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NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

THESIS

**THE IMPLEMENTATION OF SPECIAL AUTONOMY IN
WEST PAPUA, INDONESIA: PROBLEMS AND
RECOMMENDATIONS**

by

Muhammad Yusran Halmin

December 2006

Thesis Advisor:
Second Reader:

Michael Malley
Robert E. Looney

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**THE IMPLEMENTATION OF SPECIAL AUTONOMY IN WEST PAPUA,
INDONESIA: PROBLEMS AND RECOMMENDATIONS**

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Captain, Indonesian Army
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Submitted in partial fulfillment of the
requirements for the degree of

MASTER OF ARTS IN NATIONAL SECURITY AFFAIRS

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ABSTRACT

West Papua in the easternmost area of Indonesia has long been recognized as one of its most controversial provinces. Since its integration into the Republic of Indonesia in 1969, recurring controversy has colored many aspects of West Papuans' everyday lives and the province's relationship to the rest of Indonesia. The problems in West Papua are rooted to the way it was originally integrated, which, according to some scholars, is "unacceptable." They argue that the Indonesian government manipulated the self-determination process and its results. The government, however, has always denied this claim, noting in its legal argumentation, for instance, the involvement of the United Nations and the international community in the process of self-determination, known as "the Act of Free Choice." Far from being resolved, the problems in West Papua have been exacerbated by the Indonesian government's policies, which rely heavily on a strict security approach in an effort to suppress the secessionist movement.

As part of its attempt to address the problems comprehensively, the Indonesian government introduced a "special autonomy" bill for West Papua in late 2001. The bill, which was drafted mostly by indigenous West Papuans, passed the Indonesian parliament as Law No. 21 in November. Implementation of the law, however, has not worked as expected. Many of the law's requirements either have not been implemented or have been only minimally implemented, even five years after the law's promulgation. As a result, West Papuans have become increasingly skeptical and cynical about the government's promises. Obviously, the Indonesian government must deal with and resolve the problems inherent in the implementation of the law's requirements. This thesis addresses some of those problems and provides recommendations for potential solutions.

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I. INTRODUCTION

A. THESIS BACKGROUND

Indonesia consists of thirty-three provinces, one of which is Papua, or West Papua. The province was named Irian Jaya after its official integration into the Republic of Indonesia in 1969, but in 2001 the name was changed to Papua. To differentiate the province from the neighboring country of Papua New Guinea, this thesis will refer to the province as West Papua, as it is known internationally.

Like the rest of Indonesia, West Papua was colonized by the Netherlands. Yet when the Dutch granted independence to Indonesia in 1949, they retained sovereignty over Papua. For more than a decade, the newly independent government of Indonesia struggled diplomatically and militarily to win control over Papua. In the early 1960s, the Dutch agreed to cede control to the United Nations, which would transfer Papua to Indonesia after ascertaining Papuan support for union with Indonesia. In 1969, the Indonesian government, dominated by the military, conducted an “Act of Free Choice” in which government-selected Papuans “chose” to join Indonesia. This process gave rise to a group of unsatisfied Papuans, and their dissatisfaction was then transformed into a secessionist movement led by the Free Papua Organization (Organisasi Papua Merdeka/OPM).

The Indonesian government’s response to the problem in West Papua not only exacerbated the problem, but also triggered another problem. During the authoritarian New Order regime (1968–1997), a security approach dominated the government’s policies in West Papua. This policy undermined government policies in other sectors and eventually increased the resentment among Papuans. After the downfall of the New Order regime and the start of the so-called Reform Era in 2001, the Indonesian government finally launched a Special Autonomy Law for West Papua, the well-known Law No. 21/2001. Actually, the Law was a response to demands from West Papuans, other Indonesians, and the international community for a solution to the problems in the province. Unfortunately, as this thesis will argue, the implementation of special autonomy in West Papua did not go as planned and inevitably created even more skepticism among West Papuans.



Figure 1: Map of Indonesia (From: www.depdiknas.go.id. accessed on 10/17/2006 available at <<http://www.depdiknas.go.id/publikasi/brief/98-99/indonesia.gif>>)

B. PURPOSE AND ARGUMENTS

1. Purpose

The purpose of this thesis is to evaluate the implementation of the special autonomy policy in the Indonesian province of West Papua. When it was signed in 2001, many people expected the policy to provide a comprehensive solution to the province's long-running secession problem. The government of Indonesia as well as many West Papuans put a lot of hope in this policy that so far has disappointed them. In fact, it has created more skepticism among West Papuans, politicians, scholars, Indonesians, and the international community. This thesis seeks to explain this outcome and assess the implications for the future of the Papuan separatist movement and Indonesian national unity.

2. Importance

The issue of West Papua's possible secession has long been a source of friction in the government of Indonesia's quest for international relationships with other countries. The problem is rooted in the process through which the Netherlands transferred sovereignty over its colony in Papua to Indonesia in the 1960s. Under the terms of an

agreement among Indonesia, the Netherlands, and the United Nations, Indonesia's control over the territory was contingent upon the outcome of a referendum in West Papua. In 1969, Indonesia conducted a so-called "Act of Free Choice" among about 1,200 handpicked West Papuans; the United Nations chose only to "note," rather than accept or reject, their unanimous decision to become part of Indonesia. Since the fall of Indonesia's authoritarian New Order regime in 1998, many West Papuans and members of the international community have argued that the problem should be discussed again using a new format and in new circumstances. Although no country officially recognizes or supports the existence of the secessionist movement in West Papua, local support for independence has not declined, even after the introduction of the special autonomy law in 2001. This concerns Indonesia's national government, which believes it cannot afford any territorial losses like the case of East Timor again. Any similar incidents, it fears, will trigger similar demands from the other Indonesian regions and raise the prospect of national disintegration, which, sadly, has become a common concern since the 1997 crisis. This is the main fear of most Indonesians, who think that the cost of further disintegration would be too high for either Indonesia or the international community to bear.

3. Major Debates About and/or Approaches to the Issue

The decision by the government of Indonesia to introduce special autonomy as one of the latest policies for approaching the West Papua problem has not yielded the results expected. Some scholars, international as well as Indonesian, see this policy as merely a temporary reaction by the government, rather than of a comprehensive policy. Special autonomy has been skeptically described as another "good promise" for West Papuans, implemented just to ease the demands of the secessionists.

Unfortunately, what has happened in West Papua since 2001 when the law was launched confirms that assessment. As a result, many West Papuans believe that the government is not genuinely willing to solve the problem and will simply continue its old approach. But even though scholars do not really believe in the political will of the Indonesian government, they see special autonomy as a significant solution to the

problems in West Papua. It undeniably accommodates most of the demands of the secessionists. Independence, however, according to the government, is definitely not negotiable.

4. Major Questions and Arguments

Why did the implementation of special autonomy in West Papua during the period 2001–2006 fail? How has it failed? Why has there been no significant improvement in the West Papuan situation? The same old problems in terms of economy, politics, society, still remain. In addition, justice and human rights conditions have shown little improvement. Unfortunately, the central issue here is much more complicated than just a demand for independence. The introduction of special autonomy, basically, could provide a good opportunity for the Indonesian government, as well as West Papuans, to find a comprehensive, reasonable, and acceptable solution to the problems in this province. Both sides, however, continue to stand in the way of the necessary compromise.

C. A REVIEW OF THE LITERATURE

Over the past several years, West Papua has been a popular topic for scholars, politicians, students, NGOs, and many others, appearing frequently in their research, discussions, presentations, seminars, and debates. All look at West Papua as an area where the struggle for independence is a reality within the day-to-day international political context. This reality is directly related to the policies that the Indonesian government imposes in West Papua, which, according to some, undermines West Papuans' right to determine their own future. In fact, since its integration into the Republic of Indonesia in 1969, West Papua has continuously created controversy both domestically and internationally.

Opinion regarding special autonomy in West Papua falls into one of three categories: proponents, opponents, and skeptics. Though not entirely convincing, the view that special autonomy is the only reasonable solution for West Papua does make a certain sense, since both sides—the Indonesian government and the secessionists – stand at very different points.

The Indonesian government believed that a special autonomy policy was the best solution for solving the main problems in West Papua. And it was adopted as law by the Indonesian House of Representative (DPR/Dewan Perwakilan Rakyat) in October 2001.

The law's implementation was to begin with a commitment by the central government to give special autonomy to West Papua according to the broad outline established in 1999 by the People's Consultative Assembly (MPR), the country's highest constitutional body at the time, .

In his book, *West Papua and Indonesia since Suharto: Independence, Autonomy, or Chaos*, an Australian specialist, Peter King argues that the idea of autonomy in Indonesia emerged in 1998 in the wake of the Reformation Era. Since then, there has been intense debate within Indonesia about finding alternative solutions, to reduce the power of the central government as it existed during the New Order Era. Three alternative ideas – autonomy, federalism, and independence – circulated among politicians and scholars. However, independence and federalism were soon ruled out because of previous bad experiences, particularly the case of East Timor. This left autonomy as the only politically acceptable choice.

As a result, autonomy, either regional or special, was implemented throughout Indonesia, including in West Papua and Aceh. Special autonomy in West Papua, however, as King describes, was far from the original draft composed by West Papuan's intellectuals.¹ Therefore, according to King, while it embraced most of the West Papuan's demands, the Indonesian government managed to eliminate any reference to the people's implicit desire for "independence," as mentioned in the bill's first draft.²

Similarly, Richard Chauvel, an expert of Indonesian history and politics from Victoria University in Australia, and Ikrar Nusa Bhakti, head of the political studies center at the Indonesian Academy of Sciences (LIPI—*Lembaga Ilmu Pengetahuan Indonesia*) perceive special autonomy as a "controversial" policy that originated during Abdurrahman Wahid's presidency, when it was widely seen as just another element in the "political chaos" that characterized his presidency, because of the president's inconsistent policies about almost everything. The notion of special autonomy for West Papua resulted in overwhelming objections from some elements of the Indonesian government,

¹ Peter King, *West Papua and Indonesia since Suharto: Independence, Autonomy, or Chaos*, Sidney: University of New South Wales Press, Ltd., 2004, 68–84.

² Ibid., 85.

especially considering the fact that the bill, which already gave greater concessions to West Papuans, also strongly expressed West Papuans' nationalist sentiments and aspirations.

In fact, as Chauvel and Bhakti point out, the decision to give West Papuans the opportunity to draft their own version of the special autonomy bill actually came from the lack of "clarity and substance" in the government of Indonesia's commitment to this matter which, since 1999, has been only rhetorical. The contribution of West Papuan elements to the bill gave it more legitimacy.³ Unfortunately, in Jakarta's opinion, the West Papuans were also skeptical in their perception of special autonomy: "Why should we believe Jakarta now?"⁴

The law on special autonomy, which consists of twenty-seven chapters and seventy-nine articles, accommodates most of the West Papuans' principles and important interests. Sullivan, a British expert in regional autonomy, underlines the fact that special autonomy for West Papua, Law No.21/2001, is divided into four major categories, or principles: greater authority for the local government; recognition and respect for the basic rights of the indigenous West Papuans; accommodation of broader participation by the indigenous West Papuans in good governance, transparency, and accountability; protection and enforcement of human rights, with no exceptions or discrimination, based on equality.⁵ Though different from the original draft, the law on special autonomy passed by the Indonesian House of Representatives in September 2001 included an article specifying that a native West Papuan be the governor of that region.

Equally important, according to Rodd McGibbon, an Australian political scientist and Indonesia observer, special autonomy is meant to accommodate a demand of the people in West Papua that they have a broader opportunity to rule their own region. McGibbon, however, also notes that special autonomy in West Papua, like the notion of autonomy in other countries, basically emerged from the central government's fear of the

³ Richard Chauvel and Ikrar Nusa Bhakti, *The Papua Conflict: Jakarta's Perceptions and Policies*, Washington, DC.: East-West Center, 2004, 31–33.

⁴ Ibid., 33.

