

Special Section on community-based conservation in the Wallacea region

Research Article

A Tale of Two Kewangs: A comparative study of traditional institutions and their effect on conservation in Maluku

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Abstract: This study explains how *kewang*, a traditional institution that deals with social affairs and natural resource management, maintains traditional ecological knowledge and practices in Maluku. This study focuses on two comparative villages (*negeri*): Haruku and South Buano. The study adopts a historically situated new institutionalism approach to analyzing the dynamic developments of *kewang* and how it affects community members in the context of conservation and natural resource management of the *petuanan* customary areas of the two *negeri*. By examining institutional change including history, ideology, organization and authority of *kewang* with other institutional forms such as *soa*, government, church, and NGOs the study shows the path-dependence of the two respective *kewangs*. In Haruku, the *kewang* has long stayed intact because the institution is still practiced as a cultural principle, maintaining itself through the tradition-based leadership succession mechanisms and by continuing to carry out its functions, as well as pursuing innovations within *kewang* education for future generations. In South Buano however, due to the long absence of a *kewang*, efforts at revival show the strong influence of *rational choice thinking* principles, dependent on the formal authority of the *negeri* government. The study concludes that historical junctures shape the role and authority of *kewangs* in performing natural resource functions, and which can have longstanding generational impacts on conservation possibilities. Meanwhile, *kewang* also rely on both its continued endogenous acceptance among local community members, and depend on its relations with other key institutions in society.

Keywords: adat and customary law; conservation; community based natural resource management; traditional ecological knowledge; new institutionalism; *kewang*; *sasi*; Maluku; Indonesia; Wallacea; Village Law

1. Introduction

Village governance and customary institutions have undergone a remarkable change in Indonesia, with origins that reach back long before the establishment of the Indonesian state, and subsequently undergoing a series of changes since independence. The first modern wave came with the onset of Western religion in the 15th century, in which Islam and Christianity layered onto and shifted old traditional beliefs and practices, particularly in the spice rich regions among the people of Maluku. The Dutch and British challenged each other's primacy to this resource frontier, which eventually gave way to the establishment of the Dutch colonial periods and its evolving administrative systems (Cultural Research team of Maluku Province, 1976). Indonesia's independence, and Maluku's incorporation into the nation-state was institutionally defined by the longstanding authoritarian rule of the 'New Order' (1966-1998), which established a uniform system of Javanese-style¹ regional and village governments. Incorporation into the village government system removed various customs but also converged with the diverse governance mechanisms and systems of authority, particularly in relation to natural resources. Culturally, Zakaria (2000) describes

¹ Law number 5 of 1974 on *Pokok-Pokok Pemerintahan di Daerah*, and Law number 5 of 1979 on *Pemerintahan Desa*.

this period as the New Order's attempt to destroy the structure traditional knowledge, while nationalizing resources for the benefit of the state.

The *reformasi* period that marked the end of the New order regime largely left intact politico-administrative relations, with an important discursive shift that management authority was to be democratically decentralized to the regions. Nevertheless, many of the existing patronage systems and formal governance relations remained in place in rural and remote areas, but which further experienced another legal change with the onset of the Village Law No 6/2014 (Vel and Bedner, 2015). This law includes new forms of autonomy at the village level, which are having a tremendous impact on budgets and political systems throughout the region (Antlov, 2003, Aspinall and Rohman, 2017). One of the cultural dimensions of these impacts involve a discursive shift that invoke new initiatives to empower and revive traditional forms of authority and remapping them back into the state systems (Sasmitha, 2020). This research examines how traditional institutions in two villages responded to these changes, and connects them with the overall institutional dimensions relative to conservation of natural resources.

Across Indonesia, the role of traditional communities in environmental conservation and natural resource management in certain customary areas (*ulayat*) still plays an important role. In Maluku, for example, most villages (*negeri*) such as those in the Lease, Seram and Kei Islands are acknowledged to be intimately linked to conservation management systems (Novaczek et al., 2001; See also Zerner, 1994). Their mechanisms are pursued through *kewang*, a customary instrument/institution that negotiates the governance of social affairs and natural resource management. *Kewang* and other traditional organizations such as the *Raja* (head of *negeri*), *Soa* (alliance of clans in one *negeri*), *Dati* (head of clan), *Kapitan* (head of *negeri* security), *Marinyo* (information disseminator), and *Tuan tanah* (clan leader) are part of local governance system based on local ideology, knowledge and rules which have been collectively agreed on for generations. *Sasi*² or prohibition on carrying out certain activities in the *petuanan*³ area, together with the sanctions enforced by *kewang*—as guardians of *petuanan*—against violators, constitutes a form of a broad set of interlinked traditional institutions. It is the rules of the *negeri*, part of the vow of the ancestors (*ina ama*), which are then maintained continuously to become the norms, values and practices among community life.

1.2 The case study context and a historical new-institutionalism approach

This case study adopts a new institutionalism approach, specifically 'historical new-institutionalism,' by examining the internal and external factors affecting individuals who organize themselves into certain organizations in the process of conserving and managing natural resources. This study focuses on two *kewangs*, in Negeri Haruku (Haruku Island Sub-district, Maluku Tengah District) and Negeri South Buano (Huamual Belakang Sub-district, Seram Barat District). In the Maluku tradition, the membership structure of the *kewang* comes from the representation of every *soa* in one *negeri*. Traditionally, both in South Buano and Haruku, the selection and the appointment of the *soa* representatives to be the members of the *kewang* are regulated based on hereditary clans. The elected members of *kewang* will protect natural resources in the *petuanan* (areas within the customary rights of the village).

The political and ecological contexts drive this research. In the *political context*, the existence of traditional institutions in Maluku until today demonstrates community resilience to external

² *Sasi* is sets of rules which regulate resource use and social behavior. It also means an indigenous fisheries resource conservation and management tradition in Maluku. *sasi* has a long history and has undergone transformation through time. "Sasi is an encompassing body of meaningful relations between people, the natural environment and gods, ancestors and spirits" (von Benda-Beckmann et al. 1995 in Irene Novaczek et al. 2001).

