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Strategy of Conflict Resolution Among Society During Exploration Development Case of Tangkuban Parahu Concession Area, West Java Indonesia

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ABSTRACT

In the early stage of geothermal development, which is exploration activity, several obstacles may be encountered. Among others they are: superimposing land use with plantation forestry or other activity and conflict with the surrounding community. This paper presents with the problem faced in the Tangkuban Parahu Geothermal Project, where the exploration activity was halted due to community resistance.

Although different in some ways, the case of Tangkuban Parahu Geothermal Project in West Bandung can be compared with a case of Locally Unwanted Land Uses also known as LULU. This is a generic term for land uses which are unfavorable for the neighboring community, also known as The NYMBY (not in my back yard) syndrome. What obstacles will be faced by the new regime of geothermal development in Indonesia? Among others, it is the level of democratization of the people, even in villages or remote parts of the country. This condition has led to community's rejection of geothermal development in their areas, as happened in Tangkuban Parahu Geothermal Working Area (GWA), West Java Province. It is worth noting that the same problems also happen in many infrastructure development projects in Indonesia, not solely geothermal projects. Thus, serious efforts are called to comprehend why this happens, what are the reasons, and how to solve them. In geothermal development, because Tangkuban Parahu GWA is one of the first locations to be developed since the issuing of the Geothermal Law No 27/2003, understanding this case can benefit not only this area, but also other geothermal development locations.

Deeper elaboration of the Tangkuban Parahu Case, especially digging deep into the community's dynamic, shows that there is no easy answer to this conflict, and no single explanation or solution is adequate. However, there are some significant points in the geothermal development process that are worth noting for future improvement, as well as several intangible but important factors. Lessons learned from this case can also serve as feedback for more sufficient role sharing, regulation, and planning of geothermal development in Indonesia.

1. BACKGROUND

With the issuing of the Law No. 27/2003 about Geothermal Resources, local government was given a bigger role in geothermal development in Indonesia. The authority for the development of geothermal energy resources, which was previously handled solely by Pertamina, now is given to the local government according to the principle of decentralization or regional autonomy. The new regime of geothermal business also changes in the way that geothermal rights are now given out by a bidding process. The first region to conduct geothermal bidding process was West Java Province, which in 2008 processed the bidding for 3 geothermal working areas, namely: Tangkuban Parahu, Cisolok-Cisukarame, and Tangkuban Perahu. After a lengthy process, the winners were announced and geothermal permits were issued for those three locations.

However, in the next step process of geothermal development, which is the exploration activity, several obstacles may be encountered. Among others are: superimposing land use with forestry or other activity, and conflict with surrounding community. This paper presents the problem faced in Tangkuban Parahu Geothermal Project, where the exploration activity was halted due to community resistance.

Although different in some ways, the case of Tangkuban Parahu Geothermal Project in Bandung Barat, can be compared with a case of Locally Unwanted Land Uses or known as LULU, which is a generic term for land uses which are unfavorable for the neighboring community, also known as the NYMBY (not in my back yard) syndrome. Nimby syndrome which gained popularity in the 1970s, illustrates cases where local residents object to the development of a public facility that is usually initiated by government. Even though the citizens are well aware of the benefit of the public facility, the community is not willing to provide land for the utilities, e.g., nuclear plants, dumps, prisons, etc.

The local government approach is to disseminate the plan within the community and observe the reactions of local residents. In order to learn how other cases of Nimbyism are handled, this paper attempts to compare the case of Tangkuban Parahu Geothermal development plan, with cases from other countries. Many writers have concluded that open participatory decisions are the only way to combat NIMBYism (in McAvoy, 1999). One example is the Government of Alberta, Canada, which has successfully managed to site, build, and operate the single new incinerator facility in North America (Fischer, 2002). However, this point of view is recently challenged as many participatory attempts in Nimby cases resulted in failures. That is why it is considered important to provide also in this paper one case where the participatory approach failed, which is the building of hazardous waste site in Minnesota, US (McAvoy, 1999).

Building from the comparison, a perspective from the planning process is presented. This is the new mainstream of planning that has swept through many countries recently, including the newly developed planning process in Indonesia. The development of this planning process is to be more participatory, more consensus-based, and is a consequence of the reformation era and more democratization in Indonesia, which has penetrated the geothermal business as well.

