

# **RENEWING, REVISING OR REJECTING SPECIAL AUTONOMY IN PAPUA**

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## I. INTRODUCTION

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The Indonesian government is facing new tensions with indigenous Papuans over plans to revise the 2001 law on “special autonomy” (*otonomi khusus* or *otsus*). Funding under the law ends in 2021, and to continue it, the entire law will have to be amended. The options include a quiet rollover of funding with little discussion, reportedly President Jokowi’s preferred solution; major revisions, based on public consultations in Papua; and total rejection of what has come to be known as Otsus Jilid II (Otsus Volume II).

But there is a catch. According to the 2001 law, as amended in 2008, any changes to the law have to be proposed by Papuans through two institutions: the provincial legislatures and the Papuan Peoples Councils (Majelis Rakyat Papua, MRP) in Papua and Papua Barat. These institutions are demanding a thorough evaluation of special autonomy before any revisions take place, although there are different ideas about who should evaluate it, according to what criteria and through what mechanism. Time is running out, although temporary additional funding could probably be provided through the annual budget law.

In theory, a new law could be an opportunity for creative new ideas on land, migration, governance, security, anti-discrimination measures, human rights and power-sharing. It could become a chance to revisit and improve on some articles of the original law that were never implemented – the provision for local political parties, for example. It could be an opportunity for a serious debate over what genuine autonomy might look like. Realistically, the chances of any of these issues being addressed are slight. But if they are not, support for rejection will only increase.

The rejectionists argue that the only solution is to open negotiations with pro-independence groups as the government did with Aceh in 2005. That remains a non-starter for Indonesia, but a new strategy is urgently needed as the situation in Papua deteriorates.

This report examines how the debate over Otsus is taking place in the context of heightened awareness of racism, an emboldened insurgency in the central highlands, and a spreading pandemic. If the Otsus issue is not handled wisely, a bad situation could grow worse.

## II. BACKGROUND: THE STEADY EROSION OF TRUST

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“Special autonomy”, a concept that was part of the immediate post-Soeharto reform program, was supposed to be a compromise that would keep Papua within the Indonesian republic but address some of the grievances and aspirations that had accumulated during the New Order government. In February 1999, in the spirit of reconciliation, Soeharto’s successor, B.J. Habibie, offered a “national dialogue” on Papua and invited 100 Papuan leaders to the presidential palace. He was shocked, however, when they presented him with a statement in support of independence. Later that year, worried about national unity, legislators agreed in principle to support autonomy as a way of maintaining the integrity of Indonesian republic while respecting the “equality and diversity of Irian Jaya’s socio-cultural life.”<sup>1</sup>

President Abdurrahman Wahid (1999-2001) pursued a policy of accommodation to demonstrate Indonesia’s good will, starting with support for changing the name of the province from

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1 Quoted from People’s Consultative Assembly, State Policy Guideline TAP IV/MPR/1999 in Muridan S. Widjojo, ed., *Papua Road Map: Negotiating the Past, Improving the Present and Securing the Future*, KITLV-Jakarta, 2010, p.28

Irian Jaya to Papua.<sup>2</sup> He misjudged both the strength of the independence movement and the depth of opposition from the security forces and conservative politicians to anything that could be construed as a concession toward “separatists”. When he was forced out of office in July 2001, one of the accusations against him was that he was encouraging Indonesia’s disintegration. The overwhelming support for independence that had surfaced in Papua during his brief tenure, however, convinced parliamentarians that they needed to make a serious effort to win over the Papuan population. The result was Law No. 21/2001 that was the combined product of two drafting teams, one in Papua and one in Jakarta. It stated that the central government retained authority over five areas: fiscal and monetary policy; foreign policy; religion; defence and security; and judicial matters. Everything else was under the authority of Papua province. Had the law been implemented properly, it could have been the basis for a major recalibration of relations between Papua and Jakarta. But several developments led to an evaporation of trust.

#### A. *Theys Eluay’s Murder and the Division of Papua*

Three weeks after the law was passed, popular independence leader Theys Eluay was killed by Indonesian special forces (Kopassus); Ryamizard Ryacudu, then army chief of staff who in 2014 became Jokowi’s first Defence Minister, later called the killers “heroes.”<sup>3</sup>

Then in 2003, the government of Megawati Soekarnoputri destroyed the middle ground in Papua by a decision that divided the province in three (later into two, Papua and Papua Barat, as the third – “Central Irian Jaya” – proved unworkable). The division was a divide-and-rule move designed to weaken the independence movement, but the result was outrage that is still felt today.<sup>4</sup> “Special autonomy” had been based on the idea that Papua was a single territory, and that any division would have to have the approval of the Papuan provincial legislature and the MRP. Papuan academics, civil society groups and church leaders who had worked on the law felt utterly betrayed.<sup>5</sup>