³ In some *Maluku* communities, control over the land and marine territories (*petuanan*) and their resources is vested in a social institution that has a code of conduct, rules and regulations.

political forces. No doubt, larger political forces have intervened and changed many aspects in the social life of the Maluku people. However, in the case of the *Negeri* governance, the traditional government system is still firmly in place. One example of the political forces is central government intervention through contemporary conservation regulations, which also shapes the local political context. The Regulation of the Ministry of Maritime and Fishery No. 17/2008 includes the management policy of Maritime Conservation Areas, which are divided into two types of areas, the Marine *Adat* Protected Areas⁴ and the Marine Cultural Protected Areas.⁵

In the *ecological context*, both Buano Island and Haruku Island are now facing threats of natural resources degradation in terrestrial and coastal areas. Without sustainable natural resource management, it will have a direct impact on the destruction of important ecosystems in coastal areas, such as the habitat of endemic birds *Kehicap Buano* (*Black chined monarch*, or *Symposiachrus boanensis*, or *Boano monarch*), and *Gosong Maluku* (*Eulipoa wallacei*), marine mammal passageways, and of course the food provision for the community and fish categorized as ETP (Endangered, Threatened, and Protected) (Abrahamsz, *et al.*, 2015). More specifically, these threats include, *first*, reduced population of *Duyung* or Dugong (*Dugong Dugon*). *Second*, six to seven species of whales and five species of dolphins inhabiting these waters were found to be affected by plastic waste (Khan *et al*, 2016). *Third*, fishery resources from the turtle group are under pressure from slaughter at the beach where they lay eggs, effects from turtle eggs harvest, and *ladung* (hanging spear) fishing gear. *Fourth*, threats to fishery resources from mollusk groups such as *lola* (*Trochus niloticus*), *turbo* (*Turbo marmoratus*), and clams are present because of their use for consumption. These ecological contexts can have serious impacts to communities without adequate sustainable management systems.

2. Methodology

The study consisted of more than ten in-depth interviews at the two Kewang institutions, three focus group discussions (FGDs) and a literature review. The data collected was analyzed using the historical new institutionalism approach to trace the development of traditional institutions over time in relation to their role in protecting specific areas and species. This approach, in addition to observing the institutional changes, also examines the behavior of its members in formulating the norms and roles of the institutions, as seen in the institution rules, as well as its implementation and impact on the affairs it regulates.

Traditional institutional research using a new institutional approach has previously been carried out by a number of researchers, such as Géraldine Froger and Philippe Méral through their article entitled "Towards an Institutional and Historical Analysis of Environmental Policy in Madagascar" (Froger and Meral, 2012). The authors explore the application of ideas from historical institutionalism about path dependence to the study of environmental policy in Madagascar and then applied the analysis to the "diverging" trajectories of environmental policy in Madagascar during the 20th and 21st centuries.

The new institutional approach has many aspects and variations. The shape and nature of the institution depends on the actor. There is a consensus that the core of political institutions is the 'rules of the game.' The actors and groups fulfill their interests in a collectively limited context (Goodin 2000). These constraints in many ways also benefit individuals or groups in fulfilling their respective interests. The limiting factors of individual and group activities influence the formation

⁴ These areas include: a) coastal and/or small island areas that have a community with own living customary (*adat*) law, traditional property rights and *adat* organizations; b) have customary rule/consensus applied for environmental sustainability (Article 8[1]).

⁵ These areas include: a) a spot where ship with specific archaeological and historical values had sunk; b) maritime historical sites that has historical, scientific, and cultural value, and need to be protected for conservation and national cultural advancement; c) religious or customary ritual sites. (Article 8 [2])

of preferences and motivation of actors and groups. This restriction has historical roots as a legacy from past actions and choices, which realize, maintain, and provide different opportunities and strengths to each individual and group. To elaborate how the institutional changes in the context of resource management, Ensminger (in Holler 2007: 15) describes four endogenous aspects to be considered in one locus, like the *negeri*, namely: ideology (world view), institutions (rules of the game), organization (embodiment or organized practice of institutions), and bargaining power. This study describes these aspects by examining how the dynamic changes took place in *kewang* organizations in the two research sites. In addition, these four aspects are able to provide a comprehensive picture related to the internal dynamics between actors in traditional organizations at the village level and their relationship with the wider political environment in a country such as Indonesia.

In addition, to explain the institutional changes around a *kewang* organization across time, historical new-institutionalism also utilizes the concept of path-dependence, where change is not necessarily the case when a policy is applied. The organizations aspiring for change through an intervention need to learn from important events in the past (a critical juncture) to understand why the emergent conditions are formed before setting appropriate steps. In this case, it is important to see the changes that occur at the institutional level.

This study answers a number of operational questions in the context of historical new-institutionalism: (1) What is the historical, political, and knowledge background of traditional institutions, particularly that of the *kewang*?; (2) How are the internal conditions and institutional dynamics of *kewang* related to environmental conservation and *petuanan* natural resource management?; (3) How does the impact of the current operation of the *kewang* in conservation and *petuanan* natural resource management? The first question will be answered in section 2 by briefly outlining the history of the Buano and Haruku institutions. The second and third questions will subsequently be addressed by explaining specific aspects of ideology, institutions (rules of the game), organization, and bargaining power in the *kewang* of South Buano and Haruku. The final section concludes that in Haruku, the existence of *kewang* is still strong because the customary institution remains a living 'cultural principle' in carrying out ancestral orders, maintaining its continuity through mechanisms of leadership change based on tradition, and still actually performs its functions, as well as developing educational innovations on *kewang* for future generations. In South Buano, due to the long *kewang* vacuum, the efforts to revitalize customary institutions and revive *kewang* organizations demonstrate the strengthening of the 'rational choice thinking' principle that rely on formal authority of the *negeri* government, which is still weak due to district level regulations.

3. Traditional Institutions of Haruku and South Buano

South Buano and Haruku have more or less the same traditional institutions. Both employ a government system called the *negeri* which is different from the formal village government system. A *raja* (leader of the *negeri*), also known as *bapa raja* (village head),⁶ is the community leader of all clans in one *negeri*. The communities in one *negeri* are divided based on *soa* and *clan*. *Soa* is a group of community members based on kinship line, which consists of several clans. Each *soa* has a *head* of *soa*, and each clan has a head *dati* or *pati*.⁷

⁶ Before adopting the term *negeri*, widely used in other Maluku coastal areas, there is a local term for each region. Before the original inhabitants lived in the coastal areas, the Haruku people used the term 'Aman' to refer to village. While, for South Buano people, before they inhabited the coastal area and while still living in the hills, they called the village as *hena*. The transition of the term into *negeri* might occurred when the Portuguese and the Dutch began to come to control the Maluku islands.