The following part will try to analyze the case of Tangkuban Parahu Geothermal based on perspectives of planning process and power dynamics. Related with acceptance of more diverse actors in planning, more opinions and interests which are intermingled, the dynamic of interactions must also be comprehended. Temporary findings from the site suggested that the community dynamics that is found in Tangkuban Parahu case is more about power dynamic in nature. Then, lessons learned from the Tangkuban Parahu Geothermal development is elaborated in order that the future geothermal development can be more successfully implemented.

2. CHRONOLOGY

Development of Tangkuban Parahu Geothermal Working Area started with the issuing of IUP (Geothermal Mining Permit) in 2009 by the Governor of West Java Province. After about 1.5 years of conducting geoscience surveys, consisting of geology, geochemistry, and MT surveys, the permit holder (PT. Tang Kubanparahu Geothermal Power) then proceeded to the next stage of exploration, which was exploratory drilling in 3 locations. However, this activity was halted due to resistance from the surrounding community related to the drilling locations.

There are several versions of the primary cause for this resistance, as observed from detailed unstructured interviews with key informants. One version says that it started when an expert said that the chosen locations for drilling activities were too near to community housing, and that the approximate safe distance was 1.5 to 2 kilometers from housing. While the chosen location based on geoscience data was about 200 meters from settlements with a steep hill behind, this also created some fear of landslide. Another version states that the resistance began even before the said occasion, in that there were some prominent members of the community who were worried that the drilling activity would cause a Lapindo-like disaster (after an oil drilling accident in East Java, where the drilling well collapsed and started spewing mud until now). They were worried that the same could happen in their villages. Still another version says that the seed of resistance started after the preparation activity of land acquisition, when some people got land compensation and others did not, creating some sort of jealousy.

Aside from what caused the resistance in the first place, on October 28, 2011 the community marched to the Bandung Barat Representative Body (DPRD) to protest against the development of the geothermal plant in their villages. No less than 800 people joined the march, and this was heavily covered by the media. The people mostly came from the impacted villages, which are: Sekar Wangi Village, Narimbang Village and Cilangkap Village, Buahdua District, Bandung Barat Regency. Dialogue with people representatives resulted in several agreements, i.e., a field survey was to be conducted as soon as possible in coordination with West Java Province Government and Central Government (Ministry of Energy and Mineral Resources).

At the time, the standpoint of Regency Government of Bandung Barat was to pass on the problem to West Java Province Government, i.e., Energy and Mineral Resources Office, because it was the Governor who issued the permit. However, further explanation and dialogue with related parties revealed that the issuing of IUP had been recommended by the Regent of Bandung Barat himself, and that personnel from the regency was even involved in the bidding process as a member of the committee. The permit (izin lokasi) for the location had also been issued by the Regent, along with environmental assessment (UKL- UPL) for said activity.

The primary data for this research were collected using in-depth interviews with key informants, from government agents, experts, developers, and community representatives. The interviews were semi-structured, between 30 and 90 minutes in duration, and were audio- taped and transcribed. Besides that, the content analysis of related documents was conducted, along with participant observation in meetings and focus group discussions. The formal data collection was complemented by frequent informal conversations with other community members, for the purpose of validation and triangulation. The data analysis was conducted with an understanding that language is a primary medium through which power is expressed and shaped (Clegg, 1975; Fairclough, 1989), and should thus be the main focus of efforts to analyze how work practices were subjectively constituted through discourse. In line with previous theories based on qualitative research, the findings of the research are assessed by moving iteratively back and forth between data and theory employing a multi-stage inductive approach. First, we needed to identify the power at work in these everyday texts. The transcripts and other data sources were read and instances of talk indexing relations of power were identified and coded following the open coding paradigm recommended by Strauss (1987). The process resulted in the identification of a large number of categories that were more or less continuously revised as new ideas, and new lines of understanding emerge.

3. CASES FOR COMPARISON

One successful approach of dealing with NIMBY syndrome was experienced in the Canadian province of Alberta (in Fischer, 2002). Facing the community opposition to a plan to build a new incinerator, the regional government decided to confront the problem openly and squarely by setting up an open and democratic participatory process. Working together, government, industry, and local groups in Swan Hills, Alberta, created a participatory process through which the conflicting issues of choosing a site were conducted. Through the process, all major stakeholders ended up preferring negotiation over conflict; all came to see benefits from cooperation. Participation in the project was built into the decision process from the beginning, commencing with choosing the site.