Other betrayals followed, many of them related to the MRP. Papuans saw it as protecting indigenous Papuan interests in the face of large-scale migration from elsewhere in Indonesia; some in Jakarta saw it as likely to become a vehicle for independence. Jakarta first delayed its establishment, then overruled its decisions, then went back on promises that there would be only one MRP for both provinces.<sup>6</sup>

In 2008, in the wake of the successful 2005 peace negotiations in Aceh, a group of scholars from the Indonesian Academy of Sciences (Lembaga Ilmu Pengetahuan Indonesia, LIPI) began a series of consultations that led to one of the most comprehensive evaluations of why special autonomy had failed to resolve conflict and how a new approach might be conceived. The result was the *Papua Road Map*, a guide to understanding the Papua conflict that remains deeply

2 President Wahid endorsed the name change to Papua – itself a compromise because activists wanted it changed to “West Papua”. He allowed Papuans to fly the independence flag, known as the “Morning Star,” as a so-called cultural symbol. And he initially agreed to speak at a Second Papuan Congress – the first having been held in 1961 when independence was declared – that was convened in May 2000. Only at the last minute did he pull out at the urging of his advisers. International Crisis Group, “Dividing Papua: Now Not To Do It,” Indonesia Briefing, 9 April 2003.

3 “Jenderal Ryamizard: Pembunuh Theys Hiyo Eluay Adalah Pahlawan,” *Tempo*, nasional.tempco.co, 19 August 2003.

4 For background on the politics of the division, see International Crisis Group, “Papua: The Dangers of Shutting Down Dialogue,” Asia Briefing No.47, 23 March 2006. The 2001 law was amended in 2008 to extend Special Autonomy to the new province of Papua Barat.

5 Ibid.

6 International Crisis Group, “Papua: The Dangers of Shutting Down Dialogue,” Asia Briefing No.47, 23 March 2006. In November 2005, officials from the Yudhoyono government met with Papuan leaders and agreed there would be only one MRP. This was reinforced by a 2007 agreement between the two provinces. But lobbying from the Papua Barat legislature led the Home Affairs Ministry to capitulate and in December 2010, it authorised the establishment of a second MRP. In terms of decisions overruled, the most striking was a resolution that bupatis and deputy bupatis should be indigenous Papuans. This was overruled by Constitutional Court’s decision No. 34/PUU-XIV/2016.

relevant more than a decade later – but it never became a basis for policy-making as many had hoped. It did lead to the emergence of a civil society group called the Papua Peace Network (Jaringan Damai Papua, JDP) committed to dialogue with the central government. JDP made a promising start at producing a common Papuan agenda but gradually faded into irrelevance.<sup>7</sup>

### *B. The Failure of “Accelerated Development”*

In addition to engaging with JDP, the Yudhoyono government undertook two other major initiatives regarding Papua. The first, in 2011, was to create a single office – the Unit for Acceleration of Development in Papua and Papua Barat, known by its Indonesian abbreviation UP4B)– to coordinate policy on Papua and give Papuans “one phone number in Jakarta”.<sup>8</sup> It was a well-intentioned initiative that failed. As a coordinator of central government programs on Papua, it never had the executive authority or budget to force cooperation from line ministries, which generally treated it with contempt. Far from becoming an interlocutor between Jakarta and Papua, it undermined local government by trying to work around it rather than with it. It deepened the role of the Indonesian military in development projects and particularly in road and infrastructure construction and ended up alienating many of its Papuan partners.

By the time President Yudhoyono proposed his second initiative, “enhanced special autonomy” or Otsus Plus in 2013, many Papuans no longer cared.

### *C. Enhanced Special Autonomy (Otsus Plus)*

The discussion over Otsus Plus – mostly restricted to drafting teams, without any public consultation – did produce three concrete results, however. One was a draft from the team of Papua Gov. Lukas Enembe, that gave the governor more power and the province more money; it also sought to eliminate direct local elections, a regressive measure that since late 2019 has had the support of Minister of Home Affairs Tito Karnavian. The second was a draft from the Papua Barat team that contained many practical proposals on everything from improving healthcare to banning the sale of customary land and deserved more serious consideration than it received. The third was a combined draft that initially included a controversial article that if the law were not implemented in full, Papuans reserved the right to hold a referendum on self-determination.<sup>9</sup> That article was removed before the draft was submitted to President Yudhoyono in early 2014.

In the end, the draft went nowhere, in part because few Papuans wanted to improve on an approach that they regarded as already so deeply flawed.

## III. THE CURRENT CONTEXT

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The move to reject Otsus II comes at a time when Papua is already in a state of upheaval, with an armed insurgency more active than ever in the central highlands; anger boiling over at deeply entrenched racism; a greatly reinforced troop presence on the ground; more tensions between non-Papuan migrants and indigenous Papuans; and greater distrust between the central and provincial governments, intensified by differences over how to address the spread of Covid-19.