⁷ In Haruku, there are clans who have the right to occupy certain positions. The *raja* position comes from the Ferdinandus clan, the land *kewang* from Kissya clan, sea *kewang* from Ririmasse clan, the *kapitang* position from Latuharhari clan and

A head of *soa* maintains family relations between clans and between certain clan families and families of other clans in one *soa*. The coordination between the head of *soa* and the clans are carried out through the heads of *dati* (clan head). The heads of *dati* uphold the customary inheritance of each clan, in the form of a clan traditional house. The kinship in one *soa* is marked and bound by the presence of the traditional or heritage house which represents the existence of a clan in a *negeri*.

Hierarchically, in the *negeri* customary government structure, although *raja* is the highest leader in the *negeri*, *raja* does not have the authority to regulate the clans of each *soa*, and the head of the *soa* is not subordinate to the *raja*. *Soa* is a politically autonomous clan entity. In addition to the *raja*, head of *soa*, and head of *Dati*, there are customary institutions sub-structures, namely *marinyo*, *kapitan*, and *kewang*. *Marinyo* was the assistant of *raja* to disseminate *negeri* related information to all community members, which was distributed through *tabaos*, a direct delivery method by shouting and going around the village. Currently the *tabaos* have been gradually replaced by written correspondence and cellular phones. *Kapitan* is the warlord responsible for the security of the *negeri*. When any conflict between villages occurs, the *kapitan* will be in charge of handling protection and security affairs.

The customary position which oversees the village's natural resources, both in the forest area (*ewang*) and in the coastal and marine areas is *kewang*. The protected area is known as the *petuanan*, a customary right area of the *negeri*, where prohibition terms called *sasi* apply. The *kewang* corps has a monitoring and conflict management mechanism. If someone, from that *negeri* or from outside is caught violating the *sasi* in the *petuanan* area, the *kewang* will hold a hearing and decide sanctions.

Every *soa* in South Buano and Haruku have members of *kewang* led by a chief of *kewang*, who is in charge of protecting both the forest and sea. In South Buano, the *kewang* has 8 members or two members from each *soa*, while in Haruku it has 8 *kewangs* from each *soa* so they 40 members in total.

4. *Kewang* of Haruku and South Buano: Its survival and revival

Eliza Kissya (age 70) is the head of the fifth *kewang* in Haruku. He was assigned as head *kewang* by Kissya clan (a clan entitled to the position of *kewang* leader) in 1979, when he was 31 years old. The forty members of Haruku's *kewang* came from 5 *soa* (Soa Raja, Suneth, Moni, Lesirohi, and Rumalesi). He and his members guard the entire territory of the Haruku's *petuanan*, both on the mountain (land) and at the sea. One achievement of Haruku's *kewang* is to protect the marine environment by maintaining the tradition of 'closing' and 'opening' the annual *sasi* for Lompa fish. His consistency and firmness as *kewang* in enforcing the *sasi* related customary rules led the Ministry of Environment to grant him the Kalpataru award in 1985.⁸

Between 1992 to 1997, the *kewang* experienced difficult challenges when PT Antam secured state permits for gold mining exploration and planned continued exploitation of upstream areas of the Learisa Kayeli River. This river is part of the Haruku's *petuanan* area and is prohibited from any activities that will destroy the natural environment along the river banks and the estuary. PT Antam was a large company with foreign investment and had strong backing from the central government.

Kewang Haruku together with young people of the *Negeri* made a strong push for refusal to PT Antam. Challenges to operations were undertaken, such as disturbing workers and damaging signs

tuan tanah (leader) is from Hendatu clan. As for the position of *soa* chiefs are successively *Soa Raja* from is Ferdinandus, *Suneth* from Souissa, *Moni* from Sitanija, *Lesihori* from Talabessy, and *Rumalase* (also called free *soa*) from Ferdinandus. The position of *marinyo* can come from any clan and not based on heredity.

⁸ In addition to the Kalpataru award for his environmental service over Negeri Haruku, several other awards he received were Satya Lencana (1999), Coastal Award (2010) and as inspirational figure in disaster management (2012), and other awards from various institutions.

of prohibition for residents deliberately made by the company in the exploration area. According to Eliza Kissya, besides the fact that the area was their traditionally protected *petuanan* territory, the river estuary was also habitat for Lompa fish to lay eggs every year. If the river flow was polluted, the river habitat would be damaged and would have a direct livelihood impact on Haruku people. As a result of changes taking place in the river allegedly due to mining activity, *kewang* failed to perform opening the *sasi* ritual the following year.

In this struggle, the *kewang* were facing fierce pressure, especially to Elisya Kissya, who was labeled “Anti-Development” by certain parties in Maluku who were favorable toward the company. However, this did not make the *kewang* and Haruku customary community afraid. They also began to ally with external advocates, strengthening their alliances with indigenous peoples movements, gaining support from the Baileo Foundation that built a network of NGOs, academics and organizations advocating for the rights of indigenous peoples in Jakarta (such as the Telapak Association) and the National Commission on Indigenous Peoples Rights. With the alliance and the daily resistance carried out by the *kewang* and Haruku citizens—including the *kewang kecil* (the young generation of *kewang*), they finally succeeded in stopping PT Antam's operations and all of the company's equipment was displaced from the Learisa Kayeli estuary area.

Since then, the Kewang of Haruku continues to carry out its traditional functions as a guardian of the sea and mountains by relying on traditional ecological knowledge. They also carry out a number of conservation activities in the *petuanan* areas and routinely organize the *sasi* ceremony to harvest Lompa fish. Through this Haruku fishery tradition, all residents of Negeri Haruku can take advantage of these results for one year. Until now, Eliza Kissya is still the head of the Kewang and the Kissya clan—as the legitimate successor to the Kewang head, he is preparing transition to the next chief of *kewang*.

In contrast to Haruku's *kewang* tradition, in South Buano, a grievous event occurred in 1983, forcing the dismantling of the *kewang* institution. At that time, the *kewang* of South Buano caught a fisherman violating the *sasi*. The *Kewang* Chief reprimanded the fisherman and tensions escalated. The fisherman was not a resident of South Buano, but from a neighboring village, North Buano. Such a violation of *sasi* law would normally be processed according to customary law and perpetrators given customary sanctions. However, some residents of North Buano were angered and carried out attacks on South Buano. Incident ensued, leading to a murder, vandalism, and arson undertaken at the Baileo Negeri (traditional meeting hall), among traditional houses of four *soa*, and at homes in South Buano. The riots happened quickly and the people of South Buano fled to the hills.