⁵ Laurence Sullivan. *Challenges to Special autonomy in the Province of Papua, Republic of Indonesia*. The Australian National University. Research School of Pacific and Asian Studies. Jun, 2003. 3-7

growing demand for independence.⁶ In the case of Indonesia, in the wave of demands for democratization, autonomy was seen as a reasonable and acceptable choice, which significantly weakened the power of the central government. Furthermore, McGibbon argues, despite a number of controversies following the implementation of special autonomy, the law also imposed some articles that were seen as a great economic incentive for West Papuans. Basically, they required the central government to return to the province eighty percent of the national tax revenue collected from general mining in the province, and seventy percent of the revenue from oil and natural gas produced in the province.. Nonetheless, implementation of the law remains a big question.⁷

Finally, according to Jacques Bertrand, a Canadian expert on politics and ethnic conflict in Indonesia, if the special autonomy law could be applied sincerely in West Papua, the problem that the government of Indonesia faces would gradually solve itself.⁸ Unfortunately, this has not happened. As many West Papuans argue, the implementation of special autonomy is not as they expected. Violence still occurs, as was evidenced by the assassination of Theys Eluay, chairman of the peaceful opposition group Presidium of West Papua, in November 2001, by the Indonesian military. Moreover, a lack of economic and fiscal transparency continues, and there is no sign that it will end soon. The allocation of revenue is still not as stated in the law, and the continuing security approach by the central government causes more frustration among West Papuans and results in more discontent.⁹

D. METHODOLOGY AND SOURCES.

1. Methodology

The method used in this thesis to comprehensively study special autonomy in West Papua is a process-tracing method. This method allowed us to analyze in depth the core of the problem regarding the implementation of special autonomy in West Papua. By

⁶ Rodd McGibbon., *Secessionist Challenges in Aceh and Papua: Is Special autonomy the Solution?* Washington, D.C.: Policy Studies, East-West Center, 2003, 1–4.

⁷ Ibid., 34–38.

⁸ Jacques Bertrand, *Nationalism and Ethnic Conflict in Indonesia*, Cambridge: Cambridge University Press, 2004, 185-210

⁹ Ibid., 185-210

using close and careful observation, the thesis aimed at determining what was missing in the case. And it enabled us to better understand the application of special autonomy in West Papua.

Additionally, by tracing the historical events that occurred in West Papua both prior to and after special autonomy was launched, the thesis would be able to track the development of the Indonesian government's policies. The policies are, as this thesis argues, evidence showing why special autonomy has failed. The process-tracing combined with descriptive-analytical method will also identify several important intervening variables that are useful in determining the dependent variable—the West Papuans' desire for secession. This method also should help reveal many of the causal mechanisms that lead to popular support for secession in West Papua.

2. Sources

The thesis draws on a number of primary and secondary sources. On the basis of that research, this thesis focuses on the current debate among scholars regarding the issues of West Papua, particularly the historical perspective and theoretical background. The primary sources that relate especially to the implementation of special autonomy in West Papua are presented as evidence in the assessment of the degree to which the policy has been implemented on the ground. The thesis also provides statistical data to strengthen these arguments. In combination, the research drawn from all the sources should yield a comprehensive picture of the overall situation in West Papua during the period of special autonomy, 2001–2006.

E. CONCLUSION

This thesis provides substantial arguments regarding the failure of Special Autonomy in West Papua. The indicators of failure are presented as evidence in an attempt to measure the degree of implementation of Special Autonomy during the period 2001–2005. In addition, the thesis also provides a number of policy recommendations for both the government of Indonesia and the authorities in West Papua regarding the implementation process of the Special Autonomy Law. Finally, in its presentation of the facts and data in this field of study, the thesis will hopefully be useful for the Indonesian government in reshaping its policies toward West Papua, especially bearing in mind the

situation in Aceh, another conflict region, which was once worse than West Papua, but which gradually normalized after the signing of the Aceh Memorandum of Understanding in August 2005.

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II. HISTORICAL BACKGROUND OF THE DISPUTE IN WEST PAPUA

I give this command positively and clearly. Defeat this "state of Papua"! Unfurl the Red and White Flag in West Irian! Defeat it! Unfurl our flag! Be prepared, general mobilization is coming! General mobilization which will involve the whole of the people of Indonesia in order to liberate West Irian completely from the stranglehold of Dutch imperialism...

(President Sukarno, Jogjakarta, 19 December 1961)¹⁰



Figure 2: Map of West Papua (From: www.komodotours.com, accessed on 10/17/2006. available at <<http://komodotours.com/images/papua-map.jpg>>)

¹⁰ Sukarno, Jogjakarta, 19 December 1961 ; Speech in front mass meeting in Jogjakarta. accessed on 10/27/2006. available at (<http://www.papuaweb.org/goi/pidato/1961-12-jogjakarta.html>)

A. INTRODUCTION

West Papua, Indonesia's easternmost province has long been a source of political controversy for Indonesia. As a Dutch colony, West Papua was in the same situation as other parts of Indonesia. However, in West Papua, there was no strong resistance to Dutch colonial rule. Until it broke up during the period 1950–1960, the situation in West Papua under Dutch control was relatively calm. Indonesia's gain of independence in 1945, followed by three years of war, heavily influenced the situation in West Papua. After the 1949 Round Table Agreement, which officially ended Dutch occupation over the rest of its colony, the Indonesian government tried tirelessly to convince the Dutch that West Papua, according to the Round Table Agreement, was part of Indonesia. Unfortunately, the two countries' disagreement about the future of West Papua ultimately created a now thirty-five-year-old secessionist movement in West Papua.

B. WEST PAPUA BEFORE DUTCH COLONIZATION

1. West Papua in Early Indonesian History

The history of West Papua can be traced back to the twelfth century, the era of the kingdom of Sriwijaya in South Sumatra and the kingdom of Majapahit (1292–1521) in East Java. During this period, West Papua, then called Djanggi, was under the protectorate of Majapahit.¹¹ After the fall of Majapahit and the rise of Islamic kingdoms and sultanates, West Papua was ruled by the Tidore sultanate and was part of the trade and slavery expeditions from other kingdoms, such as the kingdom of Gowa in South Sulawesi and the Ternate sultanate in Moluccas. In addition, the people in West Papua were obliged to pay tribute to the Sultan of Tidore as one of the sultan's protectorates.¹²

2. The Presence of Colonial Powers

West Papua existed in relative calm until the early 1500s, when the Portuguese began their colonial expeditions, eventually landing in Moluccas and Malacca. In addition to trading, the Portuguese also tried to annex some of the territories in the region. This effort, which was quite successful, was marked by the fall of Malacca and Moluccas. As for West Papua, either the Portuguese Jorge de Meneses or the Spaniard

¹¹ Makarim Wibisono, *The Restoration of Irian Jaya into the Republic of Indonesia*. New York 200, 5. Available at <http://www.indonesiamission-ny.org/issuebaru/Publications/IRJAbok/IrjaRightFrame.htm> (accessed on 8/11/2005).

¹² Peter King. *West Papua and Indonesia since Suharto: Independence, Autonomy, or Chaos*. Sidney: University of New South Wales Press, 2004, 19.

Alvaro de S. Ceron is believed to be the first European to visit West Papua, in 1527.¹³ On June 13, 1545, a Spaniard, Ynigo Ortiz de Retez, named the island “Nueva Guinea,” because he found that its people were similar to the people of Guinea, a Spanish possession on the west coast of Africa.¹⁴ However, a Portuguese sailor had earlier referred to this big island as “Ilha de Papoia,” and it was well known as West Papua.¹⁵

C. WEST PAPUA UNDER THE DUTCH COLONIZATION

During the period 1602–1799, under the banner of the Vereenigde Oostindische Compagnie (VOC), the Dutch established their power in the territory that is today’s Indonesia. The Dutch had an agreement with local authorities, including with the Sultan of Tidore, who exercised his authority on Moluccas and the surrounding areas to secure the Dutch trading routes and harbors from piracies and from Spain’s and England’s interests.¹⁶

The Dutch officially proclaimed the west part of New Guinea as their territory on August 24, 1828, and continued by settling their representatives in Merkusoor, Fakfak, and Manokwari.¹⁷ They also furthered their authority in West New Guinea, in response to British and German activities in the east part of the island, by significantly increasing their administration. Manokwari, Fakfak, and Merauke were the first three regions developed by the Dutch to function as administrative cities.

Prior to the Second World War, the Dutch East Indies’ administration in the Moluccas province was divided into two residencies (administrative divisions), Ambon and Ternate, of which West Papua was a part.¹⁸ After an uprising in Java, in the early years of the Indonesian political movement, which began in 1927, the Dutch also used the island as a place of exile for some of Indonesia’s communist members.¹⁹ The Dutch

¹³ Peter Van der heijden. *History of Netherland’s New Guinea*, March 1, 2005, p 1. Available at (<http://www.vanderheijden.org/ng/history.html>) accessed on 8/11/2005.

¹⁴ Ibid., 1

¹⁵ Wibisono, Ibid., 5.

¹⁶ Ibid., 2.

¹⁷ Ibid. 2

¹⁸ Wibisono. Ibid., 6.

¹⁹ Ibid., 2.

managed to stay in this region until the beginning of Pacific War in 1942, when the Japanese started to take control of Indonesia, including West Papua.

D. THE ORIGIN OF THE INDONESIAN-DUTCH DISPUTE OVER WEST PAPUA

1. The Period 1945–1949

Indonesia was occupied by the Dutch for almost three hundred and fifty years, beginning with its presence in 1600 and lasting until 1942. After three years of occupation by Japan, in 1945 the Dutch tried to reoccupy Indonesia, using the momentum created by Japan's defeat by the Allies. On August 17, 1945, Indonesia, however, was proclaimed an independent state by Indonesia's first president and vice president, Sukarno and Hatta. Dutch intentions clashed with Indonesia's passions to be independent, resulting in three years of war throughout the country. After a painful struggle, both militarily and diplomatically, Indonesia's independence was finally recognized by the international community in the Round Table agreement in December 1949 in Den Haag, Netherlands. Another important result of the Round Table Conference was an agreement between the two governments, through bilateral negotiations, to transfer authority and sovereignty over West Papua to Indonesia within one year.²⁰

2. The Period 1950–1960

However, until the beginning of 1950, bilateral negotiations between the countries failed to solve the problem. Instead, conflict between them was intensified by the Dutch government's decision to formally establish a permanent colonial administration for West Papua.²¹ The period 1950–1960 was marked by several bilateral meetings between the two countries' officials in an effort to settle the problem peacefully. Notably, there were at least three official conferences that focused on solving the dispute over West Papua. The first conference, in April 1950, was followed by a second conference in December 1950, and a third a year later, in December 1951.²² All the conferences failed, because the

²⁰ William Henderson, *West New Guinea: The Dispute and Its Settlement*. Seton Hall University Press, 1973, 20-23.

²¹ Ibid., 23.

²² Wibisono, Ibid., 12.

Dutch wanted to maintain their presence in West Papua, something that the Indonesian government saw as virtually a continuation of Dutch colonial rule over Indonesian territory.

After seeing the Dutch position regarding this matter, the Indonesian government decided to bring the problem to the United Nations, where it was formally addressed by the UN General Assembly in its ninth session, in 1954.²³ Unfortunately, no resolution was issued regarding this matter. In the meantime, the domestic political situation in Indonesia was colored overwhelmingly by anti-Dutch sentiment, which was fueled by a Dutch decision in 1960 to send an aircraft carrier into West Papuan waters. The Indonesian government responded critically to this development and eventually launched the Mandala military operation, with its famous rhetoric of the so-called People's Three Commands: to thwart the formation of a puppet state of West Papua by a colonial power; to raise the Indonesian red and white flag in West Papua; and to prepare a general mobilization to defend national independence and unity.²⁴ Relations between the two countries sharply deteriorated, especially after limited armed conflicts occurred both in West Papuan waters and on land. It seemed that, at this point, military confrontation between the two countries was inevitable.

At the same time, the international community, most notably the United Nations, the United States, Australia, and some of the non-aligned countries, urged both countries to settle the dispute diplomatically and peacefully. Equally important was the Cold War situation, which triggered fear in Washington regarding the future of Indonesia, especially considering the existence of the Indonesian Communist Party (PKI), the largest communist party outside the USSR and China. During this period, Indonesia had very close relations with the USSR, something the United States tried to disrupt. Therefore it was important for the United States to approach West Papua's problem diplomatically, instead of causing a military confrontation between the Dutch and Indonesia, which had

²³ Makarim Wibisono, *The Restoration of Irian Jaya into the Republic of Indonesia*. New York 200, 13. Available at <http://www.indonesiamission-nyc.org/issuebaru/Publications/IRJABook/IrjaRightFrame.htm> (accessed on 8/11/2005).

²⁴ Wibisono. Ibid., 13

the Soviet Union as its back-up.²⁵ As a result, in August 1962, the Dutch and Indonesia, under UN supervision, signed the New York Agreement, by which the two countries agreed to transfer the administration of West Papua from the Netherlands to a United Nations Temporary Executive Authority (UNTEA). The period for the UNTEA would be from 1 October 1962 to 1 May 1963, followed by Indonesian control, with the agreement that an Act of Free Choice would be held within five years.²⁶

3. The 1969 Act of Free Choice

The controversial Act of Free Choice, a sort of referendum which was held in August 1969, marked the official integration of West Papua into the Republic of Indonesia. This Act, as was noted above, was the continuation of the 1962 New York Agreement, which was basically meant to fulfill the genuine aspiration of the people of West Papua.²⁷ However, because of the way the referendum was conducted, the Act of Free Choice was widely criticized. This was the case despite the fact that it was held under UN supervision and close oversight by international representatives, most notably from the United States and Australia.

