlled, were still unaffiliated with either *Lor Lim* or *Ur Siu*. These unaffiliated groups were known by the title *Lor Lobai*. Whenever possible, Dutch officials merged these areas and communities into existing *Ratschaap*, and also created a few new *Ratschaap* out of amalgamations of unaffiliated villages. In this latter endeavor, colonial officials attempted to promote Christian *Raja*, to counterbalance the large number of existing *Rat* who had already converted to Islam.

Between 1915 and 1926, the *Controlleur* of Tual attempted to produce a map of *negorij* (village) and *Ratschaap* boundaries in Kei. Factors that complicated this effort included the persistence of unaligned *Lor Lobai* territories, the existence of territories that were jointly controlled by more than one *Ratschaap* (called “*koensi*,” usually lands captured in war), and the many conflicting legends and songs representing overlapping and conflicting claims. Also confounding was the fact that individual clans controlled or were accorded access rights to property in more than one *Ratschaap*. These sorts of rights and entitlements proved difficult to render on the two-dimensional maps of the Dutch officials.

More galling than the matter of untidy maps, was the matter of the “capricious and high-handed antics” of many Kei *Rat*. During the second and third decades of the new century, the *Controlleur* determined that the best way to impose orderly change in Kei would be to work directly with village chiefs, thereby circumventing and attempting to diminish the influence of the “conservative, arbitrary, and far too powerful” *Rat* (von Hoëvell 1890). Dutch officials introduced the term “*Orang Kaya*” to describe this important new political office.<sup>19</sup> The government took an active role in promoting and appointing *Orang Kaya*. They presented many of these new chiefs with silver-knobbed rattan canes, a privilege once reserved for *Rat*. Each “*Orang Kayaschaap*” or “*Negorij*” (village) comprised several “*dusun*,” (hamlets) that were governed by *Saniri* composed of hereditary clan leaders.

A further attempt at rationalizing government was the establishment of councils of chiefs called *Raad van Hoofden* to adjudicate conflicts and other matters that were once exclusively the domain of individual *Rat*. *Raad van Hoofden* were comprised of a number of *Rat* and *Orang Kaya*, and were empowered to settle disputes by consensus. Under this system, *Orang Kaya*, *Kepala Soa*, and even individual villagers could appeal decisions of *Rat* to a “higher authority” (Admiraal 1939).

By the 1930s, colonial officials found that where they once had roughly a score of “arbitrary, conservative and all too powerful” *Rat* to contend with, the strategy of empowering *Orang Kaya* created a situation wherein they had to deal with more than 100 local “big men” – who proved to be no more rational nor less arbitrary than their erstwhile nemeses, the *Rat*. They changed tact, and began working with the *Ur Siu* and *Lor Lim* leadership to develop legal entities that could handle many of the functions of government, and to devise a political hierarchy that would allow them to rule by proxy – with fewer proxies. The approach of developing “*adat* communities” that over time could be inculcated with the ideals and methods of modern governance, but that still had roots in the history and culture of the area, was also being attempted in other parts of the East Indies (ter Haar 1948; Burns 1989; Robinson 1995).

However, the colonialists were unable to see this project to fruition, because in 1942 Japanese invading forces arrived in Kei, ending Kei’s 60-year experience with Dutch rule. The next three years were a time of great privation for the people of Kei. Suspected collaborators were imprisoned, primarily *Orang Kaya* and teachers, also a few *Rat*. Villages emptied as people scattered into the woods. A people who had taken an immediate fancy to western clothing

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19 *Orang Kaya* (literally, “Rich Man”) is an Ambonese title for village leaders. *Orang* is the Malay word for person, the equivalent term in the Kei language is *tomat*.

were soon back to wearing loincloths of burlap. Hundreds of villagers were inducted into work crews to construct an airfield and other wartime facilities. A large portion of local agricultural production went to feed the occupying army.

Like the Dutch before them, the Japanese wartime government shifted many village and *Ratschaap* boundaries, redressing old affronts, rewarding friends or punishing suspected enemies. Their moves often favored Moslem leaders at the expense of Christians, patronizing those they viewed as most strongly anti-Western and anti-colonial (Lasomer 1985, Rahail, pers. com. 1998).

During the tumultuous period following the armistice – and the Republic of Indonesia’s declaration of independence – in August 1945, Kei politicians tended to side with the Republic, first against the Dutch-supported State of Eastern Indonesia (*Negara Indonesia Timur, NIT*), then later against the Ambon and Ceram-based Republic of the South Moluccas (*Republik Maluku Selatan, RMS*). The underlying reason for this latter affiliation was not anti-Dutch nor even pro-republican sentiment, so much as enmity for the Ambonese, whom the Kei people felt had dominated Malukan affairs and who were condescending toward the people of Kei and the other southeastern islands. Arguing that Kei is culturally, politically, economically and ecologically distinct from Ambon, Kei politicians sought, and in 1954 were granted, their own district (*Kabupaten*) of Southeast Maluku, which comprised Kei, Aru, Tanimbar and the Southernmost Islands stretching all the way to Timor and Alor in the west. Tual became the seat of government for the new *Kabupaten*.

For the next quarter century, Kei settled comfortably into “backwater” status. Not much of import transpired during those years. In 1962-63, the Japanese military airfield at Letfuan was rehabilitated to support Indonesia’s *Trikora* invasion of West Papua, but life quickly resumed its subsistence rhythms after that brief flurry of activity and ferocity. In the midst of Indonesia’s deteriorating post-colonial economy, Kei was relatively well off – fish and shellfish were abundant, copra and *trochus* shells from Kei and the other southeastern islands fetched a good price on international markets, and Kei teachers, carpenters and clerks working in Irian and Aru managed to send home some of their earnings to their families and villages. Langgur remained an important center of Catholic education and social development, producing a steady stream of trained young people who traveled to other parts of Eastern Indonesia seeking work.

The next period of rapid change began during the 1980s, the height of the Suharto government’s power and expansion. When anthropologist P.M. Laksono arrived in Kei in 1986 to conduct field research, the *Bupati*’s office was constructed of half-masonry, half palm frond walls, roofed partly with corrugated iron, partly thatch. This changed as the New Order – flush with oil wealth from the OPEC price hikes of the 1970s, assistance and loans from western donor countries and multilateral banks, and new foreign and domestic investment in the forestry, fisheries and mining sectors – began to build a government infrastructure that extended to the furthest corners of the archipelago. Tual saw a construction boom of sorts, as a succession of increasingly massive and ostentatious *Kabupaten* and national government offices and other facilities were constructed. Government funds soon rivaled remittances as the major source of cash income in Kei.

## 6. A New Order

While ostentatious new government buildings were the most visible improvement in Kei, more important changes were taking place involving government jobs, access to funds and resources, and decision-making structures and processes. To better understand these changes, this essay now turns to a brief overview of Indonesia’s New Order period (1966-1998).

The New Order was “a military-backed regime with a developmentalist orientation that has been characterized by a high level of state control over politics and policy” (MacIntyre 1990: 2). The New Order government’s most prominent attributes out were its preoccupation with unity, order and security, and the elevation of development as the overarching national purpose. The regime’s military essence was evident in its highly centralized, hierarchical structure, its emphasis on discipline and conformity, intolerance of dissent or discord, and the prevalence of pomp and pageantry. The regime was characterized by a deep sense of insecurity, a constant fear of threats of disintegration and general political instability (Anwar 1996). This attitude was forged during the tumultuous first decades following Indonesia’s independence, when the country’s economy deteriorated and the body politic splintered and strained to the breaking point. The New Order’s military and technocratic leadership reasoned that failure to promote growth and distribute welfare led to social unrest and ideological, sectarian, and regional strife, and that civil strife drove away potential donors and investors and diverted state resources to support military counterinsurgency measures. After the chaotic final years of Indonesia’s first president Sukarno’s rule, the country’s new rulers wanted to make sure that this would never happen again. Growth needs stability, stability needs growth.

