

**THE 2018 LOCAL ELECTIONS IN PAPUA:
PLACES AND ISSUES TO WATCH**

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I. INTRODUCTION

Indonesian officials have cited Papua as one of the provinces most likely to experience conflict as elections for local executives take place on 27 June 2018. At stake are the governorship and the top two posts (*bupati* and deputy *bupati*) in seven districts (*kabupaten*): Deiyai, Paniai, Puncak, Mimika, Mamberambo Tengah, Biak Numfor and Jayawijaya (see map in Appendix 1).¹ The disputes that have arisen thus far provide an object lesson in what can go wrong in the lead-up to an election, from inflated voter rolls to partisan local election supervisors to misuse of office by incumbents standing for second terms. A few low-level, localised outbreaks of violence have already taken place and more are likely as the campaigns heat up and after the results are announced. These can quickly be brought under control. The much bigger issue is how to make democratic institutions work in Papua when corruption is so rampant.

There are a few issues to watch. One is what happens in the three districts where candidates are running unopposed. In Jayawijaya, Puncak and Mamberambo Tengah, a fractious verification process by the local elections commission disqualified contenders and produced a single slate for *bupati* and deputy *bupati*. Some Papuans interviewed for this report saw single slates as desirable, eliminating costly campaigns and the use of proxy voting while reducing the potential for violence – and regretted that there was not a single slate for governor. But quite apart from the fact that electoral competition is a pillar of the democratic process, the elimination of competition through a sordid process of influence-buying is likely to produce resentment on the part of disqualified candidates and their supporters and sow the seeds of future disputes.

A second is how indigenous-migrant tensions play out. The few non-Papuans running at the district level have thrown up the perennial debate over whether there should be a requirement, as there is at the provincial level, that candidates for district office should be indigenous Papuans. But the issue is also colouring the governor's race, where the two candidates for governor and their deputies are all indigenous. Incumbent Lukas Enembe, a strong promoter of indigenous rights, knows that his challenger, Jhon Wempi Wetipo, has most of the non-Papuan migrant vote, and he has been making a concerted pitch to woo them. One Enembe billboard in Jayapura says "Papua, One Soul, Whatever Your Ethnicity" (Papua Satu Jiwa, Apapun Sukunya). This may not be just because the migrant numbers could be critical to the outcome in a close race, but equally because the governor may be worried that he has alienated the migrant community that is critical to a continued stream of infrastructure and agribusiness projects.

A third is the extent to which the fate of the huge copper and gold mine, PT Freeport, will figure in the campaign for governor and in the race for *bupati* of Mimika where the mine is located. For nearly a decade the company and the government have been mired in bitter negotiations over divestment, contract extensions and requirements of the 2009 mining law that bans the export of unprocessed ore. The governor has made the demand for more revenues from Freeport one of his signature issues; he has also demanded that the company build a smelter in Papua, rather than in Gresik, East Java, as currently planned. Standing up to Freeport is always a popular campaign tactic at the provincial level. It is harder in Mimika because so much of the district's operations are directly dependent on the company.

Mostly, however, these elections are about money, and corruption taints everything. There are some quick fixes that would not be difficult to implement technically but politically would be nearly impossible. One, which has been a running theme of IPAC reports on Papua for the last five years, would be to make a concerted effort to actually do a head count of Papuan

1 Note that throughout this report, we use "district" as the English translation of *kabupaten*, the first administrative level below a province. The next administrative level down, the subdistrict, is known as a *kecamatan* in the rest of Indonesia, but in Papua and West Papua, subdistricts are called *distrik*.

residents and get more accurate voting rolls. The political interests arrayed against this would be formidable, since an accurate count would undermine local political machines and expose corruption in funding allocations from Jakarta.

A related measure would be to gradually eliminate the so-called “*noken* system” of proxy voting, particularly prevalent in the highlands, which is said by its supporters to be an example of “local wisdom” (*kearifan lokal*) but is in fact more often an invitation to fraud.

A third would be to eliminate the requirement to produce diplomas as evidence of educational attainment. In many areas of Indonesia this has led to a whole industry in the production of fake diplomas; politically-motivated accusations about fake diplomas; and legal challenges to the same in criminal and administrative courts. The time, effort and money wasted in challenging, defending and verifying diplomas suggests that they are no longer a useful condition of candidacy.

This report is based on interviews conducted with provincial and district election officials in Jayapura and Yapen; local media reporting; and court documents.

II. INDONESIA'S ELECTION MACHINERY

Indonesia has had direct local elections since 2005 and since 2015, has tried to hold them on the same date across the country. In February 2017, 101 elections took place; in June 2018, 171 will be held on 27 June.

The elections are run by local election commissions (Komisi Pemilihan Umum, KPU) and overseen by an election supervisory body (Badan Pengawas Pemilihan Umum, Bawaslu). At the district level, the supervisors are known as Panwas (Panitia Pegawai Pemilihan Kabupaten/Kota), appointed by the provincial supervisors, and they in turn select the village-level supervisors.

An ethics board, called the Honorary Council for Election Implementers (Dewan Kehormatan Penyelenggara Pemilihan Umum, DKPP) can receive complaints about the behaviour of the KPU at any level – and as will be seen below, is kept busy with complaints from Papua.

The district KPU appoints bodies for conducting the election and counting the vote at the subdistrict and village levels. These are known respectively as Panitia Pemilihan Kecamatan (PPK) and Panitia Pemungutan Suara (PPS). The latter appoints a committee to administer the vote at each polling place.

Unhappy candidates frequently challenge decisions by the KPU in the administrative courts, which have authority to rule on disputes between individuals and government agencies.

Indonesia's Constitutional Court (Mahkamah Konstitusi) hears electoral disputes at the district and provincial level and has the authority to order re-votes. The court's credibility was deeply undermined by the conviction of the chief justice on corruption charges in 2014 and has not fully recovered. Its decisions on Papua cases are generally accepted by the aggrieved parties but frequently ignore evidence of flagrant violations.

III. THE ELECTION FOR GOVERNOR

The current governor, Lukas Enembe, is in a strong position to win. He has built an all but invincible political machine, particularly in the central highlands but elsewhere as well, using his ability to dispense patronage through appointments of civil servants; backing of district heads in key races; control of the Demokrat Party; and use of the GIDI Church, an evangelical denomination that has seen a significant expansion under his leadership.

