

# **FORESTS, FISHERIES AND FELDSPAR: LOCAL RESOURCE POLITICS IN POST-SUHARTO INDONESIA**

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## **Introduction**

This study<sup>1</sup> explores environmental and resource politics in Jepara, Central Java. It describes and analyses the changing role of the local bureaucracy, district assembly, Non-Governmental Organisations (NGOs) and civil society in mediating, managing, and resolving resource conflict. One focus will be on democratisation. It will ask whether and how villagers express common interests in resource conflict and how the local state considers and responds to community conflict over resource use. The second focus will be on decentralisation. We will pay particular attention to the impact of changes in (and sometimes confusion about) the distribution of authority between levels of government on the will and capacity of local government to respond to resource conflict. We will argue that citizens' participation has become somewhat bolder and more organisationally impressive. Basically, there is more space for representation of local interests. The local state has become more transparent, more open to participation, and more concerned with accountability. However, this has not necessarily resulted in 'better' environmental management or greater access to resources by those who challenged existing divisions of resource arrangements.

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<sup>1</sup> This study began in early 2003. It included fieldwork visits to Jepara in 2003, 2004 and 2005 and frequent research visits by the second author, Achmad Uzair. Jim Schiller has been studying state-society relations in Jepara for more than 20 years. Research was made possible by an OSP grant from Flinders University and by funding from the Australia Research Council. More than 80 formal and informal interviews, discussions and focus group meetings were held.



Indonesia's 'democratic decentralisation' reforms—as McCarthy (2004) labels them—reflected policy concerns related to 'good governance'.<sup>2</sup> The notion was that it would move decision-making closer to the people and that was supposed to make the state more transparent, more accountable, more predictable, and more conducive to public participation.

Three underlying questions will be posed. Firstly, if and how have democratisation and decentralisation reforms affected the capacity and willingness of villagers and other citizens to voice their concerns and interests about resource use? Secondly, how much change has there been in the way the local state considers and responds to its citizens' representations about resource use? Thirdly, how have those changes in state-society relations affected the politics of natural resources and the environment?

The paper is divided into four sections. The first section will provide an introduction to Jepara ecology and examine local state-civil society interaction and local political economy in New Order and Post-New Order Jepara. The aim is to understand the background and framework in which contemporary resource politics takes place. Section two is a brief case study of the politics of Jepara's forests. It looks at teak forest looting (*penjarahan hutan*) involving forest villagers and at government efforts to guarantee the supply of teak and other timbers to Jepara's vital furniture industry. Section three examines conflict between fishing communities. It is a study of efforts by northern Jepara fishers to prevent mini-trawls from fishing in Jepara waters. Section four is a study of conflict between villagers and a mining company carrying out open-cut feldspar mining. The dispute involves payment for the right to mine, the employment of villagers in mining, permission for the village to mine, and compensation to pay for environmental damage. The case study also illustrates how changing distributions of power between levels of governments (local, provincial, and central) affect control of resources.

All three of these resource conflicts involved villagers in the Keling subdistrict in the north of Jepara. (See maps of Jepara and Keling)

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<sup>2</sup> Good governance is an ambiguous concept but it seems to suggest a joint role for state and society as stakeholders who share in policy making and implementation.



## Jejara and Its Ecosystem

“The term amphibian is rather fitting for this district which is on the Muria peninsula. Citizens can earn a living from the sea, the lowlands or the mountain.”<sup>3</sup>

Jejara is a district (*kabupaten*) on the north coast of Central Java. Its administrative centre, the town of Jejara, is located 70 kilometres northeast of the provincial capital, Semarang. Jejara’s one million people live on 1000 square kilometres of mostly fertile land between Mount Muria and the Java Sea and along the Karimun Jawa islands marine national park some 70 kilometres north by ferry.

Interaction between humans and the marine and mountain forest environment have long affected Jejara’s settlement and economic activity. Location and sea access made Jejara a major trading port – where local teak and rice was traded for spices from further east -- in the 16th century. Settlement, agricultural expansion and timber sales slowly reduced Jejara’s forest cover and the resulting sedimentation and siltation pushed the coastline seaward and made Jejara’s port too shallow for large ships. This environmental change and political change--the domination of the Dutch colonial forces, Dutch opposition to Jejara’s trading with other European nations and the decision to locate the provincial capital and road and rail links further south—lead to Jejara’s decline.

Mount Muria protects Jejara’s Java Sea fish nurseries from damaging wind and waves while its forests, both slow run-off (which prevents or reduces flooding) and provides year-round water for farming and other human needs. The forests have also provided timber for housing and for the carved furniture that has contributed so greatly to Jejara’s recent prosperity.

Both the marine and forest environment have come under increasing pressure over the last few decades,

Environmental data on the Java Sea near Jejara is scarce. What we do know suggests declining biological diversity, increased pollution levels, intensifying environmental stress, fewer fish, and increasing over-fishing<sup>4</sup>.

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<sup>3</sup> Hendro Martojo, District Head of Jejara quoted on the 456<sup>th</sup> anniversary of the founding of Jejara *Suara Merdeka* 9 April 2005.

<sup>4</sup> See Harvard Review, *J of Environmental Economics*, UNDIP interviews.



Approximately 24% of Jepara is supposed to be forested. 16% is or was teak forest controlled by the National Forest Enterprise (Perhutani). 5% is planted in rubber trees and controlled by a national estate crop enterprise, PTPN Nusantara IX. 3% is protected forest (*hutan lindung*) or privately owned people's forest (*hutan rakyat*) and planted in a variety of trees including teak, mahogany and acacia. In the years just after the collapse of the Suharto government most of the teak forest and some of the estate crop, nature reserves, and people's forests were looted. Since 1998 most teak forests have been looted, replanted and looted again. The decline in forest cover has been followed by increasingly frequent and increasingly severe flooding. Looting of teak forests in Jepara and elsewhere in Java has led to shortages of quality teak for exports and the reduced quality of teak furniture has weakened the industry's international reputation. This has led to a decline in sales and employment.