What is more in the Alberta case is that after the citizens signaled their willingness to consider to accept the plant, the regional government supplied the Swan Hills community with funds to hire its own experts and consultants. Other than that, the government organized extensive public meetings to discuss with community members and their consultants the nature of the plant and its consequences. Once the site was accepted, the government provided the community with additional financial support to offset the extra burdens to the local infrastructure and to hire their own expert advisor (Fischer 2002, p.131)

One contrasting case is an unsuccessful attempt to fight Nimbyism in Minnesota where local residents rejected the efforts to build hazardous waste disposal, whose process was elaborated in detail by McAvoy (2002), despite extensive efforts by the state government to make the decision making process voluntary and participatory. However, further analysis showed that there were

many aspects to be given thoughtful consideration. In the investigation and intensive inclusion of the siting process, McAvoy challenged the notion that citizens were basically irrational and self-interested; even he attempts to show that, in fact, many significant and sensible critiques from the citizens' part were not addressed properly by the government. Many disagreements between citizens and local officials stems from value trade-offs rather than technical issues.

According to McAvoy, there are fallible views that the NIMBY syndrome characterized citizens as overly emotional, uninformed, unscientific, motivated by narrow, selfish interest; and obstructing policies that would provide for the collective good (1999). Recent studies of the NIMBY syndrome challenge the first two of these characteristic, actually their participation in the process will help them see the need for a facility. Most importantly, it is the obstacles citizens face in gaining access to the policy process and the extent to which these obstacles can be overcome that often causes distrust. The state can use its non-coercive powers like financial and human resources to enhance their capacity to make decisions. The differences in perceptions between citizens and state officials about the risk and benefits associated with the facility should be made clear and addressed properly. McAvoy argues that citizens can provide formidable critiques of state initiatives, and are able to demonstrate the fallibility of policy experts in forming a solution to the hazardous waste problem.

4. PERSPECTIVES OF PLANNING PROCESS

Planning efforts in general aim to bring better changes in human conditions (Friedman 1987). However, empirical evidences show that implementation of planning often do not result in the desired goal towards the betterment of society (see: Friedmann 1987, Alexander 1986, Mandelbaum 1996, Sanyal 2005, and Allmendinger 2002). This results in so called planning crises (Friedman, 1987) where even though there is increasing efforts in planning, in reality poverty is increasing, pollution is uncontrollable, there are higher rates of discrepancy between the rich and the poor, and there is an increasing rate of crime.

Among the efforts to shorten the discrepancy between planning goals and its outcome is the so called communicative turn in planning, in which planning is more bottom-up and focuses more on community participation and consensus building between stakeholders (Friedmann 1987, Sanyal 2005). Because such practices are concerned with consensus forming between actors, this large group of communicative planning is referred to as consensus-based planning, because the ultimate aim of planning communication is to reach consensus (mentioned in Kaza 2006, among others). Hence planning practices, the rapid global changes, as well as many unprecedented problems faced by humanity, have made consensus-based planning unavoidable as one way to deal with many conflicting interests. Thus, many forms of consensus-based planning procedures are integrated in planning efforts, such as land-use planning, strategic planning, and community planning.

The back bone of communicative planning mainstream is a social theory asserted by German philosopher Jurgen Habermas (1984, 1987) called the Theory of Communicative Action (TCA), which is an ideal condition of actor interaction, which is characterized by an open attitude toward consensus, independence of social structure, and freedom of communication. Although the influence of this theory is widely acknowledged, many criticisms are addressed toward this theory, among others are that TCA is too utopian and abstract (Allmendinger 2002, Bolton 2005). Stronger critiques towards Habermasian theory come from Foucauldian planning theorists, who follow the analytical strength of French philosopher Michel Foucault, mostly due to the fact that the theory does not calculate the influence of power in planning interaction. While Habermas' communicative action concept is deemed to have no harmony between ideal and actual condition, rooted in insufficient concept about power, naive and utopian, Foucault on the other hand accepted power as something which is unavoidable, penetrates into everything, and has productive as well as destructive potential (Flyvbjerg and Richardson, 2002:5-9).