The controversy over the Act of Free Choice is understandable, especially considering the fact that only 1,026 West Papuans – mostly tribal leaders, customary chiefs, and village chiefs – were chosen to represent a West Papua population of almost 800,000 at that time. Equally important was the fact that, according to John Saltford, those 1,026 West Papuans voted under Indonesian military coercion. Therefore, instead of having an Act of Free Choice, the people in West Papua had an “Act of No Choice.”²⁸ On the other hand, according to Andri Hadi, the Indonesian government had no other method for conducting the Act of Free Choice, because of the extremely difficult

²⁵ Jim Elmslie . *Irian Jaya Under the Gun: Indonesian Economic Development versus West Papua Nationalism*, Honolulu: University of Hawaii Press, 2002, 12.

²⁶ Elmslie. *Ibid.*, 12

²⁷ Wibisono, *Ibid.*, 25.

²⁸ John Saltford, *West Papua 35 Years On: Time to Hear the Truth*, London, August 2004, 1–3. available at (<http://www.thejakartapost.com/Archives/archievesdet2.asp?FileID=20040810.E02>) accessed on 10/29/2005.

circumstances faced by the Indonesian government, especially in terms of communication, transportation, the language barrier, illiteracy, and backwardness.²⁹ Hadi also argues,

It is also to be bore in mind that UN general Assembly Resolution 1514 (1960) concerning the right of decolonization did not mandate the application of the “one-man one-vote” system as the only way for decolonization process. Most importantly, the resolution underlined that self-determination shall not result in a partial or total destruction of sovereignty and territorial integrity of the successor state.³⁰

He elaborates further that many states, especially in Africa, followed the same path as West Papua. As he points out,

... many new states in Africa came into being in the 1960s without resorting to a plebiscite or “one-man one-vote system.” In our immediate region, Sabah and Sarawak were also incorporated into Malaysia in 1963 without a direct “one-man one-vote” plebiscite, but by certification of a visiting UN mission.³¹

In light of this debate, it is not surprising that many people believe that the Act of Free Choice with all its controversies was the main source of the problem in West Papua. The controversial way it was held contributed much to the next development in this problematic situation. Many elements, both domestic and international, used the very critical momentum of the West Papua problem as the basis of their arguments to determine the next step in solving the problem. The Indonesian government, unfortunately, reacted temperamentally in facing the challenges of its policies in West Papua. A heavy-handed security approach, with an emphasis on a military anti-guerilla operation, was the Indonesian government’s main choice for addressing the problem in West Papua. As a result, instead of cooling things down, the problem was worsened and exacerbated.

²⁹ Andri Hadi, *Papuans Need Democracy, Not Separatism*, Jakarta, July 2004, 1. available at (<http://www.thejakartapost.com/Archives/archivesdet2.asp?FileID=20040730.E02>) accessed on 10/29/2005.

³⁰ Andri Hadi, *Papuans Need Democracy, Not Separatism*, Jakarta, July 2004, 1. available at (<http://www.thejakartapost.com/Archives/archivesdet2.asp?FileID=20040730.E02>) accessed on 10/29/2005. 2

³¹ Ibid., 2



Figure 3: Transfer of Sovereignty in 1969 (From: www.indonesiamission-ny.org. accessed on 10/17/2006. available at <<http://www.indonesiamission-ny.org/issuebaru/Publications/IRJAbook/IrjaFrameSet.htm>>)

4. The Free West Papua Organization (Organisasi Papua Merdeka/OPM)

One of the main actors in West Papua is the Free West Papua Organization, better known as the OPM (Organisasi Papua Merdeka). The organization was founded in July 1964 by Ferry Permenas Awom in an attempt to challenge Indonesian authority in West Papua. Its founding followed an event on 1 December 1961, in which a number of West Papuan leaders declared West Papua's independence, though it was still under Dutch rule. This maneuver was viewed by the Indonesian government as a Dutch strategy to keep the territory under its rule. In addition, despite the fact that the Indonesian government had officially assumed authority in West Papua in 1969, marked by the ratification of the Act of Free Choice, on 1 July 1971, the OPM announced from its jungle headquarters that West Papua was a sovereign republic. This was followed by their

announcement of a West Papua interim government, including its cabinet.³² The Indonesian government was naturally irritated by this development and quickly launched a military operation to crush the organization.

During the 1980s, there were a number of limited armed conflicts between the OPM and the Indonesian Armed Forces which resulted in fatalities on both sides, as well as to civilians. The Indonesian government was overwhelmed during this period by separatist movements in three trouble-spots: Aceh, East Timor, and West Papua. At the same time, the Suharto government needed stability in order to continue its development program. Therefore, the regime quickly chose a security approach in addressing all these separatist problems, which eventually had a boomerang effect on the Indonesian government. In this period, there were only three incidents, however, that could be categorized as significant in keeping the OPM on the stage of separatism in West Papua. These were an OPM kidnapping of fifty lumber company employees, an attack on prisoners in Jayapura, and the signing of the Port Villa declaration meant as preparation for a National Congress.³³

Basically, the OPM has never seriously challenged the Indonesian government. Its military ability is heavily reliant on guerilla-style operations, with surprise attacks or ambushes as its main tactics. Also, the OPM is believed to have less than a thousand active members with about a hundred mixed weapons, including traditional weapons such as machetes and bows and arrows.³⁴ But according to Elmslie, “This still leaves unanswered the question of how many OPM fighters there are. In turn, this question begs another: ‘What is an OPM fighter?’ If a man is living in one of the ‘quiet’ areas, not engaging in armed attacks, is he of the OPM?”³⁵

Nonetheless, the OPM has a good strategy for achieving its goals, using the political struggle as its main agenda, especially through the use of the Internet to shape the international community’s opinion regarding the problem in West Papua. Therefore,

³² Jane’s World Insurgency and Terrorism, *Organisasi Papua Merdeka*, 2005, 1–8. available at (<http://www4.janes.com/K2/doc.jsp?t=Q&K2DocKey=/content1/janesdata/binder/jwit/jwi>) accessed on 10/11/2005.

³³ Jane’s. Ibid., 6.

³⁴ Jane’s. Ibid., 4

³⁵ Elmslie. Ibid., 55.

even though the OPM is considered meaningless militarily, its political front has made a significant contribution to the internationalization of West Papua's problem.³⁶ And the Indonesian government seems unable to counter the OPM diplomatically, especially given the continuation of other problems in West Papua that exacerbate an already difficult situation for the Indonesian government.

E. WEST PAPUA DURING THE NEW ORDER ERA

1. A History of the New Order and West Papua

The New Order Era was marked by the rise of Suharto, Indonesia's second president, in late 1968, following the political turmoil in September 1965 caused by an abortive coup by the Indonesian Communist Party. After his official assumption of power, Suharto quickly stabilized all potential challenges to his authority, including that of West Papua. As mentioned above, the controversial Act of Free Choice was held in August 1969. However, long before that, in 1962, Suharto was commander in chief of an Indonesian military operation, known as Operation Mandala, to liberate West Papua from Dutch colonization. Suharto was responsible directly to the President regarding all aspects of the operation which explicitly gave zero tolerance to failure. Militarily, the operation was quite successful, marked by a Dutch decision to accept negotiations and their eventual recognition of Indonesian authority over West Papua. Unfortunately, some of the side effects of that operation created another problem which then transformed into resistance from West Papuans.

2. Suharto and His Policies in West Papua

Under the Suharto regime, West Papua emerged as one of the most potentially rich regions in Indonesia, especially after the Freeport McMoRan Company – a copper and gold mining company – began operating in Timika, West Papua. The other natural resource in West Papua which significantly changed the political and economic landscape were its forests, which, like copper and gold, emerged as one of West Papua's most important industries. Since then, West Papua has been associated with these two industries: mining and forestry. Suharto's regime understood the resource potential very well and realized its many advantages. Unfortunately, the way it explored the region, like

³⁶ Jane's World Insurgency and Terrorism, *Organisasi Papua Merdeka*, 2005, 5 available at (<http://www4.janes.com/K2/doc.jsp?t=Q&K2DocKey=/content1/janesdata/binder/jwit/jwi>) accessed on 10/11/2005.

the way it integrated West Papua into Indonesia, has had unanticipated side effects which, given the original West Papuan resentment, created even greater resistance to the Indonesian government.

In the Suharto era, especially in the 1970s and 1980s, economic development was the government's primary focus. Suharto believed that a prosperous Indonesia would not be achievable without economic development. Therefore, the government tried to create as many opportunities for investment as possible in every part of Indonesia, including in West Papua. Simultaneously, the government also tried to create a balance in the population in some parts of Indonesia. This was necessary, especially, because of the high density of the population on Java Island, while some areas, like West Papua, had a very small share of the population. As a result, transmigration – basically, a transfer of people from Java to West Papua and some other islands in Indonesia – seemed a viable option to solve the problem. This program, however, like other government policies, had unintended negative implications. The transmigration process deviated from its original purpose – to spread and boost development – into a process of marginalization of the indigenous West Papuans.

Furthermore, according to Elmslie, the real intention of transmigration was related to the government's security concerns. Transmigration was intended to stabilize a region threatened by secession – mostly by the indigenous West Papuans – that would be changed by the incoming Javanese.³⁷ Elmslie also notes that the government's policy of transmigration was soon followed by a spontaneous migration of other Indonesians, most notably from Java and South Sulawesi. This then exacerbated the relations between the indigenous West Papuans and the immigrants, creating clashes between them, which resulted in several deaths.³⁸ The number of immigrants who moved to West Papua varied; some sources believe that as many as 800,000 immigrants have settled in West Papua.³⁹ In some parts of West Papua, the number is relatively high, due to the fact that the

³⁷ Jim Elmslie . *Irian Jaya Under the Gun: Indonesian Economic Development versus West Papua Nationalism*, Honolulu: University of Hawaii Press, 2002, 73-74

³⁸ Ibid., 74.

³⁹ Ibid., 75.

immigrants live in areas with a greater economic potential. As a result, the West Papuans were marginalized – economically, socially, and, ultimately, politically.

Economically, under Suharto's regime West Papua improved. But the improvement was relatively lower than the improvement in other parts of Indonesia. This fact appears contradictory, given the presence of the Freeport Company in the region, undeniably one of the biggest copper and gold mining companies in the world. In the year 2004 alone, the Freeport Company had revenues of \$1,746.6 million from the production of copper and gold.⁴⁰ Paradoxically, in the year 2005, almost 30 percent of West Papua's population lived beneath the poverty level.⁴¹ In light of these facts, the biggest question that emerges is: Where did all that money go? The answer is, obviously not to the West Papuans. The Freeport Company, however, did contribute to the "development" in the region. According to Freeport, it has spent \$180 million since 1990 on social programs, including infrastructure development such as roads, health facilities, housing, and clean water suppliers.⁴² But even more fascinating is the amount of money that the company paid to the Suharto regime, which was made to look like a purely business transaction between Freeport and some Suharto-linked companies. During the period 1991–1997, the company made a \$673 million loan to Suharto-linked interests. In March 2004, the company spent \$253.4 million to repay one such loan.⁴³ At this point, it is clear that, despite its huge benefits, the Freeport Company has served only the interests of the Suharto regime and its cronies. The West Papuans who owned the land were left behind in all their continued backwardness.

3. The New Order and Its Security Approach

One of the most important factors affecting the current situation in West Papua is the New Order regime's decision to rely on a heavy-handed security approach in dealing with the problems in West Papua. Since the beginning of West Papua's integration into Indonesia in 1963, the Indonesian government has applied security measures for every

⁴⁰ *Laporan Keuangan Freeport*. Kabar Irian.com. available at (<http://www.kabaririan.com/news/msg03501.html>) accessed on 06/18/2006.

⁴¹ Racman, Fadjol. M. *Luka Papua, Luka Indonesia*, Kompas.com, March 2006. available at (<http://kompas.com/kompas-cetak/0603/21/opini/2523137.htm>) accessed on 06/18/2006.

⁴² International Crisis Group. *Indonesia: Resources and Conflict in Papua*. ICG Asia Report No.39, Jakarta/Brussels, September 2002, 17–18.

⁴³ *Ibid.*, 18.

development and political dynamic in the region. As a result, the Indonesian government, and, most notably, the Indonesian army, has made many blunders, which have created not only a backlash to the government's policies, but also heavy resistance from the West Papuans.