His opponent, Jhon Wempi Wetipo, former *bupati* of Jayawijaya, has the backing of both PDIP and Gerindra (the parties respectively of President Jokowi and his leading rival, Prabowo Subianto). Both candidates are from the central highlands: Enembe from Puncak Jaya and Wetipo from Wamena. The Jayawijaya police chief has expressed concern that the potential for violence there is higher from the provincial elections than from the district race, since both candidates for governor claim parts of Jayawijaya as their strongholds.²

Enembe has been a vigorous critic of the province's biggest industry, the Freeport mine, on the grounds that it has given an insufficient share of its profits to Papua. In the negotiations over Freeport's divestment, he lobbied for and secured an agreement that 10 per cent of the shares would be held by the province. He also argued that failure to build a smelter in Papua or to pay more in taxes, would show the continued bad faith of the company.³ Criticism of Freeport is guaranteed to be a popular theme among Papuan voters.

Enembe's strained relations with the Jokowi government have added to his popularity, particularly after Jakarta seemed to be stepping up pressure on him in mid-2017 to fall into line or be prosecuted for corruption. He has differed with Jakarta on a range of issues from Freeport to infrastructure development; he has also been more inclined to be lenient toward pro-independence activists, many of whom came from his base in the central highlands.

In August 2017, Enembe was summoned by police for investigation on corruption charges in connection with the misuse of funds in the provincial budget allocated for student scholarships – although that was only one of many ways in which the governor has allegedly enriched himself. Many Papuans, especially in the highlands, believed the governor was being deliberately “criminalised” as a form of political pressure.⁴ This conviction intensified after a photograph appeared on the online news site detik.com showing a meeting at the home of State Intelligence head Budi Gunawan in mid-September. Present were Gunawan, Enembe, national police commander Gen. Tito Karnavian, and Paulus Waterpauw, former police chief of Papua. Various sources who claimed to be quoting Enembe said the purpose of the meeting was to persuade the governor to take on Waterpauw as his running mate and to back Jokowi in 2019, though the reports were never verified.⁵ Enembe denied that he was under any pressure, saying that the discussion was about how to handle the aftermath of the 2017 local elections and how to plan for what would follow special autonomy, which by law will end in six years.⁶

But those topics would not explain Waterpauw's presence. Waterpauw, the first Papuan to be appointed provincial police commander in July 2015, had made no secret of his desire to run for governor himself. His activities got to the point that Enembe, in early 2017, was insinuating that Waterpauw was using his position to back some of the candidates in the 2017 district elections in the hope that they would do the same for him in the governor's race. On 18 April 2017, Waterpauw was reassigned to Jakarta as deputy head of police intelligence; six weeks later he was appointed North Sumatra police commander. It was in that capacity that he attended the meeting at Budi Gunawan's house. But if there was any hope of an Enembe-Waterpauw ticket, there was no buy-in from the principals. Enembe was not interested and Waterpauw wanted to be number one. Nevertheless, the discussion did seem to lead to an accord. The charges against Enembe were dropped and Gen. Tito announced on 12 October that Waterpauw would not be a candidate in the Papua race. Enembe decided to stay with his current deputy, Klemen Tinal

2 “Potensi Konflik Pilgub Lebih Besar Diibanding Pilbup,” *Koran Wone*, 12 March 2018

3 “Papuan Governor Disapproves of Freeport's Smelter Plan Outside Province,” jakartaglobe.beritasatu.com, 23 January 2015.

4 “AMPTPI Duga Kasus Korupsi PU Papua Jatuhkan Lukas Enembe,” suarapapua.com, 17 February 2017.

5 “Komnas HAM Soroti Foto Pertemuan Kapolri Kepala BIN Gubernur Papua,” detik.com, 15 September 2017.

6 “Penjelasan Lukas Enembe Soal Pertemuan dengan BG dan Tito,” republika.co.id, 16 September 2017.

from Mimika, in his bid for a second term.

In the end the KPU accepted only two candidate slates: Enembe-Tinal, (known as the “Lukem” slate, an acronym for Lukas and Klemen) backed by nine political parties controlling 42 seats in the DPRD and Jhon Wempi Wetipo with former Jayapura *bupati* Habel Melkias Suwae, the so-called “Josua” slate (an acronym for Jhon and Suwai), backed by PDIP and Gerindra.

From the beginning there were charges and counter-charges hurled by the two teams. In the lead-up to the local election in Jayawijaya when Wetipo was running for a second term, the provincial KPU was asked to look into allegations that he was falsely claiming to have a diploma in tourism. The issue was never pursued, but Wetipo dropped the reference to a tourism diploma in subsequent biographical data. Then, as registration for the governor’s race was looming, Enembe’s team maintained that there were problems with both Wetipo’s bachelor’s and master’s diplomas. But the legal counsel to the KPU maintained that both diplomas had been verified. Enembe’s team took the case to the administrative high court in Makassar and reported the KPU to the ethics board, but Wetipo was cleared. If there was already bad blood between the two sides, the diploma issue has made it worse.

Whoever loses is likely to allege fraud, and if past elections are any guide, fraud will be rampant, particularly in areas where the “noken system”, an allegedly traditional practice of selecting leaders, is used. The term covers a wide range of practices involving local elders or officials casting votes on behalf of villages, clans and sometimes even entire subdistricts and has been declared permissible by Indonesia’s Constitutional Court.⁷ The director of the Association for Elections and Democracy (Perkumpulan untuk Pemilu dan Demokrasi, Perludem), one of Indonesia’s most respected NGOs, has shown that the noken system encourages violence and that a single national standard is both preferable and possible with systematic voter education.⁸ Many Papuans themselves reject the practice. In late March, the district election commission in Yalimo district of the central highlands said it was a violation of human rights – but it has proved too useful to the Papuan political elite in the highlands to discard.⁹

IV. THE MIMIKA CONTEST

Mimika district tops the list of districts likely to face unrest linked to the local elections.¹⁰ The incumbent, Eltinus Omaleng, backed by all the parties represented in the district council, was initially disqualified because he was accused of falsifying his junior high school diploma.¹¹ That left four independent slates, but Eltinus took his case to the administrative court and was eventually reinstated. One of the four independent slates was then disqualified less than two months before election day, and its status remained unclear as this report was being published.

The accusations about Eltinus’s diploma are long-standing. In September 2016, the Mimika district council began impeachment proceedings against him that ended in a decision in November 2016 to remove him from office because of the fake diploma. The case went to the Supreme Court which ruled, also in November, that the district council decision to remove him

7 For an explanation of the noken system, see IPAC, “Open to Manipulation: the 2014 Elections in Papua,” Report No.14, 10 December 2014.