The local government and the police mobilized to help rebuild the village, receiving support from beyond the Buano islands. Formal justice proceedings took place in court and some people were found guilty and imprisoned. A few months later, the *raja* and other customary institutions such as the *tuan tanah*, *kapitan*, head of *soa* and *dati* of South Buano decided to terminate the *kewang* institution from guarding the *petuanan* area and implementing the *sasi*.

Although the incident took place nearly four decades ago, it still holds much trauma for the people of South Buano⁹—especially among women. Sixteen years after the incident, the Maluku conflict began across 1999, in which similar rioting took place in South Buano. The attack of 'Laskar Sarani' (“The Christian Brigade”) from outside Buano Island against North Buano (a predominantly Muslim community) provoked retaliations by the latter toward South Buano (predominantly Christian). The second attack from North Buano residents was considered to be motivated by religious differences.

The cessation of *kewang* operations in the 1980s and 1990s was followed by increased fishing activities that damages to the environment and reefs on the coast of South Buano. Bombing for

⁹ According to Sumanto Al Qurtuby in ‘Religious Violence and Conciliation in Indonesia: Christians and Muslims (Al Qurtuby, 2016) and Hermien L. Sospelisa, the conflict left strong disappointment and regret from a number of North Buano people who recognized the bond as brothers, *pela* (Sospelisa, 2000).

fishing in the coastal regions were common. Almost all fishermen used gear that destroyed habitats and were indifferent to endemic species at that time. Surveillance against these destructive practices were only carried out by the sporadic formal marine patrols. Residents reporting destructive fishing practices often found themselves in a complicated situation as police suspected whistleblower involved among the perpetrators. The destruction of habitat and marine biota continued without much control through the 2010s.

The emergence of awareness to reactivate the new *kewang* in the two *negeris* on Buano Island emerged 2014. LPPM from Ambon City facilitated the people of North and South Buano to revitalize customary institutions, especially *kewang*, to protect coastal and marine resources based on local values shared among the community. This process was intensive and continues to the time of writing as the *kewang* institution has gained a new image and mandate for carrying out environmental protection tasks, both on land and at sea.

5. The Endogenous Arena of Kewang

To examine how *kewang* preserve the environment and manage natural resources of the *petuanan*, one needs to examine the endogenous aspects of the traditional village organization. Ensminger's (in Holler 2007: 15) four endogenous aspects of resource management include ideology, institutions (rules of the game), organization, and bargaining power, which are applied to the analysis in this section.

5.1 Ideology

The post-independence historical development of governance at the village or *negeri* level can be divided into three periods, i.e. the customary (before western colonization), state centralism (from late colonization through early state establishment), and regional autonomy (The *reformasi* era of democratic decentralization). This periodization is simplified to map the governance changes of the *negeri* that relies on certain ideologies, namely customary ideology, which was strongly adhered to before the enactment of Law No. 5/1979 on village governance, followed by the ideology of state centralism and uniformity of village governance systems, and subsequently the ideology of regional/village (after the 2014 Village Law).

The Christian influence, spread through Dutch missionaries in Haruku and South Buano remains a core defining identity. Many elements of past values (native Maluku religion) are not always in sync with Christian practice and teachings. Even if there are still activities based on old traditions, such as the practice of opening and closing the *sasi*, the presence of the church through the pastor is required. This can be seen in the practice of closing and opening *sasi* in Negeri Haruku. It means, the role of *sasi* is no longer only done by *Kewang* and *raja*, but also incorporating Christian elements. Another practice in which the church also participates in the genuine Maluku tradition is the church *sasi*. The combination of the words *sasi* and *church* shows two values that underlie the practice of 'prohibition,' namely the way of life of indigenous peoples and the church teachings.

Both in South Buano and Haruku, customary practices remain strong however, evident in the tradition of community governance, especially the *negeri* government (village) where the highest institutional structure is in *Saniri* (deliberation consisting of all the organizations of the adat) and the persisting governance structure of the *negeri* namely the *raja*, *soa*, *dati*, *kebang*, *kapitan*, and *marinyo*. In the context of the Indonesian state system, the *raja* is at once the administrative head of *negeri* (village head), followed by the hamlet, head of affairs, section head and so on. In South Buano Village, at time of writing the head of *negeri* is a temporary official extended by the Head of West Seram District's mandate. The implementation of the village head election or the ratification of the *raja* from the *parenta clan* as the definitive village head has not been approved by the district government on the grounds that the local regulations related to village government have not been issued.

In both *negeri* Haruku and South Buano, Christian influence has been very strong. LPPM Maluku who sought to explore the local knowledge related to the management of *petuanan* and *sasi* practices found that worldview as a congregation affected their response to customary institutions, which are not contradictory in the lives of regular citizens. The combination of customary and non-customary institutions in South Buano occurs between traditional and church-based knowledge. The concept and application of 'church *sasi*' has been going on for a long time - especially after the *kewang* conflict in Buano in 1983 - and individual congregations who trusted the church (pastor) to apply *sasi* in managing their resources abandoned the traditional provisions of *sasi* they applied previously.

Meanwhile, in Haruku, the practice of church *sasi* is criticized by the chief of *kewang*. According to him, it is far better to instill an attitude of honesty in the congregation, rather than carrying out the practice of church *sasi*. In his logic, people ask for sustenance from God inseparable from nature, stating that "after the provision is given by Him, we ask Him to look after us." It is unclear who supervises and who gives sanctions when someone violates the church *sasi*. If the customary institutional mechanism is used, then *kewang* will establish the *sasi*, guard it and impose sanctions on violators. According to Haruku's head of *Kewang*, it would be better if the application of *sasi*, now taken over by the church, can be discussed together between the church and the customary organization. Church *sasi* has applied for decades, especially in the *Sarane* villages in which the majority are Christians.

The influence of the ideology of the modern state seems to have had a different effect on the performance of the *kewang* in those two *negeris*. In Haruku, the relation between *bapa raja* as head of *negeri* with the head of *Kewang* is less harmonious, so *Kewang* has not received full support from the village government through the budgeting mechanism to sustain the performance of *kewang* in Haruku. However, for the head of *kewang*, the cultural beliefs upholding *kewang* tradition and membership is a hereditary mandate that cannot be ignored, and makes them relatively independent of the village government. The head of *kewang* have taken various steps and internal policies to maintain the existence and sustainability of their work to preserve the environment and manage natural resources with traditional ecological knowledge. Therefore, until now the *kewang* manages to meet the internal needs of the organization while ensuring the livelihood of their family members.