Human and industrial waste is probably less than in more densely settled areas with heavier industry. Still Jepara's growing population and—until recently—burgeoning furniture industry has increased pollutants in the Java Sea. Mangrove provides ideal conditions for fish and protects the coast from strong waves. Its destruction—it is cleared for settlement and for *tambak* (brackish water fish ponds) and sold for firewood—has led to coastal abrasion and reduced fish nurseries.

### **Jepara State and Civil Society**

The Jepara state has had to respond to—or at least learn to live with—these and other environmental resource management issues. How the state has responded depends on the political and economic environment in which the local state operates, the power and resources controlled by the state, the nature of local state-society relations, and the actions of local state and society leaders.

Schiller (1997) has described the Jepara district government in the 1980s as a Powerhouse state, a state which was increasingly willing and able to influence the behaviour of its citizens. It was a confident state that looked like increasing the scope and weight of its power over its citizens into the indefinite future. It was also a responsive, developmentalist state whose senior officials saw the need to temper central government demands and to consult or placate local societal leaders.



Schiller's explanation for this responsive state was centred on the presence of NU (Nahdatul Ulama - the Awakening of the Religious Scholars) as the locally dominant social organisation,<sup>5</sup> the growth of a largely indigenous owned teak furniture industry, and Jepara's reputation as a place that was manageable if state officials were careful in their relations with community leaders.. NU provided a hegemonic social and cultural organisation that could choose to deny the state legitimacy and undermine its programs or to cooperate and make the local state's work easier. The growth of a confident indigenous business class and of an industry that provided a place for 85,000 workers, for more than 2000 (mostly NU member-owned) small businesses and provided more than 28% of the GRDP encouraged state officials to be more responsive, more cautious and more open. It also encouraged Jepara's citizens to be more critical and expect more from their state.

The fall of Suharto and the promise of a new *Reformasi* era--free from KKN (corruption, collusion and nepotism)--with a less dominant military, as well as a more accountable state had a dramatic effect on the state, economy and society in Jepara.

The local state found itself on the defensive. In what the District Head labelled the euphoria that followed Suharto's fall people felt free to vent their grievances against the state. In 1998 alone there were 1060 cases of public protest in the villages of Jepara.<sup>6</sup> Large numbers of village heads, secretaries and other officials were forced to resign. The local state called elections in most others and in many cases did not allow the village head to run for re-election. The local state offices were also the target of demonstrations and riots. Worse still for the economy of Jepara widespread looting of teak forests and other state owned plantations in Jepara and elsewhere, as well as a breakdown in law and order threatened both the supply of timber and the flow of foreign buyers to Jepara's main industry, furniture-making.

The state response was to reach out to NU and other Jepara leaders and to try to appear more responsive and participatory. In mid-1998 the District Head issued a *Plan for Implementing*

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<sup>5</sup> Its vote in the free elections of 1955 was 55% and despite the repression, vote-buying by the state party (Golkar) NU's political party, PPP, obtained more than 40% of the votes in each of the New Order's controlled elections.

<sup>6</sup> *Laporan Pertanggungjawaban Akhir Masa Jabatan Bupati Jepara* (2001):



*Reformasi in Every Field* as proof of his pro-reform credentials. The Plan indicated the procedures, costs and offices involved in the delivery of common public services and threatened to dismiss any civil servant who did not follow procedures.

There were several other participatory innovations. One of these is travel by most senior officials each Friday to attend mosque and have a dialogue with villagers from around Jepara. Another is a regular talk-back radio show in which the District Head (*Bupati*) and the relevant Pemda (local government) official take phone calls with questions or criticisms on any one of the whole range of public service issues.<sup>7</sup> Still another is the evaluation of public services by NGOs and the regular dialogue about public services between local officials and NGOs which takes place at the Inter-actor Forum (*Forum Lintas Pelaku*).

The local government elite sees its fair implementation of the 1999 elections as part of Pemda's redeeming of its public image. Its actions in forcing a Golkar victory in all but one of the New Order elections had probably caused more resentment than any other single policy or practice.<sup>8</sup> Post-1999 election the *Dewan* (District Assembly) has been pluralist with no political party dominating. The *dewan* is both a site or arena where local people can ask for investigation or redress of their grievances with state or village officials and also, importantly, a part of local government that is a target for oversight and criticism by NGOs.

Civil society's response to a more humble or more careful state was visible in the mushrooming of NGOs and ad hoc Citizens' Forums, Movements, and Foundations. Most of these organisations were local, but some outside NGOs operated in Jepara and some local NGOs worked in conjunction with national and international NGOs and donors. Many of these ad hoc and more permanent organisations emerge or are active either in response to perceived government failings or to work for the government to monitor or deliver its services.

As we shall see this dense network of NGOs has been recognised by the *Bupati* –Pak Hendro Martoyo—as a useful source of feedback on government performance.<sup>9</sup> Of course the

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<sup>7</sup> There are now two fortnightly talkback shows: *Bupati Mengapa* and

<sup>8</sup> Though the Jepara state was far less pushy than most district governments.

<sup>9</sup> See article



government tries to coopt or to influence how organisations and the public see its actions.<sup>10</sup> However, the post-Suharto Jepara social and political climate has been one in which local government faces more public scrutiny and pays more attention to public demands than ever before.

### **The *jaring cotok* conflict**

It feels rough to be a fisher nowadays. The cost of going to sea is high but the value of the catch does not amount to much... [the price of] Almost all the daily needs go up. But I still believe that I can live for as long as the sea is still there and boats can sail.<sup>11</sup>

Fishers have responded to declining yields and increasing costs in a number of ways. One response is to move to other occupations to reduce dependence on fishing income. Jepara's furniture industry has provided occasional employment for many. Some of the "surplus labour" from fishing, agriculture, and furniture making has also been drawn into legal and illegal mining of feldspar, coastal iron sands, and river sands. Mountain, coastal and riverine mining has led to further deforestation, coastal abrasion, rapid water run-off, erosion, flooding, and further destruction of fishing nurseries and future catches.