8 See “Sistem Noken Masih Rawan Memicu Konflik Kekerasan pada Pilkada Papua,” *kompas.com*, 31 January 2018 and “Perludem: Daerah di Papua yang Beralih ke Sistem Noken karena ada Pendidikan Politik,” 31 March 2018. (the headline is somewhat misleading, as the article shows how some areas have “graduated” from the noken system through voter education).

9 “KPU Yalimo menolak pemilihan system noken,” *tabloidjubi.com*, 26 March 2018.

10 “Indeks Kerawanan Pilkada, Bawaslu,” *bawaslu.go.id*, 30 November 2017.

11 Eltinus and his running mate Johannes Rettob was backed by Golkar, PDIP, Demokrat, Masdem, Hanura, PKB, PAN, PBB and PKPI, as well as three other parties that had no seats (PKS, PPP and Perindo).

was valid. It turned out that the junior high school he said he went to in Jayapura was not built until two years after he said he graduated.¹²

The Ministry of Home Affairs, which by law should then have removed Eltinus from office after the court decision, did not act. Eltinus then decided to stand for a second term and registered as a candidate, this time claiming to have graduated from a different school, a high school in Makassar. The KPU asked the candidates to turn over their diplomas for forensic inspection and asked the police to look into the possibility of criminal charges. Eltinus refused to comply. On 18 February 2018, the district election commission, however, ruled that Eltinus and his running mate did not meet the requirements to stand because of the false diploma and disqualified him.

This left the four independent teams:

- Hans Magal-Abdul Muis (HAM). Hans, an Amungme activist and intellectual, ran unsuccessfully for *bupati* in 2008. He and Abdul Muis also ran unsuccessfully in 2013, but with Abdul Muis as the *bupati* candidate. Abdul Muis, a Bugis from South Sulawesi, served as Mimika *bupati* briefly in 2013, which also caused controversy, since the national KPU's Regulation No.3/2017 stipulated that candidates for deputy *bupati* could not have previously served *as bupati* in the same area.¹³ After various challenges, the slate was disqualified in May 2018, with the provincial KPU saying it should never have been approved by the district commission in the first place.¹⁴ The Magal team appealed, and it was left to the provincial Bawaslu to make the final ruling.¹⁵ Its response left it unclear whether the slate was in or out, and as of 30 May 2018, HAM supporters were still threatening to wage war unless their candidates were reinstated.
- Robert Waoroepa-Albert Bolang (RnB). Waoroepa, a Kamoro, is head of the Kamoro adat institution, Lemasko, and is deputy head of Commission A for the Mimika district council. His running mate is a Minahasan lawyer, originally from North Sulawesi, recognised as a *tonaas*, or leader of high status among the Minahasans resident in Papua.
- Petrus Yanwarin-Alpius Edoway (Petraled). Petrus is a businessman and community leader known for his advocacy of education. He was born in Kokonau, Mimika from the Kei islander ethnic group (that is, his family was originally from the Kei Islands in southeastern Maluku.) Alpius, a native of Paniai from the Mee ethnic group, is a prominent district council member.
- Wilhelmus Pigai-Athanasius "Allo" Raфра (MUSA). Pigai is a member of the district legislature from the political party Hanura; his running mate is an ethnic Kei, born in Fakfak, with a long career as a civil servant and district legislator from the PDIP party. He previously served briefly as caretaker *bupati* of Mimika in 2007-2008.

Eltinus was not ready to withdraw, however. His campaign team (*tim sukses*) accused the district KPU of violating ethics and complained to the election oversight board (Bawaslu). They also filed a complaint against the election commission with the administrative high court in

12 "MA Makzulkan *Bupati* Mimika karena Kasus Ijazal Palsu," detik.com, 26 November 2017.

13 See KPU regulation No.3/2017, Article 4(p) and "Tim Sukses Omtob Pertanyakan Status Abdul Muis Yang Pernah Jadi *Bupati* Dan Kini Menjadi Calon Wakil *Bupati*," haipapua.com, 19 February 2018.

14 "Paslon *Bupati* Mimika Hans Magal – Muis Dinyatakan TMS," papuasatu.com, 9 May 2018.

15 The Magal team appealed to the Supreme Court, which simply recommended that the KPU, Bawaslu and candidates sit down together. This had the effect of throwing the decision back to the provincial Bawaslu. But the substance of its ruling was difficult to decipher, so HAM supporters were claiming victory while Eltinus supporters were claiming that Hans and Abdul Muis were still disqualified. Email communication with NGO activist, Jayapura, 29 May 2018.

Makassar, Sulawesi. On 27 March 2018, the court ruled in favour of Eltinus and revoked the decision of the Mimika election commission.

On 18 April 2018 the election commission's ethics council suspended five members of the district KPU pending investigation of the case. On 23 April, the public prosecutor declared four district election commissioners – Theodoro Ocepina Magal, Alfrets Petupetu, Yoel Louis Rumakewi and Derek Motte as suspects for violating Article 180 of the 2016 election law, the right of an individual to run for district office.¹⁶ If convicted, the four could face between two and three years in prison. The provincial election commission then took over responsibility for running the Mimika election.

As part of its review of district KPU decisions, the provincial KPU examined the case of Hans Magal and Abdul Muis and decided that the district commission had wrongly approved their candidacy.

The issue of Freeport's fate hovers over the race but district candidates, as opposed to those at the provincial level, have been studiously silent on the subject.¹⁷

V. THE UNCONTESTED ELECTIONS

Uncontested elections in Indonesia have become more common, usually involving powerful incumbents. A study of the 2017 local elections, published as a special issue of the journal *Contemporary Southeast Asia*, argued that in some areas and the 2017 Jayapura mayoral election was one, rival candidates were actively prevented from voting and that

The rise of uncontested elections might not signify a decline in underlying political competitiveness but rather a shift of that competition from the electoral arena to pre-electoral processes, whether through bargaining within the political elite or through the use of legal instruments to dispose of competition in advance.¹⁸

The three single slates in Papua are striking examples of the latter.

A. Puncak

The *kabupaten* of Puncak can lay claim to the bloodiest episode of electoral violence in recent Indonesian history, with dozens killed in 2011 in an eruption of inter-clan violence.¹⁹ Nothing has happened since to equal that paroxysm, but the district remains a place where inter- and intra-clan divisions produce intermittent violence, armed pro-independence fighters remain active and governance has always been poor. It is the heart of Enembe country, and Willem Wandik, the *bupati* candidate who is now running unopposed, is a strong Enembe ally.