The integration of *kewang* into South Buano government system has been more challenging. The growing individual values lead some people to perceive membership as a financial opportunity to earn extra income. In Haruku, being a member of *kewang* is a cultural consequence in which particular clan for generations has been set as the *kewang* clan, while in South Buano, being a member of *kewang* is largely financially motivated. The financial incentive is provided through the village government budget sourced from the village funds, where a *kewang* member is paid Rp 225,000-300,000/month, received every six months. In Haruku, membership is cultural, and the associated work is voluntary.

In Haruku, problems faced by *kewang* members in protecting resources relative to the need to provide for family members is also a concern. However, at this time solutions are not based on giving financial incentives. One solution pursued by the Haruku's head of *Kewang* sought support to cover transportation cost of *kewang* in performing protection tasks, which can be used to go to the sea and fish for members of the *kewang*. This method is considered more effective given the cultural aspects of revitalizing the *kewang* as the inherited responsibility from the ancestors and protecting the *petuanan*. The efforts of *kewang* are increasingly gaining formal support, such as by the Ministry of Maritime Affairs who provided boats, engines and other fishing gears in 2017.

The description above demonstrates a complex ideological struggle between the church and tradition on one hand, and custom and the state on the other. While customary ideology still thrives in both places, Haruku still more fully adheres to the traditional institutions, owing largely to the

ongoing functioning of *kewang* tradition. How exactly the institutions shape the contemporary forms of *kewang* in these two places will be discussed in the next section.

5.2 Institutions

The two cases can conceptually be categorized as two types of traditional institutions that revolve around norms, values, and rules, and its functions in society. These are institutions dealing with human relations, and those relating to the natural environment. The social function of the first institution is to build solid and cohesive kinship relations, while in the second, functions are to build a harmonious relationship between humans and nature to maintain the availability of natural resources to fulfill livelihoods.

In South Buano, the LPPM Maluku assessment (August 2017) indicated that the rules governing the relationship between humans and the environment are demonstrated through community practice to protect certain forests or marine areas from any disturbance or designating them as *sacred*. This practice is arranged through prohibitions or *sasi*, enforced by *kewang* mandated specifically to carry out protection through certain rituals and actions against anyone who violates them. *Sasi* and *kewang* are practices that are influenced by norms or values with ecological functions. Through *sasi*, villagers are aware when they can harvest natural resources, such as eucalyptus oil trees that grow abundantly in the customary forests of the Buano community, or harvest *lompa* fish in Learisa Kayeli River in Haruku and other high economic value natural resources such as sea cucumbers, *lola* shellfish, *bia-bia* and octopus. There is also *sasi* to protect plants grown by the Buano community. For example, *sasi* for coconut trees allow for optimal harvest. The practice of *sasi* thus allows for the sustainable use of natural resources.

When observing the differences in institutions under the customary, state centralism, or regional autonomy regime, the institutions have experienced a number of changes. Under the customary regime, the *negeri* members were familiar with *sasi*, *masohi* (labor exchanges in one *negeri*), *badati* (cultural practices to maintain the food security in one *negeri*) and *pasuri* or *patita* (eating together). Under the centralized state, the *swatantra* system, a formalistic government-style system prevailed. The Javanese idioms were dominant at that time and applied nationally such as *desa* (village), *dusun* (hamlet), *swadaya* (self-help) and *gotong-royong* (mutual cooperation), as well as others that showed up as a change in institutions. The *raja* for example, no longer necessarily became the head of the *negeri* government, but needed to be conducted through a direct election with the control of the state apparatus under formal legal rules. This shift in governance practices had consequences of degrading traditional values, norms and rules in many *negeri* in Maluku and in general throughout Indonesia (Davidson and Henley, 2007; Muur et al., 2019).

The application of Law No. 5/1979 on village governance and the uniformity of this centralistic system throughout the country reduced the primacy of customary institutions. This law degraded the values behind the practice of *sasi*, *masohi*, *badati*, and numerous others, and ultimately reduced the role of indigenous organizations like the *raja* and the head of *soa*, the head of *dati*, *kewang*, and especially *kapitan* and *marinyo*. On the one hand this structurally weakened the power of local customary authority, while on the other facilitated outsiders to commit violations, such as exploitative practice on customary land and waters.

The weakening of the *kewang* roles in South Buano as environmental guardians of the *petuanan* eventually makes it easier to degrade natural resources without considering their future availability. In contrast, in Haruku, the strengthening of *kewang* to protect the *petuanan* has made it difficult for many parties to exploit the natural resources of the *negeri*, which was strengthened further after the victory against mining claims.

Today, the Indonesian state has recognized indigenous peoples and traditional rights and are further buttressed by the current Village Law. LPPM Maluku brought the knowledge and formal regulations to the indigenous organizations and strives to combine the state's formal mandates for

indigenous peoples institutions. This combination of knowledge/institutions allows for the creation of new rules in conservation and natural resource management of indigenous peoples and strengthens their political positioning.

One ongoing debate of traditional institutions relates to the church. It is undeniable the continued dominance of the church over local values and has contributed to the abandonment of a number of perspectives, norms, and old symbols that were passed down through generations, particularly in Haruku. Therefore, according to Haruku traditional elders, it is necessary for the traditional institutions to sit together, locally known as '*tiga batu tungku*' (three stones of the stove). Conversely, in South Buano, the church *sasi* practice is viewed in a positive light, particularly among youth. According to them, it is precisely because of the church *sasi* that the younger generation is aware of the existence of *sasi*. The practice of *sasi*, however, as part of the knowledge systems that govern natural resources have long been abandoned. Without the role of the church in adopting the old *sasi* it is unlikely to be recognized by younger people. They disagree about considering the church *sasi* as an attempt by the church to earn additional income—like tithing. For them, the church *sasi* depends on the sincerity of the congregation. The church does not specify the amount and instead relies on the norms of Christian teaching to, as one youth stated: "Give the emperor what he has and give to God what He has".

