

INDONESIA: DYNAMICS OF VIOLENCE IN PAPUA

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INDONESIA: DYNAMICS OF VIOLENCE IN PAPUA

EXECUTIVE SUMMARY AND RECOMMENDATIONS

A spate of violence in Papua in May and June 2012 exposed the lack of a coherent government strategy to address this multidimensional conflict. Shootings of non-Papuans in the provincial capital Jayapura in June, likely involving pro-independence militants, were followed by the death of one of those militants at police hands, highlighting the political dimension of the problem. In Wamena, a rampage by soldiers after the death of a comrade shows the depth of distrust between local communities and the army, and the absence of mechanisms to deal with crises. The shooting of five Papuans by newly arrived members of a paramilitary police unit (Brigade Mobile, Brimob) in a remote gold-mining area of Paniai highlights the violence linked to Papua's vast resource wealth and rent-seeking by the security apparatus with little oversight from Jakarta. While these events are still under investigation, they signal that unless the Yudhoyono government can address these very different aspects of the conflict, things may get worse. An overhaul of security policy would help.

Two factors are driving much of the violence: a wide range of Papuan grievances toward the Indonesian state and a security policy that seems to run directly counter to the government's professed desire to build trust, accelerate development and ensure that a 2001 special autonomy law for Papua yields concrete benefits. To date the law has failed to produce either improvement in the lives of most Papuans or better relations with the central government. Its substance has been frequently undercut by Jakarta, although provincial lawmakers also bear responsibility for failing to enact key implementing regulations. One of the last measures to prompt accusations in Papua of Jakarta's bad faith was the 2011 division into two of the Papuan People's Council (Majelis Rakyat Papua, MRP), an institution set up under the law to safeguard Papuan values and culture that was supposed to be a single body, covering all of Papua. In many ways the MRP was the keystone of special autonomy but it has been plagued by problems since its much-delayed establishment; the division, with Jakarta's active endorsement, has further reduced its effectiveness.

These problems would be hard enough to manage if Papua had functioning political institutions, but it does not. An ineffectual caretaker governor appointed in July 2011 has

left the Papuan provincial government in limbo. Meanwhile, the organisation of a new election has been stymied by a provincial legislature that has focused most of its energy on blocking the former governor from running and vying in national courts with the local election commission for control over parts of the electoral process. The picture is just as grim at district level. This leaves the central government without an engaged partner in Papua, and Papuans without a formal channel for conveying concerns to Jakarta.

The role of a new policy unit – the Unit for Accelerated Development in Papua and West Papua, known by its Indonesian abbreviation of UP4B – established in September 2011, increasingly appears limited to economic affairs, where it will struggle to show visible progress in the short term. Hopes that it might play a behind-the-scenes political role in fostering dialogue on Papuan grievances are fading, as it becomes increasingly clear that dialogue means different things to different people. Efforts to hammer out some consensus on terms and objectives have been set back by the violence, as the government is reluctant to take any steps that might be perceived as making concessions under pressure.

The challenge for the government is to find a short-term strategy that can reduce violence while continuing to work out a policy that will bring long-term social, economic and political benefits and address longstanding grievances. That strategy must involve clear and visible changes in the administration, control and accountability of both the police and military. The security apparatus is not the only problem, nor are police and soldiers always the perpetrators of violence; many have been victims as well. But they have come to symbolise everything that has gone wrong with Jakarta's handling of the Papuan conflict. It therefore follows that a change in security policy is the best hope for a "quick win" that can transform the political dynamics and halt the slide toward further violence.

RECOMMENDATIONS

To the Government of Indonesia:

1. Develop a more integrated policymaking mechanism on Papua at the national and provincial levels to ensure that:
 - a) programs designed to deliver concrete benefits to Papuans and build trust are not inadvertently undercut by decisions or actions taken in home affairs or by intelligence and security agencies;
 - b) a more unified security reporting mechanism is created under the Papuan regional police commander to ensure that elements of the military and intelligence apparatus do not undertake operations that report only to Jakarta and are not coordinated with other relevant authorities in Papua.
 - c) strict oversight of programs is not restricted to the development sphere but encompasses security policy, including examination of income-generating programs of the security forces; and
 - d) Papuan perspectives are included, either by participation of elected governors or the head of the MRP.

To the Indonesian National Police:

2. Improve dissemination of and training in Police Regulation N°8/2009 on Implementation of Human Rights Standards and Principles in Carrying Out Police Tasks, with particular attention to:
 - a) Article 10(e) prohibiting any form of torture and inhumane or humiliating treatment, even in the face of an order from a superior or extraordinary circumstances;
 - b) Article 10(f) guaranteeing the health of those in custody and providing medical care as needed;
 - c) Article 10(g) prohibiting corruption and abuse of authority;
 - d) Article 17 on procedures for arrest;
 - e) Article 40 prohibiting police from acting in a way that generates antipathy in the community, including by asking for unauthorised fees and covering up mistakes;
 - f) Articles 42-44 on protecting human rights in a situation of mass unrest; and
 - g) Articles 45-49 on use of firearms, particularly the provision that non-violent methods should always be used first and firearms should only be used in a way that is proportional to the threat faced.

3. Review policy on use of live ammunition with a view to restricting its use to specific situations and ensuring an adequate supply of non-lethal equipment for handling civil unrest.
4. Ensure that police are fully equipped with protective body equipment when assigned to insecure areas or when facing civil unrest so as to reduce the incentive to shoot first.
5. Reassess training needs, to ensure that anyone posted to a particular *kabupaten* (district) in Papua receives a thorough and detailed briefing from those who have served in the area about local conditions, conflict dynamics and relations with local government and community leaders, and that anyone finishing a tour of duty undergoes an equally thorough debriefing so that knowledge and lessons learned can be institutionalised.
6. Redesign allowances and incentive structures so that police are rewarded rather than penalised for taking posts in isolated and difficult areas and encouraged to build stronger links with local communities.

To the Indonesian National Army and the Indonesian National Police:

7. Make a clear commitment to ending impunity for inappropriate use of force and torture and to enforcing more credible sanctions against individuals responsible for such behaviour in a visible and public manner so that Papuans can see that justice is being done.
8. Ensure in particular that there is a policy – rigorously implemented – of zero tolerance that begins in police and military academies for kicking, beating with any instrument including rifle butts or other forms of physical violence in the course of detention, interrogation or on-the-spot punishment for alleged offences.
9. Make clear that “emotion” can never be used to justify excessive use of force, especially in reacting to attacks by Papuan groups.
10. Provide more systematic oversight and scrutiny of income and expenditures in district and sub-district-level commands, particularly in those close to mining sites, with a view to ending illegal levies on the transport of goods and services.

To the Unit for Accelerated Development in Papua and West Papua (UP4B):

11. Work with the provincial and district-level governments in Papua as well as ministries at national level to identify gaps in implementation of special autonomy legislation and develop strategies for addressing them.

To the National Elections Commission (KPU):

12. In light of the Constitutional Court's upholding of the practice of voting by acclamation (using the *noken* system), work with the provincial-level elections commission (KPUD Papua) to develop clear guidelines that will ensure tabulating these votes includes at least minimum standards against electoral fraud and conduct increased voter education efforts accordingly.

**To Papuan Provincial Legislators and
the Elected Governor (when one is in place):**

13. Give top priority to enacting the some two dozen regulations necessary to ensure that special autonomy is fully implemented.

Jakarta/Brussels, 9 August 2012

INDONESIA: DYNAMICS OF VIOLENCE IN PAPUA

I. INTRODUCTION

Violence in Papua province continues on almost a daily basis.¹ It is Indonesia's deadliest conflict, with civilians and security personnel, Papuans and non-Papuans among the victims.² Some fifteen separate incidents of shooting and stabbing took place in May and June 2012 in the capital Jayapura alone, and clashes also took place in Wamena, Paniai and Puncak Jaya. The central government appears to have no coherent strategy to address what is clearly a deteriorating situation. Discussions about some form of government dialogue with Papuans are ongoing, but they are not going to bear fruit any time soon. A new Papua policy unit set up by the president in late 2011 does not have the mandate or the political support to make any dramatic moves. Local political institutions are mostly dysfunctional, too weak to make much difference. The solution has to come from the central government, and the one step it could take that has any hope of halting the downward spiral is an urgent overhaul of security policy.

The imperatives of development and security seem to operate at cross-purposes. Since 2007, the Yudhoyono government has been promoting a "new deal" for Papua, aimed at accelerating development through better infrastructure, education and social services. To this end, in September 2011, it created a body called the Unit for the Acceleration of Development in Papua and Papua Barat (Unit Percepatan Pembangunan untuk Papua dan Papua Barat, UP4B).

At the same time, the government has been growing increasingly concerned about the internationalisation of the independence struggle. Since the 1960s, Papua has had a low-intensity insurgency, led by guerrillas of the National Liberation Army of the Free Papua Movement (Tentara Pembebasan Negara/Organisasi Papua Merdeka, TPN/OPM) and several pro-independence political fronts with solidarity group support overseas. Their activities have intensified over the last five years with the establishment of the West Papua National Committee (Komite Nasional Papua Barat, KNPB), a pro-independence group from the central highlands that is closely linked to two groups abroad, International Parliamentarians for West Papua and International Lawyers for West Papua.

The government's worst fear is that the activities of these groups could lead to delegitimisation of the 1969 Act of Free Choice, the UN-supervised referendum that led to Papua's incorporation into Indonesia. This concern has led to sometimes excessive use of force against pro-independence actions, harsh penalties for non-violent use of independence symbols like the Morning Star flag, frequent instances of torture and ill-treatment of suspected separatists, surveillance of politically active civil society groups, creation of parallel institutions to compete with and undermine community groups and tight restrictions on international access to Papua.³ Such actions play into the hands of groups like the KNPB who believe heavy-handed actions by security forces help their cause abroad. The police have accused KNPB members of involvement in the recent

¹ For related Crisis Group reporting, see Crisis Group Asia Briefings N°126, *Indonesia: Hope and Hard Reality in Papua*, 22 August 2011 and N°108, *Indonesia: The Deepening Impasse in Papua*, 3 August 2010; Reports N°188, *Radicalisation and Dialogue in Papua*, 11 March 2010 and N°154, *Indonesia: Communal Tension in Papua*, 16 June 2008; Crisis Group Asia Briefings N°66, *Indonesian Papua: A Local Perspective on the Conflict*, 19 July 2007; N°53, *Papua: Answers to Frequently Asked Questions*, 5 September 2006; N°47, *Papua: The Dangers of Shutting Down Dialogue*, 23 March 2006; N°24, *Dividing Papua: How Not To Do It*, 9 April 2003; and Crisis Group Asia Reports N°39, *Indonesia: Resources and Conflict in Papua*, 13 September 2002; and N°23, *Ending Repression in Irian Jaya*, 20 September 2001. See Appendix A for a map of the area.

² Data from a new National Violence Monitoring System, Indonesia that tracks violent conflict incidents in eleven conflict-prone provinces in Indonesia show that Papua had both the highest number of such incidents (489) between January-April 2012 and the highest number of deaths (60). Second in both incidents and deaths was the capital region of Jakarta, which had a population 3.4 times larger than Papua. National Violence Monitoring System, Indonesia (forthcoming) developed in co-operation with Coordinating Ministry for People's Welfare (Deputy I), The World Bank and The Habibie Center.

³ In January 2011, for example, three soldiers seen on a video torturing two Papuan civilians, including by burning the genitals of one while holding a knife to his throat, were found guilty of disobeying orders. They were sentenced by a military court to ten, nine and eight months respectively. This is one of the rare instances where a torture case actually came to trial and it was entirely due to the international publicity that the video received.

Jayapura shootings and there appears to be some evidence to support this.

The friction between development and security goes beyond the independence issue. In many areas of resource-rich Papua, rent-seeking by police or soldiers frequently puts them on a collision course with locals. In a remote gold-mining site in Paniai, some of the violence in 2011 and 2012 was directly linked to police protection of non-Papuan illegal mining businesses and their stranglehold over all goods going in and out of the area. When this is compounded by young and inexperienced police from outside the district being too quick to pull their guns at the least sign of trouble, any hope of building community trust is gone.

Some of the security problems that Papua faces are common to all parts of Indonesia, but they have more serious consequences because they feed into the broader political debate. A common sequence of events in Indonesia is a fight or traffic accident, mob anger against the person responsible, and inappropriate responses from badly trained police or soldiers. In other parts of Indonesia, this can lead to attacks on police stations or military posts.⁴ In Papua, it reinforces the image of the military and police (and many Papuans do not distinguish between the two) as oppressors and contribute to support for the independence movement.

Several factors have helped frustrate even well-intentioned efforts to address these problems. The first is a particularly complex web of security forces, including different units of the military, police and intelligence services, which not only do not coordinate with one another but are frequently beset by internal rivalries.

A second is the lack of any broadly representative Papuan bodies that can effectively lobby for change. The Papuan People's Council (Majelis Rakyat Papua, MRP), a cornerstone of the 2001 autonomy law that many Papuans hoped might play this role, has been systematically eviscerated by Jakarta; it has also lacked good leadership. A Papuan Peace Network (Jaringan Damai Papua, JDP) led by Father Neles Tebay has had some success in building a consensus on dialogue but its work is still in the very preliminary stages.

A third factor is the weakness of provincial and local governments. Local governments in Papua face some of the greatest challenges in Indonesia: many of them are also isolated from centres of economic activity and must deal with high costs and difficult terrain. The creation of new districts through decentralisation has not brought govern-

ments closer to the people as promised; it has often led to higher rates of absenteeism. In the Paniai gold-mining area discussed in this report, not only is there no effective government, but it is not even clear which district the site belongs to.

Throughout 2011 and in early 2012, a long effort by some in both Papua and Jakarta to support a dialogue to address some of these problems began to gain traction, even though there was no consensus on format, agenda or goals. Even so, what momentum there was has slowed in the wake of the Jayapura shootings.

If the Yudhoyono government is committed as it says to a "new deal" for Papuans, the most meaningful policy change it could make in the short term would be to overhaul security policy in a way that reduces and penalises excessive use of force, improves training for security forces assigned to Papua, changes the incentive structure to reward genuine service to the community and improves oversight to prevent rent-seeking activities by police and soldiers.

This paper examines the dynamics of violence in Papua province with a focus on events in 2011 and 2012.⁵ It is based on extensive interviews in Jakarta, Jayapura, Nabire and Timika. It does not seek to provide a comprehensive record – indeed, many of the events are still under investigation – but instead to explore the wider dynamics at play. Publicly at least, there is broad consensus among all actors, including the coordinating ministry for political, security and legal affairs in Jakarta, that a so-called "security approach" is not the appropriate solution, yet it is not clear that any reform of current security practices is envisaged.

⁴ See Crisis Group Asia Report N°218, *Indonesia: The Deadly Cost of Poor Policing*, 16 February 2012.

⁵ The area incorporated into Indonesia in 1969 is now administered as two different provinces: Papua and Papua Barat (see fn. 13). While some of the dynamics described in this report also apply in Papua Barat province and Papuan nationalists use the term "Papua" to refer to both provinces, this report is chiefly focused on Papua province, where the incidence of violence remains far higher.

II. THE JAYAPURA SHOOTINGS, KNPB AND DEATH OF MAKO TABUNI

The shootings in Jayapura highlight one dimension of Papua's security problems: the increasing radicalisation of one part of a broad-based pro-independence movement and Jakarta's determination to deal harshly with those it describes as separatists. Police have accused members of the militant KNPB of involvement in seven shootings of non-Papuan, including a German tourist, in the provincial capital of Jayapura.

These began on 29 May and ended on 14 June 2012 after police shot and killed Mako Tabuni, KNPB's deputy head, while trying to arrest him in connection with the crimes. They claim they shot him in self-defence after he resisted and tried to grab an officer's gun.⁶ But the frequency with which police use this story to explain firing on suspects has destroyed its credibility with the local population. While all witness accounts agree Mako ran when police tried to arrest him, many groups argue he could have been captured alive or given better medical treatment after he was shot.⁷ His death is seen in Papuan activist circles as a calculated government effort to unfairly blame the violence on separatists, even though evidence suggests that he was in fact involved in at least some of the shootings.

The police case against Mako and the KNPB revolves around the car that the gunmen used in the shooting of the German tourist on 29 May, and forensic evidence linking some members to other attacks. Less likely to be accepted by the community are confessions, which in Papua are often extracted under duress, of KNPB members arrested thereafter. If the KNPB was indeed responsible for the shootings, it marks a dramatic escalation in the tactics of a group that has increasingly come to dominate pro-independence activities in Papua, drowning out most other voices. Papuan distrust of police is so deep, however, that it will take much more to convince the public that the allegations are true.