Initially there were two slates running. The first was headed by Wandik, a DPR member from Partai Demokrat, running with Alus U.K. Murib, a representative in the Puncak district council and head of the local Hanura branch. The second was led by Repinus Telenggen, the incumbent deputy *bupati*, a native of Paniai, running with David Onggomang.

From the beginning, Murib had a diploma problem. In January, a local online news portal published a photograph of the diploma Murib had used to register, showing him to be a 1999

16 "Empat Anggota KPUD Mimika Jadi Tersangka", *kompas.id*, 1 April 2018.

17 "DPRD Kecam Sebutan Pasukan Nasi Bungkus," *papua.us*, 9 March 2013.

18 Cornelis Lay, Hasrul Hanif, Ridwan and Noor Rohman, "The Rise of Uncontested Elections in Indonesia: Case Studies of Pati and Jayapura", *Contemporary Southeast Asia*, Vol. 39 Issue 3, December 2017, p.428.

19 See IPAC, "Carving Up Papua: More Districts, More Trouble", Report No. 3, 9 October 2013.

graduate of an economics academy in Makassar (Sekolah Tinggi Ilmu Ekonomi Yayasan Pendidikan Ujung Pandang). The school in question issued a letter, however, saying Murib was never enrolled there.²⁰ A criminal case was filed against Murib and on 27 April 2018, the district court in Nabire reportedly sentenced him to a year in prison for violating Article 184 of the 2015 local elections law.²¹

As Murib's legal troubles over the diploma were mounting, some enterprising local journalists also found out that he had continued to receive a salary as a civil servant long after leaving his job as a high school teacher in Ilaga, the district capital.²² It was not clear as of this writing how these issues would affect the election.

Meanwhile, Telenggen registered with his running mate David Onggomang on 10 January. Both slates claimed to have backing from Hanura and PAN, but the district KPU chair said that the Hanura documents used by Telenggen had expired. On 12 February 2018, two of the five KPU commissioners announced that only Willem Wandik's slate met the requirements to stand for office; he would be the sole candidate for *bupati*.²³

But the three KPU commissioners who had not signed off on the decision on Willem Wandik said that it was illegal because there was no quorum. They argued that the head of the district KPU, Manase Wandik, had travelled with Willem to Jakarta on 18 January to meet Oesman Sapta Odang, then Hanura head (since sacked), without their knowledge; it was at that meeting that Willem obtained the form for Hanura support signed by Oesman on 9 January. The three suggested that Manase Wandik had benefited personally from his relationship with the incumbent since he was on the board of a company, PT Putra Awule Keweng Mandiri that received many contracts from the district government. They also accused him of profiting from the rental of his own house to be used as KPU Puncak office and having regular communication with one of the candidates.²⁴ It was not hard to guess which one. On 24 February, after the provincial ethics board reviewed the case, the provincial KPU removed Manase Wandik as head, though he was allowed to stay on as a commissioner.²⁵

Telenggen challenged the KPU's decision against his candidacy in the administrative high court in Makassar, but on 23 April 2018, the court ruled that the KPU decision had been valid. Willem Wandik, supported by nine parties, will thus automatically get a second term. But his tactics have continued to generate protests, and with the court decision against Murib, these could get more serious. A small group calling itself the People's Coalition Concerned About Democracy in Puncak held a demonstration in front of the Bawaslu central office in Jakarta on 4 May. There will undoubtedly be more to come.

One other note on Puncak: it is one of the many Papuan districts that have suffered from deliberate inflation of population statistics. This can be a tactic used by politicians to inflate voter rolls but also by incumbents to seek more funding from Jakarta. The Central Bureau of Statistics in the 2010 census counted 92,218 residents of Puncak and projected that in 2017, that number would grow to 107,822.²⁶ The directorate for population in the Home Affairs Ministry in Jakarta said its figures in June 2017 showed a population for Puncak of 158,406 – which itself was actually *under* the figure used by the local population office at the time of the 2014

20 “Beredar Ijazah Palsu Calon Wakil *Bupati* Puncak Alus UK Murib,” kabarpaniai.com, 17 January 2018.

21 “Dihantui vonis ijazah palsu, cawabup puncak bilang begini,” kabar.news, 2 May 2018.

22 “Di Papua, Ada Calon Wakil *Bupati* Diduga Masih Berstatus PNS?” linkgar.papua.com, 4 March 2018.

23 “Pasangan Willem Wandik dan Alus Murib Jadi Calon Tunggal di Pilkada Puncak Papua,” merdeka.com, 14 February 2018.

24 “DKPP Berhentikan Manase Wandik dari Jabatan Ketua KPU Puncak,” tabloidjubi.com, 24 February 2018.

25 *Ibid.*

26 <https://papua.bps.go.id/linkTableDinamis/view/id/14>

presidential election which indicated a total population of 159,169.²⁷ In August 2017, however, the district population office said the number of residents was 212,659 and by November, as preparations for the local election were getting underway, it had somehow grown to 311,503.²⁸ When reporters and a civil society group calling itself Forum of Population Data Protectors (Forum Penyelamat Data Penduduk, FPDP) demanded an explanation for the inflated figures, they were told that the *bupati* via the district secretary had ordered that no one should have access to the information. From talking to other sources, however, the head of FPDP said the data also seemed to show a major shift from the subdistricts of Sinak, Afandugume and Pogoma to Beoga and Wangbe.

B. Jayawijaya

Jayawijaya district also has a single slate. John Richard Banua, the incumbent deputy *bupati*, entered the race as the clear front runner, backed by ten parties. (When he was elected in 2013 on the slate with Jhon Wempi Wetipo, now running for governor, the two had the backing of 24 parties.) He comes from a powerful family; his brother, Tonny Tesar, won the bitterly contested election for *bupati* of Kepulauan Yapen in 2017.

Banua's opponents were Jimi Asso, a two-term member of the Jayawijaya district council from PDIP, running with a district official Wemban Kagoya and claiming support from PDIP and PAN; and Bartolomius "Bartol" Pagaye running with the secretary of the local Hanura party branch, Ronny Elopere. Bartol, from Kimbin, Asalogaima subdistrict, had extensive experience as a district official and served as district secretary for Pengunungan Bintang district. He also had a strong mass base.

Banua is from a mixed migrant background, and from mid-2017, when it was clear he would enter the race, his opponents had tried to organise protests, demanding that only indigenous Papuans should hold elected office.²⁹ The protests were never very large.