According to an International Crisis Group (ICG) report, the Indonesian government's policy on West Papua is a source of growing resentment in this region.⁴⁴ Furthermore, "The New Order Government's response to West Papuan demands for independence and use of a national symbol has been one of suppression and detention or elimination of those involved. This approach was still evident after the fall of Suharto."⁴⁵

During the New Order Era, there were several incidents in which the security approach was the main and only choice of the Indonesian government, especially when it was dealing with demonstrations, riots, and armed attacks. Some of the most obvious incidents were cases of OPM flag-raising, which happened "regularly." But the Indonesian government's response does not seem to change at all. Unfortunately, these types of incidents have the potential for unintended side effects, such as human rights violations, due to the fact that the authorities always act unproportionally in responding. What is more unfortunate, the Indonesian Army and Police are the two institutions that are most likely to commit this violation. This was the case in the incidents that occurred in Wasior on 13 June 2001. Five Brimob (Indonesian Paramilitary Police Unit) members were killed in an attack by a group of armed men believed to be members of OPM. According to the ICG report, "After the raid, Brimob descended on nearby villages and took brutal and indiscriminate revenge on civilians ... twelve West Papuans were killed and another 26 are missing, though some of the latter may be alive."⁴⁶ Another example is the killing of Theys Eluay, a chairman of the West Papua National Congress, by Indonesian army personnel. This occurred after Eluay was invited to have dinner at an Indonesian Army base in West Papua on 11 November 2001.⁴⁷

⁴⁴ International Crisis Group, *Indonesia: Ending Repression in Irian Jaya*, ICG Report No.23, Jakarta/Brussels, September 2001, 17.

⁴⁵ Ibid., 17.

⁴⁶ International Crisis Group, *Indonesia: Resources and Conflict in Papua*, Ibid., 16.

⁴⁷ Ibid., 3.

One might claim that the New Order Era has sufficiently raised the standard of living, increased the prosperity, and improved the general welfare of West Papuans. But the cases of human rights violations, discrimination, injustice, marginalization, and alienation have very much hampered the Indonesian government's efforts to integrate West Papuans comprehensively into Indonesian society. As a result, thirty-two years of the New Order Era have done little for development in West Papua. Instead, they have contributed to political development in that region, which worsened, especially after the downfall of Suharto in 1998.

F. CONCLUSION

It is now clear that, since the beginning of its integration into Indonesia, West Papua has been a controversial subject. And because of the Indonesian government's mismanagement, the controversy is getting worse and has generated another problem which makes the original problem even more complicated. The method of West Papua's integration into Indonesia was odd and, actually, not quite acceptable, despite the fact that the process of West Papua's self-determination, like other processes, was supervised by the United Nations and the international community.

In the meantime, the Indonesian government's policies governing West Papua, which emphasize a heavy-handed security approach, instead of dialogue and law enforcement, made a difficult situation in the region even worse. A number of cases of human rights violations, discrimination, and injustice evidence the failure of Indonesian policies in West Papua. In addition, the remaining backwardness of the West Papuans' living conditions contributes greatly to the growing resentment and grievances among West Papuans, which is contradictory given the abundance of natural resources in this region. The New Order Era regime, which ruled for almost thirty-two years, did not seem interested in implementing comprehensive policies to address the socio-political and economic problems in West Papua. The regime was only interested in getting as much benefit as possible from the natural resources in West Papua in general, and, in particular, from the copper, gold, and forests. As a result, many West Papuans, who had already complained about all these government policies, lost faith in the Indonesian government and eventually concluded that independence would be a better choice.

III. A POLICY OF “SPECIAL AUTONOMY” IN WEST PAPUA

A. INTRODUCTION

Since 1969, the Indonesian government has tried many policies in West Papua in an attempt to solve its problems comprehensively. However, until the fall of Suharto in 1998, most of the policies either failed or did not work as well as the government had expected. For instance, the security approach, which unintentionally marginalized the West Papuans, not only intensified tensions in the region, but also ultimately provoked additional problems, such as human rights violations and growing resentment among West Papuans.

Finally, after all its policies were unable to solve the problem of West Papua, the Indonesian government realized that the issue was not simply a question of rebellion or secessionism, but rather the much more complex question of justice, human rights, prosperity, and economic opportunity. Therefore, the new government initiated a project aimed at finding a more realistic solution. At the same time, the government continued to adhere strictly to its concept of the non-negotiable status of the territory of the unitary Republic of Indonesia. The OPM, on the other hand, insisted on West Papua’s right to secede from Indonesia. Ultimately, in 2001, Indonesia enacted the Special Autonomy Law, which it claims is a good, plausible, and acceptable solution.

B. THEORETICAL BACKGROUND

1. The Theory of Autonomy and Autonomous Regions

Today, declaring the “special autonomy” of a region, or declaring it an “autonomous region,” is one way to solve the problems of regional ethnic conflict, threatened secession, and rebellion. Territorial autonomy, according to Hurst Hannum and Richard B. Lillich, is generally accepted as a region’s right to independence in dealing with its internal domestic affairs. While recognizing that foreign affairs and defense are usually ruled by the central or national government, Hannum and Lillich also indicate that autonomy could imply the power to make international agreements in limited matters, such as those pertaining to the region’s cultural or economic interests.⁴⁸

⁴⁸ Hurst Hannum and Richard B. Lillich, “The Concept of Autonomy in International Law,” *The American Journal of International Law*, Vol. 74, No.4 (Oct. 1980), 860.

In their arguments, they outline five important variables in an autonomous region regarding its executive power that must be discussed before the region can be even “minimally” categorized as an autonomous region. The variables are:

1. The political status of the local executive: Does he or she represent the central government or the local government? How and by whom is the executive selected?
2. The responsibility of the executive: Does the local executive administer the laws of the central government? Does the central government retain concurrent or separate powers to enforce national laws?
3. The authority of the executive within the legislative process: Does the local executive have a veto or other power over local legislation?
4. The extent of local authority over normally national executive branch matters such as foreign relation and defense matters.
5. The extent of local police powers and the relation between the local and national security forces.⁴⁹

Equally important, according to Hannum and Lillich, are: first, the existence of an elected legislative institution; second, the establishment of a free and independent judiciary system, even though this system is not totally separate from the national judiciary system; and, third, the greater right to control natural resources and a complete control over particular resources, such as water, forests, and non mining resources.⁵⁰ Furthermore, in keeping with the concept of autonomy, the local authority also has greater control over social and cultural issues such as the health system, education, public assistance, social security, cultural affairs, public housing, and labor affairs. Finance and economic matters, however, do not necessarily have to be under local control; instead, they can be divided into several entities which are ruled either by the central government

⁴⁹ Hurst Hannum and Richard B. Lillich, “The Concept of Autonomy in International Law,” *The American Journal of International Law*, Vol. 74, No.4 (Oct. 1980), 861.

⁵⁰ Hannum and Richard . Ibid., 865–79.

or the local authority.⁵¹ In sum, Hannum and Lillich stress that in order to be fully recognized as an autonomous territory there should be:

First, . . . a locally elected body with some independent legislative power, . . . second, a locally chosen chief executive, who has general responsibility for the administration and execution of local laws or decrees, . . . third, an independent local judiciary, . . . fourth, the status of autonomy and at least partial self-government is not inconsistent with the denial of any local authority over specific areas of special concern to the principal/sovereign government, as opposed to the reservation by the sovereign of general discretionary powers, . . . fifth, full autonomy and self-government are also consistent with power-sharing arrangements between the central and autonomous government.⁵²

In addition, Svante E. Cornell, who outlines Heintze's theory, notes that "autonomy in a political and legal context refers to the power of social institutions to regulate their own affairs by enacting legal rules."⁵³ Cornell argues that, in international law, autonomy is taken to mean that "parts of the state's territory are authorized to govern themselves in certain matters by enacting laws and statutes, but without constituting a state of their own."⁵⁴ In this context, however, Cornell recognizes that the central government of any autonomous region is universally facing the same problem, which may trigger secessionism. He gives three arguable reasons:

...first, they [central governments] fear that granting territorial autonomy to a minority group would be merely the first step toward the eventual secession of the region; second, granting autonomy to one region may be perceived as discrimination against other inhabitants or groups; and third, autonomy increases the risk of intervention by a foreign state affiliated with the specific minority population.⁵⁵

On the other hand, Andrew D. Mason perceives autonomy within a more substantial understanding and divides it into three respective perceptions with regard to its relation to the state. These perceptions are:

⁵¹ Hurst Hannum and Richard B. Lillich, "The Concept of Autonomy in International Law," *The American Journal of International Law*, Vol. 74, No.4 (Oct. 1980), 881-82.

⁵² *Ibid.*, 887.

⁵³ Svante E. Cornell, "Autonomy as a Source of Conflict: Caucasian Conflicts in Theoretical Perspective," *World Politics* No. 54 (January 2002), 248.

⁵⁴ Cornell. *Ibid.*, 249.

⁵⁵ *Ibid.*, 246-47.

...first, respect for autonomy requires the state never to prevent the exercise of autonomy, except perhaps to avoid amoral catastrophe; second, respect for autonomy entails that the state always has a reason for not preventing its exercise, which it must take into account in its decision, but which may nevertheless be overridden; third, respect for autonomy requires that state to treat the exercise of autonomy as a goal to be promoted.⁵⁶

All the above theories clearly define the role of regional autonomy in conflict resolution. Some scholars believe that autonomy is reliable in solving the problem of secessionism or ethnic-based conflict, while others perceive autonomy only as one element of a more comprehensive approach.

2. Autonomy as Part of Conflict Resolution

Most scholars agree that conflict regulations, which eventually can be transformed into conflict resolutions, are divided into three categories: territorial solutions, institutional solutions, and policy choices.⁵⁷ Territorial solutions are divided into two choices: partition and federalism. Institutional solutions are divided into two options: constitutional/structural options and electoral/institutional devices.⁵⁸ Nonetheless, there are intense debates among scholars regarding the best proposal for solving the problem comprehensively.

Meanwhile, in the case of West Papua, a territorial approach which proposes partition and federalism as its main concepts has strong support from the main actors in West Papua, especially the OPM and some of the elites. The Indonesian government, however, prefers a status of special autonomy as the most acceptable and reasonable solution. According to Katherine Adeney, “federalism’s institutionalization of [the] territorial division of political powers creates conditions for a new level of political debate to occur, both between the centre and the provincial unit and also within the

⁵⁶ Andrew D Mason. “Autonomy, Liberalism, and State Neutrality,” *The Philosophical Quarterly*, Vol. 40, No. 161 (Oct. 1990), 440.

⁵⁷ Stefan Wolff, “Managing and Settling Ethnic Conflict,” in *Managing and Settling Ethnic Conflicts: Perspectives on Successes and Failures in Europe, Africa, and Asia*, eds. Ulrich Schneckener and Stefan Wolff, New York: Palgrave Macmillan, 2004, 1–17.

⁵⁸ Ulrich Schneckener, “Models of Ethnic Conflict Regulations,” in *Managing and Settling Ethnic Conflicts: Perspectives on Successes and Failures in Europe, Africa, and Asia*, eds. Ulrich Schneckener and Stefan Wolff, New York: Palgrave Macmillan 2004. 18-39

provincial unit.”⁵⁹ Here, Adeney argues that federalism can bridge the tension between the center and the provinces by giving a possible political or economic front to debate many things, including broader political and economic rights to the provinces. However, she also admits that many scholars and politicians fear that this debate will be eventually regarding a secessionism.⁶⁰ Furthermore, Adeney points out that, in order to be successful, federalism has to have as a precondition the existence of more homogeneous provinces.⁶¹ Adeney finds that there are at least four things that should follow this assumption:

First, homogenous units should, wherever possible, be subdivided into two or more units . . . ; second, smaller units are likely to perceive advantages in secession or be viable units to do so . . . ; third, there should be no great disparities between the units in terms of size, population, or resources . . . ; and fourth, the optimal number of units should be more than three.⁶²

Unfortunately, many Indonesians associate federalism with Dutch efforts to maintain control over its colony, and to weaken the newly independent republic. The origin of this negative sentiment about federalism is underlined by George Kahin, a closer observer and student of Indonesia in the 1940s and 1950s:

The great majority of Indonesians were profoundly dissatisfied with the federal system with which they had been saddled by the Hague Agreement. In all fifteen Dutch-created states, this discontent soon began to manifest itself in spontaneous and widely based popular demands for a scrapping of what was conceived to be alien-imposed federalism and the liquidation of these states and their merger with the old Republic.⁶³

Moreover, a unitary form of government was also proclaimed by Indonesia’s founding fathers in the 1945 constitution, which gave more reason to Indonesian nationalists’ who saw Dutch-imposed federalism as, “an artificial legacy of their old colonial master.”⁶⁴

⁵⁹ Katharine Adeney , “Between Federalism and Separatism: India and Pakistan,” in *Managing and Settling Ethnic Conflicts: Perspectives on Successes and Failures in Europe, Africa, and Asia*, eds. Ulrich Schneckener and Stefan Wolff, New York: Palgrave Macmillan 2004, 126.

⁶⁰ Adeney. Ibid., 126.

⁶¹ Ibid., 170

⁶² Ibid., 171–73.