According to those theorists, understanding how power works is the first requirement for action, because action is intrinsically the use of power. In essence, they argue that the negligence of the power issue in planning such as assumed in Habermasian theory will not be helpful to understand the gap between planning theory and practice.

In planning for geothermal development, as shown in Figure 1, it is clear that the first part of planning is done technically by experts. However further along the process, when the time comes for deciding boundaries of a geothermal working area (GWA or WKP), a more consensus-based planning is at play, because it includes various actors, such as: Ministry of Forestry, Province Government, Perhutani, Regency Government, Ministry of EMR, among others. The same process, more or less, is conducted for the process of selecting the best candidate to be given the permit. But the pinnacle of consensual process is found when it is time to deal with the surrounding community of the geothermal sites. In the actual process, the consensual meeting did not lead to agreement or consensus, but created resistance from the community.

As found in the case of Tangkuban Parahu, the reaction of the community to the geothermal development plan is a confirmation that technocratic planning is no longer at play. This can also be said in the context of recent democratization of Indonesia.

Following the winds of change towards a more deliberative democracy, many countries in Asia and Africa recently enjoy a more democratic atmosphere in their political life. The newfound freedom brought about by democracy, has consequently seeped into policy making and planning as well. In these transitional democracies, or countries which previously experienced more or less authoritarian governance like Indonesia, the citizen is not fully democratic yet, and remains of authoritative governance and habits are still very much present. However, demands for more transparency and accountability of planning are continually increasing and brings questions to the existing practice.

Since its independence day in August 17, 1945, practically Indonesia just began to step into democratic condition in 1998, when the long reign of General Suharto was toppled by students' demonstration after 30 years of authoritative governance. And with the coming of reformation era, the democratization seeped in to every sector, such as new freedom of speech, open flow of information, and, in governance, a shift from centralization to decentralization. In the planning arena, the new democratization brought along demands for change from centralistic planning to a more participatory, bottom- up approach. After several years of discussion, in 2004, a new system of national development planning was applied by the issue of Law No. 25 year 2004.

The new system which was meant to change the old centralistic and very technocratic style of planning into a more democratic and deliberative style, after several years of implementation did not turn out to yield better results from development efforts. However, there are many aspects of this new system that have to be scrutinized in order to know why the failure in its application happens. Does the implementation of the new system really offer a more democratic planning? And, is the new system functioning effectively and to what extent?

In geothermal development, as in development of many other sectors in Indonesia, the planning system has not changed much. Meanwhile, the people in general have already demanded for more participation in deciding their own life. This has created many tensions and many failures in planning implementation, such as those encountered in the construction of infrastructures, toll roads, thermal power plants, etc.

In the Indonesian context, Cowherd (2002) suggested that there are important 3 keys to understand the culture: first, is the culture of diversity which is still intact and able to integrate elements from other culture without becoming homogeneous in the process; second, is the long term experience of Indonesia in social and political structure that is patriarchal by nature, which can be seen either in remnants of Hinduism in the Javanese Kingdom, or in the beliefs and religious system; and the third key is the long duration of Indonesia to fight colonialism stigma and undeveloped country. This unique culture and social understanding must be taken into consideration when talking of power discourse in planning in the Indonesian context.

5. ANALYSIS: COMMUNITY DYNAMICS AS POWER DYNAMICS

Learning from the two cases, it is clear that in Swan Hills, Canada, the government used extensive community participation, even giving financial aid so that the community could hire their own experts and be able to monitor the implementation of the project. In the case of Minnesota, even though the community engaged in participatory process, but the government failed to meet the value of the community, or not talking 'in the same language'. In the case of Tangkuban Parahu project, it should be clearly seen that the Bandung Barat city government did not conduct either appropriate participatory process or met the curiosity of the citizen.

Using the case of Swan Hills and Minnesota as comparison, actually there are many things that should be made clear concerning the Tangkuban Parahu Geothermal project, which are well comprehended by the community and citizens of Bandung Barat city in general. It underlines the statement of McAvoy (1999) that actually the community can demonstrate significant arguments to counter experts' opinion. The right of the community to question things should be respected and handled properly, especially when it is their life that is being threatened. In general, there are three main problems that are questioned by the community, i.e., choosing location (sitting), technology, and consequences.