Tensions began building, however, on 8 January 2018 as the deadline for candidate registration approached. On 9 January, violence erupted when supporters of the rival slates, many armed with bows and arrows, tried to prevent Banua and his running mate Marin Yogobi from registering. The district KPU said Banua's slate was the only team that met the criteria for registering. Jimi Asso's dossier was not complete, and the documents in Paragaye's dossier indicating support from Hanura were copies, not originals.³⁰ It was Banua who had the proper Hanura forms. The protestors attacked the KPU office which had just been opened, breaking the windows and damaging two floors. Three people were wounded by arrows and stones, and several vehicles were destroyed.

The district KPU consulted with the national KPU Pusat and they agreed to reopen registration for candidates from 19 to 21 January 2018.³¹ In the meantime, they sent a delegation to Jakarta to check with the Hanura office about which candidate it in fact supported. The party confirmed that it was backing Banua. Accordingly, on 12 February, the district KPU announced that Banua and Yogibi were the only slate in the race that met the criteria.

Jimi Asso's team acknowledged they could not complete the dossier and accepted the KPU ruling. Bartolomius Pagaye and Ronny Elopere complained to the district election supervisors

27 Ibid and "Pembengkakan Penduduk di Puncak Diajukan ke DPD-RI," *tabloidjubi.com*, 13 November 2017.

28 "Kemendagri Klarifikasi Data Penduduk Kabupaten Puncak Papua," *antaranews.com*, 27 November 2017.

29 "FPDMPMJ Demo Tolak John Banua Maju Pilkada," *tabloidjubi.com*, 5 July 2017.

30 "KPU Jayawijaya Menolak Pencalonan Bartol Paragaye dan Ronny Elopere," *tabloidjubi.com*, 23 January 2018.

31 Surat Edaran KPU RI No 38/PL.03.2-SD/06/KPU/I/2018 perihal Tahapan Pencalonan dengan Satu Pasangan Calon yang Mendaftar, 10 January 2018.

and the ethics board, then filed a case against the district KPU in the administrative court. They lost.

One would think that a single candidate slate would ensure a smooth election. But the district KPU noted that there would have to be a revote in any polling places where the “empty box”, symbolically opposing Banua and Yogibi, received more than 50 per cent of the registered votes – that is if 50 plus one per cent of the registered voters fail to cast a ballot. The KPU is already warning that it has no funds for a revote in this case, so even in single-candidate elections, there can be problems.³²

There could be another demonstration when Banua and Yogobi are formally installed, but no serious trouble is expected. As noted, the bigger risk of violence in Jayawijaya may be how the race for governor plays out there.

C. Mamberamo Tengah

The third district with a single slate is Mamberamo Tengah, another highland district. The incumbent *bupati* and deputy, Ricky Ham Pagawak and Yonas Kenelak, supported by seven parties (Demokrat, PKS, PDIP, Gerindra, PAN, PBB and PKPI) were approved by the district KPU. On 10 January, the independent slate of Itaman Thago and Onny Bernie Pagawak, their only competitor, was rejected because their dossier was incomplete. Onny Pagawak did not have the certification that he had never been convicted of a criminal offence, nor could he provide elementary and middle school diplomas. The district KPU extended the registration period by another ten days, but the missing materials were not delivered by 20 January 2018. Thago and Onny Pagawak filed a complaint with the district election supervisors on 12 February 2018 but they had little chance of winning, since the required documents were not produced.

There was another issue with the number of identity cards that they had to submit as independent candidates. They were required to submit 2,944 electronic identity cards (e-KTP) as proof of support, representing 10 per cent of the district’s estimated 29,000 voters. But the population data office in the district acknowledged that only 3,000 residents had received the electronic IDs, and all of those were civil servants.³³

Thago filed a charge against the district KPU in the administrative court in Makassar but it was rejected on 16 March. All was relatively quiet until April. On 13 April, Ricky and Yonas held their first public talk show, sponsored by the KPU, to talk about their plans for development of the district. Five days later, a mob believed to be supporters of the Thago-Pagawak team attacked and burned down the offices of the district KPU and Panwaslu.

There may well be more trouble when Ricky Pagawak and Yonas are sworn in for their second term.

IV. THE ROLE OF THE LOCAL KPU

The cases described here underscore the weakness of electoral institutions, and the local KPUs are often part of the problem. There is a vast gap between the capacity of KPU members around major urban centres and those selected from the country’s most remote areas, many of whom have had little education or exposure to well-run elections. There is also a problem with neutrality. Even though members are supposed to be nonpartisan, the process of selecting them, beginning

32 “Tidak Milik Anggaran, KPU Jayawijaya Tak Ingin Ada PSU,” *Cenderawasih Pos*, 27 March 2018.

33 “Indikasi Hambat Syarat e-KTP, Itaman Thago-Bernie Pagawak Protes KPU Memteng,” mediapapua89.wordpress.com, 16 January 2018.

with choosing the members of the selection committee, becomes an area of political party contestation. The parties submit names of their supporters, then lobby the committee members to back them. Once approved, a commissioner can defend party interests for the length of his or her term. As one former member of the Jayapura district commission acknowledged, it is very difficult for members of the KPU to stay truly independent.³⁴

One provincial KPU member said that a call from a DPR member can cause KPU members to change their positions or decide to alter voting districts. District-level KPUs can also be involved in inflation of voter rolls.³⁵ It is telling that between 2014 and late 2017, 50 members of local KPUs in Papua were dismissed for ethics violations.³⁶ Also, the ethics board receives more complaints of violations from Papua than anywhere else in the country.³⁷

Two cases from the 2017 elections are illustrative.

A. *The Jayapura election, 2017*

The decisions of the ethics board itself are sometimes called into question. One example is the February 2017 election in Jayapura district (as opposed to Jayapura municipality which had its own election with a single slate). The KPU of Jayapura district was accused of favouring one candidate and the provincial KPU another. The election pitted the incumbent, Mathius Awoitauw, an indigenous Papuan from Sentani and head of the local Nasdem branch, against Yanni, SH, the non-Papuan head of the provincial branch of the political party Gerindra and third deputy head of the provincial legislature. She was said to be very close to Prabowo, and there were rumours in Papua in 2014 that if Prabowo won, she would be appointed ambassador to China.³⁸ She was also the only woman running for *bupati* in the eleven races in Papua. Three other slates also took part.