A. PROTESTS GATHER FORCE

Examination of a string of protests by the KNPB in and around Jayapura that began late in 2011 in the lead-up to the shootings shows a group that was becoming increasingly provocative in its message and increasingly disruptive in its tactics, prompting a violent response from Indonesian security forces. While the intensity may have

increased, the group's actions over the past six months were in line with its core strategy: it has pushed to portray Papua as an "emergency zone" (*zona darurat*) in need of international attention and urged supporters to boycott elections.⁸ It is not the entirely peaceful political group often portrayed in foreign media: some of its leaders have argued before for violent action, including in Jayapura in the lead-up to the April 2009 polls.⁹ The line that divides KNPB from the armed TPN/OPM is also not clear; KNPB and several of the student groups that preceded it have long maintained relations with the guerrillas and sometimes seen themselves as its political wing.¹⁰

Mako Tabuni was one of a handful of activists from the central highlands who, frustrated by the slow progress of the independence movement, came together in 2008 to form the KNPB.¹¹ Its primary demand has been a referendum on Papuan independence similar to that held in East Timor in 1999, and it has opposed any steps, including dialogue, that fall short of this demand. KNPB is closely aligned with two international groups formed around 2008: the International Parliamentarians for West Papua (IPWP) and the International Lawyers for West Papua (ILWP).¹²

⁸ This strategy represents a reversal of a campaign popular among church and civil society groups in the early 2000s, to make Papua a "peace zone" (*zona or tanahdamai*). The new strategy is based on a belief that only if declining security and rising human rights violations turn Papua into an "emergency zone" will a political dynamic favourable to independence be created. In protests in 2011 and 2012, KNPB supporters have carried banners saying "An emergency zone means a referendum soon" ("*Zona darurat, segera gelar referendum*"). See, for example, "KNPB tuntutan referendum Papua", *Suara Pembaruan*, 14 November 2011.

⁹ See Crisis Group Report, *Radicalisation and Dialogue*, op. cit., Section III.

¹⁰ Ibid. See also fn. 25, where Mako Tabuni suggests that TPN/OPM play a military role alongside a "national parliament" set up by KNPB.

¹¹ Mako Tabuni was born in 1977 in Piramid in Jayawijaya *kabupaten*, the same area as Benny Wenda (see below). His father was frequently detained by the military; his uncle is Mathias Wenda, a well-known OPM commander. After graduating from high school in 1999, Mako went to Manado, North Sulawesi for university studies, where he became involved in the Papuan student activist community. By 2006, he had returned to Papua and was involved in violent protest actions against Freeport's mining activities in Timika. Several police were killed in the protests and a number of the students were arrested, including Mako, who was imprisoned there for several months. Another founder of the KNPB, now the group's spokesman, is from Paniai. For more detail on the formation of the KNPB, see Crisis Group Report, *Radicalisation and Dialogue*, op. cit.

¹² Papuan exile Benny Wenda was the driving force behind both. He fled Indonesia in June 2002, following his arrest on charges of masterminding a December 2000 attack on the Abepura police station. He is the head of the Koteka Tribal Assembly (Dewan Musyawarah Masyarakat Koteka, Demmak), a pro-

⁶ "Press Release Kapolda Papua Tentang Kronologis Pengangkapan Terhadap Mako Tabuni", humas.polri.go.id, 14 June 2012.

⁷ Ibid. A very similar justification was provided by police in the 15 May 2012 shooting of five people in Nabire.

Together, they are conducting a campaign with two fronts: KNPB's protest actions at home are complemented by IPWP/ILWP efforts to build support abroad for independence as well as a review of the 1969 Act of Free Choice that officially integrated the territory then called West Irian into the Indonesian republic.¹³ KNPB has frequently organised protests in Papua to coincide with events held by IPWP and ILWP overseas.

The group's single-minded pursuit of a referendum has put it at odds with other civil society groups and led it to reject the establishment of UP4B, any initiative toward dialogue with Jakarta, and even electing a governor.¹⁴ The angry rejection of these efforts was the principal theme of a series of KNPB protests in late 2011 and early 2012 in cities across Papua. A number of the protests blocked all traffic for hours on the main artery between Jayapura and Abepura, a suburb where the state university and many NGOs are based, but they were met with almost no response from security forces.¹⁵

The largest protest was held on 20 March 2012 to coincide with the visit to Jakarta of UN Secretary-General Ban Ki-moon for a regional defence conference. Buchtar Tabuni, KNPB's head, had called on all indigenous Papuans to take the day off, and the protest shut down most businesses in Abepura for the afternoon. Over 1,000 people gathered to hear Buchtar speak, while his deputy Mako Tabuni threatened local journalists, and supporters chased away anyone trying to cover the event.¹⁶ Avoiding press

independence group founded in 2000 by highlanders who felt under-represented in the Presidium Dewan Papua, elected the same year. (The *koteka*, the penis gourd traditionally worn by highlanders, is often used as a short-hand for referring to highlanders.) While Demmak is no longer active, its legacy lives on in the KNPB.

¹³ The province of Irian Barat, renamed Irian Jaya by President Soeharto in 1973, was later renamed Papua in 2000 under President Abdurrahman Wahid in response to the demands of Papuan nationalists. In 2003, the province of Irian Jaya Barat, later renamed Papua Barat (West Papua), was created. Many Papuan nationalists use the term West Papua or Papua Barat to refer to the entire former Dutch colony West New Guinea. A less politically charged term for the broader area is "Tanah Papua", which has no legal significance. In this report, unless otherwise noted, Papua Barat refers to the Indonesian province.

¹⁴ In advance of a 20 February protest, Mako Tabuni told reporters that KNPB planned to "cancel" the governor's election. "KNPB akan demo besar-besarkanembalikan UP4B", *Cenderawasih Pos*, 13 February 2012.

¹⁵ Police had come under heavy criticism for excessive use of force in dispersing a pro-independence congress in October 2011 (see Section III). Their hands-off policy toward KNPB activities may have been in part a desire to avoid accusations of heavy-handedness.

¹⁶ It was not the first time journalists had been threatened for covering KNPB protests. Many journalists working in Papua,

coverage may have been an effort to keep a message for outsiders while sending a different one to the group's supporters in the provocative speech that would follow. The police kept their distance.

Buchtar delivered a set of demands addressed to Ban, calling on the UN to hold a referendum and ensure the withdrawal of Indonesian security forces. He spoke of "expel[ing] the Indonesian government from the land of Papua" and called on "illegal persons", by which he meant migrants from elsewhere in Indonesia, to "go home ... before we kick you out using the ways of the Papuan people as quickly as possible. Don't mess around – I'm tired of carrying these banners and megaphone!"¹⁷

Discussing plans for a follow-on protest, to be held in early April 2012 in conjunction with an ILWP event in The Hague, he told the police to stay away, explaining, "my supporters are capable of controlling thousands of people".¹⁸ He continued in incendiary language:

Bring your machetes and spears! That's culture – not for tribal warfare! I am defending my culture – I cannot be restricted from doing that! It's for culture. On [April] 5th, everyone wear traditional dress and come down [to Jayapura] with a warning to the security forces not to bring out police or army vehicles onto the main road or among the protesters. That's not allowed! If that happens, on the very same day I will announce that the revolution has begun here in this city! If that happens, watch out! I'm not playing around!¹⁹

One reason why KNPB's rhetoric may have escalated in the past year is that 2011-2012 marks the fiftieth anniversary of a number of key dates in the preliminary efforts by the Dutch colonial administration to prepare Papua for self-rule.²⁰ One such anniversary is that of the 5 April 1961 formation of the New Guinea Council (Nieuw Guinea Raad in Dutch), the first real Papuan political representative

particularly for the national press, are non-Papuan. Mako told journalists that many were suspected of doubling as intelligence agents. Crisis Group interview, local journalists, Jayapura, 20 March 2012. See also "Jurnalis Papua kecewa dengan intimidasi KNPB", *Suara Pembaruan*, 22 March 2012.

¹⁷ Video of Buchtar's 20 March address is posted online at www.youtube.com/watch?v=_Pu4BJDBsmM.

¹⁸ Buchtar told those gathered in Abepura that the event in The Hague was being held because "Holland feels responsible. And feels a debt to the Papuan people". Video of Buchtar's 20 March address, op. cit.

¹⁹ Ibid.

²⁰ This is true for other pro-independence groups as well, such as the organisers of the Third Papuan People's Congress discussed in Section II below.

body.²¹ On 5 April 2012, the IPWP held an event in The Hague with a handful of Netherlands parliamentarians entitled “New Guinea Council: The First Step”, which portrayed the long defunct body’s reestablishment as the first step towards independence.²²

A day earlier, the KNPB had held a rally in Abepura and Jayapura to support the Hague event, drawing hundreds of protesters, many of whom carried machetes and spears as instructed by Buchtar. Another “long march” was held on 9 April, when Mako led several hundred KNPB supporters to the grave in Sentani of Theys Eluay, the Papuan independence leader killed by the Indonesian military in November 2001. There they announced the establishment of a West Papua National Parliament (Parlemen Nasional Papua Barat, also called Dewan Nasional Papua Barat), whose membership was drawn from a series of regional councils (Parlemen Rakyat Daerah, PRD) that KNPB had established over the past year.²³ Mako explained that the representatives of this new council would help prepare Papua for self-government.²⁴ Following the April rally, which again drew hundreds of protesters to two sites in Abepura and Jayapura, police announced they were calling Buchtar Tabuni in for questioning and would no longer grant any permits for protests, but Buchtar apparently did not respond to the summons.²⁵

²¹ Sixteen of the 28 members of the council were elected in February 1961, with roughly a fifth of Papuans voting, while the remainder were appointed by the Dutch administration. 23 of the 28 members were Papuan. See John Saltford, *The United Nations and the Indonesian Takeover of West Papua, 1962-69: The Anatomy of Betrayal* (London, 2003), pp. 9-10. The other two dates that have taken on commemorative importance are the 19 October reading of a manifesto on Papuan independence (marked as the First People’s Congress), and the 1 December series of resolutions by the council, including the establishment of a flag (the Morning Star) and a national hymn (“Hai Tanahku Papua”). Information on the New Guinea regional councils developed between 1959 and 1962, under the remit of the last Dutch governor of Papua, is available at www.papuaerfgoed.org/en/Experiment_with_Nieuw-Guinea_regional_councils.

²² Video of the event is available online at www.youtube.com/watch?v=KwvyhdDcOag.

²³ The first was established in Biak in July 2011, and a total of thirteen others introduced in the six months that followed, the final body being in Jayapura on 31 January 2012.

²⁴ “KNPB deklarasikan Parlemen Dewan Nasional Papua Barat”, *Cenderawasih Pos*, 10 April 2012. At the January installation of the Jayapura PRD, Mako explained that “after the building of the [“national”] parliament, it will be clear that what has to be done by TPN, and what has to be done by the parliament will be clearer. This just requires that we establish coordination and a division of labour”. One of many similar accounts is available at <http://knpbtimikaregion.wordpress.com/2012/02/01/new-guinea-raad-di-hidupkan-kembali-parlemen-nasional-akan-segera-terbentuk/#more-231>.

²⁵ “Buchtar akan ditangkap”, *Cenderawasih Pos*, 6 April 2012.

B. A STRING OF SHOOTINGS

If the KNPB had benefited from some kind of understanding with security forces over protests held in Jayapura early in the year, it had dissolved by the time of the shooting of the German tourist in May 2012.

Violence in Jayapura had begun to escalate a few weeks earlier, following a rally on 1 May, the anniversary of the former Dutch colony’s handover to Indonesian administration in 1963.²⁶ Returning from the rally on the back of a crowded pickup truck, one KNPB supporter, Terjolith Weya, was shot by an unknown gunman.²⁷ The next day, supporters of the group rioted on the main road between Abepura and the town of Sentani, where the provincial airport is located, burning two motorbikes and stoning passing cars. A migrant passing through the area on his motorbike was attacked and stabbed to death by rioters. In a separate incident on 22 May that police would later link to Mako, a rental car driver was stabbed in Abepura and his body and car set alight. On the same day, a non-Papuan teenager was stabbed to death at Skyline, a scenic overlook on the main road between Jayapura and Abepura.

But it was the brazen daylight shooting of a German tourist on a beach known as “Base G” in Jayapura on 29 May that unnerved many. Dietmar Helmut Pieter was sitting on the beach not long before noon when a gunman emerged from a vehicle and shot him three times. It was the first shooting of a foreigner in Papua since July 2009, when an Australian employee of the Freeport mining company was shot dead on the road linking the Grasberg mine to Timika.²⁸

The only detail to emerge at first was that the shooter appeared to be ethnic Papuan, and national media were quick to print speculation that the gunman might have been an OPM rebel.²⁹ The KNPB objected to what it saw as the

²⁶ Under the terms of an August 1962 agreement between the Netherlands and Indonesia, a UN Temporary Executive Authority was set up to administer West New Guinea until 1 May 1963, when administrative control was handed over to Indonesia. Papua formally became a part of Indonesia following the “Act of Free Choice” in July 1969.

²⁷ According to an investigation into Mako’s death by a coalition of Papuan NGOs, Mako later told a friend that he believed Weya’s death was meant to be his own, and that the gunman had confused the two men based on their similar appearance. See Koalisi Masyarakat Sipiluntuk Penegakan Hukum dan HAM di Papua, “Laporan hasil investigasi: Pembunuhan kilat Musa Mako Tabuni tanggal 14 Juni 2012 di Waena, Jayapura, Papua”, 11 July 2012.

²⁸ In August 2002, a group of masked gunmen shot dead two Americans and an Indonesian in an attack on two buses carrying expat schoolteachers up the same road.

²⁹ “WN Jermanditembak, Polda Papua bentuktim”, *Vivanews*, 30 May 2012.

scapegoating of Papuans, suggesting the shooting was a setup to make pro-independence groups look bad. It began to organise a “long march” from Sentani to Jayapura on 4 June, circulating an angry letter that read in part:

There is only one objective of the Unitary State of the Republic of Indonesia [Negara Kesatuan Republik Indonesia, NKRI] in Papua: to wipe out Papuans and seize the Land of Papua from Papuans. The Indonesian occupiers are still killing Papuans. Justice under the law of Indonesia does not yet stand on the side of Papuans. In the NKRI, Papuans are treated like animals.³⁰

The police response to the 4 June protest was markedly different from its studied lack of response to earlier actions. Two separate groups of KNPB supporters were due to join the march: one in Sentani, and other in Abepura. Brimob paramilitary police quickly moved in with water cannons and anti-riot vehicles to block them. In Abepura, protesters threw stones at police and damaged local kiosks and an ATM, while in Sentani, marchers began shooting arrows at police, injuring at least one bystander and leading police to fire warning shots and break up the crowd by force.³¹ Accounts vary, but two supporters of the group were killed in the protest and two wounded; some reports suggest the former were shot by police, others say they were killed by KNPB arrows.³²

Most of the shootings took place in the three days that followed the protest, as five non-Papuan Indonesians were shot by unidentified gunmen. The shootings occurred between 9 and 10.30pm; three of them occurred in the area of Entrop and Skyline drive, the road that connects Jayapura and Abepura. Hours after the break-up of the protest on 4 June, a high school student named Gilbert Fabrian Mardika was shot on his motorbike at Skyline. The next day a soldier, Private Frangki Doengki Kune, was shot on his motorbike on the Abepura-Entrop road. Half an hour later, two other men, Iqbal Rifai and Ardi Jayanto, were shot on the other side of town, close to the Jayapura police headquarters, also while riding motorbikes. On 6 June, a civil servant from the regional military command who also

worked as a motorcycle taxi (*ojek*) driver was shot near the Jayapura mayor’s office.

On 7 June, the police arrested Buchtar Tabuni, not long after he emerged from a meeting that had been called by members of the provincial parliament to work out a response to the shootings.³³ Police first said that Buchtar had been arrested in connection with the 1 May protests and was suspected of involvement in the shootings, but a trial against him that began on 19 July relates only to charges of vandalism in connection with an attack on the Abepura prison in December 2010.³⁴ The same day, Teyu Tabuni, a Papuan teenager allegedly linked to the KNPB, died after being shot three times in the back of the head as he ran away from police in Jayapura.³⁵ The police officer who shot Teyu was suspended pending an investigation.

Mako and other KNPB members reacted angrily to Buchtar’s arrest and what they saw as a betrayal by the parliament members who had organised the meeting. The next day they presented them with a set of demands, setting up a small bonfire in front of parliament offices. They called for Buchtar’s immediate release and for the imposition of a state of civil emergency (*darurat sipil*) within three days, claiming that all the laws passed to date by the assembly had done nothing to protect the people from the shootings.³⁶ Mako then said that if the demands were not met he would chase down each of the legislators by going door to door.³⁷ Also around this time, threatening letters signed by the KNPB were circulating in Jayapura, targeting migrants and “*Papua abu-abu*”, or Papuans whose true sympathies were in doubt.³⁸ On 10 June, another migrant *ojek* driver,

³⁰ In Indonesian the letter read: “Tujuan NKRI di tanah Papua hanyasatu: memusnakan orang Papua dan merebut tanah Papua diatas tanah orang Papua. Penjajah Indonesia terus membunuh orang Papua. Keadilan dalam hukum Indonesia belum berpihak pada orang Papua. Dalam NKRI, kemanusiaan orang Papua dipandang sama dengan binatang”. Reproduction of the letter available at <http://knpsentanidotorg.wordpress.com/2012/06/02/segera-merapatkan-barisan-perlawanan-demi-kemanusiaan-dan-keadilan-bangsa-papua/>. A version of the letter was also reproduced in local press.

³¹ “Dihadangpolisi, massa KNPB berulah”, *Cenderawasih Pos*, 5 June 2012.

³² See Koalisi Masyarakat Sipil, “Laporan hasil investigasi”, op. cit.

³³ Members of Commission A, which handles government and security affairs, had invited community and NGO leaders to attend a meeting with the provincial police and army heads. The latter two did not attend the meeting.