7 For background on JDP, see International Crisis Group, “Radicalisation and Dialogue in Papua,” Asia Report No 188, 11 March 2010, p.24-26 and “Hope and Hard Reality in Papua,” Asia Briefing No.126, 22 August 2011,

8 International Crisis Group, “The Dynamics of Violence in Papua,” Asia Report No.232, 9 August 2012, p.23-24.

9 These drafts are discussed in IPAC, “Otsus Plus: The Debate over Enhanced Special Autonomy for Papua”, Report No.4, 25 November 2013 and “Papua Update: The Latest on Otsus Plus,” Report No.7, 27 February 2014.

### A. *Escalation of Fighting in the Central Highlands*

Violence in the central highlands picked up noticeably in late 2018 in what may have been a strategic decision by OPM guerrillas to escalate fighting.<sup>10</sup> In Nduga in December 2018, an OPM unit under Egianus Kogoya abducted and executed 19 construction workers, most but not all of them non-Papuan, in the deadliest OPM assault in recent memory. It led to more troops, military operations and widespread displacement of Nduga villagers, but neither the operations nor the added troops did much to improve security. Egianus remained at large; in July 2020 he appeared in an online interview, bragging that all his arms and ammunition came from the military and police.<sup>11</sup> OPM ambushes of soldiers, police and suspected informants continued in Nduga, Lanny Jaya, Intan Jaya, Puncak and Pegunungan Bintang. Indonesian military patrols, unable to distinguish their opponents from ordinary civilians, occasionally shot the latter.<sup>12</sup>

The area around the Freeport mine in Tembagapura, Mimika was the target of a sustained assault in late February and early March 2020, and on 30 March an attack by eight gunmen in the Freeport administrative area of Kuala Kencana killed a New Zealander and seriously wounded two of his Indonesian colleagues.

Intan Jaya, another highland district, has gone from bad to worse since late 2019. In October 2019 OPM fighters killed three non-Papuan motorcycle taxi drivers, alleging they were undercover police. In December, they launched attacks during Christmas celebrations, killing two soldiers. There were more clashes with the TNI in January and February 2020. On 22 May 2020, two medical workers delivering supplies for the local Covid-19 task force were shot, one fatally, by a group of OPM fighters in Wandai subdistrict. Both victims were Papuan. Efforts by the OPM and some of the diaspora leaders to hold the TNI responsible for the shootings were not credible, after the victim who survived gave a detailed account of his ordeal. Among other things, he said that the fighters, who identified themselves, accused the workers of being spies for the TNI because they were carrying walkie-talkies.<sup>13</sup> On 2 June, the OPM killed Yusuf Sani, another local Papuan in Intan Jaya whom they accused of being an informer. OPM spokesman Seby Sambom claimed responsibility and said Papuans should understand that the penalty of working with the Indonesian military was death.<sup>14</sup> A few days later, Sambom announced that Lekagak Telenggen's men had "taken over" subdistrict Wandai in Intan Jaya.

Nduga has also continued to be a battleground. On 18 July 2020, two civilians, a man and his son, were shot in Kenyam subdistrict. The head of the Nduga district council said the two were among the displaced, living in the jungle.<sup>15</sup>

It needs to be underscored that very little information coming out of the central highlands on deaths can be taken at face value. Pro-independence organisations have a tendency to claim that anyone killed by the military was a civilian, while the military usually asserts that anyone shot was a member of an "armed criminal group". The military has a tendency to understate its own losses while the OPM invariably exaggerates them. Local human rights organisations are not always careful with facts. People can also have multiple identities: it is not impossible for a displaced person to also be a fighter.

What is indisputable, however, is that conflict in the central highlands has worsened since 2018, perhaps since 2017. A new study from a team at Gajah Mada University (UGM) shows a

10 The OPM's armed wing is formally known as the West Papuan National Liberation Army (Tentara Pembebasan Nasional - Papua Barat, TPN-PB).

11 Arnold Belau, "Egianus Kogoya [sic]: Saya Beli Senjata dan Amunisi dari TNI dan Polri", *suarapapua.com*, 27 July 2020.

12 In December 2019, the adjutant of Nduga's deputy bupati, was killed in a military operation. The deputy bupati resigned in protest, saying he no longer wanted to work for a government that arbitrarily killed its citizens. *Tuntut Martabat*, p.116.

13 "Video: TNPB Akui Tembak Dua Tenaga Kesehatan di Intan Jaya", *suarapapua.com*, 3 June 2020.

14 "OPM Akui Tembak Mati Yunus Sani di Intan Jaya, Ini Alasannya", *suarapapua.com*, 2 June 2020.

15 "Dua Warga Nduga Tewas Ditembak", *Tempo*, 2 August 2020, p.11

spike in violence occurring in 2017 and a near doubling of violent incidents between 2018 and 2019.<sup>16</sup> Other sources suggest that the UGM study undercounted many incidents in the central highlands, so the extent of the deterioration in security could be even higher.