Upon assuming power, the New Order generals and technocrats embarked upon a three-part strategy of political stabilization, economic recovery and bureaucratic reform. First, leftist elements were driven from the political stage altogether (including the murder and imprisonment of countless thousands of Communist Party members and sympathizers), and religious and nationalist parties edged to the sidelines. Many political parties were banned outright; those that remained were amalgamated into docile government-condoned puppet organizations that operated under strict controls. Mass organizations – farmers, women’s, youth, religious and professional organizations – were similarly consolidated into solitary official national bodies, in a striking example of corporatism and homogenization. Simmering regionalist movements were subdued, and local military commanders replaced with Suharto loyalists, or their loyalty purchased with grants of business concessions and other favors. Grateful for a measure of stability and some good economic news after the chaos of the late Sukarno era, the Indonesian public happily accepted these and other curbs on their freedoms.

Since it was economic collapse that brought down Sukarno’s “Old Order” government, the New Order economic team worked heroically to reign in triple digit inflation and get the economy moving again. In rapid succession, the New Order government devalued the Rupiah; lifted price controls; reinstated bank reserve requirements; eradicated multiple exchange rates; raised interest rates; stopped automatic Central Bank credits to state enterprises; ended subsidies for key consumer goods; abolished all quantitative restrictions on imports; returned many nationalized enterprises to their former owners; and promulgated an easygoing Foreign Investment Law. Many of these new tight money policies were painful and unpopular, but the international payoff was quick in coming, as creditor governments and banks made generous concessions, and investment began flowing into the country. Indonesia from 1966 to 1968 is cited as “one of the most swift and effective instances of inflation control in the twentieth century” (Hill 1994: 54).

Sympathy and support from the Western powers and Japan, windfall profits from the OPEC oil price increases of the 1970s, and a steady flow of foreign investment enabled President Suharto to create a powerful government bureaucracy that extended to the furthest reaches of the archipelago, down to the village level. Reflecting the new regime’s military roots, “bureaucratic reform [was] directed towards, first, shifting administrative authority to the upper level of the bureaucratic hierarchy; second; making the bureaucracy responsive to the central leadership; and third, expanding the new government authority and consolidating its control over the regions” (Mas’oed 1990:12). To help affect this change, there was a massive infu-

sion of military infusion of military officers into government departments and agencies, as well as important regional government positions such as provincial governors and district heads.

A culture of government developed that countenanced no opposition or discord. Extremely hierarchical in form and character, the New Order created a patrimonial – and paternalistic – state organization, capable of exercising social control and effectively impervious to public review or reproach. Developmentalist mantras were backed up by centrally controlled (budgetary and non-budgetary) funds; the rewards for aligning oneself with the New Order juggernaut were as enticing as the threats of sanction for opposing it were intimidating. The military-like national and territorial bureaucracy was institutionalized in hundreds of laws and regulations, two of the most of important being the Regional Government Law no. 5 of 1974 and the Village Government Law no. 5 of 1979.

Over time, the regime became increasingly corrupt, nepotistic, and callous. The social and environmental costs of Indonesia's "economic miracle" became increasingly severe. Despite – indeed, because of – the harsh security measures intended to suppress discord and opposition, the country grew more prone to outbreaks of ethnic, religious and class violence. Rampant, uncontrolled exploitation of Indonesia's forest, mineral and marine wealth caused numerous local confrontations between subsistence and resource-dependent communities and commercial interests and the state organs that supported – and were supported by – them. By mid-1997, much of the forest in Indonesia's outer islands provinces was ablaze in one of the worst forest fire events in history, and the Indonesian populace was combusting as well. Suharto was forced from office after five days of uncontrolled rioting and military brutality paralyzed the capital Jakarta in May of 1998.

It was greed, hubris and paranoia – the dark side of the so-called "Asian Values" touted by regional statesmen like Singapore's Lee Kwan Yew and Malaysia's Matahir Mohamad – that finally brought down the New Order. Indonesia suffered the worst of all countries caught up in the wave of fiscal crises that swept through East and Southeast Asian economies in 1997-98. In a matter of months, the Rupiah exchange rate plunged from 2,400 to the dollar to as low as 17,000, economic growth skidded from eight percent to minus five percent, per capita income was slashed 80 percent to less than \$300, nearly 100 million people slipped below the poverty line, inflation skyrocketed to over 100 percent, unemployment jumped 10 million, hundreds of companies and banks fell into bankruptcy. A wave of student protests spread from city to city, calling on Suharto to resign. Finally, Suharto's allies in the military and parliament began jumping ship. President Suharto finally resigned in the wake of violent riots in the capital in which more than 500 people perished and hundreds of businesses and homes were torched.

While corruption, collusion and nepotism had been New Order hallmarks almost since its inception, with the Rupiah's collapse foreign and domestic investors, and then the Indonesian public at large, suddenly stopped believing in the government's ability to manage the economy. In a sense, Suharto was the victim of his own success. His authoritarian style had become an anachronism in an increasingly prosperous, educated society. The business successes – and excesses – of his children and cronies gave rise to widespread public resentment. Timeworn tactics to suppress dissent finally only deepened people's disgust with the regime.

## **7. The State in the Village**

President Suharto was obsessive about issues of constitutionality and legality, and made sure that his policies and programs were all ratified by a rubber-stamp parliament. Environmentalists and NGOs single out several New Order laws and regulations they claim wreaked havoc on the environment, and on the livelihoods of traditional peoples throughout Indonesia. These

include forestry, mining, investment, and fisheries laws, and the Regional and Village Government Laws no. 5 of 1974 and 1979, respectively.

Law no. 5 of 1979 on Village Government is particularly germane to this discussion. Under this law, each of the country's nearly 67,000 villages (*desa*) was required to adopt a uniform system of government. The Village Head (*Kepala Desa*) became a salaried employee of the national government, assisted in his job by a small staff including a Village Secretary, a few Section Chiefs (*Kepala Urusan*). The law also mandated establishment of Village Consultative Councils (LMD) and Village Community Resilience Councils (LKMD), charged with "conveying the aspirations of the village community," and "activating community participation to carry out development in a coordinated way," respectively. The territorial unit was standardized as well; all *desa* adhered to minimum and maximum size and population criteria, leading to the consolidation in many cases of several settlements into a single *desa* unit.

The *desa* government received guidance, direction and funds from the central government. Each year, *desa* prepared an annual development plan, a formulaic procedure that formed part of the national "bottom-up/top-down" national development planning cycle, that produced a predictable and uniform set of village development models in keeping with national policy priorities. *Desa* governments were also responsible for managing and developing their own resources, giving this unit considerable control over local labor and natural resources.

Indonesia's Village Government Law no. 5 and its scores of implementing regulations were singled out by domestic and international NGOs as a dangerous homogenizing force, which peripheralized and enfeebled the socio-political institutions underpinning traditional local resource management regimes. Throughout the archipelagic nation, local cultures had developed resource management systems and supporting mores and institutions, grounded in an intimate understanding of the intricacies and particularities of local environments developed through generations of accrued experience and knowledge. The "cookie cutter" village government law shunted aside these time-tested structures and institutions, replacing them with a new culture of government that was accountable not to local people and environments, but to political rulers in far-off Jakarta. While direct causal links between the 1979 Village Government Law, institutional decline, and environmental degradation are difficult to verify, the assumptions are generally valid. At the very least, there exists a strong correlation between the growth of New Order state power and the pace of forest loss and other forms of environmental degradation in the country between the 1970s and '90s.

In Kei, like so many outer island societies, the new village government template rested uncomfortably over preexisting grids of power and obligation. Problems included the poor fit between the positions and responsibilities established by Law Number 5 and traditional structures and divisions of authority in Kei villages, and also the territorial unit itself.