³⁴ “Poldatangkap Ketum KNPB Buchtar Tabuni”, *Cenderawasih Pos*, 8 June 2012; “Buchtar Tabuni terancam minimal 5 tahun penjara”, *Cenderawasih Pos*, 9 June 2012; “Human rights activist tried for vandalism”, *The Jakarta Post*, 19 July 2012. Crisis Group interview, Jakarta, 25 July 2012.

³⁵ Police originally claimed that Teyu had died from head injuries sustained after falling. They say they were responding to reports of harassment in the neighbourhood and that when searched by police, Teyu and friends were found to be carrying sharp knives. “Polisi tembak warga Dok V, satu tewas”, *Cenderawasih Pos*, 8 June 2012.

³⁶ “Diancam KNPB, DPRP cemas”, *Cenderawasih Pos*, 9 June 2012. Legally, this did not make sense, as a state of civil emergency can only be enacted by the president.

³⁷ KNPB tuding DPRP terlibat penangkapan Buchtar”, *Bintang Papua* (local media outlet), 8 June 2012.

³⁸ The phrase means literally “grey Papuans”. One threat read as follows: “‘An eye for an eye, blood for blood and a life for a life’. We demand revenge for all the deaths of Papuans that have become victims recently. Watch out all migrants and *Papua abu-abu*, we will demand revenge from you all”.

Tri Saroni, was shot dead on his motorbike in Abepura in the late evening.

Six days after his appearance at the local assembly, Mako Tabuni was shot dead by plainclothes police in front of the Perumnas III housing complex in Waena, outside Jayapura.³⁹ Police claim that Mako resisted arrest, scuffling with one officer and moving to grab his weapon, so they shot in self-defence.⁴⁰ Other witness accounts are at odds with this version; they say Mako was running away when he was shot several times in the back of the thigh.⁴¹ A police press release put out hours later claimed that after arrival at the hospital, doctors found that Mako was carrying a Taurus pistol loaded with six bullets.⁴² They also said they tried but were unable to save his life, while a witness interviewed by a local human rights organisation said that Mako was still walking when he arrived at the hospital and police refused to provide him the necessary medical care.⁴³

His death was immediately followed by rioting in which three persons were seriously injured and cars and motorbikes burned. There has been no related violence since. A tight watch was kept when two days later Mako was buried in Sentani but no trouble was reported. Victor Yeimo, the KNPB spokesperson, addressed the crowd with the following words:

The National Committee for West Papua [KNPB] will not back down at all. Today we mourn the loss of Tabuni. The occupiers [*penjajah*] today have taught us to be stronger. The occupiers can kill us, but today they have only taught us how to fight back.⁴⁴

Some in Papua suggest that the KNPB has been seriously weakened by the combination of Mako's death and Buchtar's arrest and likely imprisonment, and that like many highlander groups before it, it could fade away from loss of leadership.⁴⁵ One factor that may make the movement

more resilient than its predecessors, however, is its link to the IPWP/ILWP abroad.

C. WHO WAS RESPONSIBLE?

Investigations into the Jayapura violence are ongoing. Police have linked the bullets identified in several of the shootings to the Taurus pistol they say Mako was carrying the day he was shot, and arrested three others who allegedly served as accomplices in either the killing of the rental car driver or the shooting of the German tourist.⁴⁶

If police allegations are true, the two-week shooting campaign represents a dramatic escalation of violence by Mako and some like-minded colleagues to capture domestic and international headlines. This would explain Mako's angry demands that the provincial parliament declare a "civil emergency" on 8 June, believing that it might hasten the hoped-for intervention by UN forces. If this was the strategy, it did not work. International coverage, even in the German press, was limited. The relative silence of KNPB supporters in the weeks following Mako's death also suggests that the strategy was not shared by others in the group.

In the absence of a definitive account, rumours and conspiracy theories abound. One speculation widely believed in Jayapura is that while Mako and his alleged accomplices may have carried out the shootings, they had third parties from the security or intelligence forces behind them, either to divide the independence movement, end any prospects for dialogue, or encourage conflict between the highlanders of the KNPB and coastal peoples who disliked their tactics.⁴⁷ Another theory, also popular in Papua following Mako's death but not based on any known evidence, is that intelligence agents or security forces organised the shootings and simply shot and blamed him to obscure the truth.

It is possible that shootings were conducted by different parties acting independently of each other. Whoever is responsible for the Jayapura attacks, however, the absence of full information has simply deepened the distrust of Papuan civil society toward the security forces.

³⁹ Some chiefly English-language reports falsely suggested the elite anti-terror unit Special Detachment 88 (known by its Indonesian name Densus 88) was involved in the shooting. Members of Densus 88 provided some support to police investigations after the fact but, according to police officials interviewed by Crisis Group, were not involved in any way in Mako's death.

⁴⁰ "Press Release Kapolda Papua", op. cit.

⁴¹ See Koalisi Masyarakat Sipil, "Laporan hasil investigasi", op. cit.

⁴² "Press Release Kapolda Papua", op. cit.

⁴³ Mako was taken to the police hospital in Jayapura. See *ibid* and Koalisi Masyarakat Sipil, "Laporan hasil investigasi", op. cit.

⁴⁴ Video of a part of his address is available at www.youtube.com/watch?v=oVqW9uurSZU.

⁴⁵ Victor Yeimo is likely to take a more active role in guiding the organisation going forward. Some online sources suggest that he was elected the new chairman of the KNPB, and Agus

Kossay his deputy, at an Extraordinary Congress on 18-21 June in Timika. See "Ini Ketua Umum dan Ketua I KNPB yang baru", Suara Papua, 20 July 2012. A number of KNPB sites still refer to Yeimo by his old title of KNPB spokesman.

⁴⁶ The three are Jeffrey Wandikwo, Zakius Saplay and Calvin Wenda. "Tiga tersangka akui perannya dalam aksi penembakan", *Tribunnews.com*, 26 June 2012. At least one other person, Hengki Oalua, was also arrested but later released.

⁴⁷ Some in Jayapura said they suspected links between Mako and Buchtar and elements of the security forces, and that this was one source of the considerable funds needed for the KNPB protests. Crisis Group interview, Jayapura, 22 March 2012.

III. ABEPURA AND WAMENA: POOR DISCIPLINE AND IMPUNITY

The Jayapura shootings and Mako's death fit into a broader dynamic of conflict in Papua between pro-independence groups and the state. In this process, disproportionate responses by security forces – now more the police than the military – to pro-independence activity, paired with a failure of moderates to show much progress from their lobbying efforts in Jakarta to strengthen autonomy or bring about a Jakarta-Papua dialogue, drive further radicalisation. An example is the break-up of the so-called Third People's Congress in Abepura in October 2011, where violence by police and soldiers against unarmed and unresisting members of a group of Papuan leaders brought the latter support that they would not otherwise have had.

A second case in which soldiers went on a vengeful rampage in Wamena in June 2012 after the stabbing of two of their comrades indicates the need for vastly improved control, discipline and accountability of the security forces.

A. PAPUAN PEOPLE'S CONGRESS

The Third Papuan People's Congress, held in Abepura from 17 to 19 October 2011, was organised to commemorate the 50th anniversary of the formation of the New Guinea Council.⁴⁸ It was initially supported by the Papuan National Consensus, a coalition that emerged as an effort to unite a range of often competing groups working for independence.⁴⁹ As the jubilee date approached in 2010, the coalition began to focus on proclaiming a "transitional government" that could lead Papua towards reclaiming the sovereignty that it said had been seized by Indonesia. Maintaining unity was difficult, and by the time the con-

ference ended, many of its original supporters had dropped out, leaving mostly members of the West Papua National Authority (WPNA) based in Australia.⁵⁰

A National Leadership (Kepimpinan Nasional) appointed in 2010 included a relatively narrow group made up primarily of coastal Papuans, as opposed to the more militant highlanders. It was led by Forkorus Yaboisembut, head of the Papuan Customary Council (Dewan Adat Papua, DAP), a body that draws legitimacy from its roots in Papuan communities but which security forces view warily as a pro-independence body.⁵¹ Many activists were opposed to the congress, including other DAP leaders; the KNPB was among the most vocal of the rejectionists and insisted on pursuing its own representative mechanisms, ultimately producing the Parlemen Rakyat Daerah (PRD) discussed above. Forkorus and the members of the National Leadership pushed ahead undeterred.

The organisers went out of their way to be open about the congress, even sending a team to deliver an invitation to the President. In doing so, they were drawing in part on the example of the Second People's Congress in 2000, which then-President Abdurrahman Wahid had helped fund.⁵² This time, the organisers met with staff of the president and the coordinating ministry for security affairs. When they returned to Jayapura they announced the congress had the government's blessing.⁵³ A letter was also sent to the regional police chief in early October, informing him of the plans, and when the organisers never heard back they presumed they were free to go ahead.

More than 1,000 people attended the congress when it opened on 17 October 2011 in a field in front of a theo-

⁴⁸ At the First Papuan People's Congress on 19 October 1961, a group of 40 Papuan leaders read out a manifesto calling for the flying of a Papuan flag alongside its Dutch counterpart and establishing a national hymn ("Hai Papua Tanahku"), country name (Papua Barat) and people (Papuan people). The Second People's Congress was held in May 2000, attracted some 25,000 participants and saw the formation of the influential Papua Presidium Council (Presidium Dewan Papua, PDP), that served as a leadership group. President Abdurrahman Wahid agreed to open the congress but ultimately decided against it, fearing his attendance would be seen as support for independence.

⁴⁹ In December 2010, the Papuan National Consensus (Konsensus Nasional Papua, KNP), composed of the Papua Presidium Council and the West Papua National Authority (WPNA), issued a joint declaration with the West Papua National Coalition for Liberation (WPNCL). They announced the establishment of a new body called the Papua National Collective Leadership consisting of KNP (Herman Awom, Edison Waromi and Forkorus Yaboisembut) and WPNCL (Eliezer Awom, Samuel Paiki, and Haliele).

⁵⁰ As the congress approached, differences within the KNP arose, and Herman Awom resigned. Then as it was underway, John Otto Ondowame (WPNCL) withdrew support, questioning the integrity of the conference organisers. By the time the conference concluded, PDP and WPNCL had dropped out. The congress also lacked the official support of the Papua Customary Council (Dewan Adat Papua, DAP), as DAP leaders refused to participate. In the end it represented only a fraction of the independence movement, largely drawn from the WPNA. Information provided to Crisis Group by NGO activist, July 2012.

⁵¹ The six-person National Leadership included Forkorus Yaboisembut (chair of the DAP), Herman Awom (a member of the Presidium), Albert Kailele and Septinus Paiki (WPNCL), Eliezer Awom (a former political prisoner) and Edison Waromi (WPNA).

⁵² See Crisis Group Report, *Dividing Papua: How Not to Do It*, op. cit.

⁵³ There were rumours that President Yudhoyono would open the Congress. One planning document circulated in early August even suggested seven "keynote speakers" would attend, including not just President Yudhoyono but also Pope Benedict XVI, Desmond Tutu, and Kofi Annan.

logical seminary in Abepura.⁵⁴ By all accounts, including reportage on Indonesia's major television news channels, the proceedings were peaceful.⁵⁵ On the first two days, participants broke into four commissions.⁵⁶ The third day began with the arrival of 400 police and military, drawn from regular police, several army units and anti-riot tanks that were stationed around the field. The different commissions reported back the results of their discussions over the course of several hours and Forkorus Yaboisem-but and Edison Waromi of the WPNA were formally appointed president and prime minister of the Federal State of West Papua (Negara Federal Papua Barat). Forkorus then read a declaration of independence and called on Indonesia and the UN to recognise the transitional government. Edison gave a short press conference and participants began to disperse.

At that point, police decided to arrest those involved on the grounds that they had used a public place to advocate the separation of Papua from the Indonesian republic, but they acknowledge that in the process, several of their own officers violated standard procedures and the police code of ethics.⁵⁷ They began firing warning shots into the air and arrested some 300 people. Video footage of the event shows scores of officers in plainclothes and motorcycle helmets beating, kicking and pistol-whipping congress participants.⁵⁸ None of the latter appear to be armed or show any signs of resistance in the footage; the violence appears to be unprovoked. The windows of several vehicles used by participants were smashed in, and motorbikes destroyed. Several participants were later reported hospitalised with gunshot wounds. Some participants fled into the hills behind the school, where they were chased by security forces. The next morning, the bodies of three men were found in the hills behind the seminary dormitories. All had died from gunshot wounds.⁵⁹

In the days that followed, the military command denied that any soldiers were involved in shooting, while the police promised a full investigation.⁶⁰ Acknowledging excesses, police headquarters in Jakarta gave written warnings to the then city police chief (*kapolresta*) and nine others; the chief was later transferred. Seven junior officers were sentenced to one or two weeks of administrative detention on 22 and 23 November 2011.⁶¹ Six of those involved in the congress, including both Forkorus Yaboisem-but and Edison Waromi, were meanwhile tried on charges of *makar* (rebellion), and in March 2012 were sentenced to five years in prison.

B. RAMPAGE IN WAMENA

Wamena was an even more egregious example of excess. The capital of Jayawijaya *kabupaten* in the central highlands, it is the home of many KNPB leaders including Buchtar and Mako Tabuni, and a centre for KNPB organising.

On 6 June 2012, a motorcycle accident took place, in which a member of army infantry battalion (Yonif) 756, stationed near Wamena, hit and injured a small child playing on the road. The soldier, Private Ahmad Sahlan, fell off his bike and was attacked by locals. Following close behind on his motorbike was another soldier, Saefudin, who was also attacked. Sahlan died on the spot from stab wounds; Saefudin was hospitalised and survived.⁶²

Several hours later, two trucks of soldiers from the battalion 756 base arrived in the village. They set a number of buildings and cars ablaze, broke windows and shot up homes and government buildings. Soldiers allegedly fired shots at random. In the course of the violence, a local man named Elinus Yoman was stabbed to death, though accounts differ as to who was responsible.⁶³ No one disputes the other details of the incident.⁶⁴

⁵⁴ Originally the organisers had planned to use the nearby auditorium of Cenderawasih University but permission was never granted. Up until two days before the Congress was to begin, no site had been confirmed.

⁵⁵ See MetroTV, "Polisi buru peserta kongres pendirian negara Papua", www.youtube.com.

⁵⁶ Commission A discussed political affairs, Commission B defence and legal matters, Commission C finance, and Commission D special affairs and the appointment of a new leadership.

⁵⁷ Crisis Group telephone interview, Paulus Waterpauw, deputy provincial police commander in Papua, 7 August 2012.

⁵⁸ See Human Rights Watch, "Indonesia: Independent Investigation Needed Into Papua Violence", 28 October 2011.

⁵⁹ The dead men were Daniel Kadepa, a Jayapura law student, and Jacob Samonsabra and Max Sasa Yeuw, both members of the volunteer security force linked to Dewan Adat Papua known as Defenders of Tanah Papua (Pembela Tanah Papua, Petapa). A witness to Kadepa's death said he had been shot in the head by soldiers as he ran away. See Human Rights Watch, op. cit.

See also "Komnas klarifikasi penyebab tewasnya warga Papua", *Cenderawasih Pos*, 3 November 2011.

⁶⁰ "Usut penembakan Papua, polisi uji balistik", *Vivanews*, 9 November 2011.

⁶¹ "Polri akui anggotanya berlebihan saat Kongres Papua", *Antara*, 28 November 2011.

⁶² Members of another battalion, Yonif 755, had been rotated out of a nearby subdistrict, Kurulu, in November 2011 after members allegedly tortured twelve villagers with a bayonet. "Tujuh tentara yang menganiaya warga dihukum", *Tempo*, 7 November 2011.

⁶³ A local human rights group says the army was involved. See "Indonesia: Investigate military attacks on villagers in Wamena, Papua", *Amnesty International*, 8 June 2012. The army says he was killed by another Wamena resident from a different tribe. "Terjadi kesepakatan damai TNI dan warga masyarakat di Wamena", *Kodam XVII Cenderawasih*, 14 June 2012.

⁶⁴ "Terjadi kesepakatan damai TNI dan warga masyarakat di Wamena", *Kodam XVII Cenderawasih*, 14 June 2012.

In a cabinet meeting the following week, President Yudhoyono admitted that security forces had overreacted in Papua; the armed forces commander, Agus Suhartono, explained that, while the soldiers in Wamena should not have gone on a rampage, “we must understand the emotional response from the army”.⁶⁵ Local army officials a few days later signed a “peace agreement” with the local community, agreeing to rebuild the homes they had destroyed and provide temporary accommodation for those left homeless.⁶⁶ There is no indication to date that anyone has been punished and as of early August 2012, no houses had been rebuilt.

IV. PANIAI: VIOLENCE AND GOLD-MINING

Much of the violence in a remote area where the *kabupaten* of Paniai, Nabire and Intan Jaya intersect is linked to illegal gold-mining – from which the security forces, mostly police, are alleged to be deriving huge profits.⁶⁷ The mining has been taking place since 2004 in an area reachable only by helicopter or a four-to-five day trek from Enarotali, Paniai’s capital. Police based in Nabire are said to control access, impose fees on all goods flown in and out, including fuel, and run most of the businesses that have grown up around the site, including kiosks selling basic supplies, karaoke bars and billiard halls.