### *B. The Ongoing Impact of the 2019 Anti-Racism Protests*

The issues of entrenched racism and discrimination in Papua remained high, a year after protests erupted across Papua in response to an incident of racial epithets directed against Papuan students in East Java. In May 2020, Theo van den Broek, a long-time resident of Papua, published an insightful chronicle of those protests and their aftermath, from August to December 2019. The collection of essays, entitled *Tuntut Martabat, Orang Papua Dihukum* (Demanding Dignity, Papuans Are Punished) should be required reading for anyone wishing to understand current dynamics in Papua.<sup>17</sup> It explains why the East Java incident resonated so deeply. It also explains how the central government response to the protests that followed made things worse, including its decision to cut internet access ostensibly to prevent the circulation of “hoaxes” and the unbalanced reporting on casualties and property losses.

Seven Papuans, including top leaders of the West Papua National Committee (Komite Nasional Papua Barat, KNPB), a leading pro-independence group, were arrested and accused of organising the anti-racism demonstrations on 19 and 29 August in Jayapura. They were tried in Balikpapan, East Kalimantan beginning in February 2020 for security reasons. Trials were drawing to a close just as the global anti-racism protests sparked by the death of George Floyd in the U.S. on 25 May started a new round of demonstrations in Papua. “Black Lives Matter” became “Papuan Lives Matter”. Many Papuans saw the trials themselves as an example of discrimination. All seven activists were accused of rebellion for shouting pro-independence slogans and carrying the independence flag during the August protests.<sup>18</sup> No evidence was presented that any had used violence, although the 29 August protests had turned into a rampage with arson attacks on government buildings and migrant-owned shops. Indeed, in their effort to focus on “masterminds”, police appeared to have made little effort to determine who *had* been responsible for the violence. One of the defendants, student leader Ferry Kombo from Cenderawasih University, had been given responsibility for maintaining order for the 19 August protest, and he succeeded in keeping it peaceful. He was not even present at the 29 August demonstration. Buchtar Tabuni, the former head of KNPB, was neither present at nor involved in the planning of either protest, yet prosecutors demanded a seventeen-year prison sentence for him.

The most detailed accusations were against current KNPB head Agus Kossay. He was accused of using KNPB’s network to urge Papuan students not to take part in 17 August celebrations in 2019 and of organising the 19 and 29 August demonstrations in coordination with student leaders through WhatsApp groups. After the second protest, the prosecutor said, KNPB leaders met to assess the situation. The meeting produced an internal memorandum, dated 9 September and signed by Kossay, noting that KNPB decided to use the momentum of the racism issue to move toward a national civil strike to demand self-determination, U.N. intervention and withdrawal of all Indonesian forces, and if the Indonesian government failed to meet those demands, then the Papuan people would take steps to expel all Indonesians from West Papua by force.<sup>19</sup> In the

16 Gugusan Tugas Papua, “Tindak Kekerasan Propinsi Papua dan Papua Barat, Tahun 2010 sd Mei 2020”, Universitas Gajah Mada, May 2020.

17 Theo van den Broek, *Tuntut Martabat, Orang Papua Dihukum: Potret Politik Rasialism di Tanah Papua 2019*, Seri Memoria Passionis No.38, Sekretariat Keadilan Perdamaian dan Keutuhan Ciptaan Fransiskan Papua, May 2020. <https://fransiskan-papua.org/2020/07/06/buku-seri-memoria-passionis-no-38-tuntut-martabat-orang-papua-dihukum-dilaunching-dan-didiskusikan/>

18 They were charged with *makar*, often erroneously translated treason, but actually implying rebellion with the use of physical force. It is a charge only used against Papuan and Moluccan “separatists”.

19 Kejaksaan Negeri Jayapura, “Surat Tuntutan” No.Reg Perk PDM - 92/JPR/Eku.2/06/2020, pp.5-6.

end, the judges ignored the prosecutors and sentenced all defendants to under a year. Given time served, all will be out of prison and back home in Papua by August.

With the trials over, KNPB quickly moved to the forefront of the debate over Otsus II and became one of the leading rejectionists. In early July 2020, KNPB and fifteen other organisations began circulating a “people’s petition” to reject Otsus and instead open a dialogue with three pro-independence groups: the United Liberation Movement for West Papua (ULMWP); the OPM and KNPB, citing the Aceh peace process as a model.<sup>20</sup>

### C. Covid-19

The Covid-19 pandemic made everything worse. It led to a rise in distrust between the Jokowi government and the provincial Papuan government as Papua tried desperately to impose a lockdown and prevent passenger travel into the province while Jakarta resisted.<sup>21</sup> The airport in Wamena was shut down from 26 March to 22 June 2020, only to close again on 27 July as an incoming passenger tested positive for the virus. Many indigenous Papuans saw Covid-19 as a “migrant disease” – and indeed the initial clusters were concentrated in coastal areas with a high percentage of migrants. The virus and its handling thus heightened indigenous-migrant tensions. It also strengthened the conviction of many Papuans that the Jokowi government cared more about attracting investors to Papua than protecting their lives.