In their attempts to implement the law in the Kei Islands, *Kabupaten* (District) officials tried wherever possible to accommodate indigenous structures and offices. All of Kei's 22 *Rat* were automatically appointed as the *Kepala Desa* of their home villages, however officially had no more authority than the other 94 *Kepala Desa* in Kei. Where local traditional leaders did not meet legal criteria to serve as *Kepala Desa* (i.e. age, education, literacy, length of service, Indonesian language speaking ability, knowledge of national law), the district government often employed the expedient of appointing them as "temporary" or "acting" (*Pejabat*) *Kepala Desa*. In Kei, several of these temporary appointments lasted for more than 16 years, the maximum legal term limit for elected *Kepala Desa*. Most of the other positions within the new *desa* government were reserved for other *adat* functionaries such as clan leaders, village scribes and storytellers, war captains, and spirit mediums, but it was not a particularly good fit between the number and nature of village government positions available and preexisting



politico-religious designations and roles.

Another particularly contentious aspect of Law No. 5 of 1979 in Kei involved the consolidation of *desa* territory. Prior to Law No. 5/1979, there had been 219 villages in Kei. Minimum territory and population stipulations of the new law required the consolidation of many *kampung* (the Indonesian term for “small village” or “hamlet”) into larger *desa* units, reducing this number to 116. These divisions generally followed pre-existing territorial divisions. Before the consolidation, however, although these *kampung* (called *soa* and *rahanyam* in Kei) were functionally and structurally conjoined into larger clan-based units (*mangohoi*), each separate settlement exercised considerable autonomy over its land and sea territories. As these smaller units were subsumed into *desa*, the new administrative unit assumed legal control of all village territory and resources.

As time passed, the *Desa* government progressively displaced traditional forms as primary arbiter of village affairs. Because it affords virtual sole control of central government village development funds and use and allocation of village-owned resources, the position of Village Head (*Kepala Desa*) became a highly sought-after appointment in Kei and elsewhere throughout New Order Indonesia. *Kepala Desa* are notorious for diverting village development funds for personal and family gain, and for monopolizing and commercializing village-owned resources. In Kei, some *Kepala Desa* used their position to contract out rights to village marine territories (*petuanan*) to non-local fishermen. This has been a matter of great contention in many villages, as the clans and councils that previously exercised control of these functions have been progressively edged out of the decision-making process – and often denied the profits accruing from the lease of “their” territories and resources. Also, as village development funding from the central government grew to become the major source of cash money in many villages, so too did community resentment grow as *Kepala Desa* channeled projects to his own family, clan and neighborhood.

New Order political structures and culture were late arriving in Southeast Maluku, only fully manifesting during the 1980s, at the height of President Suharto’s power and – many people believe – the period when rot was spreading unchecked throughout the system. Many of the most odious aspects of New Order governance – corruption, abuse of position, nepotism, paternalism, excessive violence – coalesced with similar characteristics inherent in Kei’s caste and clan-based political constitution. Nepotism, in particular, was rife, and district officials audaciously used their privilege and position to secure projects and patronage for their own villages, family and clan members. Most government offices in Tual served little purpose other than as repositories for cousins, nieces and nephews of the small bloc of individuals fortunate enough to be in the position to influence government appointments and spending. Most government offices in Tual offices were characterized by an utter lack of activity beyond the preparation of annual budgets. Most years, salaries, travel and perks accounted for as much as 80 percent of the total annual budget of the *Kabupaten* of Southeast Maluku. The remainder was for “projects,” that similarly flowed mainly to the same groups of families and clans.

During twelve months field research in Kei, the author did not encounter a single informant who expressed approval or satisfaction with their local government. This research took place just as the New Order was coming unraveled; the Asian fiscal crisis was in full bloom, government revenues and largess had evaporated, student protests were spreading and becoming increasingly violent, and the state-controlled electronic media (no newspapers made it as far as Kei) had all but given up trying to conceal the malaise that gripped the nation. This research – which focused primarily on coastal resource management practice and institutions in

the islands – took place against the backdrop of a regime in its final throes.<sup>20</sup>

While this research uncovered a history rife with treachery and warfare, and described a land and seascape criss-crossed by disputes and discord, there was nothing in the findings that could have predicted the horrific violence that exploded in Kei just five months after the researcher left Kei. The events of April through June 1999 were without precedent in Kei's history, and came without warning. Just a few days before, a delegation of Kei elders who were in Jakarta attending a national convention of Indonesian *adat* leaders discussed the violence that had just broken out in Ambon, and what the people of Kei could do to help calm the situation and bring the two sides together. Rat Rahail said at that time, "It cannot happen in Kei, our family ties and *adat* traditions are far more important to us than any religious differences." As these men were returning home, their passenger liner sailed into a harbor shrouded by smoke from the fires of Tual and Faan.

## 8. After the Storm

I was unable to return to the Kei Islands for the next three years. When I finally did, in November 2001, the process of reconciliation and reconstruction was well underway. Assistance has poured in, from the Indonesian, Dutch and American governments, the United Nations, European and Australian churches, and national Islamic organizations. The local radio station broadcasts almost daily features on celebrations as rebuilt mosques and churches open their doors, and on family and clan gatherings where old men tell family histories, and Christian and Moslem cousins and couples dance, eat and "make *adat*" together.

There are small numbers of families still encamped in makeshift shelters, and the checkerboard "*theographic*" map of Kei has undergone some shifts, and a general sharpening and hardening of boundaries. Hundreds of families are still unwilling to return to homes that were burnt and ransacked during the *Musibah*, preferring to stay on in the villages where they sought safe haven during the height of the violence.

I met with numerous groups and individuals during my one-month stay, seeking to make some sense of what had happened. As mentioned in the introduction, many people expressed the belief that the conflict was the result of the Kei people's disregard for the "wisdom of the elders." The people and leaders of Kei had become distracted by modernization, consumerism and individualism, eschewing communal values and traditional mores. These monologues made liberal use of scripture as well – both Christian and Moslem. But these informants were unable provide any explanation for what had transpired beyond the most general platitudes and suppositions.

## 9. The Sustainable Livelihoods Framework<sup>21</sup>

The sustainable livelihoods approach is a way of thinking about the objectives, scope and priorities for development that has been developed over the past decade by a variety of development scholars, practitioners and activists, involving many agencies including the Institute for Development Studies (IDS), DFID, UNDP, the World Bank, and NGOs in several countries. "A livelihood comprises the capabilities, assets (including both material and social resources) and activities required for a means of living. A livelihood is sustainable when it can cope with and recover from stresses and shocks and maintain or enhance its capabilities

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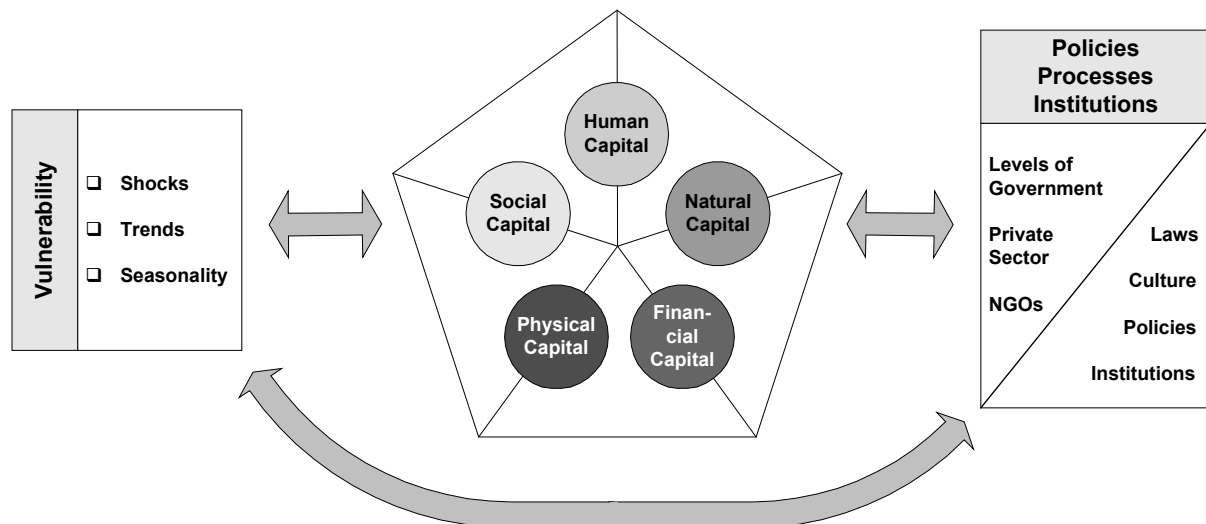
20 See Thorburn (1999a; 1999b; 2000).