In these two *negeri*, both the LPPM Maluku in South Buano and the Baileo Foundation in Haruku, are gradually promoting indigenous values to be introduced as rules in formal regulations, particularly in relation to conservation management i.e. *Negeri* Regulation on Coastal Area Protection. In Haruku and Buano, this effort is at the same time a participatory process of strengthening the customary law while gaining new knowledge.

In Haruku, the head of the *kewang* established an educational innovation initiative that allows new generations to recognize and practice custom-based knowledge, values, norms and rules through the '*kewang kecil*' (*kewang* youth) program which is also an approach to recruiting future cadres.¹⁰ Unfortunately, political practices at the district level have prevented the adoption of *negeri* regulations in various villages in Seram Barat and Maluku Tengah districts, due to the postponement of issuing District Regulations on *Negeri* Government by the district head (discussed below). According to community members and academics, such neglect demonstrates the reluctance of political elites to strengthen the political autonomy and authority of indigenous peoples and their organizations.

5.3 Organizations

The government structure in Buano and Haruku is more or less the same. Yet in South Buano, the current head of *negeri* government is a temporary official. This arrangement has persisted for years, whereby the district head continues extending temporary official tenure every 6 months. The rationale for postponing elections and approval of a new *raja* is because a district regulation on *Negeri* Government has not been issued. The district government considers internal problems in some *negeri* regarding the '*matarumah*' principle in determining which clan is entitled to be *raja*. There are also some 'regular *negeri*' that cannot be categorized as 'customary *negeri*,' such as Loki, Ani, Olas and Katapang, where the villages were originally the concession area of PT Panca Karya before being occupied by newcomers and turned into a *negeri*. The government is still trying to accommodate this difference in a regulation that can cover both types of *negeri*.

¹⁰ Some learning materials from Kewang Haruku to '*Kewang kecil*' are the importance of preserving *lompa* fish and marine ecosystems through the *sasi* mechanism, cleaning the coast and planting mangrove seedlings around the location of the *lompa sasi* (Learisa Kayeli river). The result of this learning is increasing Haruku children awareness on the importance of preserving the coastal and marine environment which has a direct impact on the implementation of conservation practices based on traditional Haruku conservation system that are sustainable and have a positive impact on the environment, economy and socio-culture (Baileo Foundation Document, 2018).

The uncertainty of the legal umbrella due to the prolonged *Negeri* Government ultimately affects the governance dynamics of customary *negeri*, especially in determining its *raja* leadership based on *mata rumah parentah* tradition. As a consequence, the district head took over the authority of the *adat* community by appointing a temporary village head from district government staff, while waiting for the customary *negeri* regulation to be officially issued by local parliament of the presiding West Seram District.¹¹ Therefore, at present the governance of customary *negeri* is under the political control of the District Head.¹²

Kewang in Haruku is relatively intact and widely known outside Maluku, while the *kewang* in South Buano has just been reactivated after more than three decades of a customary vacuum. In fact, almost all traditional instruments or organizations are stagnating in Buano. The recent interest to *soa* and *kewang* only emerge after the LPPM started to work in this *negeri*. Moreover, the local government has not paid serious attention at strengthening the capacity of customary institutions and organizations. Revitalizing institutions has been a challenge for LPPM in South Buano customary organizations, as local leadership and village government had long ignored the quality of knowledge about customary institutions and organizations in the community. This institutional memory is particularly absent among the younger generation. Therefore, the role and function of *adat* organizations are weakening its absence is not viewed as a priority issue to be resolved.¹³

The decline of customary institutions and organizations is contrary to the changes identified in prevailing national village legislation and the recognition of indigenous peoples. As a remote area with relatively difficult and time-consuming transportation access, the people in Buano Island are not aware of recent information and programs to empower indigenous peoples. The Village Law mandates each *negeri* (customary village) to prepare a document of genealogical origin, articulating the customary rules of the community and mapping its boundaries. In these regions, such efforts have been piecemeal or take its cues from other administrative examples. Even the Ministry of Home Affairs Regulation No. 52/2014 on Guidelines for the Recognition & Protection of Indigenous Peoples states the requirements for recognition of indigenous peoples, which can take place if the *negeri* has: a history of origin, customary territories, customary law, customary assets, and governmental systems. But this process had not been followed until the arrival of LPPM Maluku, which helped South Buano to articulate themselves as indigenous people in order to make the case for proposals on empowerment programs from both the government and non-government organizations.

The presence of LPPM Maluku in South Buano and North Buano for the revitalization of indigenous peoples for about four years has generated a number of changes. First, the community began by researching Buano customary institutions, both from the aspect of worldviews and norms, values and knowledge of indigenous peoples related to the environment and various types of prohibitions known in natural resource management. Secondly, customary instruments such as *bapa raja*, heads of *soas* and *datis* began to hold regular meetings, not just to discuss the programs

¹¹ Interview with Adam Latupono, civil servant of Seram Barat District, July 2019

¹² This practice is referred to by a political scholar in Ambon as '*adat* politicization'. One of the practices of *adat* politicization is the establishment of a '*Latupati* of Maluku' or an alliance of *rajas* in Maluku. In fact, the existed traditional institutions are only the allies of *rajas* in one island, for example, *Latupati* of Haruku Island, *Latupati* of Saparua Island, *Latupati* of Seram Island and so on. *Latupati* across Maluku and the inauguration of the *Latupati* chairman is only a way to intervene in the prevailing *adat* system in the islands. Politicians, in carrying out the practice of custom politicization, gather *Latupati* from each island and prepare an office in Ambon City. For Eliza, the meeting of the *rajas* of the islands (*Latupati*) in an office prepared by the local government would only make it easier for politicians to embed their vested their interests.

¹³ LPPM Maluku through the "Revitalizing Local Wisdom for Sustainable Management of Natural Resources" program, supported by the Burung Indonesia and the Critical Ecosystem Partnership Fund has five components of activities in Buano Island such as: strengthening *adat* institutions and organizations; participatory mapping of Buano Island Natural Resources; community-based DPL establishment and strengthening; support of sustainable livelihoods in natural resource management; education and care for the environment.

with the LPPM Maluku, but also to convene the '*saniri*,' the traditional consultation forums. The forum involves more than just electing heads of *soas* as traditional cultural practitioners, but also discusses public affairs, such as preparing a mapping plan for the *petuanan* areas. Third, the process of integrating *soa* and *kewang* instruments and their functions into the government system, both in terms of the interests of government management and budgeting, have since begun.