Violence stems largely from competition for control of the lucrative operations and a greater share of the profits as well as from the social problems, including drunkenness, that the site spawns – and the often inappropriate response by untrained police who are too quick to shoot.

There are no social services and no effective government administration in the area; with the rapid carve-up of Papua into more and more administrative units, there is even some confusion over which *kabupaten* actually has jurisdiction over the site.⁶⁸ A community leader linked to the local *adat* (customary) council initially played a helpful role in dispute mediation in the mining area, but his later involvement in a fuel-supply business turned him into an interested party.

The independence struggle intersects with the mining activities only rarely and tangentially. In mid-2010 several illegal miners tried to bring in OPM fighters based on Mount Eduda, some 60km away, for protection and ended up briefly as hostages.⁶⁹ Ransom payments made at the time led to more regular OPM demands on the miners for money, some of which appears to have been used to purchase guns and ammunition. In February 2011, police in Nabire arrested the local leader, John Yogi, for illegal possession of bullets; from then on police-OPM clashes in Paniai – but mostly outside the mining area – increased.

⁶⁷ “Illegal” in this case refers to organised mining businesses that do not have an official permit for exploration and/or mining and do not pay taxes or royalties to the government. Most but not all of these businesses are owned by non-Papuans who employ local workers. “Traditional” miners, all Papuan, pan for themselves.

⁶⁸ The village head, a Wolani chief, until mid-2012 signed off on documents on behalf of the *kabupaten* of Paniai but since 2012 he has been doing so on behalf of Intan Jaya, which came into existence in 2008, carved out of Paniai. Private communication to Crisis Group from Paniai resident, 27 May 2012.

⁶⁹ “Dapatuang & 1 Kg emas, OPM bebaskantambang”, Viva-news, 29 April 2010.

⁶⁵ “Tak ada ketegangan TNI dengan warga di Papua”, detik-news, 12 June 2012.

⁶⁶ Ibid.

In October 2011, police headquarters in Jakarta declared Paniai, together with Puncak Jaya and Timika, a target of a new counter-insurgency operation called “Tumpas Matoa”. A month later, before the operation was fully underway, one of the illegal miners called in Brimob for protection against an OPM threat.⁷⁰ A firefight followed between Brimob and the OPM in which a Papuan miner was killed. This was the only direct firefight at the mining site involving government and guerrilla forces. In December, Brimob mounted a full-scale attack on the OPM’s Eduda base camp.

Between December and July 2012, there were no incidents at the site involving the OPM, though other forms of violence continued. On 15 May 2012, officers from a newly arrived Brimob unit used their guns to break up a brawl in a billiard parlour, killing one local Papuan and wounding four. They are now facing criminal charges. And on 6 July, three people, including an intelligence officer from the Paniai district command who reportedly had his own mining operation, were found stabbed to death in the same area in what may have been a business dispute. In early July, a few OPM fighters reportedly turned up again asking for money.⁷¹

A. BACKGROUND TO THE MINING

The mine site in question is along the banks of the Degeuwo river in Kampung Nomouwodide, Distrik Bogobaida, Paniai. It was very sparsely populated until the gold rush began, with indigenous populations of ethnic Mee/Ekari, Moni and Wolani living in isolated huts along the river. The situation began to change in 2003, when a local farmer found gold nuggets when he was pulling up plants in his garden, and stories began to spread.⁷²

At first the Paniai government only allowed local people to mine and specifically banned outsiders.⁷³ Legal and il-

legal entrepreneurs and miners streamed into the area anyway, some of them taking advantage of mining permits issued by the *bupati* (district head) of Nabire in 2005, even though the site was outside his jurisdiction.⁷⁴

Today there are reportedly over 40 illegal mining businesses in the area, employing thousands of illegal miners. They have spread out to different sites, many of which have names that are multiples or sums of the number 9, which is considered lucky, such as Locations 81, 99 and 45.⁷⁵ Of the dozens of mining locations, most are under the exclusive control of a single entrepreneur but several different companies operate out of Location 99 and Bayabiru.⁷⁶

As more miners came in, small businesses and kiosks grew up selling food and drink, including beer and liquor. Everything was flown in from Nabire by helicopter, with a cost per trip of Rp.33 million (about \$3,500) making the prices of goods extremely high.⁷⁷ Entertainment places also appeared, with dozens of karaoke bars and several billiard parlours. Prostitution services began catering to the miners; many of the sex workers had started out as scorekeepers for the billiard halls.⁷⁸

Most of the entrepreneurs are ethnic Bugis and Sangihe originally from Sulawesi who now live in Nabire. They typically give advances to illegal miners who then are required to sell them back the gold they produce at below-market rates, with enforcement provided by police who are contracted by the entrepreneurs to provide security.

de, distrik Bogobaida, kabupaten Paniai”, Dewan Adat Daerah Paniai, Paniai, 2011.

⁷⁴ The permits do not state the location of the mining site clearly but only mention the area around the “source of the Poronai waters”. Poronai is another name for Degeuwo; the upstream area is in Paniai but the mouth is in Nabire. Crisis Group interview, John Gobay, head of Dewan Adat Daerah Paniai, Nabire, March 2012.

⁷⁵ Another site is named Avanza, after a popular model of a Honda vehicle, because when the entrepreneur in question bought up the land, the local people were paid off with cash and an Avanza vehicle. Another place is called “*Dandim*” (an acronym for regional military commander) because the site used to be owned by the Nabire commander. Crisis Group interview, John Gobay, Nabire, March 2011.

⁷⁶ Ibid.

⁷⁷ For example, a cup of sweetened coffee was Rp.20,000 (\$2.12), three times what it would be in Jakarta. In the karaoke bars, a drinks package consisting of a can of soda like coca cola and a glass of cheap vodka sells for Rp.250,000 (\$26).

⁷⁸ Br. Edy Rosariyanto, OFM & Eli Petege, “Dampak hadirnya pertambangan bagi masyarakat di BayaBiru-Degeuwo/Kemabu, kabupaten Paniai, SKP Keuskupan Jayapura”, January 2010. See also “Laporan pemantauan pertambangan”, op. cit.

⁷⁰ Crisis Group interview, NGO activist who visited the site, Jayapura, March 2011.

⁷¹ Ibid, 30 July 2012.

⁷² “Laporan pemantauan pertambangan terakhir penambangan emas ilegal di Degeuwo, distrik Bogobaida, kabupaten Paniai”, Aliansi Intelektual Suku Moni dan Wolani, October 2010, p. 3

⁷³ For example, on 16 August 2003, Yanuaris Dou, then *bupati*, issued letter no. 138/161/2003 that forbade outsiders from engaging in mining, trading in gold and air transport to the mining site. One point read: “The mining activity conducted thus far is still traditional in character and is only allowed for indigenous residents (not outsiders) to raise their standard of living”. A year later, on 14 May 2004, the Paniai *bupati* issued a letter to subdistrict heads to watch out for companies coming into Paniai; it also forbade outsiders from entering without permission from the *kabupaten* government. See “Laporan pertambangan emas tanpa ijin pendulangan emas, kampong Nomouwodi-

The low prices of gold are a source of frequent friction and occasional violence.⁷⁹

B. THE ROLE OF THE POLICE

If the first prohibitions on outside mining had no effect, neither did subsequent ones from the Paniai *bupati* and the Papua governor because there was no enforcement for several reasons.⁸⁰

First, neither the Paniai government nor the local police had the resources. Degeuwo could only be reached by helicopter and there were thousands of people on the site. It would have been hugely expensive in terms of logistics alone to mount an operation that would have to involve hundreds of police, not to speak of the costs of evacuating the miners.⁸¹

Second, neither the local government nor the police had any incentive to enforce the ban. “We wouldn’t get either a promotion or a salary increase”, an officer said bluntly.⁸² It is much more profitable to let the operations continue. As a man noted:

The illegal mining businesses pay fees to officials and security officers to leave them alone. For the entrepreneurs, the fees are far lower than having to pay taxes. The officials and police are also happy with this arrangement because they would get no share from mining that was fully legal.⁸³

Police in Nabire are a particularly important beneficiary. They receive substantial income from levying fees on everything transported from the airport to the mining site, including people, goods and especially fuel, for an area that depends on generators for electricity. In 2011, one com-

pany working with the police had a monopoly on all fuel going into Paniai. Everyone understood that they had to get their oil from this company, otherwise it would not be sent to the site.⁸⁴

At the end of 2011, a local Papuan group linked to the Nabire Adat Council called the Paniai People’s Cooperative (Koperasi Masyarakat Paniai, KOMAPA) tried to open a business for buying and selling oil, but businesses were reluctant to buy from it because they were worried about transport. “They said ‘Speak with [a police officer in Nabire] first – we’re worried that the oil can’t be brought by helicopter to the mining area because every oil drum that police take on board is inspected. If there is not a permit from [the company with the monopoly], they won’t take it’”, one said.⁸⁵ When KOMAPA members complained to the district police commander, they were instructed to coordinate with the officer in question.⁸⁶

The Nabire police also impose fees for other goods transported and receive payments from the companies for providing security at the sites and guarding the transport of gold to Nabire.⁸⁷

C. RUMOURS OF EVICTION AND THE OPM’S INVOLVEMENT

Into this potent brew came an Australian mining company that made clear it would play by the rules and undertake exploration that complied with all existing laws. It walked directly into the minefield laid by the illegal operators and protected by the police and became mixed up in a family

⁷⁹ In a particularly egregious example, on 30 March 2006, a clash occurred between miners and six policemen working for one of the entrepreneurs, Haji Marzuki, in a mining site along the Miminibiru river on the border of Nabire and Paniai. When the miners protested the low rates they were offered, one of them was beaten with a rifle butt and another was grazed in the neck by a bullet. Two others were also wounded. See “Aparat-Warga Bentrok di Pedalaman Papua, 4 Luka”, *Kompas*, 3 April 2006. See also “Enam Lagi Korban Bontrok di Sungai Minibiru Tiba di Nabire”, *Antara News*, 3 April 2006.

⁸⁰ The then-*bupati* of Paniai, Naftali Yogi, issued orders on 27 August and 16 November 2009 that mining in Degeuwo be stopped. The then-governor of Papua, Barnabas Suebu, on 9 May 2011 also issued an instruction stopping unauthorised mining across Papua, including in Degeuwo.

⁸¹ “Pemkabterkendala, untuk menutup penambangan di Degeuwo”, *Bintang Papua*, 29 September 2011.

⁸² Crisis Group interview, Nabire, March 2011.

⁸³ Crisis Group interview, illegal mining businessman, Nabire, March 2011.

⁸⁴ “Laporan Dugaan Bisnis Oknum Aparat Polisi Dalam Pendulangan Emas”, Dewan Adat Daerah Paniai, Kampung Nomowodide, Distrik Bogobaida, Kabupaten Paniai, 2011.

⁸⁵ *Ibid.* Every drum transported incurred a fee of Rp.200,000 that was paid to one of the airport police chief’s subordinates.

⁸⁶ *Ibid.*

⁸⁷ *Ibid.* In 2008, every carton of alcoholic drinks containing 48 bottles incurred a fee of Rp.500,000 (\$54), payable by the sender to one of the officers at Nabire airport, with another Rp.500,000 charged by another officer at the other end. Every woman employed in the billiard parlour or as a sex worker had to pay Rp.300,000 (\$32) to an officer at Nabire airport upon her departure for the area and Rp.300,000 more to an officer on arrival. Every kiosk that sells basic goods (soap, shampoo, rice, etc.) had to pay Rp.500,000 per month to the police post at the site and Rp.150,000 (\$16) per week for “food money” to the post. The karaoke bars pay Rp.1 million (\$105) a month and some entertainment places pay a monthly fee as high as Rp.3 million (\$317). A resident in the area calculated on the base of fees paid in July 2011 that the total sum of fees received by the police in Nabire could amount to several hundred million rupiah per month. Crisis Group interview, Jakarta, 27 May 2012. See also “Laporan Pertambangan Emas Tanpa Ijin”, *op. cit.*, and “Laporan pemantauan pertambangan”, *op. cit.*

feud as well. One of the entrepreneurs running an illegal mining operation in Degeuwo was Haji Muhammad Ari, a Bugis who had started work in 2004. He brought in his younger brother, Dasril, who eventually set up a legal company called PT Madinah Qurrata'ain.⁸⁸ In 2009, the Paniai government gave the company a permit to mine for gold over a 40-hectare area that included Location 81. Haji Ari initially had no problem with his brother's company. But when in 2009, it joined with the London-based Mercator Gold in a share offer which was taken up by a Melbourne-based company, West Wits Australia, it spurred fears that illegal miners would be forced out.

As rumours of potential eviction spread, a few miners contacted the OPM in Paniai, seeking its protection and telling them that Freeport Indonesia was coming to Degeuwo. The OPM acknowledged the contact with the miners. "We were asked to protect their presence after the word went out that Freeport was going to open a branch in Degeuwo", Salmon Yogi, a local commander, said. "The companies were scared, if Freeport came in, they would have to leave, but this was where they were earning a living".⁸⁹

In late April 2010, Salmon and his brother John Yogi, who together had taken over command of the local OPM unit from their father Thadeus after his death earlier that year, agreed to help.⁹⁰ Together with about 30 men, they came to Bayabiru on 28 April. They had six guns, including a Mauser and an M-16 as well as several long knives. But they came not only to provide protection; they also demanded money.⁹¹ "We also came to demand our rightful share of the mining, because since the miners first started coming, we were never paid", said Salmon Yogi.⁹²

They asked for Rp.1 billion and 10 kilogrammes of gold.⁹³ The miners refused. The OPM then surrounded the mining site in Bayabiru, and effectively held the miners – and a few police – hostage for three days. They only left after

they were given Rp.100 million in cash and one kilogram of gold.⁹⁴

From this point on, relations between the police and the Paniai OPM deteriorated. On 26 February 2011, John and one of his men, Isak Gawe, were arrested by the Nabire police. Isak was carrying bullets that he had just purchased in Papua New Guinea. John was sent to Jayapura for questioning but in April was returned to Nabire prison. His men decided to release him on one Sunday in June: about 30 OPM troops came to the prison, and three managed to enter, on the pretext of taking part in a church service. After they were in, they pointed a gun at a guard and demanded the release of John Yogi. Police let him go, and he and the guerrillas returned to their base at Eduda.⁹⁵

A few weeks later, on 29 July 2011, police raided an OPM group that had come from Eduda to take part in the inauguration of the Holy Cross Church in Madi, Dekenat, Paniai. They were bringing cash offerings as well as two pigs to contribute to the ceremony. But halfway there, they were stopped by police and their money, pigs, a pistol and ammunition seized. John Yogi and his friends were furious, because they had not come down from Eduda to conduct an attack.⁹⁶ On 16 August, they retaliated. Together with about 30 men, they surrounded the sub-district police command in Aradide, Paniai and seized two automatic weapons from the police on duty.⁹⁷

As all this was taking place, PT Madinah Qurrata'ain was restructured, and in 2011 the company was brought under the control of West Wits and its subsidiaries. Under its new ownership, PT Madinah Qurrata'ain received a permit from the Paniai government for mining activities that covered an area of 129,000 hectares.⁹⁸ The campaign against it by illegal miners continued.

⁸⁸ In 2007, Dasril formed a company called CV81, with shares owned by himself and a friend, Edi Junaidi. He then sought and received a mining permit from the Paniai *kabupaten* government. In 2008, he changed the name of the company to PT. Madinah Qurrata'ain and bought out his friend. Now he owns 70 per cent of the shares, with the remaining 30 per cent registered in the name of his father, H. Muh Ashari. Akte Pendirian Perseroan Terbatas PT. Madinah Qurrata'ain, Paniai, 2 September 2008.

⁸⁹ "Takbenar OPM merampok emas", *Papuapost Nabire*, 1 May 2010.

⁹⁰ Salmon Yogi took over as commander-in-chief, John Yogi as operational commander.

⁹¹ "Tak Benar OPM Merampok Emas", *Papuapost Nabire*, 1 May 2010

⁹² *Ibid.*

⁹³ "Kelompok bersenjata minta sekilo emas", *Tribunnews.com*, 29 April 2010.

⁹⁴ "Dapatuang & 1 kg emas, OPM bebaskan tambang", *Vivanews*, 29 April 2010.

⁹⁵ Crisis Group interview, Nabire, March 2012.

⁹⁶ Crisis Group interview, John Gobay, Nabire, March 2011.

⁹⁷ "Press Release Kapolda Papua dalam rangka anev situasi kamtibmas menjelang akhir tahun 2011", Indonesian National Police, Papua Command, Jayapura, December 2011. The police then issued an ultimatum to John to return the weapons by 7 September 2011. If not, the police would come after him. John said he would return the two guns if the police returned the money, pigs, pistol and ammunition they had taken from him. He also said if the police pursued him, he would invite them to war, with the airfield at Enarotali as the chosen battleground. See OPM Poster "Kami menunggu undangan", available at edudanews.blogspot.com/2011/12/tni-polri-gagal-penangkapan-tpn-opm.html.