21 The following section is adapted from the DFID Sustainable Livelihood Guidance Sheets (1999), available on the Internet at <http://www.nssd.net/References/SustLiveli/DFIDApproach.htm>.

and assets both now and in the future, while not undermining the natural resource base” (Chambers and Conway 1992).

Adopting the sustainable livelihoods approach provides a way to improve the identification, appraisal, implementation and evaluation of development programmes so that they better address the priorities of poor people, both directly and at a policy level. It also proved an invaluable aid in the effort to assess the causes and impacts of the *Musibah* in Kei. Following is a brief overview of the Sustainable Livelihoods Framework:

**Figure 1: Sustainable Livelihoods Framework**



### 9.1 The Vulnerability Context:

The *Vulnerability Context* frames the external environment in which people exist. People’s livelihoods and the wider availability of assets are fundamentally affected by critical trends as well as by shocks and seasonality – over which they have limited or no control. These factors have a direct impact on people’s lives and assets, and the options that are open to them to pursue livelihood outcomes.

**Shocks** can destroy people’s assets or force them to leave their homes and sources of livelihood. Shocks include natural disasters, economic shocks, epidemics or crop failure, and conflict.

**Trends** are more predictable, though not necessarily more benign. These include technological change, national or international economic trends, changes in resource use patterns, and population/demographic shifts.

**Seasonal shifts** include fluctuations in prices, food availability and employment opportunities.

These factors directly affect people’s lives, however there is little that individuals or small communities can do to reduce their vulnerability, other than to become aware of the forces at work in their lives and work to increase their resilience, and to seek remedial measures at the level of *Policies, Processes and Institutions* (e.g., changes in policy, government or NGO assistance).

## 9.2 Livelihood Assets:

The *asset pentagon* lies at the core of the livelihoods framework, *within* the vulnerability context. The pentagon visually presents information about people's assets, enhancing understanding of the inter-relationships between the various assets that individuals, families and communities command.

**Human Capital** comprises the skills, knowledge, ability to labour and good health that together enable people to pursue different livelihood strategies and achieve their livelihood objectives.

**Social Capital** is the social resources upon which people draw in pursuit of their livelihood objectives. These are developed through:

- *networks and connectedness*, either vertical (patron/client) or horizontal (between individuals with shared interests) that increase people's trust and ability to work together and expand their access to wider institutions, such as political or civic bodies;
- *membership in formalized groups* which often entails adherence to mutually-agreed or commonly accepted *rules, norms and sanctions*; and
- *relationships of trust, reciprocity and exchanges* that facilitate co-operation, reduce transaction costs and may provide the basis for *informal safety nets* amongst the poor.

**Natural capital** is the term used for the natural resource stocks harvested or utilized directly (e.g., farming, fishing) or from which resource flows and services (e.g., nutrient cycling, erosion protection) useful for livelihoods are derived. The relationship between natural capital and the *Vulnerability Context* is particularly close.

**Physical capital** comprises the basic infrastructure and producer goods needed to support livelihoods. These include essential components such as:

- dependable, affordable *transport*;
- secure *shelter and buildings*;
- adequate *water supply and sanitation*;
- affordable *energy*; and
- *access to information* (communications).

**Financial capital** denotes the financial resources that people use to achieve their livelihood objectives, including flows as well as stocks and contributing to consumption as well as production.

## 9.3 Policies, Processes and Institutions:

*Policies, processes and institutions* within the livelihoods framework are the institutions, organizations, policies and legislation that shape livelihoods. These include cultural norms, practices and structures. *Policies, processes and institutions* operate at all levels, from the household to the international arena, and in all spheres, from the most private to the most public. They effectively determine:

- *access to and availability of* various types of capital, livelihood strategies and decision-making bodies and sources of influence;
- the *terms of exchange* between different types of capital; and
- *returns* (economic and otherwise) to any given livelihood strategy.

Unlike with the factors comprising the *Vulnerability Context*, individuals and communities (even the poor) can have some influence in determining the *policies, processes and institutions* that affect their livelihoods. Strategies can range from passive resistance to active membership in decision-making bodies.

*Policies, processes and institutions* are to some extent shaped by the factors comprising the *Vulnerability Context*, as well as by the *assets* possessed by the communities to which they pertain. The relationship is dialectical, in that *policies, processes and institutions* can accentuate or mitigate *shocks, trends and seasonal shifts*. (e.g., the relationship between forest conservation policy and floods, erosion and seasonal drought), also the availability, access to, and exchange value of various *livelihood assets*.

## 10. Applying the Sustainable Livelihoods Framework to an Analysis of the Situation in the Kei Islands

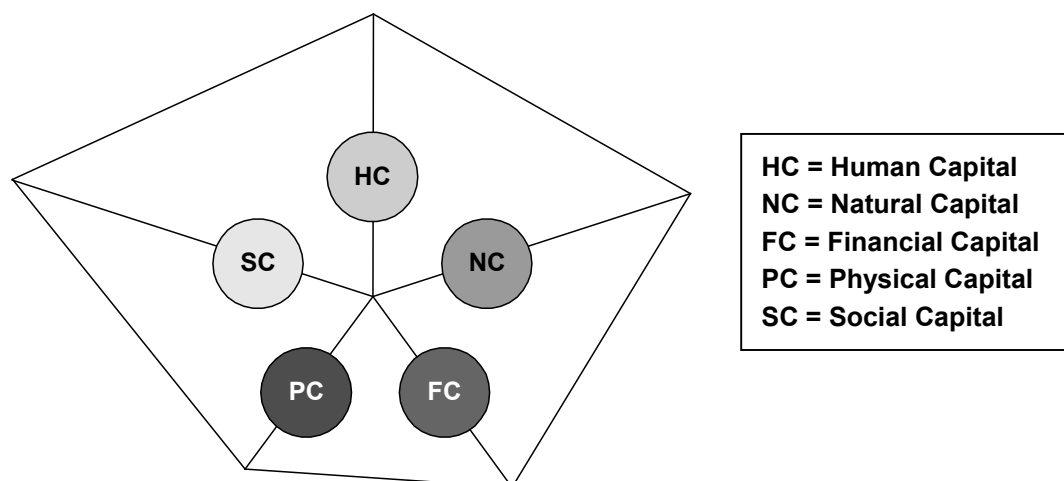
### 10.1 Vulnerability

Kei Islanders have always been vulnerable to seasonal shifts, as the long dry season often leads to food shortages and occasional crop failure, and they are unable to fish during certain months of the year due to high seas. To a large extent, informal social safety nets have developed to assist people through these hard times. Kei society is enmeshed in a web of mutual assistance and obligation. The islands' isolation has secluded them from many of the broader trends and shocks that colour the history of much of the region, but as recent events demonstrate, this is no longer the case. *Krismon*, for instance, was deeply felt in Kei, because of the islanders' increased dependence on remittance incomes and government largesse. Many Kei Islanders living in Ambon and other parts of the province were swept up in the violence as it unfolded there, and modern communications allowed people in Kei to witness the carnage in once remote lands. Ambon's troubles became Kei's problem as well.