⁶³ Gabriele Ferrazi, “Using the “F” word: Federalism in Indonesia’s Decentralization Discourse,” *Publius*. (Spring 2000), 66.

⁶⁴ Ibid., 66

According to Ferrazi, in recent years Indonesian politicians still strongly rejected the idea of federalism, as reflected during the election campaign in 1998.⁶⁵ Most political parties prefer to move toward broader regional autonomy than pure decentralization which could lead to federalism.⁶⁶ In their opinion, separatists will use federalism as a tool and justification to discuss secessionism, something the government tries to avoid. However, the decentralization policy, according to Ferrazi is “federalism within the unitary state” and can be perceived as Indonesian type of federalism, since an explicit form of federalism is strongly rejected.⁶⁷ Therefore, from the realists’ point of view, practicing federalism is basically something that many people in Indonesia want to argue; but the format of this Indonesian type of federalism is still debatable.

3. Controversies about the Partition Theory

Another proposal for a territorial-based approach is partition, which, according to Chaim Kaufman, is the most viable solution for a stable resolution of an ethnic conflict. In this theory, Kaufman argues that whatever the resolutions are, a solution is only possible if the opposing groups are demographically separate.⁶⁸ He then argues, “Separation reduces both incentives and opportunity for further combat, and largely eliminates both reasons and chances for ethnic cleansing of civilians.”⁶⁹ He admits, however, that partition — although it can reduce ethnic hostilities, and in the long run might reduce “inter-ethnic antagonism” — does not resolve ethnic hatred.⁷⁰ This theory has been a favorite of the OPM and other secessionist elements in West Papua. By arguing that West Papua is an entity that is different than the other parts of Indonesia, the OPM and West Papuans who favor independence want to emphasize that separation is the only possible solution for all the problems and conflicts in West Papua.

In contrast, the Indonesian government sees special autonomy as a more realistic way to resolve the problems in West Papua, while keeping West Papua part of Indonesia.

⁶⁵ Gabriele Ferrazi, “Using the “F” word: Federalism in Indonesia’s Decentralization Discourse,” *Publius*. (Spring 2000), 76.

⁶⁶ *Ibid.*, 76

⁶⁷ *Ibid.*, 84

⁶⁸ Chaim Kaufman. *Possible and Impossible Solution to Ethnic Civil Wars*. International Security 20 (4) Spring 1996) 137.

⁶⁹ Kaufman. *Ibid.*, 137.

⁷⁰ *Ibid.*, 173–74.

The government also emphasizes that many countries, including the United States and the member-states of the United Nations, officially recognize Indonesian sovereignty over West Papua. The Indonesian government has always argued that what West Papua needs is not separatism, because that might only trigger bigger problems, namely the possibility of a disintegrating Indonesia, or a chaotic West Papua.⁷¹

In keeping with that argument, Nicholas Sambanis argues that partition is not the only viable and credible solution to the ethnic conflict.⁷² And partition may only further the existing problems or it might trigger a different kind of problem, such as what has occurred recently in East Timor. In addition, Sambanis argues, “partition, as we have seen, does not help reduce the risk of war recurrence. Partitions are in fact positively (though not significantly) associated with the recurrence of ethnic war.”⁷³ However, Sambanis agrees that,

Partitions are more likely after costly ethnic/religious wars, after a rebel victory or truce, and in countries with better-than-average socioeconomic conditions. Partitions are more likely where ethnic groups are large; they are less likely to occur as the degree of ethnic heterogeneity increases.⁷⁴

He elaborates further,

Only in the most extreme cases may partition be necessary, indeed inevitable. Those cases must be handpicked on the basis of political analysis of regional and global constraints, the history of the preceding war, and the special traits of the society in question . . . on average, partition may be an impossible solution to ethnic civil war.⁷⁵

Given all the existing debates, it is understandable that special autonomy would attract more attention from governments, including the Indonesian government, as the most feasible solution to secession problems, ethnic conflict, or separatism.

⁷¹ Andri Hadi, “West Papuans Need Democracy, Not Separatism,” *Jakarta Post*, July 2004, 3–4 (available at <http://www.thejakartapost.com/Archieves/archievesdet2.asp?FileID=20040730.E02>), accessed on 10/29/2005.

⁷² Nicholas Sambanis, “Partition as a Solution to Ethnic War,” in *World Politics*, Vol.52, No.4 (July 2000), 439.

⁷³ Sambanis. *Ibid.*, 480.

⁷⁴ *Ibid.*, 479.

⁷⁵ *Ibid.*, 482.

C. THE SOCIO-ECONOMIC AND POLITICAL BACKGROUND PRIOR TO THE INTRODUCTION OF SPECIAL AUTONOMY IN WEST PAPUA

1. Stabilization from Suharto's Perspective

Indonesia has been relatively stable since the emergence of Suharto as its second president, following the downfall of Sukarno in 1968. Unlike in the Sukarno years, which were marked by political turmoil, economic deprivation, and several attempted rebellions, Suharto was quite successful in controlling all these problems. Under his government, Indonesia experienced an average eight-percent annual rate of economic growth. He put more emphasis than Sukarno had on stabilization in terms of both politics and socio-economics. And, achieving these objectives, Suharto tried to minimize the problems that might possibly occur and eventually distract from the process of national development. Unfortunately, instead of establishing long-term solutions, the Suharto regime favored short-term objectives in dealing with problems, especially the secession movements it faced in West Papua, East Timor, and Aceh. As a result, the problems in those regions worsened between the 1970s and 1990s.

2. Security as a Main Approach

Until mid-1998, when Suharto unexpectedly resigned following the Asian financial crisis, the Indonesian government's policy in West Papua was merely a continuation of the status quo. The security approach with all its side effects, including human rights abuses, still dominated government policies in West Papua. In terms of the political, the government banned all expressions of a so-called Independent West Papua, including meetings, demonstrations, flag raisings, speeches, and the provision of documents, pictures, and songs. Economic and social developments that were meant to improve the West Papuans' socio-economic conditions unintentionally marginalized many of them from educational, economic and social opportunities. In spite of all the development in their region, the West Papuans were alienated. These circumstances contributed significantly to the increasing number of independence supporters in West Papua, especially among the youth who, after watching these developments, associated themselves with the struggle for independence. Suharto's heavy-handed security approach, which was practiced not only in West Papua, but also throughout Indonesia, has been the source of most of the grievances in West Papua. They include human rights violations in the name of counter-separatist operations, arrest and detention without a fair

and free trial, and extrajudicial killings during counterinsurgency operations. Perhaps the situation in West Papua can best be described by the questions Indonesian officials addressed during a visit to West Papua: “Why do the [West Papuans] mistrust us so intensely? What have we been doing wrong in Irian Jaya? . . . How can we do better there?”⁷⁶ These kinds of questions obviously reveal a significant level of ignorance on the part of the Indonesian officials.

3. The 1997 Asian Financial Crisis and Its Implications for Indonesia

The 1997 Asian Financial crisis had a devastating effect on Indonesia, the hardest-hit country. In Indonesia, it evolved into a multidimensional crisis, socio-political as well as economic. During the period 1997–1999, Indonesia experienced political turmoil, which eventually forced President Suharto to resign; negative economic growth, exacerbated by a double-digit rate of inflation; an explosion of communal violence, the worst occurring in Moluccas, where it took more than 5,000 lives; and riots in some cities, most notably in Jakarta, where hundreds, if not thousands, of people died. These are the dire circumstances that incidents marked the rise of the new regime under President Habibie. The regime lacked legitimacy and lasted less than two years.

Most important, during Habibie’s administration, the bloody separation of East Timor took place, following a referendum in August 1999. This event is one of the milestones in Indonesian history, and, more important, in the history of Indonesia’s territorial integrity. The separation of East Timor also raised speculation and predictions about the case of West Papua and served as a source of reference for the OPM and its supporters. The election in 1999 marked the end of Habibie’s regime and the beginning Abdurrahman Wahid’s as the fourth Indonesian president. Although Wahid, like his predecessor, made political blunders, there were a number of political developments that changed the course of politics in Indonesia. A number of developments have also taken place with regard to West Papua issue and ultimately resulted in the introduction of a policy of special autonomy.

⁷⁶ Ian Bell, Herb Feith, and Ron Hatley, “The West West Papuan Challenge to Indonesian Authority in Irian Jaya: Old Problem, New Possibilities,” *Asian Survey*, Vol.26, No.5 (May 1986), 551.

D. LAW NO. 21/2001: SPECIAL AUTONOMY FOR WEST PAPUA

The enactment of a policy of special autonomy in West Papua resulted from was a long exhausting process involving many elements in West Papua and Jakarta. Special autonomy was seen as a triumph, especially by the pro-integration supporters in West Papua and the Indonesian government. However, it also won support from many people who previously had demanded independence, because chapters of the special autonomy law accommodated many of their demands, with the obvious exception of a demand for independence. Therefore, it is understandable why so many people had high expectations that special autonomy would eventually solve, or at least reduce, the central problem in West Papua.

1. The Drafting Process

The drafting of a special autonomy law for West Papua, as Peter King describes it, was heavily influenced by events in East Timor and Aceh. In addition, the process started amid high tension and suspicion between Jakarta and West Papua regarding the real intention of the central government, especially given the situation in Aceh and its future status as a special autonomous region.⁷⁷ The situation was exacerbated by the introduction of Law No. 45, which divided West Papua into three new provinces, something the West Papuans perceived as an attempt to divide-and-rule the region.⁷⁸

The process began in November 2000, when Jaap Salossa became governor of West Papua. Having previously convinced the MPR (People's Consultative Assembly) that West Papua, like Aceh, needed a policy of special autonomy, Salossa began the process of drafting a special autonomy bill by inviting local scholars, academics, activists, tribal elites, and customary figures, including some of the NGO representatives and religious organizations in this region. Early in the process, there was strong debate among the participants whether the word "independence" should appear in the draft. After several exhaustive meetings, the forum agreed to a final draft abolishing the word "independence," using instead the word "autonomy."⁷⁹ As King emphasizes, "the West Papuan bill became the main reference for the special committee, set up by the DPR

⁷⁷ Peter King, *West Papua and Indonesia since Suharto: Independence, Autonomy, or Chaos*, Sidney: University of New South Wales Press, Ltd., 2004, 81.

⁷⁸ Ibid., 81.

⁷⁹ Ibid., 82.

(People's Representative Council) to develop a special autonomy law.”⁸⁰ Finally, after extensive consultation with all parties concerned, mostly elements from West Papua, Law No.21/2001 was passed by the DPR in November 2001 and went into effect on January 1, 2002.⁸¹

2. Content of the Special Autonomy Law

The Special Autonomy Law comprises twenty-seven chapters and seventy-nine articles. Among them, as Mohammad Hidayat points out, the law spells out explicitly several basic principles for conflict resolution:

First, among those principles is the greater authority granted to the Province to implement its governance and manage its natural resources in the best interest of the local people. Second, the Law recognizes and respects the basic rights of indigenous West Papuans, and their strategic and basic empowerment. Third, it provides for good governance characterized by broader participation, development for the maximum benefit of the people, transparency, and accountability. Fourth, it provides a clear division of authority, labour, and responsibility between local institutions.⁸²

Additionally, the Law also provides broad opportunities for West Papuans to participate and contribute in shaping and directing local development strategies and regional policies. More important, the Special Autonomy Law also recognizes the existence of traditional rights and customary law.

In its effort to implement the law, the government was required to form a West Papuan People's Assembly, the Majelis Rakyat West Papua, or MRP, a legislative institution. This was unique to West Papua and made the province the first in Indonesia to have a bicameral legislature: the Regional People's Representative Council (DPRD) and the MRP.⁸³ MRP is a legislature body comprised of natives West Papuans who represent customary, religion, and women which elected for a five years term. The law went even further by recognizing the traditional symbols of West Papua, the flag and the anthem. It

⁸⁰ Peter King, *West Papua and Indonesia since Suharto: Independence, Autonomy, or Chaos*, Sidney: University of New South Wales Press, Ltd., 2004, 83.

⁸¹ Mohammad S Hidayat., *Questioning the Unquestionable: An Overview of the Restoration of West Papua into the Republic of Indonesia*, Permanent Mission of the Republic of Indonesia to the United Nations. New York, 2001, 43.

⁸² Hidayat. Ibid., 45.