This, then, became the context in which the debate over Otsus arose: to evaluate and amend it or discard it entirely.

## IV. EVALUATING SPECIAL AUTONOMY

Since it is the Otsus funding that ends in 2021, it was money that became the entry point to a discussion on Otsus’s future.

For President Jokowi, the main reason to renew Otsus funding was to ensure that foreign investment would be facilitated and economic development would be speeded up.<sup>22</sup> For Papuans, the issue has always been authority, not development. Papuan governor Lukas Enembe has repeatedly argued that special autonomy failed to devolve any meaningful political power to Papuans:

This law has no teeth at all. We’re always running up against national laws or sectoral regulations issued by the central government. That’s why we don’t know in reality what this “autonomy” is that was given to Papua.<sup>23</sup>

If anything, the large amounts of funding have only increased dependence on the central government and encouraged massive corruption. The amounts have been staggering – Rp.105

20 See “ULMWP Tolak Diskusi Elit Politik Jakarta-Papua terkait Perpanjangan Otsus di Tanah Papua”, [pauabaronline.com](http://pauabaronline.com), 30 June 2020. The organisations were Aliansi Mahasiswa Papua (AMP), Sonamappa (Solidaritas Nasional Mahasiswa Pemuda Papua); Gempar-P (Gerakan Mahasiswa Pemuda Rakyat Papua); Garda- P (Gerakan Rakyat Demokratik Papua); FIM (Front Independen Mahasiswa); Mahasiswa Exodus 2019; WPNA (West Papua National Authority); FNMPP (Front Nasional Mahasiswa Pemuda Papua); SPMPB (Solidaritas Perempuan Melanesia Papua Barat); FRI WP (Front Rakyat Indonesia untuk West Papua); MAI (Masyarakat Adat Independen); APAP (Asosiasi Pedagang Asli Papua); LEPMAWI TIMIKA (Lembaga Peduli Mimika Timur); Aliansi Masyarakat Adat Nusantara (AMAN Sorong).

21 This process is described in IPAC, “Covid-19 and Conflict in Papua”, Short Briefing No.2, 13 April 2020.

22 Kementerian Sekretariat Negara, “Optimalisasi Dana Otonomi Khusus Papua dan Papua Barat untuk Tingkatkan Kesejahteraan,” [setneg.go.id](http://setneg.go.id), 12 March 2020; “Berakhir tahun depan, pemerintah evaluasi dana Otsus Papua,” *Kontan*, 10 February 2020.

23 “Lukas Enembe Ajak Provinsi Papua Barat Dorong Evaluasi UU Otsus,” [papua.go.id](http://papua.go.id), 31 October 2018.

trillion (US\$7.2 billion) since 2002 for Papua and Papua Barat from the central government.<sup>24</sup> For fiscal year 2020 alone, Papua and West Papua together will receive the equivalent of US\$599 million from Dana Otsus, not counting other special funding received, for example, for infrastructure development.<sup>25</sup> Since 2016, 20 per cent of the Otsus funding in Papua has gone to the provincial government and 80 per cent to *kabupaten* and *kota*.<sup>26</sup> In Papua Barat, the allocation since 2018 has been 10 per cent for the province and 90 per cent for the *kabupaten* and *kota*.

Much of the funding was supposed to go to improve education and health, but the targets were rarely met.<sup>27</sup> Several factors were involved. In some cases, the amount of funding flowing in was far above the capacity of smaller districts to absorb. There was rarely any tendering process at the kabupaten level, so that civil servants secured goods and services directly from their preferred contractors. According to the Anti-Corruption Commission, this accounted for 70 per cent of the corruption in Papua.<sup>28</sup> The National Audit Board (Badan Pemeriksaan Keuangan, BPK) said politely after a review of spending in Papua and Papua Barat in 2017, 2018 and 2019, that use of Dana Otsus was “not yet optimal”.<sup>29</sup>

While the central government periodically talks of investigating misuse of Dana Otsus, the virtually unlimited funding has also been a useful tool to coopt members of the Papuan political elite or hold the prospect of prosecution over their heads if they do not deliver political support. Enembe, Papua’s first governor from the highlands, has been repeatedly accused of misappropriating funds from the provincial budget, fixing the budget with his political allies from the provincial legislature and gambling at casinos outside Indonesia.<sup>30</sup> That behaviour has made him vulnerable to pressure from Jakarta. Allegations of corruption have also become the standard way for one candidate in a local election to try to discredit another.<sup>31</sup> Thus, while members of the national parliament and central government talk periodically about a serious evaluation of Otsus spending, the truth is that corruption has sometimes served their political interests.