### 10.2 The Assets Pentagonagon

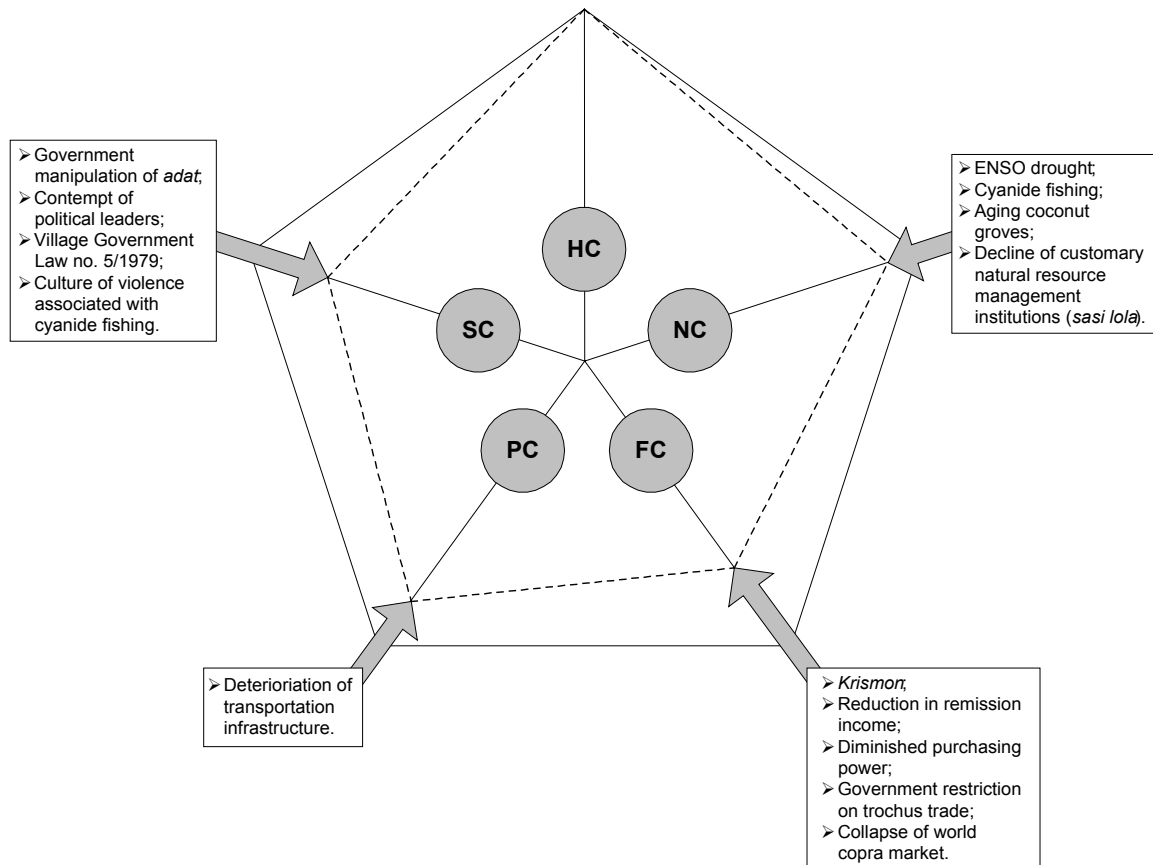
The visualization of the portfolios of various types of capital a people possess or can access allows us to construct a model of the livelihood assets available to households and communities in Kei. Its shape is a matter of subjectivity; there are no precise indicators to measure the relative volume or value of the different types of capital. In comparison to other parts of Indonesia, Kei would appear well endowed in terms of natural and social capital, but poor in physical and financial capital, resulting in an *assets pentangle* with roughly the following shape:

Figure 2: Kei Assets



For purposes of subsequent analysis, an imaginary “proper Kei” – Kei society that is not experiencing problems or affected by shocks, trends or seasonal shifts – is depicted as an even-sided pentagon, the “control” against which to measure past or current situations or affects. The situation in Kei during the period leading up to the outbreak of violence, then, could be depicted as follows:

**Figure 3: Kei Before the 1999 Conflict**



*Social and financial capitals* had been diminished by events of the previous years. Stresses and trends affecting *financial capital* in Kei include reduced remittances and government funds due to *Krismon*, declining prices for copra and *lola*, and rapidly rising prices for consumer goods and productive equipment such as outboard motors, nets, agricultural tools, and construction materials.

The causes (and affects) of the decline in *social capital* in Kei are more complex. These include: conflicts within and between villages arising from the implementation of Village Government Law no. 5 of 1979, the poor performance and sordid behaviour of the Southeast Maluku *Kabupaten* government, and consequent public contempt for their government leaders; the heavy-handed attempts by some local government leaders to manipulate Kei *adat* law, leaders and structures for government and/or political means; opportunistic attempts by certain *Raja* to use their positions for personal, political or unseemly commercial advantage; the demise of customary conflict resolution practices and institutions, without any viable replacement having been provided by the government; the culture of violence associated with the cyanide fishing industry; and the general breakdown of law and order that characterized the declining years of the New Order government throughout the country. By this analysis, the decline in *social capital* was the most deeply felt of all the changes affecting Kei society

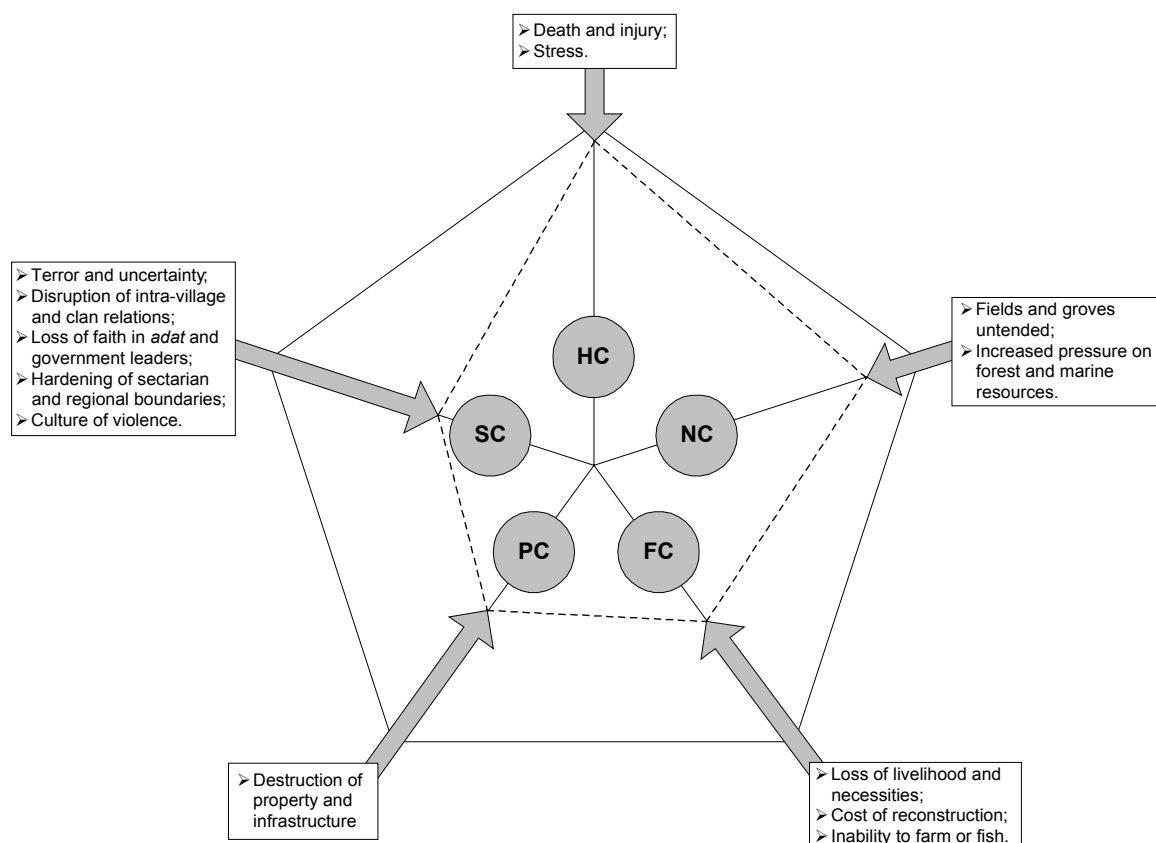
during the past decade, and surely the greatest contributing factor to the outbreak of violence in 1999.