⁸³ King, Ibid., 83.

stipulated, however, that, on formal occasions, the Indonesian national flag, the Red and White, and the national anthem, Indonesia Raya, should be performed before the West Papuan.⁸⁴

a. *The Law: Political Issues*

In the Special Autonomy Law, political issues comprise thirty-two articles which include rules governing the executive, the legislatures, political parties, and the overall identity of the region. The most significant article is article nineteen, which governs the existence of the West Papuan People's Assembly, the MRP. As was noted above, West Papua is the only province in Indonesia to have such a legislative body. The MRP consists of elected native West Papuan customary and religious representatives who serve for five years. As a uniquely West Papuan legislature body, the MRP has significant authorities, rights, tasks, and obligations. The most important are three provisions that authorize the assembly to consider and approve candidates for governor, candidates for the national People's Consultative Assembly, and additions or changes to the Bill of Regional Laws.⁸⁵

b. *The Law: Economic Issues*

In regard to economic issues, the law contains ten articles that govern financial matters such as taxes, revenues, trade, and industry. Of these, the most important issue, and one that is often debated in respect to West Papua, is how to divide the revenues from all the natural resources in the region. The Special Autonomy Law stipulates that one third of all natural-resource revenues should be given to the region. More specifically, it rules that eighty percent of the forestry, fishery, and general mining revenues must be allocated to the region. It also states that seventy percent of the natural-oil-mining and natural-gas-mining revenues should be given to the region. Equally important is the law's specifications about the sharing of taxes with the West Papuan authorities: ninety percent of the land and building taxes are allocated to the region,

⁸⁴ Mohammad S Hidayat., *Questioning the Unquestionable: An Overview of the Restoration of West Papua into the Republic of Indonesia*, Permanent Mission of the Republic of Indonesia to the United Nations. New York, 2001, 45.

⁸⁵ West Papuaweb: *Special Autonomy Legislation*, 13–15 (available at <http://www.WestPapuaweb.org/goi/otsus/files/otsus-en.html>), accessed on 8/14/2006.

twenty percent of the individual income taxes are allocated to the region, and eighty percent of the taxes from the exercise of land- and building-acquisition.⁸⁶

c. The Law: Human Rights and Justice Issues

Human rights and justice are ruled on in eight articles, including articles about the regional police force and the existence of a customary judiciary and customary laws. Article fifty-one addresses the conduct of the customary court, which dominates the life of West Papuans, especially in customary and religious matters. Human rights are ruled on in articles forty-five, forty-six, and forty-seven, all of which specify the government's obligation to protect, respect, improve, and enforce human rights in the entire region and for the entire population. Article forty-five also notes the need to establish a representative for a Commission on Human Rights, a Human Rights Court, and a Commission on Righteousness and Reconciliation.⁸⁷

d. The Law: Socio-Cultural and Customary Rights

West Papua's socio-cultural and customary rights are ruled on in twelve articles. The protection of customary rights is mentioned specifically in two articles, numbers forty-three and forty-four. Religion is acknowledged in three articles, numbers fifty-three, fifty-four, and fifty-five, which state explicitly the freedom and right of religion for West Papuans. Education and culture are ruled on in articles fifty-six, fifty-seven, and fifty-eight. And, finally, social matters are explained in articles sixty-five and sixty-six.⁸⁸

e. The Law: Additional Articles

The Special Autonomy Law has several additional articles, which address various subjects, including the environment, certain kinds of disputes, population and manpower issues, and supervision matters. The articles are obviously meant to enhance people's overall comprehension of the policy of Special Autonomy. The additional articles lend a sense of popular complicity to Indonesia's Special Autonomy ruling as a final government policy for West Papua.

⁸⁶ West Papuaweb: *Special Autonomy Legislation*, 17-19 (available at <http://www.WestPapuaweb.org/goi/otsus/files/otsus-en.html>), accessed on 8/14/2006.

⁸⁷ Ibid., 22-23.

⁸⁸ West Papuaweb, Ibid 25-29.

In sum, the policy of special autonomy in West Papua consists of significant and comprehensive laws and regulations that are applicable to every aspect of the people's lives. This is especially significant for West Papuans, who still live according to traditional customary laws and rights.

It is important to note that the Special Autonomy Law leaves four basic aspects under the central government's regulation: the defense system; the financial system, including the currency; the national police institution; and foreign policy. Nonetheless, it is generally believed that, if the law is implemented consistently, the central problems in West Papua will eventually be solved and the West Papuans will live peacefully as part of Indonesia.

E. CONCLUSION

The policy of Special Autonomy is believed to be one of the best solutions possible for solving the problems of West Papua. Many scholars argue that implementing this concept will eventually solve the problem of secessionism in other countries, especially if it is caused by grievances that are the result of mismanagement by a central government. Some writers argue, however, that special autonomy may lead to more severe conditions if its implementation does not meet people's expectations.

In West Papua, the Special Autonomy Law, which was drafted by mostly indigenous West Papuan scholars, states explicitly all the requirements and conditions necessary to accommodate the secessionists' demands, except for independence. But the law also specifies the Indonesian government's rights in terms of defense, foreign policy, financial issues, the national police force, and justice affairs.

Unfortunately, as we will discuss in the next chapter, implementation of the law has created more controversy than was expected. Indeed, some of the articles in the Special Autonomy Law were never implemented, while others were totally undermined by other laws. As a result, instead of solving the West Papua's major problems, the law has become another source of the "problem."

IV THE IMPLEMENTATION OF SPECIAL AUTONOMY

A. INTRODUCTION

The special autonomy law described in the previous chapter is quite comprehensive in the areas of politics, the economy, socio-cultural aspects, human rights, and justice. It addresses many potential problems and provides good solutions to the grievances of West Papuans. The law, which was carefully formulated mostly by West Papuan scholars, has explicit rules governing important issues pertaining to West Papuans: political rights, economic opportunities, cultural differences, and human rights protection. If implemented properly, these regulations could provide a basis for better development in all aspects of West Papuan life. Sadly, the reality is far different than what was expected.

Since its introduction in 2001, little of the special autonomy law has been implemented. Thus, the same problems continue in West Papua, not only in terms of the politics and the economy, but also regarding social issues and security. Typical cases include those of the West Papuan asylum seekers in February 2006⁸⁹ and the riots a month later, which took the lives of five Indonesian police officers and wounded one West Papuan.⁹⁰ Progress in implementing the law has been undermined by the personal interests of politicians at the national and provincial levels. The combination of corrupt and incapable politicians and bureaucrats is worsening the situation in West Papua, despite high expectations surrounding the Special Autonomy Law. It is important, therefore, to have a clear understanding of what is going wrong in the implementation process.

⁸⁹ Abdul Khalik and Tiarna Siboro, "Papuans 'Within Their Rights' to Seek Asylum, *The Jakarta Post* (April 6, 2006), accessed on 9/29/2006, available at: <<http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20060406.@03>>.

⁹⁰ Nethy Dharma Somba, "Death Toll in Papua Clash Rises to 5," *The Jakarta Post* (March 23, 2006) accessed on 9/29/2006, available at: <<http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20060323.A02>>

B. THE IMPLEMENTATION PROBLEMS

1. Political Issues

In regard to politics, there are at least three most “annoying” problems that demonstrate the half-hearted implementation of special autonomy. They are 1) the national government’s efforts to divide West Papua into three provinces, 2) the national government’s efforts to block the establishment of a well-functioning West Papuan People’s Assembly (Majelis Rakyat Papua, or MRP), and 3) West Papuans’ use of a certain flag as a symbol of their province. These three problems are explicitly described and covered by the law: chapter two addresses the flag symbol; chapter three, the regional divisions; and chapter five, part fourth, the MRP.

a. The Division of West Papua into Three Provinces

The controversy over the division of West Papua into three provinces began on September 16, 1999, when the Indonesian parliament passed Law No. 45 mandating the division of Irian Jaya—the previous name of the province—into three provinces: West Irian Jaya, Central Irian Jaya, and the rump of Irian Jaya. The law also required the creation of four new districts: Paniai, Puncak Jaya, Mimika, and the city of Sorong.⁹¹ The provisions of this law were then strengthened by a presidential instruction issued in January 2003.⁹²

The creation of new provinces was a problem because it undermined the 2001 special autonomy Law No. 21, which defines the region as a single entity. According to the International Crisis Group, these contradictory laws “infuriated many [West] Papuans, pro-independence and pro-autonomy alike, who have deep attachment to [West] Papua as a single political unit with a distinct history and who see the decree as a divide-and-rule tactic by the [central government].”⁹³

Meanwhile, proponents of the division presented several reasonable factors behind the division. One of the most significant rationales for autonomy pertains to administrative efficiency, which takes into consideration the factor that West Papua is

⁹¹ International Crisis Group, “Dividing Papua: How Not To Do It,” Indonesia Briefing, Jakarta/Brussels, April 9, 2003, 2–4.

⁹² Ibid., 1.

⁹³ International Crisis Group, 1.

three and a half times the size of Java, which consists of six provinces.⁹⁴ There is one thing, however, that caused the division to become even more controversial: it did not have the approval of the two West Papuan legislative bodies, the DPRD (provincial parliament) and the MRP, as is required by the special autonomy law.⁹⁵

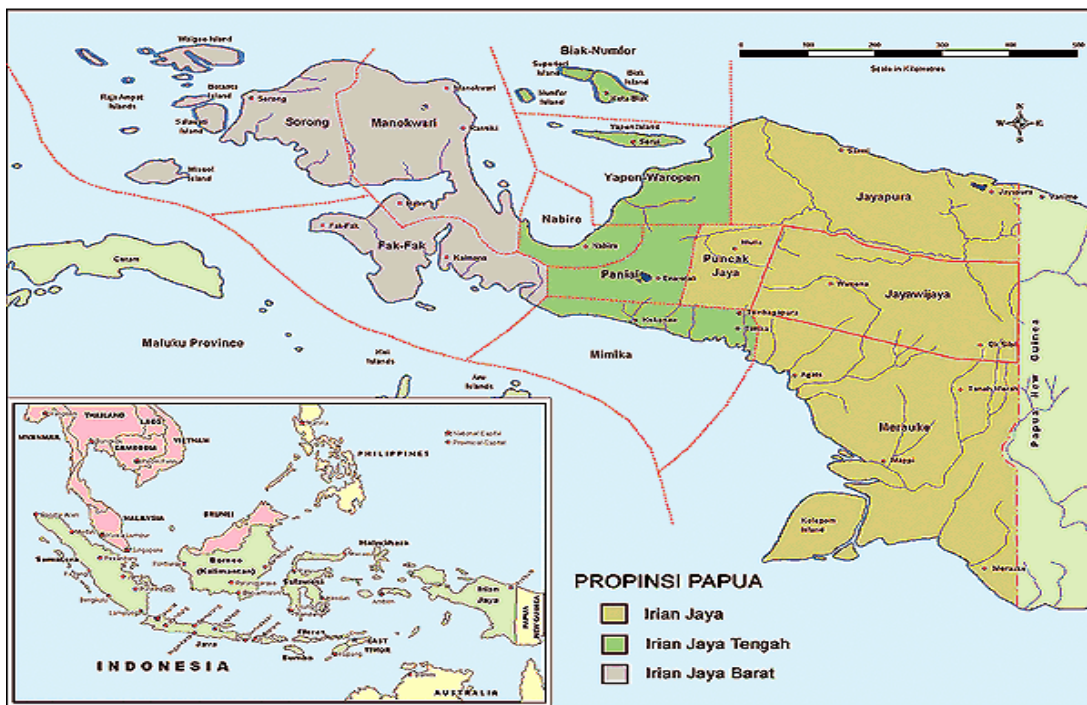


Figure 4: The division of West Papua into three provinces (From: www.papuaweb.org accessed on 10/17/2006. available at <<http://www.papuaweb.org/goi/pp/index.html#peta>>)

b. The Establishment of the West Papuan People's Assembly (MRP)

The West Papuan People's Assembly, or MRP, is clearly specified in article five of the law and consists of six articles, which define it and describe its membership, rights, and obligations.⁹⁶ The formation of the MRP is what makes the

⁹⁴ International Crisis Group, "Dividing Papua: How Not To Do It," Indonesia Briefing, Jakarta/Brussels, April 9, 2003, 10.

⁹⁵ Laurence Sullivan, *Challenges to Special Autonomy in the Province of Papua, Republic of Indonesia* (The Australian National University. Research School of Pacific and Asian Studies, 2003), 5-6.