⁹⁸ The ownership is complicated. West Wits Australia owns 100 per cent of a Hong Kong-based company, Nugold Ltd, which in turn has a 50 per cent stake in an Indonesian company, PT Nugold. PT Madinah Qurrata'ain is now owned 30 per cent by

D. MORE VIOLENCE

As noted, police in October 2011 announced that they would begin counter-insurgency operations in Puncak Jaya, Timika and Paniai. As preparations were underway, Degeuwo was struck by violence. On 8 November 2011, Salmon Yogi sent a letter demanding money to the operator of one of the illegal mining companies. Instead of making the payment, the miner refused and called the police – perhaps because the amount was unusually high, Rp.2 billion, perhaps because letter contained a threat: “If you don’t pay, you will have to go home immediately, or I will take you and all your employees hostage”.⁹⁹

Worried by the threat, the miner asked for help from Brimob. On the morning of 13 November, OPM forces showed up to claim the money. Police were waiting, and an armed clash ensued. A man, Matias Tenoye, was shot and killed. An NGO investigation showed that he was a miner who was caught in the crossfire, although police claimed he was an OPM member.¹⁰⁰

In Eduda, meanwhile, police began moving in on the OPM base camp. On 25 November, they took over an OPM lookout. The Yogis sent their men into action, carrying out several attacks on police patrols between 29 November and 2 December. From 3 to 12 December it was quiet. Some of the OPM pulled back to Eduda, while the police made plans to attack the camp. On 12 December a helicopter from police headquarters in Jakarta came to Paniai to fly in Brimob troops for the attack, and the next day, six teams of between five and ten men began the assault. By early afternoon, they had pushed the OPM back to the hills and they then set fire to the camp.¹⁰¹ As a result of the battle, police say one Brimob man was wounded; the OPM claim to have killed fourteen.¹⁰² Police are convinced that Salmon Yogi died in the fighting, but there has been no confirmation from the OPM side.

In the months following the attack, Paniai was fairly quiet, but it made the headlines again on 15 May 2012 when police shot a group of rowdy Papuans at a billiard parlour at the mining site in Nomouwodide. No one questions that a brawl took place; the question is why the police resorted to deadly force. All agree that four local men had come into the billiard parlour at 7.30pm and demanded to play. The owner, a woman named Yona Tuwo, told them

she was closing because the electricity was going off. They demanded to play, so she called the Brimob post at Location 99. The commander sent three officers armed with rifles and ammunition to the site. All were newly arrived for a three-month tour of duty, inexperienced and probably poorly briefed.

According to the officers’ version of events, one of the three, Sergeant Feryanto Pala, ordered the men to leave.¹⁰³ A shouting match took place, they said, then one of the Papuans, Lukas Kegepe, tried to seize Pala’s gun and to hit another officer with a billiard stick.¹⁰⁴ At the same time, the officers said, Melianus was trying to hit Pala with a piece of plywood, while Amos was trying to stab one of his colleagues. As the tussle over Pala’s gun was taking place, the other two police opened fire. One of the Papuans, Melianus, was killed and another, Amos Kegepe, was hit in the legs. More shooting took place a little later near the church in Location 45, with police hitting Terpius Kegepe in the arm, Lukas Kegepe in the stomach and Yulianus Kegepe in the back. They said a crowd had massed, some carrying arrows and Sergeant Pala was in danger. Other witnesses rejected their story, and said there was no crowd: people got frightened on hearing the shooting and stayed in their houses.¹⁰⁵

A police investigation from provincial headquarters began immediately.¹⁰⁶ It may have been spurred by reports that as blood payment for the shooting, locals were demanding two heads (either police or illegal miners); seven boxes of cash, each containing Rp.1 billion; and a cessation of all mining activity. They reportedly gave local miners a week to vacate the site. Yona, the billiard parlour owner, went into hiding and many others were worried about their safety.¹⁰⁷

On 6 July, a report found the three officers guilty of disciplinary infractions and sentenced them to 21 days detention. The case was also turned over to the criminal investigation unit of the provincial police for further investigation, with the possibility that the three officers would be tried on more serious charges. If it does go to trial, then some of the other illegal activities in the Degeuwo area may come to light.

Nugold Ltd; 50 per cent by PT Nugold; and 20 per cent by another company called PT Papua Mandiri Perkasa.

⁹⁹ Copy of letter from Salmon Yogi to Boy Rakinaung, 8 November 2011.

¹⁰⁰ Crisis Group interview, NGO activist, Jayapura, March 2011.

¹⁰¹ Ibid.

¹⁰² “Rumah dinas dibakar, balas dendam OPM?”, Vivanews, 16 December 2011.

¹⁰³ “Laporan penanganan kasus penembakan dilokasi 45 Distrik Bogobaida, Kab. Paniai”, Kepolisian Negara Republik Indonesia Daerah Papua, Nomor R/438/VII/2012/Bid Propam-3, 6 July 2012.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ On 16 May, the day after the shooting, a police investigating team was already in Nabire, consisting of the head of Brimob from Jayapura, Kombes Sugeng Hariyanto; head of the Paniai police command, Ajun Komisararis Besar Polisi (AKBP) Anton Diance and his head of criminal investigation (*reskrim*); and an officer from PROPAM, the internal investigation team.

¹⁰⁷ Crisis Group interview, Paniai, 27 May 2012.

E. WHY PANIAI MATTERS

The Degeuwo story makes a useful case study because of the number of points it illustrates, mostly related to the police. Among the many sources of violence are collusion between police and unscrupulous entrepreneurs; a mixed-up incentive system that provides no rewards to police for upholding the law and many for violating it; confusion over counter-insurgency and basic policing roles (the use of automatic rifles to break up a brawl, for example); and poor training that leads police to be deployed without adequate briefings in areas that are totally foreign to their experience. The core problem in Paniai is not the OPM, but the pro-independence movement can feed on some of the problems thrown up by the illegal mining. These include the absence of government and a police force that acts more as private security for the miners than as protector of the community.

It is good news that the provincial police were so quick to investigate the May 2012 shootings, but even if the three Brimob men are punished, the system that allows so many to benefit from illegal mining remains unchanged – and is sure to bring more violence in the future.

V. THE ABSENCE OF LOCAL GOVERNMENT

Across other parts of Indonesia, one brake on violence has been action by local officials who understand their own communities and can intervene to reduce tensions and build bridges. Ambon is one example where elected officials helped prevent the spread of unrest after potentially dangerous communal violence erupted in September 2011.¹⁰⁸

Papua has had no effective provincial government for over a year. An ineffectual caretaker appointed by the home affairs ministry has held the post of governor while legal wrangling between the provincial parliament and the elections commission has prevented the holding of a new election. Another body, the Papuan People's Council (Majelis Rakyat Papua, MRP), set up to protect Papuan values and culture, has seen its authority steadily dwindle to the point that no one sees it as an institution that effectively addresses any of the kinds of violence outlined in this report. At the sub-provincial or *kabupaten/kota* level, the story is not much better. At all levels, while the principles of Papua's special autonomy are repeatedly invoked by candidates seeking to bolster their electoral chances, little attention is being given to how they might actually be applied.

A. WHY THERE IS NO GOVERNOR

The five-year term of Barnabas "Bas" Suebu ended in late July 2011. An election to choose his successor should have been held at least a month before but a legal challenge to direct elections, in the name of preserving Papua's "special autonomy", forced a delay that, coupled with further challenges, has now lasted over a year.

On 25 July 2011, Syamsul Arief Rifai, a home affairs ministry official due for retirement in early 2012, was appointed caretaker governor of Papua along with a counterpart for Papua Barat province. The home affairs minister, Gamawan Fauzi, explained the role as threefold: to facilitate a successful election, ensure accountable and transparent government and build links with sub-provincial-level leaders and governments. Rifai has succeeded at none of these; his wife has been ill and he has been criticised repeatedly for spending much of his time in Jakarta.¹⁰⁹

The first legal challenge was brought jointly to the Constitutional Court by the speaker of the Papua provincial parliament, John Ibo, and three politicians from Papua Barat,

¹⁰⁸ See Crisis Group Asia Briefing N°128, *Indonesia: Trouble Again in Ambon*, 4 October 2011.

¹⁰⁹ "Penjabat gubernur Papua dinilai gagal melaksanakan tugasnya", *Tabloid Jubi*, 16 March 2012.

including deputy speaker Jimmy Ijie.¹¹⁰ They claimed that direct elections, implemented throughout Indonesia since 2005, violated the spirit of the unique governance arrangements granted Papua under the 2001 special autonomy law, which stated that the governor would be elected by the provincial legislature.¹¹¹ At the time the law was enacted, however, all governors were chosen in this manner; the only thing “special” about the Papuan system was that the governor and deputy governor had to be indigenous Papuans and certified as such by the MRP.

Then, in 2004, the national parliament passed a law on regional governance mandating direct popular elections for provincial and *kabupaten/kota* executives. Accordingly in 2006, for the first time ever, direct elections were held for the governors of both provinces.¹¹² The two winners – Suebu in Papua and Bram Atururi in Papua Barat – had a reasonable chance of being elected to second terms on the back of specific programs that were widely popular.¹¹³ They both had serious enemies in the provincial legislatures, however, and stood little hope of winning if the constitu-

tional challenge were successful and Papua returned to the old system.¹¹⁴

In March 2011, the court rejected the arguments put forward by Ibo and Ijie, saying nothing in the 2001 autonomy law established special norms for the manner in which Papua’s governor was elected beyond the provision that candidates be recognised as indigenous Papuans.¹¹⁵ Papua’s “specialness” (*kekhususan*) – that is, the special norms relating to regional-level governance that enjoy constitutional protection – lay elsewhere, primarily in the role of the MRP.¹¹⁶

But other legal battles to block Suebu’s candidacy were underway. These were supported by an influential group of provincial assembly (Dewan Perwakilan Rakyat Papua, DPRD) representatives, several of them linked to the man seen as Suebu’s strongest rival, former Puncak Jaya *bupati* Lukas Enembe – who is also provincial head of President Yudhoyono’s Democrat Party (Partai Demokrat).¹¹⁷

They argued that in 2005, a national regulation on procedures for electing local officials established a specific process for Papuan elections that tasked the DPRD with verifying candidates.¹¹⁸ But two years later, the system of

¹¹⁰ Ibo is currently on trial for charges of embezzling Rp.5.2 billion (U.S. \$570,000) in provincial funding in 2006. In 2003, Ijie played a key role in pushing for the formation of Papua Barat, a widely unpopular move throughout Papua, by arguing that a single province would be far more likely to agitate for independence. See Crisis Group Report, *Dividing Papua: How Not to Do It*, op. cit.

¹¹¹ Article 18B of the Constitution, introduced as part of amendments made in August 2000, recognises special arrangements for regional governments (designated as either *khusus* or *istimewa*, both meaning special). Papua and Papua Barat are two of five provinces in Indonesia with such arrangements; the others are the Daerah Khusus Ibukota Jakarta (Special Capital Region of Jakarta), Aceh and Daerah Istimewa Yogyakarta. The latter is the only province in Indonesia with an unelected head of the provincial government, the Sultan. The Constitutional Court decision acknowledges that there does not seem to be a meaningful distinction between *khusus* and *istimewa*. All of Indonesia’s 33 provinces operate under *otonomi daerah*, or regional autonomy, which simply describes powers of government devolved below national level. Special arrangements that go beyond the normal devolution of power are called *otonomi daerah khusus*, or special autonomy.

¹¹² Undang-Undang nomor 32 tahun 2004 tentang Pemerintahan Daerah. A 2008 law, No 35/2008, formally revoked the provision in the 2001 special autonomy law regarding indirect election of the governor by the regional assembly.

¹¹³ Suebu was the architect of the very popular RESPEK program in Papua, which allocated block grants to local communities to determine local spending priorities. Modelled after the World Bank’s successful Kecamatan Development Program, it provided cash grants of Rp.100 million (\$10,500) to every village. In March 2012, although no date had been set for elections or a formal campaign period announced, billboards in Jayapura with Suebu’s image carried the slogan “Kaka Bas Lanjutkan... Respek Terus” (“If brother Bas continues, so will Respek”).

¹¹⁴ The roots of Suebu’s unpopularity with provincial legislators are largely personal. He is from Sentani, along the north coast of Papua, whereas an increasing number of legislators are from the highlands. He has enjoyed a closeness with Jakarta officials that has not always endeared him to other politicians in Jayapura. He is seen as patronising and aloof, having visited the DPRD (Dewan Perwakilan Rakyat Papua, the provincial legislature) only twice in the period between its October 2009 inauguration and the July 2011 end of his term.

¹¹⁵ Mahkamah Konstitusi, Putusan Nomor 81/PUU-VIII/2010, 2 March 2011, paragraph 3.25.

¹¹⁶ Special areas (*daerah khusus*) are recognised in Article 18B of the Constitution, introduced in the Second Amendment of 2000. Most of the other differences to Papuan government noted by the Court are more semantic than substantive: the different names for levels of government (in Papua a subdistrict, normally called a *kecamatan*, is known as a *distrik*) and a different name for the provincial legislature (called the Dewan Perwakilan Rakyat Papua, rather than the Dewan Perwakilan Rakyat Provinsi elsewhere). In short, the changes are chiefly cosmetic. The one other key difference was the ability of the regional legislature to issue special regulations, but here it has failed to make much impact.

¹¹⁷ Leading Democrat Party members include Yunus Wonda, the deputy head of the assembly; Ruben Magai, the head of the special committee for the election (*pansus pilgub*); and Albert Bolang, head of the parliamentary legislative commission.

¹¹⁸ Article 139, Peraturan Pemerintah nomor 6 tahun 2005 tentang Pemilihan, Pengesahan, Pengangkatan dan Pemberhentian Kepala Daerah dan Wakil Kepala Daerah. Verification of candidates includes steps such as ensuring that candidates have met education and health requirements and have proper party endorsements. For more on procedures in local elections in In-

local elections was reformed nationwide, strengthening the role of the elections commission (KPU) in an effort to increase the independence of election administration.¹¹⁹ Legal experts assumed that the 2005 regulation had been superseded, and that in Papua, as elsewhere, candidate verification would now fall to the KPU.

In November 2011, five months after the end of Suebu's term, the provincial legislature, citing the 2005 regulation, drafted a new special provincial regulation (*peraturan daerah khusus* or *perdasus*). This granted the DPRP some of the tasks in the running of the gubernatorial election that elsewhere in the country were reserved for the provincial KPUs.¹²⁰ A tug of war with the home affairs ministry, which has right of review over provincial regulations, ensued for the next several months, with heated meetings in both Jakarta and Jayapura. The ministry initially stood its ground, issuing a letter of clarification at the end of January 2012 that noted the provincial regulation was in conflict with existing national laws as well as two decisions of the Constitutional Court and called for it to be reviewed.¹²¹ But the DPRP refused to budge, seeing the letter as in no way binding and insisting that it be involved in candidate verification.¹²² The home affairs ministry was also constrained by the fact that the caretaker governor had signed the provision into law at the end of December 2011.

After two further heated meetings in March and April 2012 that featured shouting matches between the home affairs ministry and others involved, a messy compromise was reached and delivered in a second letter: the DPRP would be allowed to control a few key steps in the verification and approval of candidates but only with the consideration and the supervision of the provincial KPU and the govern-

ment at large.¹²³ The home affairs ministry explained the result, which was hard to justify by any reading of the law, as the only solution that would allow the election to proceed.¹²⁴

The DPRP took the agreement of the home affairs ministry as a green light to organise polls and on 1 May 2012 announced an election date of 14 August and proceeded to register candidates.¹²⁵ Former Governor Suebu immediately mounted a legal challenge and on 7 May obtained a court injunction against the proceedings. Unfazed, the DPRP ignored the injunction and continued with candidate registration, including six gubernatorial hopefuls before a 22 May deadline.¹²⁶ Suebu has said he will only register to run under the terms of the 2007 law that puts the KPU in charge. The KPU filed its own complaint with the Constitutional Court on 7 June, challenging the legitimacy of the DPRP's involvement.

The case remains under consideration, though the court issued a holding order on 19 July that blocks all parties from further steps towards an election pending a final decision.¹²⁷ DPRP speaker Yunus Wonda argues that upholding the provincial parliament's role in the administration of the election is a last-chance effort to defend the viability of special autonomy against those who would rather rally Papuans toward separatism.¹²⁸ Given the controversy, many in Papua wonder whether the polls will be held at all in 2012.

The home affairs ministry's compromise has injected further uncertainty into what is already likely to be a tense election, with the outcome sure to be followed by multiple legal challenges. The risk of violence will increase in a close race, as any match-up between Bas Suebu and Lukas Enembe would probably be.¹²⁹ The race is also likely to in-

onesia, see Crisis Group Asia Report N°197, *Indonesia: Preventing Violence in Local Elections*, 8 December 2010.

¹¹⁹ The law mandating this reform was Undang-Undang No. 22 tahun 2007 tentang Penyelenggara Pemilihan Umum.

¹²⁰ These included the verification of prospective candidates' educational qualifications, referral to the MRP to clarify whether they qualify as Papuan, and the holding of a session in which candidates would present their visions in the provincial assembly.

¹²¹ Letter 188.34/271/SJ, 31 January 2012. One of the decisions was that discussed above regarding the role of the provincial legislature. The second related to the MRP's exclusive role in confirming the candidates as native Papuans, drawing on the understandings of local communities (the case brought by PDIP party leader Komarudin, discussed below).