The election was on 15 February, but before the results were announced, the local supervisory board, *panwaslu*, found that hundreds of members of the village election committees (KPPS) at the polling places did not match the names on the forms appointing them. On 24 February, the head of the district KPU, Lidia Mokay, ordered a new election in 17 out of 19 subdistricts. The decision was welcomed by Yanni and rejected by Awoitauw.

On 3 March, all 19 subdistrict heads, grouped together in the Association of District Heads of Jayapura Kabupaten -- and all beholden to the *bupati* for their positions -- announced that they refused to carry out a revote because of the politics involved. Police arrested them on charges of violating the 2015 and 2016 election laws, and all went on trial. On 25 April they were given suspended sentences of six months by the Jayapura District Court.

Meanwhile, the provincial KPU complained to the ethics board that Lidia and her colleagues at the district KPU had signed off on forms appointing the KPPS for all 348 polling places in the district at Yanni's home on 16 February, one day *after* the election had taken place. These forms became the basis for a petition to the Constitutional Court on the part of Yanni and other losers to declare the Jayapura election invalid because the names of the committee on the forms used to tally the vote on 15 February did not match the ones Lidia signed.

The dispute led to a series of rulings against the district KPU. The provincial ethics board had ruled in June 2017 that the Jayapura KPU had repeatedly acted in a way that favoured Yanni.

34 IPAC interview with Musa Sombuk, Jayapura, December 2017.

35 KPU data on voter rolls, for example, were challenged in Lanny Jaya district. "Data DPT Lanny Jaya Fiktif", papuatoday.com, 21 March 2018.

36 "Langgar Kode Etik, 50 Anggota KPU Papua Diberhentikan," Kompas.com, 15 December 2017.

37 Since 2012, the board has received over 300 complaints from Papua.

38 IPAC interview with Papuan NGO leader, Jakarta, 4 May 2018.

The provincial KPU complained that Lidia and her colleagues had then engaged in unethical behaviour to get the election, which Yanni lost, declared invalid.³⁹ The board suspended them for two months – but accepted their recommendation to carry out a revote, which was held in August. Lidia and their colleagues, who said it did not make sense to suspend them if their recommendations were going to be implemented, denied all the charges and filed a complaint against the provincial KPU, for having behaved unethically by holding a secret meeting with the incumbent, Awoitauw.

When the decision to hold a revote was held, the Jayapura [district?] KPU requested Rp. 5.7 billion (about USD412,000) from the district government to cover the costs, but Awoitauw turned it down, saying “You can ask to the heavens but you won’t get it.”⁴⁰ But when the provincial KPU assumed responsibility for the re-vote in August, it requested Rp.10 billion (about USD723,000), then added another Rp.1.8 billion (USD130,000), and Mathius Awoitauw, according to Lidia, immediately approved it.⁴¹ The apparent mark-up became one of the arguments Lidia used unsuccessfully against the attempt to unseat her.

The re-vote was held in August and again Awoitauw won with more than three times the votes of his nearest rival. Yanni, who came in third, and the other candidates filed separate complaints to the Constitutional Court, all of which were rejected in a ruling on 23 October 2017. (In one interesting little aside in the ruling, the court noted that the population of Jayapura district according to the Home Affairs Ministry was 163,475 but according to data submitted by Awoitauw, it was 238,744. The discrepancy did not affect the decision.)⁴²

The provincial KPU said the district KPU continued to favour one candidate during the re-vote, and it filed a new complaint with the national ethics board. On 27 November 2017, the national board upheld the decision of the provincial board that the conduct of Lidia and her colleagues had been unethical, and this time she was removed as head of the district KPU but was allowed to stay on as an ordinary member. Her colleagues received a stern warning.

B. Kepulauan Yapen election, 2017

The Yapen election was one of the messiest of all. The incumbent, Tonny Tesar and his running mate Frans Sanadi, backed by a coalition of the Demokrat Party, Golkar and Nasdem, were in a strong position going into the election. Tonny’s closest rival was Benjamin Arisoy, running with Drs. Nathan Bonay.

Benjamin is the brother of Adam Arisoy, head of the provincial KPU. Enembe wanted Tonny Tesar to win and in late 2016 tried to discourage Benjamin from running, worried that Adam might help his brother – though Adam has also been a staunch Enembe ally too. In October 2016, Enembe praised Benjamin’s work as head of the provincial finance board (BPKAD) and said Papua needed him to stay on in the job. He was rumoured to have been offered the provincial secretary post if he stayed out of the race. Benjamin ignored the blandishments, however, and registered as a candidate, with the support of PDIP, Gerindra, PKPI, PBB, PPP and Hanura.

39 The provincial KPU in its complaint to the ethics board argued that Lidia and her colleagues had signed off on the forms listing the membership of the village election committees (KPPS) for all 348 polling places in the kabupaten at the home of their favoured candidate, Yanni, SH on 16 February, one day *after* the election had taken place. (By law, the committee members at the village level are supposed to be selected by the subdistrict election committee.) The forms became the basis for the losers’ petition to the Constitutional Court to declare the Jayapura election invalid because the names of the committee on the forms used to tally the vote on 15 February did not match the ones Lidia signed.

40 “APBD Kabupaten Jayapura Tak Anggarkan Pemungutan Suara Ulang”, kabarpapua.co, 5 April 2017.

41 IPAC interview with Lidia Mokay, former head of KPU-district Jayapura, 28 February 2018. The issue of funding also comes up in the Constitutional Court’s review of the Jayapura dispute.

42 Direktori Putusan Mahkamah Agung Republik Indonesia, Surat Putusan No 59/PHP.BUP-XV/2017, available on http://www.mahkamahkonstitusi.go.id/public/content/persidangan/putusan/59_PHP.BUP-XV_2017.pdf, p.217.

When the elections took place, Tonny seemed to have won with Benyamin not far behind. Because of allegations of fraud, a re-vote in two subdistricts was conducted on March 10. Tonny still won (by a very narrow margin) but before the final tally could be formally announced, he was disqualified by the district KPU on the grounds that he had used his office to benefit his campaign and disadvantage other candidates – a violation of Article 71 of the 2016 election law.⁴³ He was specifically accused by the local election supervisory committee of mobilising crowds, using children to vote and bringing in voters from the neighboring *kabupaten*, Mamberamo Raya.