⁹⁶ Special Autonomy Legislation, available at (<http://www.papuaweb.org/goi/otsus/files/otsus-en.html>) accessed on 8/14/2006.

special autonomy law in West Papua unique, since it is the only province in Indonesia that has a bi-cameral legislature. Unfortunately, much controversy surrounds the creation of this institution which, according to some ultra-nationalist elements in Jakarta, is a starting point toward West Papuan independent. Hari Sabarno, the minister of internal affairs during President Megawati's government argued, for example, that the MRP has such extensive powers that it may be a danger for the administration and stabilization of West Papua.⁹⁷ In light of that assumption, it is no wonder that the Indonesian government assigned the national unity directorate general of the internal affairs ministry to oversee the formation of the MRP, which took more than four years before it was fully institutionalized.⁹⁸

Another serious challenge faced by the MRP was its membership formulation which, according to the law, had to represent various elements of the nonpartisan West Papuan society, who had also to be indigenous West Papuans. The central government's involvement in the process of the MRP's membership formulation created considerable skepticism among the West Papuans. They perceived the MRP – which was abruptly formed following the governor's election in 2005 – as merely a lip-service strategy from the central government merely to ease the demand for independence, but was not appropriately based on the principles of the special autonomy law.⁹⁹

c. The Controversy over the Symbols of West Papua

Chapter two of the law regulates the three symbols of the province of West Papua, which consist of a province symbol, a flag, and a hymn. These are not uniquely West Papuan, however. Most of the provinces in Indonesia have their own symbols, but in West Papua's case, the symbols are also used and manipulated by some of the pro-independence figures to express their pro-independence aspirations and identity, which, they often argue, is different than and separate from Indonesia's identity. As a result, despite the legality of the symbols, based on the special autonomy law, in

⁹⁷ Richard Chauvel and Ikrar Nusa Bhakti, *The Papua Conflict: Jakarta's Perceptions and Policies* (Washington, DC.: East-West Center, 2004), 37–38.

⁹⁸ Blair A. King, "Peace in Papua: Widening a Window of Opportunity," Council of Foreign Relations, CSR No.14, March 2006, 12–13.

⁹⁹ King, 12–13.

practice, the national government, police and military associate all activities involving West Papuans who use these symbols – most notably the flag – with the independence movement and therefore attempt to ban them.. The West Papuan flag, however, is also commonly associated by some of the independence activists with the OPM flag, instead of the province's flag.



Figure 5: West Papua Symbol and OPM Flag (From: www.papua.go.id; and www.koteka.net accessed on 10/17/2006. available at <http://www.papua.go.id/content.php/id/7> and http://www.koteka.net/images/Bintang_Kejora_small.jpg)

The Indonesian authority, represented by the police, treats harshly events where the West Papuan flag is raised. And the allegation of treason may then be made against persons involved in such events, with a possibility of spending twenty years in prison.¹⁰⁰

2. Economic Issues

Aside from the controversy over West Papua's integration process, the lack of economic development that benefits indigenous West Papuans is probably the most important cause of West Papuan resistance against the national government. Research shows that economic development is basically one of the most significant factors triggering the West Papuans' grievances, especially when we consider that a number of multinational companies with assets worth billions of dollars are operating in West Papua. The most prominent and controversial company is Freeport McMoRan, which has operated in the province since shortly after the region was integrated into Indonesia.

¹⁰⁰ "Indonesia Compromises over Irian Separatist Flag," BBC News. November 9, 2000, , available at: (<http://news.bbc.co.uk/2/hi/asia-pacific/1014962.stm>) accessed on 9/28/2006.

Freeport's presence has been a central cause of resentment for some elements in West Papua, as was evident in the latest bloody riot, in March 2006.¹⁰¹

Statistical data shows that, despite four decades of integration into Indonesia, West Papua is still overwhelmingly backward in terms of its economy. Furthermore, some of the data from the statistical bureau indicates that West Papua's economic condition, shown in Table 1, compared to the other Indonesian provinces, is far behind. According to Elmslie, West Papua's economic exploitation is one of the factors fueling West Papuans' resentment against the Indonesian government. He emphasizes that "The Papuan population has gained little economically from [Indonesia's] rapid economic growth ... The main beneficiary from the harvesting of Irian Jaya's resources was the rest of Indonesian and especially Jakarta."¹⁰²

In addressing economic progress in West Papua, there are three central issues that can be used to point out the "failure" of special autonomy. One issue is the fairness of the revenue contribution from all the natural-resources extraction in West Papua. Another is the budget allocation by the central government to West Papua. And a third issue is the problem of economic disparities between indigenous West Papuans and other Indonesians who migrate to this region. These three issues color every discussion regarding the economy of West Papua in West Papuans' day-to-day life. Unfortunately, they have been on the surface for a while, with no significant sign that they will be resolved any time soon.

¹⁰¹ Israr Iskandar, "Freeport and the Suffering of the Papuans," *The Jakarta Post* (March 21, 2006), available at: (<http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID= 20060321.F0>) accessed on 9/28/2006.

¹⁰² Jim Elmslie, *Irian Jaya Under the Gun: Indonesian Economic Development versus West Papua Nationalism* (Honolulu: University of Hawaii Press, 2002), 113.

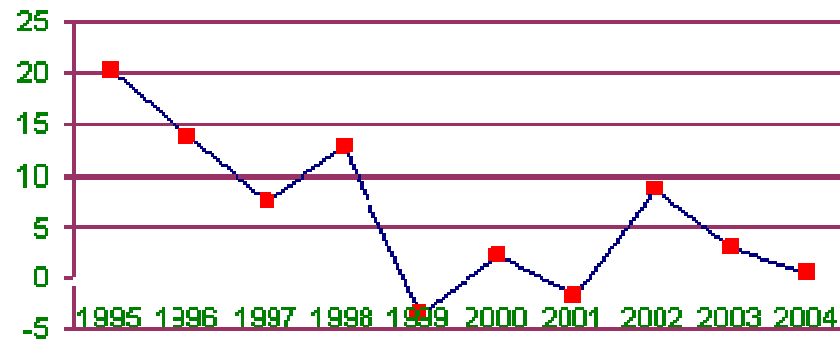


Table 1: West Papua economic growth 1995-2004 (From: West Papua Bureau of Statistic, accessed on 10/17/2006. available at <<http://www.papua.go.id/bps/>>)

Year	Growth (%)
(1)	(2)
1995	20,18
1996	13,87
1997	7,42
1998	12,72
1999	- 3,48
2000	2,16
2001	- 1,63
2002	8,70
2003	2,96
2004	0,53

Table 2: West Papua economic growth 1999-20004 (After: West Papua Bureau of Statistic, accessed on 10/17/2006. available at <<http://www.papua.go.id/bps/>>)

a. The Contribution of Natural Resources

The special autonomy has ruled that national revenues from taxes on natural resources produced in West Papua must be shared with the provinces as follows: (1) forestry: eighty percent; (2) fishery: eighty percent; (3) general mining: eighty percent; (4) petroleum: seventy percent; (5) natural gas mining: seventy percent.¹⁰³ This regulation, however, is hardly applied by the government, since there is no reliable data on how much revenue have been made by each of the companies operated in West Papua. Among all the natural resources exploration in West Papua, mining is still on the top of the list, followed by forestry, and fishery. Data on mining is relatively available, while on the other hand, data on forestry and fishery are quite murky, due to the weakness of system and regulation of these two sectors.

According to West Papua government data, there were thirty mining companies in 2000,¹⁰⁴ including the most prominent one, Freeport McMoran, which in accordance to 1991 work contract, possessed a 2,6 million square hectare area of exploration.¹⁰⁵ Most of these companies are exploring copper, nickel, and gold which are extremely expensive in international market and trade. Equally important is the government's plan to operate another giant company—BP Tangguh—which will be operated in 2008. The project will explore huge deposits --14.4 trillion cubic feet-- of liquid natural gas (LNG) in this region with estimation more than seven millions ton of LNG per annum.¹⁰⁶ Obviously the operation of this project will add the possibility of more compensation and contribution to West Papua economy. Sadly, the reality is not always as planned.

By taking the case of Freeport as an example, one will understand that it needs more effort to implement what has been planned. Financially, Freeport has been

¹⁰³ www.papuaweb.org. *Special Autonomy Legislation*. Accessed on 08/14/2006, available at (<http://www.papuaweb.org/goi/otsus/files/otsus-en.html>)

¹⁰⁴ www.papua.go.id. *Data of Natural Resources*. Accessed on 02/10/2006. Available at (<http://www.papua.go.id/content.php/en/16>)

¹⁰⁵ PT. Freeport Indonesia.com. accessed on 02/10/2006. available at (<http://www.ptfi.com/Content.asp?id=1&cid=71>)

¹⁰⁶ *BP-led consortium makes progress in Tangguh project*. The Jakarta Post. November 19, 2005. accessed on 10/02/2006. available at (<http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20051119.L03>)

giving a lot of contribution to Indonesian economy. In 2005 alone, the company has paid US\$1, 17 million as part of tax, royalty and its dividend. During the period of 1992-2004 the company paid US\$ 33 million—2.73 percent of Indonesia GDP—to the Indonesian government.¹⁰⁷ Based on this calculation, fifty five percent of West Papua GDRP has also come from Freeport contribution.¹⁰⁸ However, in reality the impact of this contribution has been absorbed by only a “small number” of Indonesians and West Papuans, marked by the continuation of protest by some of West Papuans people with regard to the Freeport’s benefit to the societies and “protest” from the governor of West Papua who accused the Indonesian government was not “honest” in dividing the royalty from the company.¹⁰⁹

	2004	1992 - 2004
Tax, Royalty, dividend, and miscellaneous payment	US\$ 260.000.000	US\$ 2.600.000.000
Total direct and indirect contribution	US\$ 3.000.000.000	US\$ 33.000.000.000

Table 3: Freeport financial contribution, 1992-2004 (From: PT. Freeport Indonesia.com; accessed on 02/10/2006. Available at <<http://www.ptfi.com/Content.asp?id=1&cid=71>>)

Furthermore, one side effect of the continued existence of all these companies in the province is that West Papuans’ resentment shows no sign of decreasing. Indeed, the situation is getting worse. There have been a number of incidents in which the companies “clashed” with local communities, and the potential for human rights abuses and violations is currently very high. (This phenomenon will be discussed further in a subsequent human rights and justice section.) Clearly, the contribution of all these companies to West Papuan societies could significantly improve the West Papua

¹⁰⁷ PT. Freeport Indonesia.com. accessed on 02/10/2006. available at (<http://www.ptfi.com/Content.asp?id=1&cid=71>)

¹⁰⁸ Ibid.

¹⁰⁹ Rendi A. Witular. *Papua calls foul over Freeport fees*. The Jakarta Post. February 11, 2005. accessed on 10/02/2006. available at (<http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20050211.L03>)

economic situation. The problem is how to get that contribution distributed among all West Papuans, not just a small number of Indonesians or West Papuan political elites.

b. *The Budget Allocation*

According to the special autonomy regulations, the budget allocation for West Papua must be “special,” which means bigger than the allocation of an average Indonesian province. The allocation comes, essentially, from two sources: the central government budget and West Papua’s regional revenues. More specifically, the budget allowance from the central government comes from a general allocation grant (DAU/Dana Alokasi Umum) and special autonomy funds (Dana Otsus). As specified by the special autonomy rules, the budget must include a certain percentage taken from regional revenues, as we noted in our discussion of natural resources. The budget, however, is not free of problems: there are issues of corruption and transparency.¹¹⁰ The most annoying aspect, however, is the use of this financial resource and the inadequacy of its control and management by West Papuan authorities. For instance, in fiscal year 2005, the region received a budget allocation of US\$183 million from the central government for special autonomy implementation.¹¹¹ Nonetheless, as a *Jakarta Post* article points out, “forty percent of [West] Papuans are living below the poverty line – more than double the national average. One third of [West] Papuans’ children do not go to school, and nine out of ten villages do not have basic health service, with a health center, doctor or midwife.”¹¹²

c. *The Economic Disparities*

Another important issue with regard to West Papua’s economic situation is the level of economic disparity between the indigenous West Papuans and other Indonesians who live in West Papua. As Elmslie argues in his book, *Irian Jaya Under the Gun*, an increasing number of Indonesians in West Papua is inevitable, thanks to the

¹¹⁰ Tiarna Siboro, “Papua, Aceh Scrutinized over Budget Misuses,” *The Jakarta Post* (March 28, 2003), accessed on 10/2/2006, available at: <<http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20030328.C04>>

¹¹¹ “Papua Gets Rp 1.7t for Special Autonomy,” *The Jakarta Post* (April, 1, 2005), accessed on 10/2/2006, available at: <<http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20050401.C05>>

¹¹² Wolfgang Fengler, Jasmin Chakeri, and Bambang Suharnoko Sjahrir, “Is Papua Spending Its Fiscal Resources Wisely?” *The Jakarta Post* (November 16, 2005), accessed on 10/2/2006, available at: <<http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20051116.F05>>

Indonesian government's transmigration program. It not only changes the composition of the population, but also presents new challenges for West Papuans in terms of economic opportunity and competition.¹¹³ Although the government halted its transmigration program in 2000, Indonesians, especially from Java and South Sulawesi, still flow spontaneously to this region, which they perceive as a region of hope and entrepreneurship.¹¹⁴ Unfortunately, the consequence of this migration is more resentment by the indigenous people, who are forced to compete in many sectors, including economically, with the immigrants. As a result, indigenous West Papuans continue to feel more alienated in their own land, marginalized by immigrants who, in the eyes of employers, seem more reliable and efficient than the local residents.¹¹⁵

The economic disparity between the local people and the Indonesian immigrants not only fuels regional tension, but also creates a wider gap between the indigenous people and the other Indonesians. Jaap Timmer argues that the problem is then exacerbated by poor governance, which he rightly emphasizes in his analysis of the situation in West Papua.