Coral reefs provide fish nurseries for a great variety of fish and aquatic life. Coral theft for construction—a boat full yields Rp 150,000--3-5 days or more income for a fisherman—and destruction by boards (weights) on nets used for trawling has decimated the reefs<sup>12</sup>.

A second response is to invest more capital and more time in an effort to increase productivity. Larger engines, longer times at sea and new technology, including lights to attract fish, as well as employing divers and sonar to find and herd fish into nets are also employed in Jepara waters. One technique introduced widely in the 1990s was to modify traditional *lampara* or *cantrang* nets, making the holes smaller and adding a weight to pull the net to the bottom. This net called a *jaring cotok* is trawled. Because its net is fine mesh it

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<sup>10</sup> A recent field trip to Kalimantan and Malaysia by the assembly and some senior officials is a case in point. All the Jepara based journalists and several of the NGO leaders were invited as well. Presumably, they couldn't criticise the junket if they were part of it. In the end some of the NGO leaders, the bupati and deputy bupati and several legislators dropped out. Those Ngo activists who stuck with the junket negotiated a District Regulation (Perda) on transparency in government and public participation as the price of their cooperation..

<sup>11</sup> *Terasa berat menjadi nelayan sekarang ini. Ongkos melaut mahal tetapi hasil tangkapan tak seberapa...hampir semua harga kebutuhan sehari-hari naik. Saya tetap yakin selama laut masih ada dan perahu dapat berlayar saya dapat hidup...*Jepara fisherman quoted on 456<sup>th</sup> anniversary of founding of Jepara. *Suara Merdeka* 8 April 2005.

<sup>12</sup> Estimates are that more than half the reefs in the Karimun Jawa marine national park are damaged and up to 90% in the four nautical mile Jepara coastal zone.



collects everything in its path large fish and small, fish eggs, prawns and shellfish. Because it has a heavy plank or weight that is dragged across the bottom it also damages coral. The weight on the *cotok* also frequently cuts stationary nets as it passes over them. A still more drastic response to falling yields is to resort to using illegal techniques like bombing and poisoning to improve their catch.

A third response is to restrict access and to prohibit the use of new technology in designated fishing grounds. It is the effort by the fishers of North Jepara to keep the *cotok* out of their traditional fishing zone that is the focus of this case study.

The *cotok* is—as I have said—an innovation by fishers and *juragan* (fishing boat owners) in response to falling yields and incomes, rising costs and government policy. In the 1970s the--government-promoted--use of trawlers (called *pukat harimau*) began to increase rapidly in Indonesian waters. In 1978 the central government banned trawlers from traditional fishing zones<sup>13</sup>. In the late 1980s and 1990s, in response to the ban and falling yields some boat-owners began to modify their nets.

In Jepara's case the adoption of the *cotok* occurred mostly in the central and southern subdistricts where investment in fishing had to compete with alternative investments—and alternative employment—in furniture and related industries. The result was increased fish catches for the first few years and then, falling yields. In response to the decline in income *cotok* fishers began to spend longer at sea and to range further outside their usual fishing grounds. This brought them into what the fishers of North Jepara considered their traditional waters. North Jepara includes all of Jepara north of the Jepara sub-district and this area had not experienced as much coral damage or over-fishing as other Jepara coastal waters.<sup>14</sup>

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<sup>13</sup> See Simorangkir:111-119.

<sup>14</sup> See note from Dinas Kelautan dan Perikanan.





**TABLE ONE**  
**THE *COTOK* (MINI-TRAWL) CONFLICT**

| DATE         | EVENT  |
|--------------|--|
| 1994         | Jepara government creates Team for Prevention of <i>cotok</i> (mini-trawls)  |
| 1996         | 3 <i>cotok</i> boats from South Jepara seized while fishing in north Jepara  |
| 1997         | South Jepara fishers attack north Jepara fishers at sea. 2 killed 3 boats destroyed  |
| 1999         | Acting Jepara District Head issues decree banning <i>cotok</i><br>Government conducts operation seizing <i>cotok</i><br>150 <i>cotok</i> fishers attack fisheries office           |
| 2000         | 6 <i>cotok</i> boats from Ujungbatu destroyed and 2 killed in north Jepara   |
| 2001         | Forum nelayan North Jepara created   |
| 2001         | Ban on <i>cotok</i> and reconciliation of dispute between North Jepara and Ujungbatu negotiated with assistance of YAPPI   |
| 2002         | Forum purchases patrol boat to enforce ban on <i>cotok</i>   |
| May 2003     | Dinas Kelautan Jepara submits draft District Regulation banning <i>cotok</i> and other trawlers from Jepara waters for forum comments  |
| July 2003    | <i>Cotok</i> boat from Ujungbatu destroyed and crew injured in north Jepara  |
| October 2004 | Forum Meeting to plan meeting with local government and fisher groups to advance <i>cotok</i> ban regulation   |
| January 2005 | <i>Cotok</i> ban meeting held. Only 13 people representing six fisher groups and a few government agencies attend. Meeting fails to endorse a draft <i>cotok</i> ban after threats |



## **Fishermen of Jepara**

In Jepara fishermen and their families make up only a fraction of the population of most 'fishing' villages. Previous studies by Emmerson and by Mubyarto et al note that Jepara fishing communities tend to be poor, have lower levels of education, and more health problems. Preliminary data from the two villages at the edge of Jepara town studied by Sutrisno shows slight increases in educational attainment and decreases in poverty. The data also suggests that the number and percentage of fishermen is declining in their central Jepara study villages.