However, without a definitive head of *negeri* the institutionalization of *adat* into formal regulations has faltered. This political situation has weakened the power of efforts to revitalize local customary institutions and reassert their role in managing natural resources. Thus, LPPM Maluku's main agenda has been to help reinstate the instruments for empowering indigenous peoples in the re-establishment of *kewang* and its institutionalization into the formal governance structures.

In South Buano, the appointment of eight *kewang* members by the heads of *soa* is now waiting for the official Establishment Decree by the *raja* or the definitive head of *negeri*. Although the decree has not been issued, the existence of new *kewang* has been recognized by the heads of *soas* and the temporary head of the *Negeri*, allocating budgets for operationalization of *kewang* functions. The *kewang* structure in South Buano adopted a modern organization structure with a Head, Secretary, and Treasurer. Without the revival of the cultural foundations however, the formal establishment of the *kewang* is more transactional, shaped by profit and loss calculations between individual *kewang* members.

In contrast, in Haruku, the *kewang* initiatives continue to emerge both independently and with the organizing support of the Baileo Foundation. To protect and manage natural resources sustainably, the *kewangs* of Haruku have undertaken a number of activities with or without the support of their partners. The most intensive was the annual ritual of '*Buka Sasi Lompa*' at the Learisa Kayeli river (usually takes place between October and December), which is a harvest feast and ritual to catch *lompa* fish as part of the *sasi* system.¹⁴

The leadership figure of *Kewang* Haruku Chief is significantly different from South Buano in terms of management of natural resources of the *petuanan*. The current leader, Eliza, is a highly experienced head of *kewang* who has participated in various non-formal education on the environment, community development and organization, community education methodology and media, and protection of the rights of local indigenous peoples. He is not only a local advocate but also is involved in national and regional efforts across Southeast Asia (in Malaysia, Thailand and the Philippines). He also attended a number of international forums in Europe (the Netherlands and Spain).

As the chief of *kewang* in Haruku, Eliza Kissya continues to enforce the traditional law and norms based on local customs in protecting the environment. In addition, he also revised the *sasi* law to protect the population and habitat of *lompa* fish, turtles and Maluku Gosong birds and incorporated women in *kewang* membership. Such *kewang* related innovations are not only practiced by Eliza Kissya as the chief, but also by the members. For instance, a *kewang* member works to raise the Haruku youth awareness on the importance of maintaining and managing *petuanan* resources sustainably. Together with the next *kewang* chief candidate (Eliza Kissya's son) they organize a number of social activities especially before Christmas at the *kewang* house. Eliza Kissya's innovative efforts have earned him environmental awards at national and international levels.

Kewang of Haruku also still relies on traditional decisionmaking mechanisms. Only *sasi* rule violations that cannot be resolved at the *kewang* will be submitted to the *soa* and *raja* or even to

¹⁴ In addition to *sasi lompa*, *kewang* of Haruku also applies the *sasi laut* (to protect the marine biodiversity of the coastal areas), *sasi sungai* (to maintain cleanliness and livelihoods of the springs and rivers that divide the village), and the *sasi negeri* (to maintain harmony between the villagers and surrounding environment within the village). The whole system is called '*Sasi Aman Harun'ukui*' (*Aman* = village/*negeri*).

the *Latu-Pati* forum, i.e. conflict resolution between two villages in one island. Until now, every Friday, the *kewang* holds regular meetings to discuss the results of protection by its members, discusses any violations by identifying suspected violations and runs *kewang* court if the violation provisions are met.

Eliza's extensive engagement on environmental and indigenous peoples' issues led him to contribute to the establishment of organizations and networks such as the Maluku Baileo Network, and the Alliance of Indigenous Peoples of the Archipelago (AMAN). Eliza also revived the *pantun* (rhymed verse) tradition by creating new songs based on his life experiences, in addition to the ancestral verses. Today the *pantun* he created has been adopted by the local elementary schools as part of their curriculum.

Considering the role of *kewang* chief as a cultural duty established for centuries by his ancestors, Eliza Kissya still strives to meet the needs of his family by cultivating cloves, cassava, and various vegetables. He also developed organic farming, alternative energy, and cultural tourism in his *negeri*. Other *kewang* members also applied similar livelihood strategies to make ends meet while still carrying out their conservation roles.

In South Buano, *kewang* is still under development through the support of LPPM and partners from various parties, including universities and government. They participated in some technical trainings on sustainable natural resources protection and management, such as mapping natural resources and *petuanan* zones in Buano Island, monitoring forestry resources, planting mangroves in hamlets, managing plants using permaculture models, exploring local values and knowledge, strengthening the capacity of customary instruments and mainstreaming local values and cultures. All these efforts aim to strengthen the understanding of rules, norms and values of customary institutions.

So far, the LPPM program managed to facilitate the *kewang* to carry out protection functions. Together with other indigenous organizations, the *kewang* of South Buano mapped the indigenous territories—while breaking the old tradition that forbids the people of physically pointing (with fingers) the boundaries of the region. In addition, the *kewang* monthly meeting has been initiated where they meet with the *negeri* government and discuss the *kewang* operation guidelines which will be the basis of village government to issue a decree.

The *kewangs* performed the protection and patrol roles in conjunction with their daily activities, such as fishing, farming or eucalyptus oil processing. They warn violators they will report them to the head of the *soa* and *raja*. The most common violations are related to natural resources use and logging permits.

5.4 Bargaining power

Kewang has a very strong political position in Haruku. Under Eliza Kissya's leadership, this organization won a large material and symbolic conflict against a large multinational mining initiative in the 1990s and managed to stop exploration plans for geothermal and gold in 2006 led by a team from the Ministry of Energy and Mineral Resources. The *Kewang* of Haruku is widely known for maintaining the tradition of *sasi lompa* attracting thousands of visitors from beyond Haruku Island annually.¹⁵ In addition, *Kewang* Haruku also has a wide network of community organizations in Maluku and advocates at the national level through AMAN, as well as the national governments such as the Ministry of Maritime Affairs. In addition, within the *negeri*, *kewang* is part of the *soa* and not subordinate to the *raja*. The *tabaos* process or the dissemination of *sasi* provisions are regularly delivered to all people of the *negeri* and serves as warning against exploitation of resources. All local and neighboring communities are assumed to know the rules and every *soa* have at least eight members of *kewang* serving the respective *petuanan*. As locally

¹⁵ Indicated by the number of speedboat operations during the ritual period (more than 500 trips).

described "forest and marine rangers," *kewang* deals with various parties interested in the utilization of natural resources and environment of Haruku on the land, river, or ocean.