*Natural capital* had diminished as well, primarily the damage to reef ecosystems from the use of bombs and cyanide. Local fish catches were declining, as tuna and other predators shunned local waters where they would find no prey. *Lola* harvests were declining as well, because cyanide is a broad-spectrum toxin that kills most living organisms, even in very low concentrations. On land, a noxious shrubby weed, *chromolaena odorata*, invaded the Kei Islands sometime in the 1980s, and quickly took over vast areas of Kei Kecil and Dullah as well as some parts of Kei Besar. The impact of this invasion on short cycle swidden agriculture may in fact be positive, as it quickly produces large amounts of vegetative mass. It may, however, retard the return of fields abandoned for longer periods to their native forest cover. *Physical capital* had declined as well, due to lack of maintenance to the rudimentary road and wharf network in the islands.

The preceding describes the situation in the Kei Islands when word began reaching people there of the horrific ethnic and sectarian violence as it spread from Ambon to neighbouring islands, then north to Ternate and Halmahera. Kei was a tinderbox ready to ignite, and it took only a few small sparks to set off the conflagration in April 1999.

Although the violence in Kei was relatively short-lived, and compared to Ambon and other islands the number of deaths relatively small, the impact of these events on Kei society have been profound and far-reaching. Again, *social capital* was most affected, along with the widespread destruction of shelter, educational and health facilities, and places of worship. An Assets Pentangle describing the situation in the Kei Islands after the cessation of fighting in June 1999 would take the following form:

**Figure 4: Impact of the 1999 Conflict on Kei Islands Society**



While the human suffering was tremendous, many of the factors comprising *human capital* according to this framework – levels of education, skills, knowledge – remain relatively intact. The same is true for *natural capital*, although the redistribution of population groups may result in the longer term in diminished carrying capacity of some land and sea resources.

The impact on *financial capital* in the islands has been great, both in terms of the cost of reconstruction and replacing lost household goods and productive equipment, as well as many families' reduced ability to pursue subsistence livelihood strategies while living in temporary shelters or different villages.

The most immediately apparent losses were in the realm of *physical capital*. Many villages were burned to the ground, with few if any structures left standing. Outside assistance to Kei has initially focused on replacing destroyed homes and other physical structures.

As mentioned above, the most profound and far-reaching affects of the 1999 conflict in Kei have been in the realm of *social capital*. Inter- and intra-village linkages of reciprocity and obligation have been disrupted; many people have even less faith in their (government and *adat*) leaders' integrity or abilities than before the violence; mutual suspicion and the desire for revenge still colour many people's remembrances of events; there has been a hardening of sectarian blocs and boundaries within Kei society; and people's faith in their customary law and cultural norms has been shaken.

Nonetheless, it is equally true that the latent *social capital* inherent in Kei culture and society played a very significant role in ending the conflict as quickly as it did, and in the subsequent reconciliation and reconstruction process. The calming voices of elders and concerned individuals in villages throughout Kei were able to draw people's attention to the violation of Kei history and tradition that was transpiring, to the fact that all the belligerents in this war were in fact brothers and cousins. The most oft-repeated slogan in Kei today is "*Wuut ainmehe nifun, manut ainmehe tilor,*" This means, "[we all grew from] the bowels of one fish, the eggs of one bird." Clan and village leaders were able to deploy family ties and memories of past bonds to bring together members of opposing groups, to seek a hasty end to the fighting. In the aftermath of the violence, local efforts at reconciliation and rebuilding shattered relations depend heavily on the family and historical ties that permeate Kei society. The fact that Kei's history is rife with treachery and warfare does not negate the contention being made here. It is the Kei people's belief in, and dependence on, their "noble" past that helped quell the conflict, and that should be built upon to create a society where this sort of thing cannot happen again. Rather than creating new bodies and procedures, the peace building process in Kei can be most effectively moved forward through the traditional practice of "*dok si duvun*" – sitting down together to "make *adat*" and tell history.

### **10.3 Policies, Processes and Institutions:**

Clearly, the *policies, processes and institutions* that pertained in the Kei Islands at the time leading up to the outbreak of violence were incapable of preventing or controlling its occurrence. As previously mentioned, Kei people's contempt for the Southeast Maluku *Kabupaten* government in Tual was one of the major sources of enmity within the community. The government possessed neither legitimacy nor capability to thwart the violence, nor to control it once it began. Higher levels of government, besides being remote, were embroiled in their own troubles at the time, and could bring no authority to bear to protect people in Kei nor to take action to apprehend or castigate the perpetrators.

Many eyewitness accounts indicate that members of the Indonesian security forces sent to Kei – with the notable exception of the Marines – seemed to be more interested in inciting or participating in violence than stopping it. It was the Tual Police's premature release of the



slogan-painting youth that provided the spark that set off the first round of arson and mayhem in Tual and Faan.

Some local NGOs are credited with carrying out heroic networking and peace brokering that probably prevented many more villages from being swept up in the conflict, and were at the forefront of the first relief and reconciliation efforts.

*Adat* played a major role in Kei's troubles and their resolution, but generally at a very private level. The role played by local *adat* leaders was as disparate as the personalities of Kei's 22 *Raja* and hundreds of *Orang Kaya*, *Hala'ai*, *Tuan Tanah*, *Kapitan*, and *Kepala Soa*. A few charismatic and conscientious customary leaders in Kei were able to summon the authority and power of *adat* to organize defences, appeal for calm and reason, and encourage belligerents to cease and desist. It is no coincidence that the *Ratschaap* of Kei's two most respected *Raja* – Maur Ohoi'wut and Rumaat (Songli) – were virtually untouched during the conflagration. However, the role of "organized *adat*" in quelling the conflict was tardy and largely insignificant. Groups of *Raja* and other *adat* functionaries joined with religious and government leaders on various "safari" trips to villages around the islands, to exhort people who had already stopped fighting, to stop fighting.

As far as the role of laws and policies in preventing and resolving Kei's problems, and of protecting people from shocks and adverse trends, the obverse is more the case. Much of Kei people's latent anger had its roots in misguided policies, unjust laws, and arbitrary law enforcement. Local government and security personnel had no legitimacy – no *social capital* – to leverage solutions to the problems.

## 11. Analysis

The analysis that emerges from applying the Sustainable Livelihoods Framework goes a long way toward explaining the causes and consequences of the conflict in Kei – until confronted with the question "Why Kei? and why not Sorong, or Aru, or any of a dozen other nearby regions?" The same framework, applied to many towns and regions in Southeast Maluku or West Papua yields a picture similar to, or in many cases even worse – therefore, more prone to violence – than the Kei Islands. But the violence in Kei was far worse than that experienced in nearly all surrounding areas (with the exception of Ambon and Central Maluku, but that is another story altogether).

Unwilling to abandon the hypothesis that the roots of the violence in Kei twine about issues of resource entitlements and allocation, I commenced to peruse the literature on common property, hoping to find a better explanation.

The coastal, marine and terrestrial resource management practices and institutions found in Kei clearly meet Elinor Ostrom's criteria for common property resource management. According to Ostrom (1990), basic requirements include:

- a) boundaries must be well-defined;
- b) rules must be linked to local conditions; and
- c) sanctions must be imposed when rules are violated.

Schlager and Ostrom (1992) have developed a useful set of categories by which to differentiate the various "bundles of rights" associated with collective property regimes. Their first step is to distinguish between *rights* and *rules*. These terms are often used interchangeably in discussions of natural resource management. Commons (1968) provides a useful definition of property rights: "the authority to undertake particular actions related to a specific domain." Property rights, however, are the product of rules. Rights are actions that are authorized, rules

refer to the prescriptions that create authorizations. Rights describe property relations; rules define them.

Schlager and Ostrom bifurcate common property management rules into “operational” and “collective-choice” rules, the former being “generally agreed-upon and enforced prescriptions that require, forbid, or permit specific actions for more than a single individual” (Ostrom 1986: 3).

Collective-choice rules are those that determine who may participate in creating or changing these operational rules. These distinctions become important in evaluating different forms of common property resource management regimes.

From the tremendous variety of common property management regimes described in the literature, Schlager and Ostrom distilled four basic categories of rights, which they then assign to different types of user groups:

- a) *Access rights*: the right to enter a defined physical property;
- b) *Withdrawal rights*: the right to obtain the products of a resource or zone (e.g., catch fish, cut wood, use water);
- c) *Management rights*: the right to regulate internal use patterns and transform the resource by making improvements;
- d) *Exclusion*: the right to determine who will have access and withdrawal rights, and how those rights may be transferred; and
- e) *Alienation*: the right to sell or lease the above property rights.