Tonny argued back that it was the KPU that had violated Article 71 by taking a decision that benefited his rivals and disadvantaged him.⁴⁴ On the allegations about Mamberamo Raya, he said he indeed had brought in about 100 to 150 people, not to vote but to act as poll-watchers in every polling place in the subdistrict of Yapen Barat—one of the subdistricts where the re-vote had taken place – because there were rumours that unregistered people were coming from outside to take part. An interview with one of the Mamberamo visitors suggested that the opposition’s version was the correct one – they did indeed come to vote.⁴⁵

On 22 March, the national election supervisory board ordered a delay in implementing the disqualification, and on 27 March the national KPU ordered the district KPU to revoke it. It also ordered the provincial KPU to take over the counting of the 10 March vote. But the district KPU said it would be a violation of the election law to change its decision because it was based on a recommendation of the local supervisory board and according to the election law, failure to carry out the recommendation could trigger criminal sanctions.⁴⁶ Moreover, by this time the district KPU had destroyed the ballot papers indicating a vote for Tonny and said that because he had been disqualified, he therefore was considered to have received no votes.

Tonny and his running mate petitioned the Constitutional Court on 30 March to reinstate him as a legitimate candidate and declare him the winner of the election. His opponents argued that he had no legal standing to petition the court because he had already been disqualified. Tonny’s lawyers presented a sheaf of evidence of irregularities in vote-counting that benefited his rivals, including one case showing his rival’s attempt to double his vote in one subdistrict.

The Yapen KPU offered little in the way of a response, other than to repeat that they were merely carrying out the law by acting on the recommendation of the local supervisory body.

On 26 April 2017, the Constitutional Court ordered the provincial KPU to redo the entire election, under the supervision of the national KPU, with Tonny Tesar and Frans Sanadi included as candidates. In the meantime, the district KPU members had been temporarily suspended, leading them to file a complaint of wrongful dismissal in early April against the provincial KPU in the Jayapura administrative court. They were reinstated in June, however, and in July, the administrative court ruled they no longer had a case.⁴⁷

The re-vote took place on 29 July 2017 and after a few more glitches, Tonny and Frans were declared the winners on 5 September with 50.98 per cent of the vote.

C. Role of Election Supervisors (Panwaslu, Bawaslu)

Given the history of problems in Papua, the election supervisors at the district and provincial

43 Surat Keputusan KPU Kabupaten Kepulauan Yapen No.24/KPTS/KPU-KAB/030.434110/TAHUN2017.

44 He made this argument again in the Constitutional Court hearing in April 2017.

45 IPAC interview, Yapen, 26 February 2017.

46 See Article 135A(6) of Law No.10/2016 on local elections.

47 Direktori Putusan Mahkamah Agung Republik Indonesia, “Putusan Nomor: 10/G/2017/PTUN.JPR”, available on <https://putusan.mahkamahagung.go.id/putusan/8fcfb237db69d8ca7c99b79a3b2a5af5>.

levels will have their hands full monitoring the 2018 elections in June, but even with a stated commitment to be vigilant, their ability to investigate violations is limited. In part this is because of the limited skills of the supervisors who often are not familiar with the electoral regulations they are charged with enforcing. Yusman Conoras SH, a member of the legal team of Jhon Wetipo, the candidate for governor, said he thought that all members of the supervisory bodies should have legal backgrounds, but few do.⁴⁸

The limited capacity of the supervisors and splits over candidate preferences (which none of them are supposed to have) means that too often the commissions fail to anticipate problems or fail to investigate them when they happen.⁴⁹ The integrated electoral law enforcement centre or Gakkumdu, part of the electoral supervisory machinery which includes representatives of Bawalu/Panwaslu as well as the police and local officials, is supposed to handle suspected violations of the law but few cases get resolved. In Mamberamo Raya's election for *bupati* in 2015, Gakkumdu, which had its office at the local police station, received 94 reports of violations, decided that 92 of them met the requirements for complaints – and then did not process a single one.⁵⁰

Part of the problem was with the 2015 law which required investigators to act on a report within three days of receiving it – almost impossible, given the large number of reported violations and the remote areas involved.⁵¹ In the 2017 Yapen debacle, the defeated candidates brought their case to the Constitutional Court, arguing among other things that the provincial supervisors had received a report of violations in 168 polling places, which should have been the basis for a re-vote. But the court said that because the report was dated 19 August 2017, three weeks after the re-vote, it was invalid because it had not been prepared within the required time limit.⁵²

One former supervisor said there was little pressure on Gakkumdu to follow up on reported criminal violations, particularly in cases where the incumbent is the alleged perpetrator.⁵³ In Yapen, supporters of the defeated candidate Benyamin Arisoy alleged that the police had received 81 reports of violations, nine of which they decided warranted further investigation, but none had been pursued.⁵⁴

V. CONCLUSIONS

The 2018 elections in Papua are likely to be as messy as those in 2017 because the basic problems of weak institutions and widespread corruption have not been addressed. It is nevertheless remarkable that Papuans still choose to settle most of their disputes through the formal court system, and losers tend to accept judicial rulings. Outbreaks of violence are still the exception rather than the rule.

It should be clear from the discussion of the uncontested elections that single slates are not the solution to Papua's electoral problems, when it means in effect the encouragement of a political machine that fosters corruption and discourages competition. Better governance and stronger accountability of local officials will not be accomplished through uncontested elections. It is not

48 IPAC interview with Yusman Conoras, Jayapura, 3 December 2017.

49 IPAC interview with Ronald Manoa, former head of Panwaslu Kabupaten Jayapura, 4 March 2018.

50 IPAC interview with Demanianus Kyew-Kyew, former *bupati* of Mamberamo Raya, Sarmi, 20 Oktober 2017.

51 The three-day limit is set out in Article 134 (5) of the Law 8/2015.

52 Lihat Putusan Mahkamah Konstitusi NOMOR 56/PHP.BUP-XV/2017 tanggal 31 Agustus 2017.

53 IPAC interview with Yusman Conoras, SH, Jayapura 3 December 2017.

54 "Warga Yapen Demo Tuntut 80 Pelanggaran Pilkada", *sahabatrakyatpapua.com*, 12 October 2017.

even a given that these single-slate races discourage violence.

Papua desperately needs an accurate census and a wholesale clean-up of voter rolls that is conducted by professionals and overseen from Jakarta. The 2020 census will be coming up soon, and extra funds should be allocated to make sure that there are sufficient enumerators and transport funds to actually count heads – and then to ensure that the same statistics are used by the Central Bureau of Statistics, the Ministry of Home Affairs and other agencies at all levels of governments.