Jepara fishing incomes fluctuate greatly. The west monsoon (September to March) brings rain and storms which frequently prevent fishing. The full moon reduces catches. Some fish populations are seasonal. Fish prices rise and fall dramatically. Regardless of catches or prices fishermen have to eat, buy and maintain boats, nets, engines, etc. They also have to purchase fuel for their boats.

These uncertainties have led to complex patron-client relations to share risks and the fish catch. Boat owners called *juragan* take a varying share of the catch, after subtracting running costs, and provide a smaller share to crew members (called *pendega*). Even if the catch is down the *juragan*'s costs must be paid.

## **Bandunghardjo and the anti-*cotok* campaign**

In 2003 Jepara had about 3400 fishing boats, 2080 *juragan* and 6650 crew or *pendega*. The Jepara Dinas Kelautan dan Perikanan claims that approximately 420 of those boats are equipped with *cotok*. North Jepara has 8 or less<sup>15</sup> *cotok* out of nearly 800 fishing boats. A larger percentage of fishermen own their own boats than in the rest of Jepara. In Bandungharjo, the north Jepara fishing community at the heart of the *effort* to ban *cotok*, there were 112 fishing boats usually crewed by two, and only about 20% of households were regularly engaged in fishing. Their boats had 10 horsepower or less outboard engines and they usually did not range outside the 4 nautical mile Jepara zone.

From the early 1990s the fishermen of Bandunghardjo saw more and more *cotok* (mini-trawls) in their local waters. By 1996, after growing despair that the national ban on trawlers

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<sup>15</sup> Sub-district figures categorise *cotok* with some other nets.



would not be applied to-or enforced on the mini-trawlers, and reports of declining catches some of them decided to take their own action. They seized and destroyed 3 mini-trawls from a more populous village in central Jepara.

This action was followed shortly by *reformasi* and economic crisis. In Jepara this was a challenge to poor governance and corruption. But in Jepara it was also a period of fear and unease that coincided with a breakdown of authority. Lawlessness and gang activity was widespread and, in the teak forests and surrounding villages of north Jepara extensive. Because Bandungharjo had a small number of fishermen and because it is isolated with only one road connection village leaders feared retribution either at sea or by hired gangs who might raid the village or block the road.

It was in this state of anxiety, made worse by a violent conflict at sea in August 2000 that Pak Toifuri, an influential fishermen, attended an informal discussion of local social problems organised by several NGOs from neighbouring districts. Pak Toifuri mentioned the fishing conflict as did some leaders from other villages.

Pak Toifuri told us that he thought that his village would be safer and stronger if he enlisted other fishermen's groups from northern Jepara into a larger organisation. With substantial assistance from the NGO, PPHM (Pusat Pelayanan Hukum dan Masyarakat), in Kudus, the North Jepara Fishers' Forum (Forum Nelayan Jepara Utara) was created. Its first goal was to negotiate an end to the conflict with central and southern Jepara. Its second aim was to provide an organisation to lobby for banning the mini-trawler *cotok* and for enforcement of that ban. Its third goal—at least from Pak Toifuri's perspective—was to make the conflict less personal and less focused on hostilities between his village and the villages of Demaan and Jobokuto in central Jepara.

The first goal was formally achieved after 8 months and several meetings between north Jepara fishermen and village heads and their counterparts from central Jepara. The first meetings were called by the Jepara police commander. But the police and fishermen soon announced that the matter was being returned to the fishermen for settlement.



A Kudus-based NGO, PPHM, brokered the meetings. They had gained the trust of Central Jepara fishermen by mediating a financial dispute within a fishermen's cooperative in central Jepara. The NGO's leader, Mbak lala, played a major role in gaining trust between the two groups of fishermen. Leaders on both sides of the conflict were impressed by her efforts. Pak Toifuri noted that when the government called fishermen's meetings they did not invite the real leaders.

On 18 April 2001 an agreement on ending of the conflict between North Jepara fishermen and Central Jepara fishermen was signed by chairmen of five fishermen's groups from north and six fishermen's groups from central Jepara. In the agreement north Jepara agreed to return its six confiscated boats and central Jepara its three. Costs of any repairs were to be the responsibility of the owners.

The agreement went on to state that the two parties "agree in principal to commit themselves to not use *Arat/Jaring Cotok*... which have been banned by the government." The central Jepara fishermen agreed to remove the mini-trawls from Jepara waters in stages over six months. The fishermen agreed to tolerate all fishermen fishing Jepara waters as long as their nets "did not violate laws and were environmentally friendly."

During the six month withdrawal period the central Jepara fishermen agreed that *cotok* boats would "only be tolerated... as far as the north Jepara boundary. "

Perhaps the most contentious part of the agreement was in a section labeled "Regarding Risks and Sanctions". It notes that the north Jepara fishermen will conduct 'operations' against fishermen who use *cotok*. It states that *cotok* users do so at their own risk and that any boats seized in 'operations' will become the property of the North Jepara fishermen! Finally, both sides agreed to surrender to the legal enforcement authorities anyone violating this agreement.

The agreement closes with a promise to consult and to refer to the courts in Jepara if necessary. The agreement was signed and sealed by the 11 fishing group leaders and witnessed by the Jepara police commander, the Jepara fisheries service and the District Head. Attached to the agreement was the 1999 Jepara District Head Decree banning *cotok* nets.



It would seem that in the 6 months from the clash the Forum had achieved most of its aims. However, negotiating an agreement between fishermen and gaining the endorsement of a ban from Jepara government was not the end of the matter. There was doubt about whether the local government had the will or resources to enforce an agreement. Past government efforts to enforce the ban had lead to demonstrations and threats of violence by *cotok* fishermen. Jepara's Polisi Airud (Water and Air Police) had only one boat to patrol 72 km of shoreline and more than 1500 sq km of Jepara waters.