*Access* and *withdrawal* rights may be encumbered with a number of conditions or stipulations, for example, the sort of gear that is permitted, seasonal restrictions on harvest, or licensing requirements. Schlager and Ostrom categorize these as basic *operational rights*, which are in turn controlled by a set of *operational rules*. Operational rules can be externally imposed (e.g., licensing requirements, quotas, nature reserves) or established and altered within a set of collective-choice actions.

Schlager and Ostrom offer the term *collective choice rights* to describe the more extensive rights determining who may participate in collective-choice actions and decisions. Simply stated, operational rights define what specific user groups may or may not do, while collective choice rights determine who participates in decisions about what rights may be exercised, by whom.

Individuals or institutions that hold management rights have the authority to determine how, when and where harvesting from a resource or territory may occur, and whether and how this resource may be changed. Examples include zoning plans, set-asides, seasonal closure, as well as various communal schemes to modify a resource, such as brush and grass burning, setting out salt licks to attract game, or construction of fish aggregating devices. Generally, the same individuals or institutions also exercise some form of exclusion rights, i.e., the authority to define the qualifications that users must meet in order to access or withdraw from a resource. Examples might include limiting access to males from a certain community, or forbidding particular types of gear or behavior. Management rights, however, do not in every case also comprise exclusion rights.

Alienation rights are the right to transfer part or all of the collective-choice rights of management and/or exclusion to another individual or group. Having alienated those rights, the former rights-holder(s) can no longer exercise these authorities upon the resource or part

thereof that has been alienated, for the duration of the alienation contract or agreement (in perpetuity, in the case of sale or forfeiture).

Proceeding with their analysis, Schlager and Ostrom divide user groups into four broad categories:

- a) *Authorized users*: individuals or groups who may exercise the basic rights of access and withdrawal – be these permanent, or temporary, as in a lease, license, or share-cropping arrangement;
- b) *Claimants*: individuals or groups who possess the same rights as authorized users and also hold certain management rights. Claimants devise rules that define withdrawal rights, but do not exercise authority to decide who may gain access to the resource;
- c) *Proprietors*: individuals or groups who exercise collective rights of management and exclusion;
- d) *Owners*: individuals or groups who, in addition to exercising management and exclusion, can also sell or lease these rights to other individuals or groups.

These rights-holders or user groups and their respective bundles of rights can be arrayed schematically:

**Bundles of Rights  
Associated with User Groups**

	Access and Withdrawal	Management	Exclusion	Alienation
Owner	[	[	[	[
Proprietor	[	[	[	
Claimant	[	[		
Authorized User	[			

Returning to the previous discussion of the *Sustainable Livelihoods Framework*, collective choice rules and rights fall squarely within the right-hand box entitled *Policies, Processes and Institutions*. Herein lie the roots of the *Musibah*: Kei went to war over the sorry state of the both the “external” (government) and “internal” (*adat*) institutions, structures and practices surrounding the exercise of collective choice resource management rights in the islands. (This becomes clearer still when “rights” to government “resources” are included in the equation.)

While “traditional” resource conflict in the Kei Islands often leads to violence, it is limited, confined to one, two or a small number of village communities embroiled in disagreements over the exercise of specific (access, withdrawal, management) rights to a particular territory or resource. Usually, once the stage of violent conflict has been breached – once somebody is speared, beaten or shot with an arrow, or a few houses torched – an “*adat* solution” will be soon forthcoming. Even when laws were broken and the police became involved, once a few primary perpetrators were arrested and charged, the authorities in Kei usually chose to “hand over” the problem to local *adat* leaders to work out a lasting settlement.

The violence in 1999 did not break out along existing lines of localized conflict of the type described above. Many of the villages that had been embroiled in the “hottest” access disputes during my 1997-98 field research were hardly involved in the *Musibah*, if at all.

Anecdotal evidence suggests that the communities that were most involved in the *Musibah* – both as aggressors and victims – were villages with a high proportion of civil servants and government officials. Explicitly or not, consciously or not, it appears that the *Musibah* warriors were “acting out” a generalized rage over the abuse of collective choice rights that had been festering in Kei for years – perhaps decades. In short, Kei’s political leaders – both government officials and many *adat* functionaries – had “forgotten *adat*,” until “*adat*” rose up to exact its revenge.

Additional research will be necessary to further develop and test this hypothesis, however, it appears to accord well with observations made immediately before and two years after the *Musibah*.

### 13. Afterword

Commenting on a 1996 case where an old *Rat* had suffered a stroke and become paralysed after a *Raad van Hoofden* hearing to settle a dispute over ownership and exclusion rights to a group of islands and surrounding waters off Kei Kecil, an informant (from the “winning side”) explained, “the land knows its *tuan*” (owner, or lord). If one misuses or alters the ancient songs and legends, or lies about the true order of things in Kei, there can be grave supernatural consequences. Such is the strength of Kei’s *adat*, and the Kei people’s belief in it.

No one has been prosecuted or brought to justice for their involvement in the terrible events of April through June 1999. This appears to reflect local law enforcement authorities’ acceptance of the general consensus that “we were all wrong” – *Ken sa fak* – and the government’s support of an “*adat* solution” for Kei’s problems.

This is manifesting in numerous spontaneous gatherings and ceremonies as clans gather to reaffirm their ties, and rekindle strained relations with distant relatives from villages and religious communities who had become their enemies during the *Musibah*. These wonderful parties feature marathon sessions where the old men chant ancient songs and tales and recite genealogies and histories, interspersed with feasting and dancing.

Some village governments have already restored old forms and terminologies – in spite of the *Kabupaten* government’s inability to issue the required regulations retracting the Village Government Law no. 5 of 1979 and replacing them with new, locally appropriate guidelines. In one village I visited in November 2001, village leaders proudly showed me a letter from the *Kabupaten* that expressly rejected their new village charter and 23 regulations they had already issued, on the grounds that they had to wait for the *Kabupaten* to first prepare the new guidelines. The government’s rejection solidified these villagers’ resolve to solve their own problems and manage their own affairs, through the “higher authority” of *Adat Larvul Ngabal*.

The road ahead is fraught with peril. *Adat* revivalism has its ugly side – witness the ghastly “ethnic cleansing” by Dayak warriors of Madurese migrants in West and Central Kalimantan (Peluso 2002; Peluso and Harwell 2001). Nonetheless, Kei has led the way for the entire violence-plagued province of Maluku toward settling their differences and building a new peace.

Anthropologist P.M. Laksono, who has maintained close ties to Kei since completing his dissertation research there in 1986, offers the following hopeful thought: Perhaps the Kei people can use the terrible events of April through June 1999 to finally complete the transformation that began centuries ago with the arrival of the stranger kings and creation of *Hukum Larvul Ngabal*, to move forward (not back) from the dark ages of “*Dolo Soin Ternat Wahan*” into the “golden age” that they hope has not been lost ... but which in fact has yet to materialize.