In early 2020, the discussion seemed to be revolving around who would evaluate whom about what. Among those who wanted a say in an evaluation were the Ministry of Finance, the Ministry of Home Affairs, the Papua committee in the Regional Representative Assembly (Dewan Perwakilan Daerah, DPD), Commission 1 in the national parliament, both provincial governments, both MRPs and Papuan civil society.<sup>32</sup> The MRP in Papua not only wanted to hold public consultations to evaluate the law but its members wanted to see their authority widened to include supervision of Otsus spending, as befitted their role as protectors of indigenous Papuans.<sup>33</sup>

By June and July 2020, the main issue among those who favoured evaluation rather than a priori rejection had shifted to how to consult with the Papuan public. The question was whether

24 A breakdown and explanation is provided by Agus Sumule, “Evaluasi Otsus Papua: Tinjauan Bab Per Bab”, *suarapapua.com*, 29 May 2020.

25 “Jokowi Evaluasi Total Dana Otsus Papua”, *Republika*, 11 March 2020

26 <https://peraturan.bpk.go.id/Home/Details/89763/perdasus-papua-no-25-tahun-2013>. This regulation was required by Article 34 of the 2001 law.

27 “Peraturan Daerah Provinsi Papua Nomor 2 Tahun 2004 tentang Pembagian Penerimaan Dalam Rangka Otonomi Khusus”, *Jayapura.bpk.go.id*, 24 Februari 2004. See also “Kajian Atas Pengelolaan dan Pertanggungjawaban Dana Otsus Provinsi Papua, Papua Barat dan NAD”, *dpr.go.id*, 2012 .

28 “KPK Duga 70 Persen Modus Korupsi di Papua dari PBJ”, *papua.go.id*, 27 October 2018, <https://papua.go.id/view-detail-berita-6071/kpk-duga-70-persen-modus-korupsi-di-papua-dari-pbj.html>.

29 “BPK RI: Pemanfaatan dana Otsus Papua Barat belum optimal”, *antaranews.com*, 7 November 2019.

30 “Adu Kuat KPK dan Lukas Enember CS di Tanah Papua”, *cnnIndonesia*, 8 February 2019; “Ini Kasus Bawah Kepala Daerah Papua yang Diduga Judi di Kasino”, *tempo.co*, 18 December 2019.

31 The case of John Tabo, charged with misuse of funds in Tolikara kabupaten, in October 2017 is one particularly striking example. See IPAC, “Rebuilding after Communal Violence: Lessons from Tolikara, Papua”, Report No.29, 13 June 2016, p.4.

32 The 2001 law required that its implementation be evaluated annually after the third year of its going into force, but because so few implementing regulations were passed, it was difficult to think about an assessment in a meaningful way. Evaluations by government agencies and civil society groups were periodically announced but the results, if made public at all, did not produce any major policy overhauls.

33 Discussion with Dominice Mehua, MRP, CSIS webinar 12 June 2020.

the format should be a large convention with people pouring in to a single location from all over the province – clearly a danger in the Covid era as well as a political risk that it could become a target for more demonstrations and violence – or a series of consultations by the MRP in different locations around Papua, online or in person. As they debated, voices from the rejectionist camp seemed to grow louder.

## V. TACKLING THE BIG ISSUES

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If Otsus is to be evaluated in a way that goes beyond funding, three sensitive issues are likely to arise: migration, security and justice. In a meeting with Vice-President Ma'ruf Amin in November 2019, MRP members raised the need for control over in-migration from outside Papua; an end to the use of force by military and police; and withdrawal or reduction of military troops.<sup>34</sup> All three may seem like non-starters in the current climate, but there is room for constructive new approaches, as long as any discussion of independence or a referendum is kept off the table. If the Jokowi government, however, fails to take these issues seriously, it will be off the rejectionists.

### A. Migration

The main issue with migration is that indigenous Papuans are being demographically swamped as non-Papuans from elsewhere in Indonesia pour in to take advantage of economic opportunities. While Papuans rely on migrant-owned shops and services, their resentment of non-Papuan economic dominance has grown over time. Violence in Jayapura in August and September 2019 led to attacks on migrant shops, triggering some counter-attacks. In Wamena, where the deadliest violence took place, the death toll remains unclear. The government initially said 33 had died, of whom eight were Papuans and the others migrants, killed as rioters set their shophouses on fire. But many sources believe that the death toll was higher, that more Papuans died than has been acknowledged and that an outside group, not from Wamena was involved in inciting the arson attacks.<sup>35</sup> Barring some major effort at reconciliation, repeats of these outbreaks are likely.