The Forum decided that they would have to enforce the ban themselves. To do that they purchased a Rp 35,000,000 (A\$4500) boat with a large inboard motor. To pay for the boat they collected contributions from each of the constituent fishing (groups. In the Bandungharjo group dues were Rp 5000 per boat per month. Pak Toifuri says that the boat frightened the mini-trawls away. Unfortunately, the running costs were high and the ship needed repairs, so it has been docked for more than a year.

The other aim of the Forum was to strengthen the commitment of Pemda to a ban on mini-trawls and to clear any legal doubts about the illegal status of *cotok*. Again the PPHM played a role as community advisor and lobbyist<sup>16</sup> for the Forum. Over the space of two years four Forum meetings were held to plan a draft Perda (Regional Regulation), and to suggest revisions to a draft prepared by the Jepara Dinas Kelautan dan Perikanan Those meetings were lively with differences of opinion about what nets should be banned. The main division was between those who wanted the widest possible range of nets banned and those who argued that they should not try for "absolute victory" (*menang sendin*) because that would create more opposition to the passage of the legislation. The May 2003 meeting ended with the approval of a draft regulation and agreement to let the executive decide which nets to suggest for banning.

In July 2003 after nearly three years without an incident in north Jepara waters a mini-trawl from Central Jepara (Jobokuto) was seized and its crew injured. In the same month the fisheries service submitted a draft proposal for a ban on mini-trawls to the regional assembly for consideration. It might look as if inaction and delay meant that their problem would never be solved. However, the informal leader of Forum Nelayan Jepara remained optimistic that

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<sup>16</sup> PPHM met with perikanan officials and drafted legislation after gaining approval from the Forum.



the mini trawls would be banned, that their fishing grounds protected, and that his village would not be singled out for retribution because North Jepara would be seen as united.

### **Pemda perceptions of the conflict *nelayan***

In response to the central government's creation of a department Kelautan and its emphasis on ocean resources Pemda Jepara established its own Dinas Kelautan dan Perikanan (Fisheries and Marine Resources Agency). The Bupati's speech at the opening noted Jepara's long relationship with the sea, the symbolism of its annual fishermen's festival (*Iomban*), and the potential prosperity of its seas.<sup>17</sup>

Pemda's understanding of the marine environment and the problems of fishermen comes from a number of sources. Jepara is home to a campus of Diponegoro University's Oceanography Faculty and its marine laboratories. Its staff and students have sometimes lead campaigns to protect coral reefs and mangrove forests. Jepara is also the home of the Centre for the Development of Brackish Water Aquaculture (Balai Besar Pengembangan Budidaya Air Payau, BBPBAP)

These and other research institutions and researchers are sometimes hired to advise Pemda on natural resource and environmental issues.

Mostly though it is the newspapers (mainly *Suara Merdeka* and *Kompas*) that bring news of fishermen and their problems and conflicts. They present a picture of declining incomes and angry fishermen taking action to protect their interests. They suggest that fishermen are victims, left behind by progress and forgotten by their fellow citizens.

In informal discussions Pemda officials seem sympathetic to the needs of fishing communities. They are generally in agreement that fishers deserve paternalistic assistance. However, they see them as volatile and point out that they need to be treated with caution. This perception of fishers as more aggressive than farmers, for example, has been reinforced by the demonstration and threats of violence against the Fisheries Service and police when they have confiscated *cotok* nets or detained fishermen.

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The District received academic advice in 2003 that *cotok* fishermen need the nets for productivity and that the marine ecosystem would be sufficiently protected if *cotok* boats were simply kept from trawling coral reefs rather than banned. Despite that advice Pemda seemed in 2003 to have decided to support the mini-trawl ban. This meant that they risked conflict with Jepara's 420 *cotok* owners as well as mini-trawlers from other ports.

In the two years since, Pemda enthusiasm for the banning of mini-trawlers has declined. The North Jepara Fishers Forum continued to lobby the effort to ban the trawlers.

\*\*\*2005 update\*\*\* perda anti-*cotok* not passed



## Feldspar Mining Dispute

Clering village is located 50 kilometres northeast of Jepara and 20 km off the North Muria road—the ‘back road’ that links Jepara with Pati. It is about as far away from the administrative centre as you can be and still be in mainland Jepara. It is in the last settled—and least densely populated—area of Jepara in which some villages were founded less than a century ago. Northern Jepara in general, and Clering village in particular has a reputation for being less devoutly Islamic than Jepara’s south. The area is also famous for its criminals.<sup>18</sup>

Clering has a population of about 5,500. 2/3 of village land is state owned (*tanah negara*). The villagers need to scratch out a living on the remaining 1/3. Brackish water ponds (*tambak*), rice fields, dry fields (*tegalan*) and residences occupy the remaining 1/3. The fish ponds are rapidly being eaten up by coastal abrasion. Fishing catches are down and agriculture is also said to be in decline. Even the village’s labour-intensive, roof tile industry faces stiff competition from new mechanised production methods.

Clering’s main visible source of wealth is in its mountains. Mount Ragas, a part of the Muria Range, has a large working deposit of feldspar. Some of the ore is also rich in another more valuable mineral used in ceramics, glass and glazing, called kaolin.<sup>19</sup> Other ‘mountains’, hills, and beaches in Clering and surrounding villages are also believed to have a high concentration of useful mineral sands.

The value of feldspar and kaolin seems to fluctuate and to depend on the point of purchase. SMP reportedly pays Rp 96,000 (A\$14) for a truckload ( $\pm$  4 tons) at the minefield or Rp 220,000 (A\$32) for a truckload at its Pati depot. It sells feldspar at Rp 2.4 million (A\$350) a truckload. Kaolin sells at 2 to 3 times the price of feldspar depending on purity.