The role of power in planning and decision making is rarely seen as an open subject to discuss. Planning theorists often avoid the issue of power because it is "dirty, uncontrollable, and ignores rationality in decision making" (Baum, 1988). However, many empirical evidences showed that the political influence of power in planning decisions more often than not becomes the source of the failure of planning efforts to achieve its intended goals. If planning metaphor is as a chain of processes, there is a missing link, a black box, in which rationality cannot enter, so nobody knows what happened inside the black box. Other theorists also suspect that the insufficient understanding of the role of power in planning has created the gap between planning theory and practice, due to the preoccupation of 'what should be done' as opposed to 'what is actually conducted' (Flyvbjerg and Richardson, 2002).

Deeper elaboration of key actors in this case using in-depth interviews shows that there is no single explanation as to what is the primary cause for this resistance. This is also supported by the fact that the people that own the land to be used by the project – thus who are projected to get land compensation - do not object to the geothermal project. They have even a signed MoU with the developer citing that they are willing to sell their land at such and such price.

Further tracking along this line also indicated that there are people who were disappointed that their land was not going to be used for the project- either for drilling site, access road, or plant site. Furthermore, there has been several land use plan adjustments conducted by local government actors, which could be suspected to benefit some parties. This empirical fact shows that there are several conflicting interests which are at play, which has led to more dynamic power struggle among the community itself. When the power dynamic has spread into other arenas of the community, creating more friction, division, even hate and resentment among themselves, it is best to leave things to cool down for a while.

The fact that the uneasiness of the people has been triggered by untimely and inappropriate explanations from an expert is also worth noting for future reference. The effort to build counter opinion by extensive public campaign to persuade citizens that the drilling activity is safe and in their best interest can be contra-productive and even increase the uneasiness of the community, which saw the effort as an attempt to conceal the real issue. As a result, the people became more uncertain, even having presumptions that there were many things buried under the facade. It is the sensitivity from the part of the government as well as the investor which is required, because for the community the real danger is at hand and cannot be eased by a brief explanation from experts.

6. CONCLUSIONS AND LESSONS LEARNED

Although the case of Tangkuban Parahu geothermal project is still going on today, there are several conclusions and lessons learned from this case for the benefit of geothermal development in Indonesia in general. Firstly, a geothermal development project is, by its characteristics, one form of consensus-based planning. Consensus-based planning denotes that in one or more steps of the development of the project, consensus or agreement between related parties must be conducted. It means that, in order to avoid any disagreement in the future, the consensual process must be conducted in the early stage of the project; that is, in or before the preliminary survey stage.

Secondly, one thing which is very distinct in the case of Tangkuban Parahu Geothermal development is that there is very limited "trust" from the citizens in general and especially from the surrounding community to the government. This, in turn, also

created distrust to whoever was appointed by the government to reach them – in this case experts and academia. In the case of Tangkuban Parahu, the worried and uninformed community was not met by adequate information from trustful sources, so that they hold on to negative views about geothermal projects until the end. Learning from this, it is best to choose and prepare the information to be presented to the community as early as possible, using appropriate methods conveyed by proper personnel. It is also relevant to reconsider the chosen optimal location for drilling, using spatial appropriateness as a consideration.

Thirdly, any community resistance to planning or policy, in essence, is a form of power struggle. In the case of Tangkuban Parahu, as in other cases, the conflict between people of the community is distributed and snowballed into other areas of interest, making it even more impossible to solve. Thus, understanding the community dynamics is not possible without understanding the power dynamics in play there, and this is a very local thing. Any attempt of outsiders to intervene can make matters worse, so it is best to appoint one representative of the community to act as facilitator. The ultimate task of a facilitator is not to explain to the others the geothermal project in technical terms, but to serve as a bridge in any disputes that occur between the people.

The fourth, it is unfair to place the burden of dealing with the people solely on the developers, especially because they still have to take the high risks of geothermal investment. Acknowledgement by the government and related parties that the consensus problem exists is one step towards improvement, and next, discussion on who is assigned to handle and how to do it should follow. One thing to ponder in the case of Tangkuban Parahu is that none of the related parties, not central government, nor province, nor regency government, knew what to do when the conflict arose, and each was eager to place the burden on someone else's shoulder. One last thing to consider is to never underestimate the citizens' capability to assess a situation, even the technology. Leaving everything to the experts is a thing of the past. In fact, the sheer arrogance of bureaucracy and experts is the primary source of citizens' resistance to any public utility development.

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