In 2008, the provincial parliament passed a regulation to try and control the influx of migrants. It noted that local government at the provincial and kabupaten/kota level had the authority to limit the entry of non-Papuans, restrict the number of identity cards to be given to non-Papuans, inspect identity cards of all who wish to enter Papua by air, sea, or land and send back those who did not have an ID from their place of origin.<sup>36</sup> It also called for setting up procedures to bring in seasonal workers as necessary. The regulation was never implemented, in part because the central government never endorsed it and in part because the local government did not have the capacity to put a system in place to stem the tide.<sup>37</sup>

Some practical ideas were also offered during the 2013-2014 discussions on Otsus Plus, and these could be revived.<sup>38</sup> They included a recommendation for a full and transparent census of indigenous and non-indigenous residents of Papua. Had the Jokowi government been interested in trying to address this issue, it might have been possible to build questions into the 2020 census. Census preparations were interrupted by Covid-19, but even before the virus struck, the central government showed little interest in allocating the resources and training necessary use

34 "Bertemu Wapres, MRP Minta Pelaksanaan Otonomi Khusus Papua Dievaluasi," *kompas.com*, 28 November 2019.

35 Theo van den Broek cites a figure of 44 dead in *Tuntut Martabat*, op.cit. p. 92. See also Victor Mambor and Syofiardi Bachyul, "Wamena Investigation: What the Government is not Telling Us," *Jakarta Post*, 26 November 2019.

36 Pemerintah Provinsi Papua, "Peraturan Daerah No.15 Tahun 2008 tentang Kependudukan," <https://dpr-papua.go.id/wp-content/uploads/2020/02/PERDA-NOMOR-15-THN-2008-KEPENDUDUKAN.pdf>

37 Agus Sumule, "Evaluasi Otsus Papua: Tinjauan Bab Per Bab," *suarapapua.com*, 29 May 2020.

38 IPAC, "The Debate Over Enhanced Special Autonomy," op.cit, pp.4-5.

the census to correct the wildly inaccurate population data on Papua – let alone to document migration patterns.<sup>39</sup>

### *B. Insurgency and Counter-Insurgency*

The issue of the military presence and military accountability is particularly fraught. With the OPM attacks escalating, few would expect the Indonesian government to heed calls for withdrawal of security forces. But officials should be asking why the security approach has so far failed to have any significant impact on the OPM and why its areas of operations have expanded. An Otsus evaluation could be an occasion to undertake a thorough review of the military and police presence and look at how community relations could be improved. A review could examine issues such as length of tours of duty; extra-budgetary sources of income; nature of briefings given incoming troops on local political and cultural contexts; reporting procedures and accountability for cases of ill-treatment; and procedures for conducting operations in remote areas.

It is also worth thinking about why the OPM appears to be better organised and armed than in the past, with more access to funds for the purchase of weapons and ammunition. One often-heard explanation is that the OPM has increased its income through “revolutionary taxes” imposed on exactly the kind of mining and agribusiness industries that the Jokowi government would like to see more of. If that is true, it is one more reason why economic development is not going to make Papua’s political issues disappear.

### *C. Human Rights and Accountability*

In the years since the 2001 law was passed, there has been no progress toward setting up a Truth and Reconciliation Commission as mandated by Article 45 and 46 and almost none in addressing past human rights abuses.<sup>40</sup> For Papuan human rights defenders, the most frustrating is the case of five people killed by security forces in Paniai in December 2014, because it is the only case during Jokowi’s presidency that has been formally designated a “serious” abuse under the terms of Law 26/2000, which generally tracks the international definition of crimes against humanity. After a lengthy investigation, Indonesia’s National Human Rights Commission (KOMNAS-HAM) presented a dossier on the case to the Attorney-General’s office on 20 February 2020. The Attorney-General’s office returned it, saying it was incomplete. The stand-off was continuing as of June 2020 as KOMNAS-HAM argued that only the president’s direct intervention would ever resolve the case.<sup>41</sup> The problem with the human rights cases is not a simple case of bureaucratic obstructionism as it is sometimes portrayed, although that has been a factor. There have also been problems in the past with the adequacy of case preparation by KOMNAS-HAM. A review of Otsus might allow for a creative formula to move beyond the impasse, at least in the Paniai case.

### *D. Dialogue?*

Getting some new ideas on the table is a first step, but at some point, there has to be discussion between officials in Jakarta with Papuan representatives. “Dialogue” has become an overused word that means little unless a mechanism can be identified that will not just rehash past formulas or produce empty political theatre with everyone wearing feathered headdresses for the

39 IPAC, “Numbers Matter: The 2020 Census and Conflict in Papua,” Report No.60, 29 October 2019.

40 See IPAC, “Policy Miscalculations on Papua,” Report No. 40, 31 October 2017, pp.8-12.

41 “Kasus Paniai dan Janji Presiden,” *Kompas*, 17 June 2020, p.4.