In the early 1990s feldspar was discovered in the village.<sup>20</sup> The discoverer set out to buy as much of the mountain as he could. The villagers saw the land as useless (*tanah pemajekan*) and were happy to sell it cheaply. Later, of course, they felt swindled. Mining began but by

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<sup>18</sup> A local assembly member described the village as known for its thieves and ‘social bandits’ (*bromocorah*) and described its religious leadership by saying that “there are no white ones [the colour of Islam], at most there are gray ones wanting to appear white.”

<sup>19</sup> Feldspar is a clay widely used in pottery Personal communication: Liz Morrel

<sup>20</sup> A man from Pati collected a sample of the sand to be analyzed by his son who was studying geology at Gadjah Mada University.





1994 the pioneer of feldspar mining was pushed out and his lease was given to the company that later became PT SMP. The then Governor of Central Java, Soewardi took a direct interest in the granting of mining rights. His son is widely believed to have been a broker in arranging SMP's mining lease.

SMP is by far the largest miner on the mountain.<sup>21</sup> However, other leaseholders operate as well, and from the beginning there have been unauthorised mining operations by villagers and disputes over who has the rights to mine. There have also been on again, off again, arrangements between SMP and the village in which the company paid some of the salaries of village officials and contributed to village income. So legal uncertainty, villager distrust of outsiders, and uncertainty about how the authorities (the police and local government) and the company would deal with their efforts to earn an income from feldspar sales are all part of the current conflict.

They described their grievance with PT SMP in some detail in interviews, discussions and protests. Arrangements with the company for monthly payments to be made to village officials in lieu of salary were never fully met. Fixed payments, to the Village Development Fund, of Rp. 15,000 (A\$2) for each truckload of feldspar were rarely delivered. Village requests that the road to the mine—damaged by heavy mining traffic of up to 100 dump trucks per day—be resurfaced were ignored. For the last two years there had been no payments at all.

Complaints about dust from open-cut mining resulting in respiratory problems for the students at a nearby *madrasah* (Muslim non-residential school) received no response. Villagers had hoped the company would pay to move the school. Because the feldspar is transported in an open dump truck the dust has been seen as a health problem from the site along the road to the depot in Pati.<sup>22</sup>

Another complaint was that the company hired more outsiders than villagers. It was also said that field directors who cultivated good relations with the village were dismissed without

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<sup>21</sup> It sued its field director for stealing from its mine site for three years. It claimed the loss was just short of Rp 13,000,000,000 (nearly A\$2,000,000) Data was compiled from several interview sources.

<sup>22</sup> Source: Suara Merdeka check with Dr Dewi and dinas kesehatan



notice. Generally, communications from the company was poor until 2003 and non-existent after that,

2003 marked the beginning of the current crisis. In that year police arrested two villagers for stealing SMP feldspar. After the arrests villagers were too afraid to mine the village site or other deposits on the mountain. The company mine area was sometimes locked and patrolled by armed police. At least one village protest leader received late night phone calls warning him to burn his archives of village protest action. “That is *premanism* (gangsterism) isn’t it?”, he said to one researcher.<sup>23</sup>

## TABLE TWO

### FELDSPAR CONFLICT

| DATE            | EVENT  |
|-----------------|--|
| Early 1990s     | Feldspar mining begins in Clering  |
| 26 July 1994    | Governor Soewardi-led Central Java provincial mining office issues a mining license (SIPD) for PT Semarang Mineral Pembangunan Pertambangan                        |
| 17 May 1995     | PT Semarang Mineral Pembangunan (PT SMP) issued a 10 year replacement license.   |
| 1997            | PT SMP granted a mining license for a further 2.7 hectare mining field   |
| 1998            | PT SMP informally gives 1 hectare of its exploitation area to the village to generate income for village officials   |
| 15 January 2001 | Jepara government arranges meeting between PT SMP and village representatives. Company agrees to villager demands for a wider mining area. Later denies agreement. |

<sup>23</sup> Interview 10 May 2005.



|                   |  |
|-------------------|--|
| 2001-2003         | Ali Sunarto becomes manager of village feldspar exploitation   |
| 2003              | Police arrest Clering villagers selling feldspar in Pati. They are released after paying police.   |
| 2003              | Ali Sunarto stops paying the village government from feldspar sales. Relations with village soured   |
| 18 November 2003  | Jepara Perda (local legislation) No. 13/2003 establishing the (Energy, Mining and Environment Service (Dinas Lingkungan Hidup, Pertambangan dan Energi) proclaimed.                                |
| 1-3 February 2005 | BPN—the Jepara office of the National Land Authority produces new maps of PT SMP's feldspar exploitation area. Disputed new maps show some villagers' land as SMP controlled.                      |
| February 2005     | Ali Sunarto arrested on the charge of stealing feldspar from PT SMP  |
| February 2005     | PT SMP field staff at the village mining site arrested on the charge of stealing feldspar and fraudulent reporting of feldspar sales   |
| 12 April 2005     | Villagers send a protest letter challenging new Land Office (BPN) village maps which allegedly show some village land as part of PT SMP lease.   |
| 26 April 2005     | Jepara government approves Perda on Pertambangan giving District the right to issue or cancel feldspar mining permits  |
| 17 May 2005       | PT SMP mining license expires  |
| 26 May 2005       | Villagers hold public discussion with Jepara government officials. Later negotiations attempt to persuade villagers to reduce their demands from PT SMP in exchange for Jepara government support. |

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Who are the main actors in the conflict? What is the strategy of the villagers? How sophisticated and how effective is their campaign? How does the Jepara government deal with the villagers? How supportive are they and why? What is at stake for them in the conflict? Dewan, pilkada, democracy, desire power, angry at company, negatives: power of province, 'payoffs' What has changed in state-society relations?