¹²² The home affairs ministry may not actually have had that much leverage in discussions: in comments to the press before the April letter, Yunus Wonda, the deputy chair of the regional parliament explained: "By its very nature, this letter is in no way binding and so whether we want to follow it or not, it will not influence the process we've put in place". "Pekan ini Mendagri berikan jawaban", *Cenderawasih Pos*, 27 March 2012.

¹²³ Letter 188.3/1177/SJ, 3 April 2012.

¹²⁴ This was the second time in less than a year that the regional autonomy directorate of the home affairs ministry had intervened in a way that some saw as legally questionable for what it saw as the higher goal of preventing or resolving conflict. In November 2011, when the gubernatorial election in Aceh was stalled because of a legal stalemate, it worked out a highly unusual agreement with Partai Aceh, the party of the former rebel movement GAM, to postpone the elections in exchange for Partai Aceh accepting independent candidates. See Crisis Group Asia Briefing N°135, *Averting Election Violence in Aceh*, 29 February 2012.

¹²⁵ "Pilgub Papua ditetapkan 14 Agustus", *Suara Pembaruan*, 1 May 2012.

¹²⁶ "Alex Hese gem ganti pasangan, Bas Suebu tak mendaftar", *Cenderawasih Pos*, 23 May 2012.

¹²⁷ Constitutional Court decision 3/SKLN-X/2012, 19 July 2012.

¹²⁸ Crisis Group interview, Yunus Wonda, Jakarta, 19 July 2012.

¹²⁹ In 2006, Enembe and his running partner, Robi Aituarauw, lost to Suebu by just 21,134 votes, or just under 2 per cent of the total votes cast. There were five tickets on the ballot for governor/vice governor: Barnabas Suebu/Alex Hese gem (354,763

tensify divisions between coastal clans and highlanders, one of Papua's major social and political fault lines. Most of the slates thus far are mixed, but the highlanders are determined to win.¹³⁰ Enembe, who in 2006 ran on the slogan "it's time for a highlander to govern" ("*sudah saatnya anak gunung memimpin*"), looks most likely to try to exploit the divide.

The long-running dispute not only means that there is no local official with a popular mandate available to play a role in mediating or managing conflict; it also means that there is a chance that the elections themselves will become a source of yet more violence. It is instructive that when the shootings began in Jayapura, two individuals with long experience working for local government immediately assumed they were a bid to further delay the poll.¹³¹

B. UNDERMINING THE MRP

The Constitutional Court may have cited the MRP as a cornerstone of Papua's specialness but it is a body that continues to be undermined legally and politically. This in turn further erodes its ability to contribute in a significant way to conflict reduction.

Two developments in 2011 further undercut its position. The first was a case relating again to its role in verifying that candidates for local office are indigenous Papuans. Komarudin Watubun is the head of the Partai Demokrasi Indonesia-Perjuangan (Indonesian Democratic Struggle Party, PDIP) in Papua, and the original running partner of Bas Suebu in the 2006 elections until his candidacy was struck down by the MRP on the grounds that he was not indigenous. At the time, the decision was seen as uncontroversial; Komarudin is a Kei islander born to non-Papuan

parents, and he had been picked to run by default because of his party role.¹³² But following a disappointing performance by PDIP in the 2009 national elections, when it carried just one *kabupaten* in Papua, Komarudin decided to contest the decision in the hopes of entering the next race for governor and strengthening the party's brand in the province.

Komarudin based his case on the provision in the original autonomy law that defines a Papuan as being not just those born to Papuan parents but also those "accepted and acknowledged as Papuans by a Papuan customary (*adat*) community".¹³³ His fellow petitioner in the case was a clan leader (*kepala suku*) from the Yapen islands off the north coast of Papua, David Barangkea. They claimed that the MRP's decision violated the constitutional rights of indigenous communities represented by Barangkea to recognise Komarudin as a member in accordance with its own customary norms.¹³⁴

In September 2011, the Constitutional Court accepted Komarudin's complaint, finding that the MRP's role in deciding on the "Papuanness" of a candidate can only be considered constitutional when based on the determinations of a local *adat* community. One of the witnesses heard by the court argued that to leave the decision in the hands of the MRP would open the process to the distortions of "money politics"; Komarudin's opponents may argue the very same about leaving the decision to poor rural communities. The impact of the decision has been to add even more expense to the cost of elections in Papua; in May 2012, the MRP requested a budget close to Rp.10 billion (\$1.06 million) in order to send verification teams to the different *adat* areas of Papua to consult local leaders on the registered candidates.¹³⁵

A similar issue arose in Papua Barat, where the political dynamics of the governor's election were largely similar to those in Papua. Special autonomy status was only extended to Papua Barat in 2008, meaning that the MRP also had to verify the indigenesness of gubernatorial slates.

votes); Lukas Enembe/H. Arobi Aituarauw (333,629); John Ibo/Paskalis Kossay (258,472), Constant Karma/Donatus Motte (112,032); Dick Henk Wabiser/Simon Petrus Inaury (67,678). "Bas Suebu Menang", Ministry of Home Affairs, 4 April 2006. Both Suebu and Enembe brought legal challenges following the announcement of results, claiming there had been irregularities in the vote counting. The cases were unsuccessful, but they succeeded in raising the temperature: an angry group of Enembe's supporters broke through glass following the Supreme Court's announcement that it would throw out the case. See "Pendukung mengamuk di MA", *Tempo*, 29 May 2006. Enembe now says he only gave up the fight after strong indications from President Yudhoyono that he would have his support in the next election.

¹³⁰ Other contenders are Habel Melkias Suwae, who served until December 2011 as the *bupati* of Jayapura district, and running partner Yop Kogoya, a deputy head of the provincial parliament, who have attracted the support of both Golkar and PDI-P parties, and former deputy governor Alex Hesegeg, a highlander and his running mate Marthen Kayoi, who heads the provincial forestry office.

¹³¹ Crisis Group interviews, Jakarta, June 2012.

¹³² PDI-P was then the leading partner in a coalition supporting Bas Suebu.

¹³³ The law's full definition: "orang asli Papua adalah orang yang berasal dari rumpun ras Melanesia yang terdiri dari suku-suku asli di Provinsi Papua dan/atau orang yang diterima dan diakui sebagai orang asli Papua oleh masyarakat adat Papua". Undang Undang 22/2001, Article 1 (t). For more on the controversy over this provision and how the MRP has chosen to interpret it, see Crisis Group Report, *The Dangers of Shutting Down Dialogue*, op. cit.

¹³⁴ They cited the following Constitutional Articles: 18B, which upholds the legal rights of *adat* communities, and 28D, which provides for equal opportunity under the law.

¹³⁵ "Biaya pansus pilgub MRP tak sampai Rp 10 milyar", *Cenderawasih Pos*, 29 May 2012.

Bram Atururi, a former navy brigadier general and military intelligence officer with strong links to Jakarta, was seeking re-election, while a large faction in the regional parliament was set on blocking him.¹³⁶ Atururi's principal opponent was Dominggus Mandacan, a former *bupati* of Manokwari, whose running mate, Origenes Nauw, was a member of the provincial parliament. Frustrated by the failure of the Constitutional Court to uphold its role in selecting the governor, the provincial parliament tried to unilaterally take over from the local elections commission in registering and verifying candidates. Thus, even after the local election commission had approved the candidacy of all four candidates who had registered to run for governor, in polls originally scheduled for 30 April, the provincial assembly conducted its own verification process and announced that Atururi would be disqualified due to irregularities in his educational record. Only after intervention by the home affairs ministry did the assembly relent to "returning" the role of holding elections to the elections commission.¹³⁷

But one further obstacle remained for Atururi and Kahtjong: the MRP's confirmation of their status as indigenous Papuans. This posed no problem for Atururi, who is from Serui, but Kahtjong, though born in Fak-Fak in Papua Barat, is the son of a non-Papuan couple. Neither Atururi nor Kahtjong are highly popular with the Jayapura elite, primarily because of Atururi's role in splitting the province in two, so they could not count on the assent of the MRP.

Rather than risk disqualification of his running mate, in one of his last acts in office Atururi moved instead to push forward plans for the creation of a separate MRP for his province. Dividing the MRP in two was anathema to many Papuans, already deeply angered by the 2003 division of Papua into two provinces that more than any other act symbolised the betrayal of Jakarta's promises on autonomy. To now carve up the only remaining institution that covered all of Papua was viewed as more proof of bad faith. Some in the central government, on the other hand, saw it as a natural extension of the creation of the new

province. On 15 June 2011, Atururi and home affairs officials officially established the Majelis Rakyat Papua Barat (MRPB). The 33 members of the full MRP from Papua Barat, who had only been sworn in two months earlier, were invited to attend and take up their duties in the new institution; only seventeen did so while the rest boycotted the new institution.¹³⁸ The next day the new body confirmed the eligibility of all registered candidates, including Kahtjong.

Splitting the MRP leaves a weak body even weaker. Even after its first term had ended in October 2011, there was no agreement on how new members would be selected, something that was deemed to require a special regulation. Many even began to question the need for an MRP at all, so closely had it become associated with the failures of special autonomy. The new cohort has few obvious leaders, certainly no one with the stature of the former head and deputy head, who both died of natural causes in 2011.¹³⁹ A year after its inauguration, the Papua MRP has yet to announce priorities for its second term other than supporting further administrative division (*pemekaran*) of the province.¹⁴⁰ Jakarta's preoccupation was once ensuring that the MRP's agenda remained confined to cultural and not political issues; it now appears to have been subverted by local political interests. In any case, it does not look like it will be able to play a significant role in conflict resolution anytime soon.

C. FURTHER PROBLEMS AT SUB-PROVINCIAL LEVEL

If the effort to improve government responsiveness at the provincial level has often been obstructed by low capacity and protracted electoral squabbles, the combination is even more damaging at the sub-provincial level. In keeping with the spirit of Indonesia's broader decentralisation process, Papua's *kabupaten* governments have benefited from the bulk of special autonomy funding (they receive 60 per cent of allocations to the provincial government's 40 per cent) but the rapid pace of administrative division (carving one *kabupaten* into two or more) is making building effective government even more difficult.¹⁴¹ The effects have been most obvious in the central highlands, where one large *kabupaten* has been carved into ten since 1999 and many

¹³⁶ Abraham "Bram" Atururi's political trajectory has been closely wound up in the development of the province of Papua Barat. Atururi's first career was in the navy, rising to the rank of brigadier-general. He also served in the military intelligence unit (BAIS), before becoming *bupati* of Sorong in 1992. He later served as vice governor of Papua under Governor Freddy Numberi from 1996-2000. Appointed by President Habibie to head a new province called Irian Jaya Barat in 1999, he was unable to take up the position after the creation of the new province was put on hold. In 2003, when Jakarta pushed ahead with the creation of a new province, he installed himself as governor and won a March 2006 direct election for the same post. See Crisis Group report, *Dividing Papua: How Not to Do It*, op. cit.
¹³⁷ "West Papua Local Election 2011", Asian Network for Free Elections (Anfrel), 1 August 2011.

¹³⁸ "Atururi lantik MRP Papua Barat", *Suara Pembaruan*, 15 June 2011.

¹³⁹ Agus Alua, the head of the MRP, died in April 2011 and Frans Wospakrik, his deputy, died in August 2011.

¹⁴⁰ "MRP bentuk pansus pemekaran", *Cenderawasih Pos*, 1 June 2012.

¹⁴¹ Indonesia's big-bang decentralisation in 1999-2000 was to the district (*kabupaten*) and not provincial level because its architects feared that devolution of political and economic power to the larger units could encourage separatism.

others were created.¹⁴² Across Papua province, 22 new districts have been created since 1999, and few have the qualified staff or expertise to govern effectively.

The situation is not uniformly bleak. At least one former *bupati*, Eduard Fonataba, has made a name as a popular official worth emulating. The head of Sarmi district on the northern coast from 2005 to 2010, he now serves as the deputy head of the new unit, UP4B. He notes as a point of pride that he only visited Jakarta four times during his tenure (when many *bupatis* are understood to spend more time in the capital than at home), and spent 330 days each year in his own district. On Thursdays and Fridays he had all civil servants leave the office to work at village level and solve problems locally. And more practically, he says he has built 2,500 houses in five years, using local businesses and building on customary land (*tanah adat*) to avoid compensation claims, at a cost of Rp.100-120 million (\$1,100-1,272) each. He also bought trucks for every village and paid the maintenance costs for three years before handing over responsibilities to the communities.¹⁴³

But elsewhere, one result of the limited capacity at local level is that many elections for *kabupaten* head (*bupati*) in Papua in the past year have had to be either delayed or repeated, causing serious violence in some cases. This has been made worse by poor enforcement of existing rules. Indonesia's local election bodies are generally poorly selected and weakly supervised in a way that has encouraged conflict.¹⁴⁴ In Puncak district, a caretaker *bupati* had been serving since the district's creation in 2008. A November 2011 race turned deadly after representatives of one party supported rival candidates. Some 40 people have been killed in the past year.¹⁴⁵ In Tolikara, another new highland district, eleven people died in similar incidents between 14 and 18 February 2012. The clashes were caused by one candidate's refusal to recognise the new local election commission (his brother was serving on the old one). Originally scheduled for 17 February, the election was finally held on 11 April.

The local elections held in Puncak Jaya *kabupaten* on 28 May 2012 and a suit brought by a losing candidate are an instructive example of weak enforcement of election regulations. The polls were largely peaceful but subject to an

alarming number of irregularities. Three candidates were standing for office but the two serious contenders were Agus Kogoya, the deputy head of the district-level assembly, and Henok Ibo, the incumbent deputy *bupati*.¹⁴⁶ Because Ibo was running with the support of the serving *bupati*, Lukas Enembe, who heads the Democrat Party at provincial level, there were bound to be suspicions of favouritism no matter what happened.

One factor that made tracking alleged violations in the election more difficult was the use in several parts of the district of the *noken* system of voting by consensus, a system unique to the Papuan highlands and named for the traditional bag made from bark that highlanders carry for daily activities. Under this system, no ballots are punched by individual voters. Instead community leaders divide up the votes by consensus; a regular record of the votes is not always kept. While a *noken* bag is sometimes used to collect the ballots, a shortcut has also developed in which community members agree ahead of time to hand over their voting rights to a representative leader once a community consensus has been reached. While the system has been used in several recent elections in the highlands, there are no clear regulations on how it might be accommodated under existing election laws, particularly how to provide a clear record of the votes and how to safeguard against fraud and intimidation.

Since 2009, the Constitutional Court has upheld the practice in at least three cases, balancing the violation of the right to an individual and secret ballot with constitutional provisions upholding customary *adat* law. In 2009, the judges wrote in a case on the use of the practice for the general election in Yahukimo district:

Considering that the Court understands and values the unique cultural values present in Papuan communities in the holding of elections using a manner or system of "community consensus" or "acclamation". The Court accepts this collective manner of voting ... because if forced to hold an election using the laws in effect there is a concern that conflict could arise between community groups. The Court is of the opinion that it is preferable for [the communities] not to be involved in [or] moved towards a system of competition [or] splits within and between groups that could disturb the harmony that they have otherwise preserved.¹⁴⁷

¹⁴² The following districts were all carved out of Jayawijaya: Puncak Jaya (1999); Pegunungan Bintang, Yahukimo and Tolikara (2002); Mamberamo Tengah, Yalimo and Nduga (2008); and Puncak, which was carved out of Puncak Jaya in 2008.

¹⁴³ Crisis Group interview, Eduard Fonataba, Jayapura, 22 March 2012.

¹⁴⁴ See Crisis Group Asia Report N°197, *Indonesia: Preventing Violence in Local Elections*, 8 December 2010.

¹⁴⁵ "Konflik pilkada Puncak tewaskan 47 warga", Metro TV, 21 May 2012.

¹⁴⁶ Each candidate had a running mate for the deputy's position. Kogoya was running with Yakob Enumbi and was backed by Golkar, Partai Kebangkitan Bangsa and Partai Barisan Nasional, among others. Ibo was running with Yustus Wonda and had the backing of Partai Demokrat, PDIP and others.

¹⁴⁷ As cited by the court in decision number 39/PHPU.D-X/2012, handed down on 6 July 2012.

In the Puncak Jaya case, no one disputed the use of the *noken* system; the complaint brought by Kogoya focused on how “consensus” was reached and applied in one sub-district. On the day of the election, voters from six villages in Mewoluk sub-district assembled in an area outside of Puncak Jaya district and divided up the votes (the two camps have different recollections of the figures, but it is clear that each of the three pairs of candidates received at least some votes). No voting materials were made available in Mewoluk, something Kogoya’s supporters would later claim was an effort by an insufficiently impartial elections commission to disenfranchise them. Ultimately it was agreed that “all 14,394 votes from the people of Mewoluk sub-district [would] be given to the candidate pair that wins overall”.¹⁴⁸ The parties later differed on what this meant; Kogoya’s supporters interpreted it to mean the votes would go to whichever candidate won at district level (where they believe they received the most votes), while the KPUD ultimately awarded it to the incumbents, who had the most votes in the sub-district.

No ballots were ever recorded on election day and thus there was no record of the original numbers of votes; different polling station volunteers who later testified to the court had very different recollections of the votes each candidate received. There was also no written record of the agreement to award all the votes to one candidate until two days later, supporters of Kogoya blocked the airfield where the representative of the elections commission was due to fly to Mulia, and refused to let him take off until a written version of the agreement was signed. The summary record of votes (*berita acara*) was provisionally left blank until overall tallies were put together at *kabupaten* level in Mulia, the district seat.