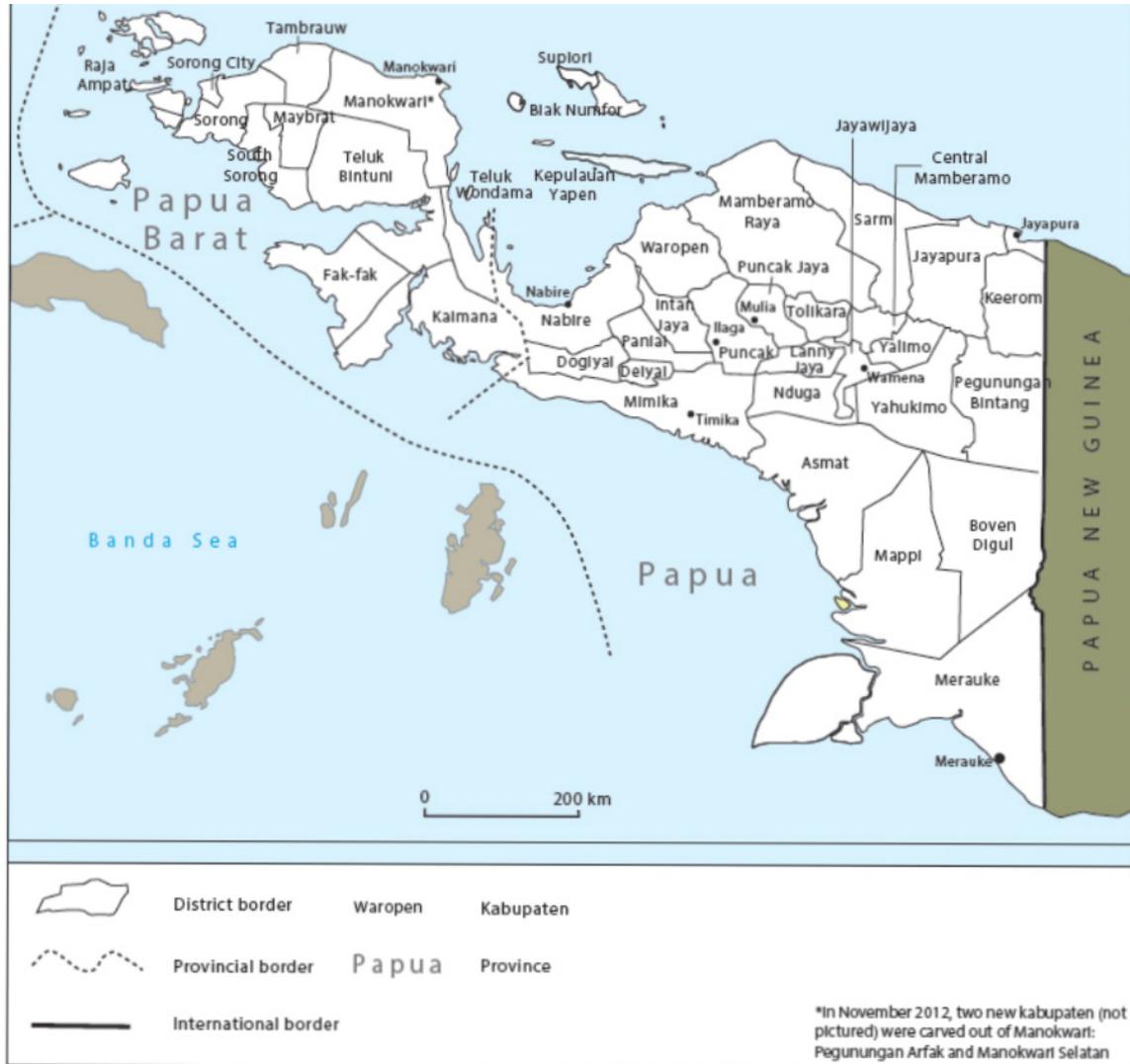
cameras. The drafting teams that worked on the original 2001 law and on Otsus Plus came up with serious proposals, some of which should be resuscitated. The format of a legislative drafting team with academics present also may make it less subject to political hijacking than a large public consultation. What is clear though is that some good, hard substantive ideas need to be developed first so that there is something concrete to discuss. In this sense, the revision of Otsus could be an opportunity, but nothing suggests the Jokowi government will seize it.

## VI. CONCLUSIONS

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The debate over renewal, revision or rejection of the special autonomy law is coming at a time when Papua is seething. Simply rolling over the funding will do nothing to address the sources of anger and resentment. It will not stop the violence in the central highlands or the daily indignities of entrenched racism. At the same time, rejecting Otsus is too easy, a way of expressing frustration and a demand for change without producing concrete solutions. The Jokowi government should be using the Otsus deadline to engage credible Papuan leaders – not hand-picked promoters of integration – in discussions to think about new approaches toward political autonomy that could halt the current downward spiral. There is no shortage of ideas on the table, especially given all the Webinars and discussions that have taken place on racism in the last year. Continuing business as usual is no longer a tenable option.

Appendix I: Map of Papua and Papua Barat Provinces.



## **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](http://www.understandingconflict.org).