In South Buano, the reactivation of the *kewang* after a more than three decades long hiatus was difficult as it continues to remind community members, especially women, of the traumatic and bloody conflicts with North Buano in 1983. The cultural legitimacy of the re-establishment of *kewang* and the election of 8 members is still weak, though their capacity has been facilitated by efforts from LPPM Maluku through some trainings and practices on environmental protection. Unfortunately, although increasingly gaining formal legitimacy, for some people, the weaknesses of *kewang* authority are in the adoption of a 'rationalist' perspective in calculating 'profit and loss,' rather than considering their roles as a form of cultural authority as observed in Haruku.

For the *kewang* of Buano, a decree provides the authority to carry out protection functions, legitimized by *negeri* regulation and included in the village budgeting system. Therefore, they are entitled to a monthly incentive and can secure equipment and tools to support their roles. The profit and loss calculation emerged as part of the workload assigned to a *kewang* as compared to other village-based organizations such as the head of *soa*, who were in charge for simpler tasks and received greater incentives. The task of the *kewang* is to deal directly with violators such as bomb fishing, while the head of *soa* only addresses offenders already captured.

The material calculations however made the South Buano *kewang*'s political bargaining power weaker than the one in Haruku. With the position of membership originating from the chosen clan and the education of a *kewang* who had started since childhood, resulted in the *kewang* of Haruku to be perceived as having a deep and embedded structure within local values adhered to by the people of Haruku. The more *kewang* members perform their roles as guardians and protector of the *petuanan*, the stronger their political position in banning and sanctioning violators.

6. Discussion

Overall, the strengthening of church and state ideologies weakens traditional customary ideologies that underlie endogenous institutions. In Haruku, the ideological battle takes place more openly because customary ideology is still firmly rooted and still has direct functions in the community. Meanwhile in South Buano, the customary ideology has been dormant for a long time and is in the process of being slowly forgotten and selectively remembered. This allows the church and state ideologies to weaken and further subordinate customary institutions, including the underlying ideology behind *kewang* in South Buano, even amidst *kewang* revitalization established based on customary-based ideology.

Violent conflict instigated a longstanding vacuum of cultural institutions on natural resource management, and political influence at the district level resulted in the South Buano community unclear about the authority of re-establishing their endogenous institutions. In this case, they were assisted by an external entity, LPPM Maluku, to rebuild what they had left behind due to the conflict. This is in sharp contrast with the case of Haruku, whereby local state agencies and the church, as well as local community members respect the *kewang*.

The fact that *kewang* is still shaping meaningful resource management functions in Haruku grants them a strong bargaining position, and the majority of Haruku people obey the rules. This can be observed in the application of *sasi lompa* that requires all community members not to harvest the *lompa* fish before the prescribed period, i.e. before the *kewang* lift the prohibition. Meanwhile, in South Buano, with the re-establishment of *kewang* initiated by an external actor, and receiving financial support from state institutions, their bargaining position remains relatively weak. Similarly, the politically motivated delay of issuing district regulation on the *negeri* government meant that traditional customary organizations cannot fully regain decisionmaking authority at the *negeri* level. This condition creates an awkward situation where the membership of *kewang* as a traditional organization is ruled by a rational choice ideology negotiated by state administrative functions and

budgets, prioritized relative to the calculation of profit and loss in carrying out their tasks. Unless they view such a role within the broader framework of the cultural legitimacy of *kewang*, it is unsurprising that they quantify their involvement in the *kewang* under transactional terms.

Such institutions no doubt have impacts on the ecological conditions in both places. In South Buano, the long vacuum of a *kewang* was followed by the widespread degradation of land and coastal resources. The destructive fishing practices on the reefs were particularly widespread. The exploitation of Buano forests also took place due to high demand of timber for boat materials. Nevertheless revival of the *kewang* has not been without its conservation benefits. The decline of fish bombing practices only began since LPPM Maluku began working in Buano island and helping to re-establish *kewang*. In Haruku, rules on resource use did not undergo similar disruptions; and combined with successful contestation against large mining interests, *kewang* have also since developed programs for habitat and endangered species conservation.

7. Conclusion

Institutions in a community influence individuals on protecting a resource, and we have shown the conditions and path dependence in two negeri in Maluku. Livelihoods, particularly in rural and frontier regions, play a central role, but the cases of Haruku and South Buano show the various conditions that either help conservation outcomes or undermine them. The absence of *kewang* over a long period points to the pathways that available institutions can play and continue to play governing the behavior of the individuals. Moments of victory against mining corporation enclosures (Haruku) or the effects of a conflict and violence (South Buano) have long term consequences on how local cultural norms are practiced, and certainly affect the possibilities for conservation and natural resource management generations hence.

In addition, the strength or weakness of *kewang* in South Buano and Haruku in conservation and management of *petuanan* resources depends on the support of all institutions and organizations related to *sasi* and *petuanan* in one negeri. We have shown how in both situations the formal institutions interact closely with *Kewang* to shape new forms of legitimacy. In South Buano, new efforts at revitalizing *kewang* are still capable of performing key roles in natural resource management. Unfortunately, at this early juncture, South Buano still suffers from two key challenges. The first is that the *kewang* has limited legitimacy as it is seen as a transactional organization, and the generational loss of identity among the youth to relate to the *kewang* as they do in Maluku means it is less effective at influencing local practices. The second key point is that the formal government channels have also created uncertainty about the legitimacy of local institutions due to the unwillingness of the district to allow local elections to take place.

All institutional constellations need to work effectively to guarantee the sustainability and effectiveness of *kewang* if it is to function as a credible institution in natural resource management. Across longer temporal scales, a variety of external factors affected community institutions in Maluku. Some traditional institutions and indigenous organizations can adapt, be erased, or revived. They have been through different paths in histories, though they may be located geographically close to one another. Nevertheless, we have shown that this does not change the possibilities for shaping new futures.

Acknowledgments

The research was supported by the Critical Ecosystem Partnership Fund (CEPF) through Burung Indonesia. However, this paper solely represents the view of the researchers, and not necessarily those of CEPF. The authors like to thank the two anonymous reviewers for their useful and insightful comments to the first version of this paper.

Conflicts of interest

The authors declare no conflict of interest.

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