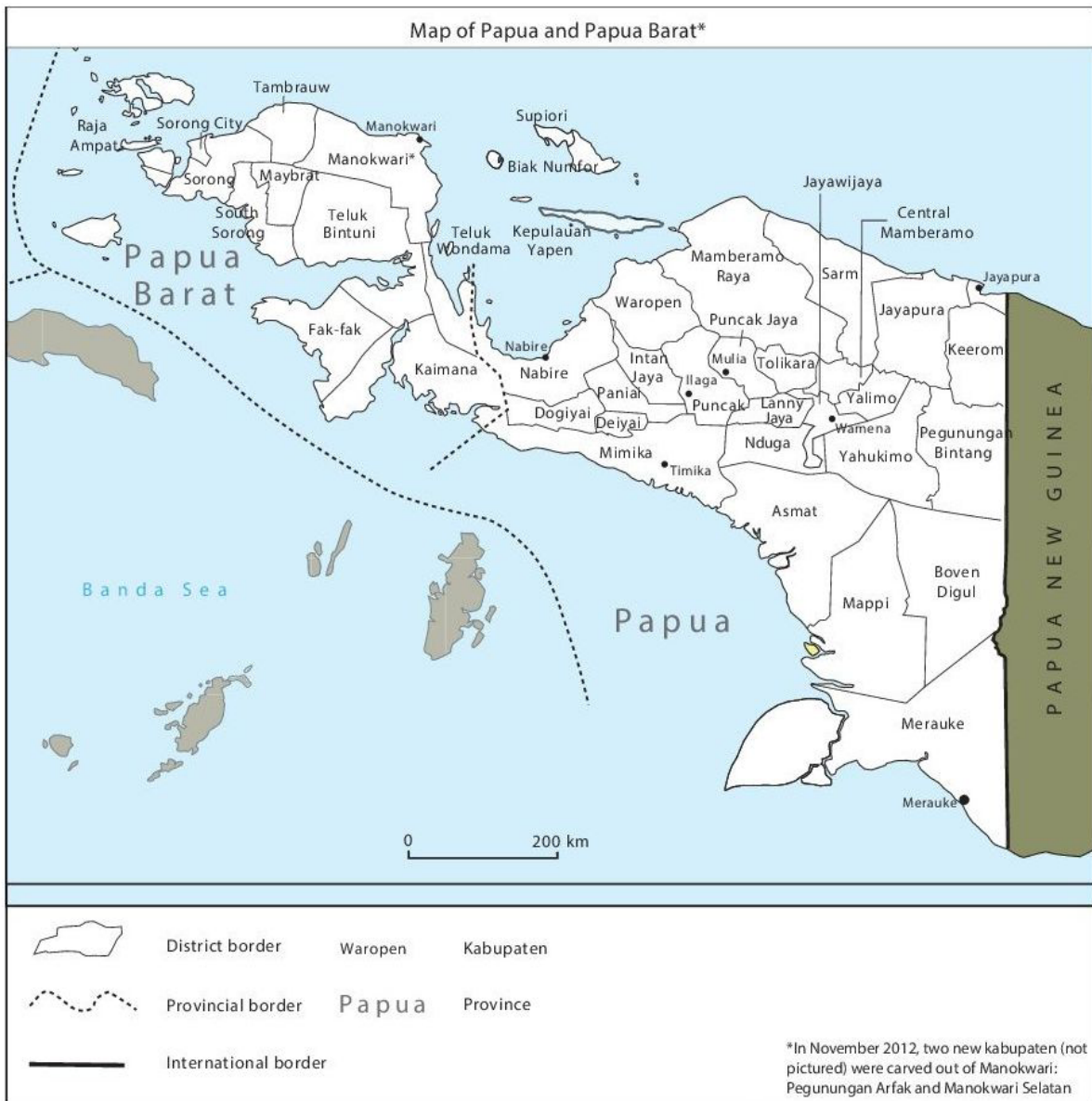
It is time to consider dropping the diploma requirement as a qualification for candidacy, since it just encourages the production of fakes. Surely another measure can be found to measure the capacity of an individual to stand for public office: experience in public service, for example. The amount of time spent in legal wrangling over falsification of diplomas is simply not worth it.⁵⁵ All the money spent on futile court cases could be better spent on voter education.

The national KPU could usefully put more funds into training local KPUs and in trying to ensure their neutrality. The ethics board has worked up to a point but a better system of monitoring the process of selecting KPU members at all levels might be useful. Perhaps through Perludem or other NGOs, fellowships could be awarded to graduate students at the master's (S2) level across Indonesia to study the operations of KPUs in their area and look at possible strategies for improvement.

If Bawaslu listed Papua in late 2017 as the province most susceptible to electoral violence in 2018, one goal might be to ensure that it does not top the list for 2019.

55 Production of fake diplomas is not just an issue for candidates, it is a much more widespread problem in Indonesia. In a macabre footnote to history, the Norwegian killer Anders Breivik was briefly a partner in a business with an Indonesian in 2004-2005 to produce diplomas. Breivik paid the Indonesian, who had no knowledge of the subsequent attacks, between USD700 and 800 per month to do the artwork. "The cost was around a hundred dollars per diploma, and the customer was promised a full refund if he could find better print quality anywhere else. For those wanting a complete package of exam certificate plus graduation diploma from a particular university, there was a special-offer price of 295 dollars." See Asne Seierstad, *One of Us: The Story of a Massacre in Norway and its Aftermath*, (New York, 2015), p.108.

Appendix I



INSTITUTE FOR POLICY ANALYSIS OF CONFLICT (IPAC)

The Institute for Policy Analysis of Conflict (IPAC) was founded in 2013 on the principle that accurate analysis is a critical first step toward preventing violent conflict. Our mission is to explain the dynamics of conflict—why it started, how it changed, what drives it, who benefits—and get that information quickly to people who can use it to bring about positive change.

In areas wracked by violence, accurate analysis of conflict is essential not only to peaceful settlement but also to formulating effective policies on everything from good governance to poverty alleviation. We look at six kinds of conflict: communal, land and resource, electoral, vigilante, extremist and insurgent, understanding that one dispute can take several forms or progress from one form to another. We send experienced analysts with long-established contacts in the area to the site to meet with all parties, review primary written documentation where available, check secondary sources and produce in-depth reports, with policy recommendations or examples of best practices where appropriate.

We are registered with the Ministry of Social Affairs in Jakarta as the Foundation for Preventing International Crises (Yayasan Penanggulangan Krisis Internasional); our website is www.understandingconflict.org.