## Village Argument and Strategy

The current conflict is between most or all of the village elite and the company. Village leaders and local supporters see the need for unity to stand up to the company. They believe the police and the legal system is likely to serve the company. They see Pemda Jepara (District Government) and the *Dewan* (District Assembly) as uncertain, but potential allies. Certainly, the Jepara government and assembly have taken an interest in the case and been critical of the company. The media is generally seen as friendly to village interests. There is good reason for this. For example, *Suara Merdeka*—Central Java’s leading newspaper—has devoted 14 stories in the last six months to the mining dispute and almost all of these are supportive of the villagers or critical of the company.<sup>24</sup>

Unlike the fishing dispute, in this case outside NGOs played only a minor role in organising or acting for the village.<sup>25</sup> Instead village organisations (government and non-government) were used or created for the campaign. The Village Representative Board (*Badan Perwakilan Rakyat*) sponsored meetings with Jepara state officials. A Village Society Enterprise Board (*Badan Usaha Masyarakat Desa*) was established to overcome legal objections to village managership of a mining enterprise. A Village Assets Concern Forum (*Forum Peduli Asset Desa*) and a ‘Little People’s Forum’ (*Forum Wong Cilik*) were created to assist in carrying out the public campaign.

These informal village organisations could organise demonstrations, send protest letters, issue pamphlets, convey an image of mass support in media coverage, provide a podium for village elites and give those elites a seat at negotiations with the company and with the state.<sup>1</sup> They also allowed the village government to deny responsibility if any laws were broken during the campaign. Finally, the militia-like, village Ansor youth group was given the task of providing security at meetings.<sup>26</sup>

The village strategy to convince the authorities of their righteousness and determination shows considerable sophistication and some understanding of contemporary Indonesian laws

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<sup>24</sup> This was confirmed by interviews and informal discussions with journalists.

<sup>25</sup> Although LPBHNU, the legal aid arm of Nahdatul Ulama is providing legal assistance to Clering residents charged with stealing feldspar from SMP’s mine site.

<sup>26</sup> Ansor is the youth wing of NU, Jepara’s hegemonic Muslim social organisation.



and local politics. This is clear from our research notes from a meeting with Pemda Jepara officials organised by the village on 26 May 2005.

The meeting site was the village hall. To gain entrance the guests from the Provincial and District governments had to pass through a volleyball field. In the café (*warung*) in front of the meeting and across the volleyball field numerous posters and banners were hung stating the villagers' complaints about the mine and their demands. Around the perimeter more than 50 uniformed Banser—the village Anzor (NU)` militia—and Hansip were posted to maintain security. Inside the hall was crowded with more than 100 seated villagers. Three speakers were appointed to speak for the village.

The Head of the Village Representative Board began the meeting by stating why the village was angry with PT SMP and announcing the village's three demands. They were: acceptance that SMP's 10 hectare mining lease (SIPD) expired on 17 May 2005. The lease was to be turned over to the village BUMD. SMP's 2.7 hectare mining lease was to be continued on condition that all non-technical workers must come from Clering and a fee would be paid of Rp 15,000 (A\$2) for each truckload of feldspar departing the mine site.

### **Jepara Pemda Strategy**

The aim of the Pemda negotiators appeared to be to try to convince the villagers to soften their demands to increase the chance that the company and the Governor would grant them some mining rights and other compensation.

After the presentation of the grievance letter and the three demands by the Head of the Village Representative Board it was the turn of the Jepara and Central Java state officials to respond. It was interesting how much effort the officials put in to trying to convince the villagers that Pemda Jepara was on their side. The main speakers were from Jepara, Pak Hermin—the Head of the Energy, Mining and Environment Service—and Pak Mulyadi—the Head of the Government Division which is in charge of sub-district and village government affairs. Pak Boediono, the regional manager of the provincial government's BPPE—the Energy and Mining Management Board—spoke only briefly.



Pak Hermin began by saying that he was delegated by the District Head, Pak Hendro Martoyo who had to attend a public discussion about the upcoming District Head election in Jepara. He explained that the District Head was very supportive of the Clering people. He said the proof of this was that Pak Hendro had recently met with the managers of PT SMP and ‘challenged’ (*ditating*) them on their commitment to the village. Furthermore, the District Head told the directors of SMP that he would not sign the Letter of Recommendation—required by the Province before granting an extension to the SMP mining lease—until SMP met two conditions. The dispute with the people of Clering has to be completed and the compensation claim of the people of Clering has to be met. Reportedly, Pak Hendro had even refused (*menolak*) a request from the provincial mining service for his signature approving a continuation of the mining license.

Pak Hermin claimed that at their meeting the SMP directors had told the District Head that they were willing to pay a fee for reforestation, to recruit Clering mine workers, and to respond to the request for mining rights if the village communicated their request to the Governor. After suggesting a compromise, which will be discussed later, he ended his presentation by once again stressing the Jepara Pemda’s support for Clering. He faced the audience and said “We have a moral debt to help you.”<sup>27</sup>

The next Pemda speaker was the Head of the Government Section (*Kepala Bagian Pemerintahan*), Pak Mulyadi traced the history of the conflict and noted the expiry dates of SMP’s 10 ha. and 2.7 ha. leases. He urged the Clering Village Head to send a letter to the Governor as soon as the Jepara District Regulation (Perda) on mining was enacted. The letter should set out the claim for payments and the request for a mining license for the 2.7 ha. site. The smaller, but kaolin rich and therefore more valuable per ton, 2.7 ha. site could still be negotiated, but not the 10 ha. one, he said.<sup>28</sup>

He stressed that they should not put the Governor in a corner (*menyudutkan*) or make it difficult for the District head to convince the Governor—who still held the power—to meet the villagers’ request. He noted that the District Head was fully committed to supporting

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<sup>27</sup> *Kami punya beban moral membantu panjenengan.*

<sup>28</sup> His argument about why the larger site was not negotiable touched on technicalities of mining leases, five-yearly reviews and expiry dates. It was not very convincing to the meeting or the authors of this paper.