Tensions began to grow in Mulia in the days that followed, as supporters of all candidates began to gather *en masse* in front of the elections commission office, and the police apparently came to the conclusion that they could not ensure the commission’s security. Once “thousands” had gathered outside the office on 5 June and were joined by supporters of the incumbent, the police chief decided the only option was for the commission to be evacuated from Puncak Jaya because it was unsafe to release the results with so many gathered in such a tense environment.¹⁴⁹ The justification he gave the court shows how far the police have to go, in Papua in particular, in finding ways of maintaining law and order through robust responses that nonetheless respect basic rights:

As a district police chief in Puncak Jaya who has served a long time in Papua I am familiar with the character

and psychology of Papuan highlanders – if incited/provoked by a respected leader like the *kepala suku*, they will do anything, even if it means fighting to the point of death, as a way of offering respect to the leader. And if any armed contact were to occur with the security forces, it’s the police chief who would be blamed for human rights violations.¹⁵⁰

The counting of votes by the commission took place in Biak, two hops away by plane. All 14,394 votes from Mewoluk were awarded to Ibo, based on the commission’s understanding that he had received the most votes in the sub-district and thus, under the terms of the agreement, should be awarded them all. This proved significant to the overall tally: without the Mewoluk votes, Ibo would have lost to Kogoya.

Following the announcement of results, Kogoya and Enumbi filed suit against the local elections commission (KPUD), claiming they had favoured their opponents in the administration of the election. The court accepted the complaint and on 7 July ordered the election to be re-held in the six villages of Mewoluk within 90 days.

Testimony presented by witnesses called by the KPU also included numerous reports of intimidation by Kogoya’s supporters, including threats that led to the re-assigning of *noken* votes in other sub-districts from competing candidates to Kogoya.¹⁵¹ The court ultimately found evidence of isolated incidents of such intimidation but no systematic campaign.

The dispute reveals the vulnerability of the *noken* system to significant abuse; it also calls into question the logic of affirming the practice of voting by acclamation in an effort to prevent conflict. Problems in this and other local elections in Papua have come not from inescapable cultural differences but from inconsistent application of electoral regulations. The *noken* system is likely to be used in large parts of the highlands in the upcoming gubernatorial elections. While it is too late to draft specific regulations on how to accommodate this form of voting in advance of the polls, stepping up voter education efforts should be a priority for the provincial KPU, with guidelines on minimum standards for polling station records. Clearer regulations should be drafted as soon as possible, in advance of future rounds of local elections.

¹⁵⁰ Constitutional Court decision 39/PHPU.D-X/2012, op. cit.

¹⁵¹ Ibid, pp. 52-53. For example, polling volunteers from both Tingginambut and Ilu subdistricts testified that even though consensus had been reached through the *noken* system at sub-district level to distribute a certain number of votes to all three candidates, the final figures recorded gave no votes to the first ticket on the ballot (Sendinus Wonda and Yorin Karoba), instead awarding those votes to Kogoya.

¹⁴⁸ Ibid.

¹⁴⁹ He cited the example of the earlier *bupati*’s election in Puncak, where the KPUD office had been burned down and 40 killed.

The home affairs ministry and some members of the Papuan elite have suggested in recent months that direct elections are not in keeping with Papuan culture or realities and should be replaced by indirect election of *bupatis* by district-level assemblies in a bid to prevent conflict.¹⁵² It is clear that there is a problem with upholding election laws but this may reflect the weakness of local government and institutions more than differences in culture. It would be ironic if all levels of government equate indirect elections with respect for Papuan cultural values – especially since one of the Papuan criticisms of the Act of Free Choice is that the principle of one person, one vote was not respected.

VI. WHERE IS JAKARTA?

President Yudhoyono made no friends in Papua when, after a cabinet meeting in mid-June 2012, he told the media that while violence there could not continue, it was not a big problem, especially compared with the attacks going on daily in the Middle East.¹⁵³ It suggested that seen through a Jakarta lens, Papua is not a priority. More often than not the old adage “out of sight, out of mind” applies until bad media coverage pushes it back onto the domestic agenda. The KNPB and other militant groups have long realised that without unwanted attention, usually involving violence, there would be no pressure on Jakarta to alter the status quo. The challenge for the government is to show that it can give Papua sustained attention in a way that addresses political, economic and security concerns as an integrated whole and produces visible benefits.

Two paramount imperatives drive Papua policy in Jakarta. One is to develop Papua in a way that will enrich the nation and, sometimes secondarily, improve the lives of ordinary Papuans. A second is to crush the independence movement and prevent its internationalisation. The two are often at odds with one another, but even among agencies pursuing the same objective, counterproductive competition and rivalry are common. The National Planning Agency (BAPPENAS), different line ministries, the vice president’s office and the president’s advisory council do not always see things the same way on the development side. The military, police and intelligence agencies, meanwhile, often operate as much to protect their own turf than to improve security. There appears to be little overall coordination or strategy except when Papua makes national or international headlines.

Over the last three years, the news has been almost unremittingly bleak. Shootings along the Freeport road, stepped up activity by the OPM in Puncak Jaya and regular protests in the Abepura-Jayapura area, many of them led by the KNPB, finally got the attention of the president, cabinet and key members of parliament. Very slowly, a new policy unit, UP4B, came into being, housed in the vice president’s office, with a mandate to coordinate accelerated development in Papua and perhaps tiptoe into more controversial non-economic areas including human rights.

At the same time, pressure was building within Papua for a dialogue with Jakarta over a range of grievances, historical and current, although there was no consensus on what a dialogue would or should entail. For years, senior government officials resisted even using the word, because it implied two equal sides. In late 2011, the President Yudh-

¹⁵² “Pilkada Papua akan dilaksanakan tidak langsung”, Indonesian Ministry of Home Affairs, 12 March 2012.

¹⁵³ “SBY: Kekerasan di Papua berskala kecil”, Kompas Online, 12 June 2012.

oyono agreed that dialogue, in the general sense of talking about problems rather than fighting over them, was the way forward, generating a tiny glimmer of hope among the more moderate activists that serious talks over Papuan concerns were at hand.

But there are at least three obstacles to real progress. First is resistance in influential parts of the bureaucracy and security apparatus to anything that smacks of concessions to political activists. Second is intelligence activity that directly undermines any effort to build trust, such as building up parallel institutions to those believed to house independence supporters, even when those institutions have real roots in the community. Third are the unpredictable developments in Papua itself that with one clash can set back years of painstaking work.

The only way to keep progress toward talks on track and reduce the likelihood of dashed hopes and mutual recrimination is to work toward a major change in security policy – one that is not at direct cross-purposes to the aims of UP4B.

A. UP4B: GOOD INTENTIONS, DIMINISHED HOPES

The new policy unit, UP4B, established in September 2011 after many delays, was always going to have the problem of too many expectations from too many quarters.¹⁵⁴ Under the direction of the vice president and led by retired General Bambang Darmono, its core mandate was to ensure that the huge outlays flowing into Papua were being spent wisely, given allegations that there was nothing to show for a decade of special autonomy funding.¹⁵⁵ With eighty staff, many of them not experts, spread among offices in Jakarta, Jayapura in Papua and Manokwari in Papua Barat and no executing budget or power of its own, these objectives would be difficult to meet even if UP4B had full support in all three places. It did not. Early hopes that the unit might be able to provide “one phone number for Papua” in Jakarta now seem naive.¹⁵⁶

In early drafts, the new unit also was to have a clear political mandate. It was to be given the task of improving relations between the central government and Papuans, an acknowledgment that distrust and discontent was high. It

was to “develop the mechanism for and substance of constructive communication between the government and representatives of the people of Papua and West Papua with a view toward resolving the conflict within the framework of the Unitary State of the Republic of Indonesia”.¹⁵⁷

In the final version, this language was significantly watered down. It merely said development policies would be social-economic, social-political and cultural, with the latter being undertaken through constructive communication between the government and the people of the two provinces.¹⁵⁸ There was no reference to conflict, distrust or discontent; even the word “reconciliation” which appeared in an August 2011 draft was removed. UP4B was still given the green light “to map out and address the sources of political, legal and human rights problems” as well as “draft and implement” a mechanism for communication, but it was clear these were not its primary tasks.

From the outset, UP4B had an image problem in Papua, where some civil society leaders argued that it was established without consultation and represented too much of an economic solution to a political problem. In Jakarta, some conservative nationalists saw it as the opposite, a venture into the political arena, however limited, where it had no right to tread, and some ministries saw it as an unnecessary third party intervening in their affairs.¹⁵⁹ Its mission to get special autonomy back on track immediately made it anathema to those activists who rejected autonomy outright. No group was more vocal on this than KNPB, which led mostly small protests against introductory UP4B meetings in Jayapura in January 2012, Timika in February, Fakfak in March, Manokwari in April and Nabire in May.¹⁶⁰

¹⁵⁷ Draft Raperpres UP4B, 28 March 2011, Article 3(2)(d).

¹⁵⁸ “Peraturan Presiden Republik Indonesia No. 65 Tahun 2011 tentang Percepatan Pembangunan Provinsi Papua dan Provinsi Papua Barat”, Articles 5 and 6, 20 September 2011.

¹⁵⁹ After a meeting with President Yudhoyono in December 2011, a handful of more radical church leaders held a press conference explaining that the president had agreed to suspend the work of the unit until further consultation about its role had taken place. The unit’s staff pointed out that such a promise, if it indeed was made, was meaningless without another presidential regulation, but it explains why a group of protesters broke up the first formal meeting of Darmono and staff in the provincial capital of Papua Barat, Manokwari, in January 2012.

¹⁶⁰ The protesters in several areas were vastly outnumbered by Papuans who wanted to see Darmono, expressed concerns about corruption, and sought access to special autonomy funds. In Nabire, for example, the protesters numbered 40 to 50, while some 900 Papuans were waiting to see him at the guesthouse there. Presentation of Bambang Darmono to Jakarta Foreign Correspondents Club, 12 July 2012.

¹⁵⁴ The acronym is derived from the unit’s name in Indonesian: Unit Percepatan Pembangunan Provinsi Papua dan Provinsi Papua Barat.

¹⁵⁵ In 2012, Papua province is due to receive Rp.3.8 trillion (\$356 million) in special autonomy funds. “Papua’s special autonomy funds going to waste, say experts”, *Jakarta Post*, 22 November 2011.

¹⁵⁶ Crisis Group interviews, UP4B staff, Jakarta, Jayapura, March 2012.

At the same time, many groups inside and outside Papua read their own hopes into the wording of the various drafts of the UP4B mandate and even into the bland final text, seeing the unit as a body that under the right conditions might be able to broker dialogue and stop the downward spiral of violence. Some of this was wishful thinking but the idea that UP4B had the potential to change the political dynamics through a couple of major “quick wins” was also quietly promoted by some of its own staff.¹⁶¹ It has now largely been dropped.

Darmono, who has already travelled more extensively in Papua than any other senior government official, has engaged in some single-handed fire-fighting behind the scenes to good effect. When clashes broke out between police and military over fuel smuggling by the military in Serui in late March 2012, he intervened to support police efforts to enforce the law, calling the respective commanders of each force together and pushing them to make peace.¹⁶² After local government and police appeared paralysed following the shooting of a plane at the airfield in Mulia, Puncak Jaya, on 8 April and flights vital to supplying the region were stopped, he intervened and arranged police and military aircraft to make deliveries.

But as violence continued, UP4B seemed to be pushed to the sidelines. The shootings in Jayapura in May and June 2012 brought national concern to new heights, raising the profile of the coordinating minister for political, security and legal affairs, Djoko Suyanto, and lowering that of UP4B. When Djoko led a large ministerial delegation to

Papua on 18 June in the aftermath of the shootings and Mako Tabuni’s death, Bambang Darmono did not join it.

This approach by UP4B almost certainly was partly tactical. As an official said, “if we stick our neck out, we’ll get chopped”.¹⁶³ Any steps that could be interpreted by conservatives as concessions toward pro-independence groups in an atmosphere of violence would be seen “as acting with a gun to our head”. It was not just UP4B that was not going to be making any political gestures; no one in Jakarta, from any agency, was going to be seen reaching out under pressure.

As a result, UP4B by late June 2012 was back to stressing its development role, improving infrastructure, working on affirmative action policies, helping the indigenous Papuan business community, and tailoring national laws to Papuan realities.¹⁶⁴ Darmono proudly announced in July that UP4B had secured places for 960 Papuans at Indonesian universities outside Papua.¹⁶⁵ He said it was facilitating the construction of eight new airstrips in remote communities in the central highlands and of a road from Asmat on the south central coast to Yakuhimo, 400km to the north. To speed up the latter project, funded by the public works ministry, army engineers were undertaking land clearing;

¹⁶¹ One that frequently came up in discussions in late 2011 and early 2012 as a possible confidence-building measure was the release of all Papuan prisoners accused of *makar* (rebellion). But it was not as easy as it sounded. Even if there had been the political will in Jakarta to explore it, which there was not, opinions diverged as to who should be released (only those who had not used violence?) and how (as a gesture or as part of a broader negotiation?). Some suggested the government would look bad if an amnesty were offered and Papuan political activists refused it. Crisis Group interviews, officials in and close to UP4B, February and June 2012. There are roughly 30 people in prison on such charges in Papua and Papua Barat at present; the number rose in March 2012 when Forkorus Yaboisembut and four others were sentenced to five years in prison, but it fell again in June 2012, when 42 inmates escaped from the Wamena prison in Jayawijaya, including seven imprisoned for *makar*. “Serang petugas, 42 napi lepas Wamena kabur”, *Cenderawasih Pos*, 5 June 2012.

¹⁶² At the end of March, in anticipation of a hike in fuel prices the government was due to enact on 1 April (a hike ultimately deferred by the parliament), a soldier in Serui was allegedly hoarding subsidised fuel for resale. After police confronted him, he grew angry and stabbed the police officer, killing him, an act that raised fears locally of revenge action by the police. “Polisi tewas ditusuk kota Serui mencekam”, *Bintang Papua*, 27 March 2012.

¹⁶³ Crisis Group interview, senior government official, June 2012.

¹⁶⁴ More than ten years after special autonomy legislation was passed, there are no clear regulations for implementing provisions in the law that call for affirmative action for indigenous Papuans. Article 62, for example, states: “Indigenous Papuans are entitled to be given priority in employment in all areas of work in Papua province based on their skills and expertise”. As spontaneous economic migration from other parts of Indonesia to Papua continues, and the formal economy remains dominated by migrants, the issue will only become more important. Overall the work of giving substance to affirmative action will lie not only in positively promoting economic opportunities for Papuans but also in trying to remove some of the existing obstacles to enjoying the same opportunities as other Indonesians. As one recent study into dynamics in the district of Keerom pointed out, health care facilities were located in areas inhabited by migrants (these are also the more densely populated areas), leaving Papuans an expensive ride away from medical services and reinforcing the impression that special autonomy brought few benefits. See Cypri J.P. Dale and John Djonga, “Paradoks Papua: Pola-pola ketidakadilan sosial, pelanggaran hak atasp embangunan dan kegagalan kebijakan affirmative, dengan focus di kabupaten Keerom”, December 2011. One of the regulations UP4B wants to see revised is Presidential Instruction 54 no. 2010 on procurement and tenders that sets a ceiling on the value of contracts that small companies can bid for. Papuan businesses say they are disadvantaged because of the dramatically higher costs of basic materials there. A sack of cement that costs roughly Rp.60,000 (about \$7) in Jayapura can cost up to Rp.1.2 million (\$140) in Puncak Jaya. Crisis Group Asia Briefing, *Hope and Hard Reality in Papua*, op. cit.

¹⁶⁵ “Ada 960 kursi beasiswa disiapkan bagi putra-putri Papua”, *Tabloid Jubi*, 5 July 2012.

Darmono said getting isolated Papuans access to goods and services at reasonable cost took precedence over possible environmental concerns; likewise, involving the army was the only way the road was going to happen without years of delays.¹⁶⁶

Some of these projects may result in concrete improvements but the exclusive focus on economic development leaves the political issues to fester unaddressed. There is also too often a focus on development construed as improving infrastructure, commercial access and resource extraction rather than trying to directly improve Papuan livelihoods through access to improved education, health services and economic opportunities.

B. DIALOGUE: MORE SLOW STEPS

Optimists see the fact that President Yudhoyono in November 2011 began using the word “dialogue” with respect to Papua as evidence of progress; until then the word had been taboo.¹⁶⁷ Pessimists see the gulf between how dialogue is understood in Jakarta and how it is understood in Papua as being so vast that it will be a long, slow slog to bridge, if it is possible at all. Many of the optimists are associated with UP4B and the Papua Peace Network (Jaringan Damai Papua, JDP). In a 1 February 2012 meeting with a broadly representative group of church leaders, the president reaffirmed his commitment and tasked the vice president with working out a shared agenda, format and objective for the talks. But what comes next is unclear.

There are at least four different understandings of what dialogue might entail:

- ❑ negotiation between the government and Papuan representatives over Papua’s future political status.
- ❑ discussions between the central government and representatives of Papuan society aimed at resolving a range of issues – including historical grievances, human rights violations, discrimination, economic development and broader political autonomy – but without challenging Indonesian sovereignty.
- ❑ negotiations with different factions of the OPM about a ceasefire.