## References

- Admiraal, J.W. (1939) "Adat-Verband Op Di Kei-Eilanden," *Mededelingin Der Vereniging Der Gezaghebbers in Nederlandsch-Indie*. Pp. 19-33. Vol. 15. Vereniging der Gezaghebbers in Nederlandsch-Indie.
- Alcorn, J. (1994) "Noble Savage or Noble State? Northern Myths and Southern Realities in Biodiversity Conservation," *Etnoecológica* 2(3): 7-20.
- Andaya, L.Y. (1993) *The World of Maluku: Eastern Indonesia in the Early Modern Period*. Honolulu: University of Hawaii Press.
- Anwar, D.F. (1996) *Indonesia's Strategic Culture: Ketahanan Nasional, Wawasan Nusantara and Hankamrata*. Queensland: Griffith University.
- Bellwood, P. (1985) *Prehistory of the Indo-Malaysian Archipelago*. Sydney: Academic Press.
- Burns, P. (1989) "The Myth of Adat," *Journal of Legal Pluralism* 28: 1-128.
- Chambers, R. and G. Conway (1992) *Sustainable Rural Livelihoods: Practical Concepts for the 21<sup>st</sup> Century*. IDS Discussion Paper 296. Brighton: IDS.
- Commons, J.R. (1968) *Legal Foundations of Capitalism*. Madison: University of Wisconsin Press.
- DFID (1999) *Sustainable Livelihood Guidance Sheets*. London: Department for International Development.
- Diamond, S. (1971) "The Rule of Law Versus the Order of Custom," *Social Research* 38: 42-72.
- Gadgil, M., F. Berkes, and C. Folke (1993) "Indigenous Knowledge for Biodiversity Conservation," *Ambio* 22(2-3): 151-56.
- Geurtjens, H. (1921) *Uit Een Vreemde Wereld of Het Leven En Straven Der Inlanders Op De Kei-Eilanden*. 's Herdtogenbosch: Teulings' Uitevers-Maatscappij.
- (1924) *Keieesche Legenden*. Weltevreden: s'Hage.
- Gielen, A. (1979) "Adat Istiadat Ewaw/Evav," Ambon: Perpustakaan Rumphius.
- (n.d.) "Ulasan Singkat Mengenai Sejarah, Nama, Penduduk, Raja-Raja Di Pulau Ewaw," ("A Brief Summary of the History, Names, Population and Kings of Kei"). Ambon: Perpustakaan Rumphius.
- Haripranata, H. (n.d.) "Cerita Sejarah Gereja Katolik Di Kei Dan Irian Barat" ("The History of the Catholic Church in Kei and West Irian") Ambon: typescript.
- Hill, H., ed. (1994) *Indonesia's New Order: the Dynamics of Socio-Economic Transformation*. Honolulu: University of Hawaii Press.
- Hoëvell, G.W.W.C. van (1890) *De Kei Eilanden*. Batavia: Tijdschrift voor de Indische Tall-, Land- en Volkundinde.
- Hooker, M.B. (1975) *Legal Pluralism: an Introduction to Colonial and Neo-Colonial Laws*. Oxford: Clarendon Press.
- (1978) *Adat Law in Modern Indonesia*. Kuala Lumpur: Oxford University Press.
- Klerks, J. (1939) "Gegevens Over Keiesche Huwelijksadat," *Bijdragen Tot De Taal-, Land-, En Volkenkunde Van Nederlandsch-Indie* 98(3): 285-323.

- Kusters, J.D. (1895) "Talrijke Bekeeringen in Verschillende Dorpen Op De Kei Eilanden. Brieven Den Eerw. Pater J. Kusters," *Claver Bond* I.
- (1898) "Kei-Eilanden. IX. NieuweBekeeringen Van Inlanders. Brief Van Pastoor J.D. Kusters," *Claver Bond* II.
- Laksono, P.M. (1990) "*Wuut Ainmehe Nifun, Manut Ainmehe Tilor* (Eggs From One Fish and One Bird): a Study of the Maintenance of Social Boundaries in the Kei Islands." Ph.D. Dissertation, Cornell University.
- (2002) Personal communication with the author, Yogyakarta, January 2002.
- Lasomer, X. (1985) "De Kei-Eilanden: De Vitbreiding Van De Nederlansienvloedin in Di Tijd Van De Etsch Politiek." Ph.D. Dissertation, Katholieke Universiteit Nijmegen.
- MacIntyre, A. (1990) *Business and Politics in Indonesia*. Asian Studies Association of Australia Southeast Asia Publications Series, No. 21. St. Leonards, NSW: Unwin and Allen.
- Mas'ood, M. (1990) "The State Reorganization of Society under the New Order," *Prisma* (47): 3-24.
- Ohoitumur, Y. (1983) "*Beberapa Sikap Hidup Orang Kei: Antara Ketahanan Diri Dan Proses Perubahan*" ("Several Characteristics in the Lives of Kei Islanders: Between Resistance and Change"). M.A. Thesis, Sekolah Tinggi Seminari Pineleng.
- Ostrom, E. (1986) "An Agenda for the Study of Institutions," *Public Choice* 48: 3-25.
- (1990) *Governing the Commons*. Cambridge: Cambridge University Press.
- Peluso, N.L. (2002) "Passing the Red Bowl: Creating Community through Violence in West Kalimantan, 1967-1997," in C. Coppel, ed. *Violent Conflict in Indonesia*. Surrey: Curzon Press.
- Peluso, N.L. and E. Harwell (2001) "Territory, Custom, and the Cultural Politics of Ethnic War in West Kalimantan," in N.L. Peluso, and M.J. Watts, eds. *Violent Environments*. Ithaca: Cornell University Press.
- Posey, D. (1992) "Interpreting and Applying the 'Reality' of Indigenous Concepts: What Is It Necessary to Learn From the Natives?," in K.H. Redford and C. Padoch, eds., *Conservation in Neotropical Forests: Working From Traditional Resource Use*. Pp. 21-33. New York: Cambridge.
- Rahail, J. (1993) *Larwal Ngabul*. Seri Pustaka Khasana Lokal (Document Treasures of Local Cultures), No. 1. Jakarta: Sejati.
- (1995) *Bat-Batangan Fitroa Fitnangan: Tata Guna Tanah Dan Laut Tradisional Kei*. (*Bat-Batangan Fitroa Fitnangan: Traditional Land and Sea Use in Kei*). Seri Pustaka Khasana Lokal (Document Treasures of Local Cultures), No. 4. Jakarta: Sejati.
- personal communication with the author, 8 September 1998, Tual.
- Renyaan, Ph. (1981) "*Adat Istiadat Kei*" ("Kei Adat and Custom"). Langgur: Unpublished Manuscript.
- (1996) *Seratus Tahun Perkembangan Agama Katolik Di Kepulauan Kei* (One Hundred Years of the Catholic Church in the Kei Islands). Ambon: Pusat Pengembangan Pastoral, Keuskupan Ambon.
- Ricklefs, M.C. (1981) *A History of Modern Indonesia*. London: Macmillan.
- Robinson, G. (1995) *The Dark Side of Paradise: Political Violence in Bali*. Ithaca: Cornell University Press.

- Schlager, E. and E. Ostrom (1993) "Property-Rights Regimes and Coastal Fisheries: an Empirical Analysis," in T.L. Anderson and R.T. Simmens, eds., *The Political Economy of Customs and Culture: Informal Solutions to the Commons Problem*. Pp. 13-42. Lanham, Maryland: Rowman and Littlefield.
- ter Haar (1948) *Adat Law in Indonesia*. New York: Institute of Pacific Relations.
- Thorburn, C. (2000a) "*Sasi Lola* in the Kei Islands, Indonesia: An Endangered Marine Resource Management Tradition," *World Development* 28(8): 1461-1480.
- (2000b) "*Kau Kuat, Kau Pinter, Kau Punya* (You're Strong, You're Clever, It's Yours): Changing Territorial Control, Coastal and Marine Property Relations and Resource Management in the Kei Islands, Indonesia," Unpublished Ph.D. Dissertation, University of California, Los Angeles.
- (2001) "Noble Savage Meets Evil Empire: Cyanide Fishing in the Kei Islands, Indonesia," *Development and Change* 32(1): 151-180.
- Ukru, Y., S. Ubro, R. Teniwut, P. Elmas, M. Umbu Saza, E. Panjaitan, and R. Topatimasang (1993) "*Potret Orang Orang Kalah: Kumpulan Kasus Penyingkiran Orang-Orang Asli Kepulauan Maluku*" ("A Portrait of the Victims: Case Studies of Peripheralization of Indigenous Inhabitants in the Islands of Maluku"). Ambon: Baileo Maluku.
- Valeri, V. (1989) "Reciprocal Centers: The *Siwa Lima* System in the Central Maluku," in D. Maybury-Lewis and U. Almagor, eds., *The Attraction of Opposites: Thought and Society in the Dualistic Mode*. Pp. 117-41. Ann Arbor: University of Michigan Press.