Clering. Pak Hendro had demonstrated this by his immediate response to the BPN remapping of the village. He had ordered BPN to remap the village again. If Pak Hendro gave a recommendation for approval the villagers' claim had a good chance of success. He pleaded with the citizens to feel pity for the Bupati who would have to face up (*berhadapan* frontal) to the provincial government if the people continue to ask for the 10 hectare site. At one point he told the representative of the provincial government: *try to have the [mining] of PT SMP stopped*. This was greeted with clapping by the participants.

## Negotiations

Pak Mulyadi claimed that that his agency held a trump card in the negotiations with the province because an extension of the mining permit required the recommendation of the District Head. One of the appointed village speakers interjected: *if the district government actually has a trump card why not use it to ask for the 10 Ha?* Pak Mulyadi said that the company and the village also have trumps. He seemed to be suggesting that the company's existing lease and the Governor as the decision maker were in a strong position. He also mentioned that the Jepara District Government was still very dependent on finance from the province and Central government.

The villagers also noted that if they were given five Ha. they could provide as much in mining fees per year (Rp 80,000,000 = A\$11,000) as the company provided for ten Ha., effectively doubling the tax rate. The public meeting ended without agreement on a compromise offer from the village.

Negotiations between the government officials and the village leaders<sup>29</sup> started in earnest after the meeting broke up. Pak Mulyadi explained again that they had little chance of success with their demand for 10 Ha. However, if they asked for 2.7 Ha. at any location they chose on the mountain they could count on a recommendation letter with the support of the Bupati. The village leaders quickly seemed to agree to Pak Mulyadi's request. The officials left after Pak Mulyadi asked the village secretary to bring a letter and the village seal to his office tomorrow so that we can immediately draft the Bupati's recommendation letter.

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<sup>29</sup> The *carik*, the BPD head, three of the village forum leaders, but not the village head.



After the officials departed the village held another meeting which decided to hold out for 10 Ha. rather than to accept the 2.7 Ha compromise offer. A senior government official interviewed on 20 June was not very happy. He commented:

If that's the way it is, in the end we will return the problem to the citizens. Let them write their own letter. Those of us who know a little about the regulations wouldn't ask for so much... We [Pemda Jepara] know what the decision will be. We are still part of a province. Even a Bupati's district regulation (Perda) can be annulled, let alone a Village Regulation or citizens' demands.

Still he intended to invite the village head to his office and to try to negotiate an alternative set of demands from the people of Clering.

### **Outcomes and Explanations**

To date there has been no final decision on Clering's request for payments and mining rights. Jepara's officials are still hoping that the villagers will reduce their demands and that a deal with the Governor and the company will prove possible. Presumably, villagers are hoping for a more complete victory. They may even have cause for hope.

One thing they know is that this is no longer "the New Order period when District Heads did not dare to stand up to the Governor."<sup>30</sup> It seems likely that the Jepara Pemda response to the villagers' claim is affected by a larger resource issue, the question of who--if anybody--controls Jepara mining.

The provincial regulation limits District control of mining rights to deposits of one hectare or less. Jepara is facing a widespread outbreak of unlicensed and uncontrolled mining of beach sands, river sands, and other minerals. The mining is causing erosion and damage to fishpond (tambak) and to river banks. Pemda officials see that mining as an environmental problem and as a potential source of income. They have even introduced and enacted a new District Regulation (Perda) controlling all category C mining in Jepara.

One problem is that this clashes with the new provincial mining regulation. A senior Pemda official told us that it will take several months for the Pemda mining regulation to be reviewed and approved by the province and by the Ministry of Home Affairs in Jakarta. The province controls other sources of District income including large infrastructure projects like bridge-

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<sup>30</sup> Interview with Clering BPD head.





building, road construction and ferry transport and infrastructure for the Karimun Jawa national park tourist development and has threatened to reduce that assistance.

So the Bupati has to weigh up the relative costs and benefits of opposing the Governor. Certainly, he will be considering the consequences for the government budget and the Jepara economy. Presumably, if he is as good a politician as everyone believes he is, he will also be considering the patronage powers that he would gain from greater control over mining rights and what patronage he would lose from a reduction in infrastructure funds.

Another change from the New Order that the villagers, the company and the District Head understand is the sharing of the executive's power at the District and Provincial level with the local *dewan* (assembly). Both the Jepara and Central Java legislature have sent commissions (*komisi*) to visit Clering or invited villagers to Jepara or Semarang to discuss their grievances. Jepara assembly members have visited other districts to compare how mining permits are monitored and controlled. District Assembly members from Keling have advised the village leadership on how to approach the local government and how to bargain with the company.

The draft mining regulation produced by the Energy, Mining and Natural Environment Service of the Jepara was reportedly largely rewritten by the *dewan*. The changes were mainly to widen the scope of District control over mining permits (*Surat Ijin Pertambangan Daerah*) The net result was to make the Perda further in conflict with the provincial regulation.

Another consideration for the Bupati in his reaction to the villagers' concerns and his conflict with the company and the Governor is politics. There will be a District Head Election in Jepara in 2007. If the Bupati runs for re-election he will need support in Jepara's less Islamic north. His local reputation as a fighter for village interests and as defender of Jepara's interests against outside companies and provincial bureaucracies could be enhanced if he successfully challenges PT SMP and the Governor.



## Conclusions

\*\*\*comparisons and questions in conclusions\*\*\*

What cultural, social, political and media skills does the leadership possess?

Does the movement have important patrons?

Are there important divisions or unifying factors in the movement?

What were the factors that influenced local state attitudes toward the conflict?

Institutional reasons

Class interests

Personal interests

Risks

What is the strength and unity of the private sector or other opposition?

Media coverage

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More but unequal participation: why?

Safeguarding commons? Why not”?

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