- ❑ a loose series of discussions about Papua with different groups, with a view toward improved understanding and more trust between Papuans and the central government. This is what the government means by constructive communication.

The first is how some pro-independence groups and civil society activists understand the term. They do not accept Indonesian sovereignty as a given and believe a meaningful dialogue can only succeed if brokered by a neutral international party. This definition is a non-starter for Jakarta and is the interpretation that gives many cold feet about any discussions at all.

The second is the concept of many in the JDP, although as a June 2011 conference made clear, some in the network veer close to the first interpretation. Father Neles Tebay has consistently pushed for the involvement of nine different groups: native Papuans, non-Papuans living in Papua, police, army, the provincial government, the central government, oil, gas and mining companies, OPM/TPN, and the Papuan diaspora abroad.¹⁶⁸

Farid Husain, who helped facilitate early talks that led to the signing of a peace agreement in Aceh, is engaged in efforts to bring about the third approach, focused on talks with armed separatists. This is separate from UP4B or JDP but takes place with their knowledge. Farid has ambiguous endorsement from the president for his initiative. The president appointed him special envoy in September 2011 to engage in discussions with a wide range of groups (the OPM was not mentioned by name), but has since shown little interest in his labours – perhaps because few in the security community see any benefit from talking to a fractious group of guerrillas that are not seen as a serious military threat.¹⁶⁹ While Farid was seen as a loose cannon when he started out, support for his work has grown in Papuan circles as disappointment with UP4B has risen.

The fourth definition, in use by both the vice president’s office and UP4B, is a far less structured form of dialogue more often referred to as “constructive communication”. As part of a broader effort to introduce its work, UP4B has engaged in a series of conversations across Papua, promising to feed back complaints to the central government. It has publicly rejected any more formal concept of dialogue, but Darmono’s staff are in regular communication with both JDP and Farid Husain.¹⁷⁰

¹⁶⁶ Presentation of Bambang Darmono before the Jakarta Foreign Correspondents Club, 12 July 2012.

¹⁶⁷ What he said was: “Kita mesti berdialog, dialog terbuka untuk cari solusi dan opsi mencari langkah paling baik selesaikan masalah Papua” (“We [the central government and our friends in Papua] need to engage in dialogue, an open dialogue to find the solutions and options, to find the best step towards resolving the Papua problem”). As reported in “Rencana SBY dialog dengan rakyat Papua harus didukung”, *Suara Pembaruan*, 10 November 2011.

¹⁶⁸ Crisis Group Report, *Hope and Hard Reality in Papua*, op. cit., “Membuka Dialog dengan Papua”, *Kompas*, 26 June 2012.

¹⁶⁹ Neles Tebay, for example, has helped try to arrange discussions with Goliat Tabuni, who leads an OPM faction in Puncak Jaya.

¹⁷⁰ Presentation of Bambang Darmono at Jakarta Foreign Correspondents Club, 12 July 2012.

While Neles Tebay and others pushed in the weeks following the Jayapura shootings for urgently moving towards the JDP's version of talks, the violence may actually have slowed down whatever momentum existed.

C. SECURITY POLICY

One problem with Papua is that the government has found no way to bring its efforts at a persuasive approach into harmony with its security policy. Since the autonomy law was first passed, every initiative that might have had some chance of building trust has been undermined by security or intelligence actions which simply drive the wedge deeper between Papuans and the central government. Sometimes these actions are deliberate, like the division of Papua in 2003 or the efforts to set up a parallel network of *adat* institutions to weaken the existing ones; others are the thoughtless actions of poorly trained and under-resourced junior officers of the police and military.

One of the more shadowy efforts by the home affairs ministry to undermine any institution deemed to be fostering separatist sentiment is the creation of parallel institutions charged with promoting pro-Jakarta sentiment. The clearest example of this strategy has been the response to the influence of the Papuan Adat Council (Dewan Adat Papua, DAP), a group with strong community-based roots originally formed by tribal elders in mid-2002 to promote Papuan welfare. As the DAP increasingly became seen as a vehicle for the independence movement, the ministry created its own network of *adat* councils (Lembaga Masyarakat Adat) designed to challenge the DAP. The long-term effect is to antagonise representative institutions rather than undertake policies that would bring community leaders on side.

Training, incentive structures and accountability for the security forces need a thorough review. Most Papuans do not distinguish between the police and military and use "TNI/Polri" as a collective noun to refer to both, but they are important to keep separate. Police now have become the lead agency in counter-insurgency and in guarding "vital installations", such as the Freeport mine, which used to be the military's responsibility.¹⁷¹ They have some 13,000 personnel in Papua, with one regional command covering both Papua and West Papua and 29 police resort (*polres*) commands to cover 40 *kabupaten* and cities.

The TNI sees its primary role in Papua as protecting Indonesia's territorial integrity. This means guarding the border but it also means combating separatism, even if the police now have the lead role in internal security. It retains an important role in intelligence gathering and acts as back-up to the police in confronting unrest. The presence of several army units in the break-up of the Papuan People's Congress and the frequent TNI patrols in the Puncak Jaya area are evidence of its continued active role in internal security, even if these are essentially law enforcement operations. Military engineering units play a role in building roads in remote areas, and TNI posts throughout the region are used for logistic support. Even with this limited role, TNI sources estimate that 11,000 "organic" troops are stationed permanently in Papua, with another 2,000 brought in on rotation as reinforcements for operations (*bantuan kendali operasi*, BKO).¹⁷²

Security policy in Papua is the task of the coordinating ministry of political, security and legal affairs, headed by Djoko Suyanto.¹⁷³ He is the person the president turns to set broad guidelines, with the chief of police, commander of the armed forces and head of the State Intelligence Agency (Badan Inteligen Negara, BIN) providing information. Each of these agencies has considerable autonomy and they do not necessarily consult, let alone coordinate with each other. A police operation such as Operasi Tumpas Matoa, for example, would be worked out between the police provincial command and headquarters, with little or no input from elsewhere.

Neither police nor military in Papua are fully funded from their own headquarters; they rely on local governments to provide food and sometimes more, often placing strains on local budgets.¹⁷⁴ For many junior officers, assignment in Papua means real hardship, with standard allowances insufficient to cover the higher costs of food and transport. But the image many Papuans have of security forces is of people who take chickens and other goods without paying from people who have next to nothing. It is up to commanders to ensure that no such depredations take place and are quickly punished when they do.

Whatever the inadequacies of food and transport allowances, many security personnel in Papua also engage in rent-seeking activities that go far beyond subsistence needs, as the activities of the police at the gold-mining sites suggest. It is impossible to "serve the people", as the police

¹⁷¹ Following a 2004 presidential decree, police took over the task of providing security for these "vital installations" (*obyek vital nasional*), in keeping with broader internal security reforms. This transition from army to police control was not implemented until 2006. See "Keputusan Presiden Republik Indonesia N°63 tahun 2004 tentang pengamanan obyek vital nasional" (Presidential Decision No. 63/2004 on Securing Vital National Objects)

¹⁷² Crisis Group interview, military officer, Jakarta, 6 July 2012.

¹⁷³ Before serving as coordinating minister, Djoko Suyanto was commander-in-chief of the armed forces from 2006 to 2007.

¹⁷⁴ This is not peculiar to Papua; in Aceh, local government were sometimes forced to create fictitious projects to cover costs of security personnel assigned from Jakarta.

motto suggests, and pursue personal enrichment at the same time.

Training for both police and soldiers is clearly inadequate, with little institutionalised effort to share knowledge and experience. A police officer recently stationed in Puncak Jaya said he took part in a three-day workshop at the provincial command before he left on the culture and traditions of Papua. Participants were also required to read Papua Road Map, the 2010 study by the Indonesian Institute of Sciences (LIPI) on the background of the conflict and how to resolve it.¹⁷⁵ But there was no specific information on Puncak Jaya, the nature of the conflict there or any of the personalities involved. After a year on the job, no one debriefed him when he returned to Jayapura or at any time during a three-month stay there before reassignment.

Some of the problems in Papua are common to police and soldiers elsewhere in Indonesia: poor firearms training and over-reliance on guns as opposed to other forms of dealing with brawls, unrest and mobs; unwillingness to take responsibility for serious abuse; sometimes vicious payback for any incidents in which security personnel get hurt or their vehicles or other property damaged. Torture is also endemic in Indonesia and not peculiar to security forces in Papua. But the consequences are particularly grave in an area where distrust of the local populace runs so high and efforts to reduce it through whatever one calls it – dialogue, discussion or constructive communication – face so many obstacles.

A 2009 police directive on implementing human rights principles has been the focus of training in Papua, but either the training was flawed or it was not sufficiently tied to specific local circumstances, because it does not seem to have had much impact.¹⁷⁶

It would be interesting to know whether in the planning for Operation Tumpas Matoa there was any discussion about how attacks on OPM bases might affect broader efforts at improving community relations. Had there been,

there might have been a difference in approach between Paniai, where the OPM has refrained from attacking civilians and until the incidents described above, even the security forces were left alone, and Timika and Puncak Jaya, where repeated attacks have produced many more casualties.

A police officer with experience in the Papuan highlands had an idea for improving community relations worthy of being tested. He said bored and often idle police assigned to remote areas should get teacher training and double as teachers in areas where there are no schools. It would provide a badly needed service, it would bring the police into more contact with the people they are supposed to protect, and it could help give local children more options than they have at present. But it is almost impossible for police to serve counter-insurgency and community functions at the same time, and until that dilemma is sorted out, the teacher-cop may remain a dream.¹⁷⁷

¹⁷⁵ Muridan S. Widjojo (ed.), *Papua Road Map: Negotiating the Past, Improving the Present and Securing the Future*, Lembaga Ilmu Pengetahuan Indonesia (LIPI), (Jakarta, 2010).

¹⁷⁶ Police Regulation no.8/2009 on Implementation of Human Rights Standards and Principles in Carrying Out Police Tasks among other things prohibits any form of torture and inhumane or humiliating treatment, even in the face of an order from a superior or extraordinary circumstances; guarantees the provision of medical care as needed to those in custody; bans corruption and abuse of authority by law enforcement officials; sets out clear procedures for arrest; prohibits police from acting in a way that generates antipathy in the community, including by asking for unauthorised fees and covering up mistakes; and sets out detailed procedures for use of firearms, particularly the provision that non-violent methods should always be used first.

¹⁷⁷ Crisis Group interview, police officer, Jakarta, July 2012.

VII. CONCLUSION

The UP4B's Bambang Darmono says in a new book that Papuans' widespread distrust of the central government is rooted in a sense that Jakarta lacks the political will to address their grievances.¹⁷⁸ He is right – and it means that to effect change, Jakarta has to move beyond economic and development solutions. Everything suggests that there is going to be more violence in Papua unless the government can produce a policy change that will have an immediate and visible impact on how ordinary Papuans are treated on a daily basis.

Accelerated economic development is useful on its own terms but will not by itself change Papuan-Jakarta relations. Better local governance is also critical but it is a long-term prospect. Jakarta needs to recognise that however complex the problems besetting Papua, lack of training, discipline and accountability of the security forces are an important element that needs urgently to be addressed.

The speed with which the police in Paniai conducted an investigation into the May shootings was admirable and should be the rule rather than the exception. A complete reassessment of training needs for police should take place, starting with a system to ensure that every officer assigned to Papua is briefed by individuals who have served there before and is systematically debriefed when his or her tour of duty is finished. That briefing needs to include discussions of personal hardships, equipment shortcomings and other resource issues; relations with the local government, civil society and clan leaders; and mapping of the conflict, for starters.

A strict program of accountability for crimes and corruption needs to be visibly put in place. Papuans need to see that abusive individuals are punished and that moonlighting by active duty officers as private security guards is brought to an end. The incentive structure within the police also has to change so that building constructive relations with the community is rewarded with promotions and salary raises. Rampages such as occurred in Wamena should be met with severe punishment, regardless of the provocation. The point needs to be driven home over and over that “emotion” is not an excuse, and that professionalism needs to be upheld in the face of attacks.

Building better community relations does not mean letting Papuans who engage in criminal violence off the hook, and community policing does not mean avoiding arrests. But gratuitous violence against suspects – beating, kicking, hitting with rifle butts – should end immediately, as should

deliberate humiliation, like making participants in the Papuan People's Congress crawl on their stomachs. Police should not be given live ammunition as a matter of course, and there should be far more judicious assignment of firearms, restricted to people who have had serious training beyond just whatever they received in police school.

All of the above could be implemented immediately, but in the longer term, coordination between the development and security parts of the government needs to be improved to ensure that efforts at dialogue or other forms of bridge-building are not undermined by covert intelligence operations. Any governmental approach towards Papua that does not encompass improved oversight of the police and military assigned there will fail to change perceptions.

Improving local government is going to take more time, but giving up on direct local elections in Papua is not the way to do it. Instead, both the central government and Papuan lawmakers need to find better ways of making elections work. Given the potential for abuse of the *noken* system of voting highlighted in the recent Puncak Jaya election, a priority for the elections commission should be to develop controls against electoral fraud in advance of the gubernatorial election. That election has been delayed so long that the provincial executive risks being seen as irrelevant. Moderate Papuans cannot be expected to maintain interest in working towards strengthened autonomy if there is no single standard of enforcement of national laws, something that has been lacking in the government's handling of election disputes thus far.

More broadly, for all the talk that has been devoted to the failures of Papuan special autonomy, both the central government and Papuan representatives bear responsibility for failing to enact the implementing regulations that might give it more of a chance. Ultimately the answer has to lie in local government that is more, rather than less, representative and working with, rather than undermining, local representative institutions.

Good local government in Papua, as elsewhere in Indonesia, is key to preventing, managing and resolving conflict. Some urgent measures to improve security policy are needed from Jakarta, but Papuan officials have a critical role as well.

Jakarta/Brussels, 9 August 2012

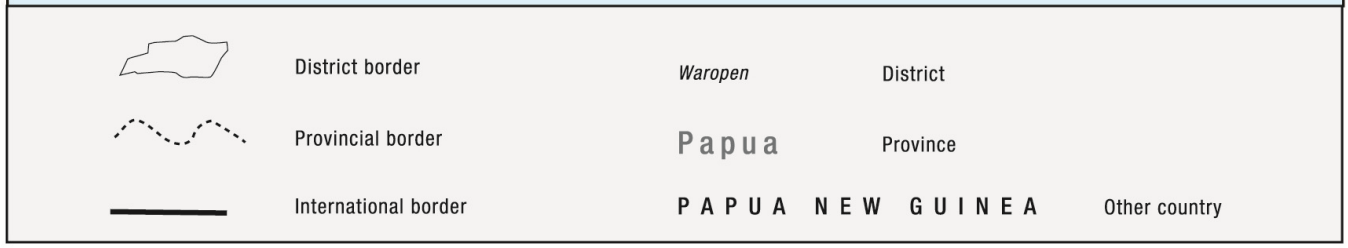
¹⁷⁸ Letjen TNI (Purn) Bambang Darmono, *Mengurai Benang Kusut Permasalahan Papua*, Jakarta, 2012, p. 55.

APPENDIX A

MAP OF PAPUA AND PAPUA BARAT PROVINCES



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APPENDIX B

MAP OF GREATER JAYAPURA AREA



APPENDIX C

GLOSSARY

<i>Adat</i>	customary
BIN	Badan Inteligen Negaran, State Intelligence Agency
Brimob	Brigade Mobile
<i>Bupati</i>	sub-provincial (or district) governor
DAP	Dewan Adat Papua, Papua Customary/Adat Council
DNPB	Dewan Nasional Papua Barat (or Parlemen Nasional Papua Barat), West Papua National Parliament
DPRP	Dewan Perwakilan Rakyat Papua, Papua provincial legislature
IPWP/ILWP	International Parliamentarians for West Papua/International Lawyers for West Papua
JDP	Jaringan Damai Papua, Papua Peace Network
<i>Kabupaten</i>	district (sub-provincial level)
KNPB	Komite Nasional Papua Barat, West Papua National Committee
KOMAPA	Koperasi Masyarakat Paniai, Paniai People's Cooperative
KPU	elections commission
<i>Makar</i>	rebellion
MRP	Majelis Rakyat Papua, Papuan People's Council
MRPB	Majelis Rakyat Papua Barat, West Papuan People's Council
<i>Noken system</i>	collective voting (by consensus)
PDIP	Partai Demokrasi Indonesia-Perjuangan, Indonesian Democratic Struggle Party
PRD	Parlemen Rakyat Daerah, regional council
TNI	Tentara Nasional Indonesia, Indonesian National Armed Forces
TPN/OPM	Tentara Pembebasan Negara/Organisi Papua Merdeka, National Liberation Army/ Free Papua Movement
UP4B	Unit Percepatan Pembangunan untuk Papua dan Papua Barat, Unit for Accelerated Development in Papua and West Papua
WPNA	West Papua National Authority
WPNCL	West Papua National Coalition for Liberation

APPENDIX D

ABOUT THE INTERNATIONAL CRISIS GROUP

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Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

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August 2012

APPENDIX E

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- North Korea: Getting Back to Talks*, Asia Report N°169, 18 June 2009.
- China's Myanmar Dilemma*, Asia Report N°177, 14 September 2009 (also available in Chinese).
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