Poverty levels in the highlands are the highest in Indonesia and economic disparities lead to regional tensions. Poor governance is widening the gap between local people and the government. On top of that, decades of poorly controlled military action have generated a widespread collective memory of violence and humiliation. These accumulated factors conjure up the demon of independence that so easily mobilizes Papuans and paralyzes Jakarta.¹¹⁶

Economic disparity, however, is not an independent problem. It is strongly related to other problems, such as the level of education, the socio-cultural background, and the availability of opportunity. The government clearly has an important role in this matter to stipulate and assist the indigenous people to catch up with the Indonesian immigrants.

¹¹³ Jim Elmslie, *Irian Jaya Under the Gun: Indonesian Economic Development versus West Papua Nationalism* (Honolulu: University of Hawaii Press, 2002), 73-75.

¹¹⁴ Ibid., 73-75.

¹¹⁵ Ibid., 75.

¹¹⁶ Jaap Timmer, Conflict Resolution in Papua, *The Jakarta Post* (January 5, 2006), accessed on 10/2/2006, available at: <<http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20060105.E03>>

3. Socio-Cultural Issues

The twelve articles of the special autonomy law cover a number of socio-cultural issues. Some mention specifically the degree of rights and obligations that the West Papuans and the government have to satisfy the legal requirements. Implementation of these articles, however, as with the political and economic issues, is far from what was expected, even five years after the law's promulgation. Problems exist in every sector, social and cultural, and at every level of West Papuan society: whether villages, suburbs, or cities. Some indicators – such as the level of education, the level of poverty, the level of illiteracy, and so forth – show just how far the implementation of the law has or hasn't worked throughout all levels of society. Observers of the law's implementation in West Papuan society find that those indicators reveal the “failures” of special autonomy. Some of the indicators are represented by data in the field, while others are represented by the “controversies” that surround these matters.

a. Education

Article fifty-six of the law determines that education is part of the domain of the provincial government, which must regulate all aspects related to education, from the curriculum to the overall system. In article forty-seven, the law requires that the educational system be used to promote and preserve the West Papuan identity, culture, and customs.¹¹⁷ Also, the law specifically says that education is meant to elevate the living standard of mainly the indigenous people, who, intentionally or not, have been marginalized, especially during the new-order era.

Controversy occurred when the Indonesian parliament passed an education law that introduced a new educational system for all of Indonesia. During the debates and process of developing this law, neither the central government nor the parliament considered the necessity to exclude special regions, like West Papua, from being subject to the new law.¹¹⁸ As a result, the already suspicious West Papuans became increasingly skeptical of the government's intentions, not only in regard to the educational system, but

¹¹⁷ Special Autonomy Legislation, accessed on 8/14/2006, available at: <<http://www.papuaweb.org/goi/otsus/files/otsus-en.html>>

¹¹⁸ Laurence Sullivan, *Challenges to Special Autonomy in the Province of Papua, Republic of Indonesia* (The Australian National University. Research School of Pacific and Asian Studies, 2003), 10–11.

to other issues as well. According to Laurence Sullivan, “It is this attitude and also the basic lack of knowledge about Otsus [special autonomy] in Jakarta, which is causing many problems.”¹¹⁹ Additionally, the data pertaining to education in West Papua, as shown in Figure 8, is clear evidence that, despite the effort and money committed to education in West Papua, much more has to be done in order to achieve what the law requires.

West Papuans who failed to complete elementary school	49.6 %
West Papuans graduated from elementary school	21.64 %
West Papuans graduated from senior high school	10.06 %
West Papuans graduated from university	1.9 %

Table 4: Education achievement of West Papua in 2003 (After: Nethy Dharma Somba. *74 percent of Papuans live in isolation and poverty*. The Jakarta Post. August 19, 2003. accessed on 10/02/2006. available at <http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20030819.D02>>)

	West Papua	Indonesia
Men	58 %	90 %
Women	44 %	78 %

Table 5: Comparison of Literacy Rate in West Papua and Indonesia (After: Neles Tebay. *West Papua: The Struggle for Peace with Justice*. Catholic Institute for International Relation. London. 2005)

b. Poverty, Health, and the Living Standard

West Papuans’ living conditions probably are among the most controversial issues, due to the fact that, in terms of its natural resources and budget allocation, the province of West Papua is among the five richest provinces and receives the biggest annual budget allotment in all of Indonesia. Unfortunately, some indicators in

¹¹⁹ Laurence Sullivan, *Challenges to Special Autonomy in the Province of Papua, Republic of Indonesia* (The Australian National University. Research School of Pacific and Asian Studies, 2003), 11.

the field do not support a theory of simultaneous equivalency that defines a society's growth and prosperity by looking at only its wealth and resources.

In 2003, Governor Jaap Salossa reported that "74.24 percent of the more than 2.3-million-strong population is living in remote areas such as steep slopes, isolated isles, and deep gorges, without access to proper transportation and other public facilities."¹²⁰ He added: "poverty was the cause of a low quality of life in [West] Papua, with the infant mortality rate standing at seventy-nine per one thousand births."¹²¹

Moreover, according to statistics from the Ministry of Development and Disadvantaged Regions, nineteen out of twenty-nine regions in West Papua are categorized as "underdeveloped."¹²² Based the data, therefore, it is not surprising that 39.2 percent of West Papuans live under the poverty level,¹²³ and twenty-five out of 250 tribes are still living without outside contact.¹²⁴ This sad picture of West Papuans' social condition is worsened by numerous incidents of such factors as famine,¹²⁵ death-related diarrhea, and malaria,¹²⁶ and an increasing number of HIV/AIDS cases thirty times the national average.¹²⁷ All these indicators clearly demonstrate that special autonomy, which has been in West Papua since 2001, has had little impact on people's everyday lives, especially the indigenous and ordinary West Papuans.

¹²⁰ Nethy Dharma Somba, *74 percent of Papuans live in isolation and poverty*. The Jakarta Post. August 19, 2003. accessed on 10/02/2006. available at
<<http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20030819.D02>>

¹²¹ Ibid.

¹²² "New deal for Papuans," *The Jakarta Post* (July 26, 2006), accessed on 10/2/2006, available at:
<<http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20060726.E01>>

¹²³ West Papua Statistics Bureau, <www.bpspapua.go.id>

¹²⁴ Ibid.

¹²⁵ "Government Sends Aid to Papua as Famine Kills 55," *The Jakarta Post* (December 10, 2005), accessed on 10/2/2006, available at:
<<http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20060425.D02>>

¹²⁶ Nethy Dharma Somba, "Diarrhea Kills 58 in Papua," *The Jakarta Post* (April 25, 2006), accessed on 10/2/2006, available at:
<<http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20060425.D01>>

¹²⁷ Chris W. Green, "Spread of AIDS in Papua at Alarming Level," *The Jakarta Post* (October 3, 2002), accessed on 10/2/2006, available at:
<<http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20060425.D22>>

	West Papua
Human Development Index	60,1 (29 th)
Life expectancy 2003	65,2 (year)
Poverty Level	39,2 %
Average Education length	6 (year)
Literacy Rate	74,4 %

Table 6: Data of West Papuan living conditions in 2003 (From: West Papua statistic bureau. Accessed on 10/17/2006. available at <<http://www.papua.go.id/bps/>>)

c. Rhetoric of Culture Protection

Two articles of the special autonomy law cover cultural protection aspects. Article fifty-seven says that “the provincial government shall protect, foster, and develop the culture of [West] Papuan natives.”¹²⁸ Article fifty-eight specifies the government’s obligation to “maintain and stabilize” the identity of West Papuans.¹²⁹ Thus, according to those articles, the government must play an active role in protecting aspects of West Papuan culture. The reality, however, is disturbingly opposite. Instead of maintaining and stabilizing the culture, the government is accused not only of being negligent, but also of endangering West Papuan culture by allowing the continuous presence of other Indonesians in West Papua. Many scholars have addressed this continuation of “*Indonesianization*” in West Papua. West Papuans are being forced to change their way of life, which, according to the government, is neither civilized nor healthy.

Furthermore, in the name of modernization and development, West Papuans are being encouraged to change their traditions, customs, and even their identity.¹³⁰ As Neles Tebay, a priest in Jayapura’s diocese, explains,

¹²⁸ Special Autonomy Legislation, accessed on 8/14/2006, available at: <<http://www.papuaweb.org/goi/otsus/files/otsus-en.html>>

¹²⁹ Ibid.

¹³⁰ Neles Tebay. *West Papua: The Struggle for Peace with Justice*. Catholic Institute for International Relation. London. 2005, 11–12.

A significant example of the undermining of West Papuan culture is the way that West Papuans have been separated from their land. In former days, the West Papuans were the owners of the forest under customary *adat* (traditional law) . . . under Indonesian rule, West Papuans were no longer considered as the owners of ancestral lands. Their lands were plundered on the pretext of national development, and their forests expropriated and exploited.¹³¹

4. Human Rights and Justice

Human rights and justice comprise one of the most apparent areas in which special autonomy has failed to improve conditions for the indigenous West Papuans. Since 2001, the year the law was launched, a number of human-rights- and justice-related incidents have occurred in West Papua. All have hampered efforts to improve the image of West Papua, which has been devastated by cases of human rights violations and abuses. These were committed mostly by the Indonesian military, especially during the New Order era. Many scholars argue that the continuation of a security approach by the Indonesian government is the main cause of these violations. Therefore, even though the law respects human rights, in practice, human rights are put aside in the name of security and stability. Nonetheless, since President Susilo Bambang Yudhoyono was elected in 2004, the situation is getting better. Regrettably, a number of unexpected incidents have inevitably occurred, which undermine the government's pledge to improve the human rights situation.

Another important issue is the absence of human rights institutions, which, according to special autonomy, have to be established in West Papua. These institutions, including human rights courts and a commission of righteousness and reconciliation, are explicitly expressed in the special autonomy law as a mean to achieve and maintain a conducive human rights situation in which indigenous people are respected and treated fairly, are equal, and are free from fear and intimidation.¹³² Five years after the promulgation of the law, not a single human rights court has been established in West Papua. The commission of truth and reconciliation is merely rhetorical. As a result,

¹³¹ Neles Tebay. *West Papua: The Struggle for Peace with Justice*. Catholic Institute for International Relation. London. 2005, 12.

¹³² www.papuaweb.org. *Special Autonomy Legislation*. Articles 45-47.

skepticism and cynicism among West Papuans increasingly colors their everyday interactions with the government, whether provincial or central government.

A more disturbing picture described by Human Rights Watch relates to the Indonesian military's practices in West Papua, which, according to the 2006 report, are "characterized by undisciplined and unaccountable troops committing widespread abuses against civilians, including extrajudicial executions, torture, forced disappearances, arbitrary arrests and detentions, and drastic limits on freedom of movement."¹³³ The report also notes, however, that in September 2005, two police officers were tried in a human rights court in Makassar for the killing of three West Papuan students and the torture of a hundred civilians.¹³⁴ It is also important to note that human rights violations are committed not only by Indonesian authorities, but also by some of OPM members, as shown in Table 6. Clearly, the continuation of this chain of violence will only intensify the tension between West Papuans and the Indonesian military and police on the one hand, and between the indigenous people and Indonesian immigrants on the other.

Fortunately, an accusation of "genocide" in West Papua, though debatable and dependent on one's perspective, is not true.¹³⁵ A recent report by the ICG, which discusses this matter, finds that the two reports that include the accusation – "Indonesian Human Rights Abuses in West Papua: Application of the Law of Genocide to the History of Indonesian Control," by students at Yale Law School; and "Genocide in West Papua? The Role of the Indonesian State Apparatus and a Current Needs Assessment of the Papuan People," by Sydney University's John Wing and Peter King – have many factual errors.¹³⁶ The ICG does admit, however, that a severe human rights violation occurred during the 1970s' military campaign.¹³⁷

¹³³ Human Rights Watch, "Country Report 2006: Indonesia," New York, January 2006, 2.

¹³⁴ Ibid., 1.

¹³⁵ International Crisis Group, "Papua: Answers to Frequently Asked Questions," Asia Briefing No. 53, Jakarta/Brussels, September 5, 2006, 8–9.

¹³⁶ Ibid.

¹³⁷ Ibid.

	Month	Human Rights and Justice violation related incidents
2001	June September November	a. The kidnapping of two Belgians by OPM. b. The attacking of TNI post by OPM. c. The assassination of Theys Elluay, the chairman of West Papua customary council, by the Indonesian Special Forces personnel.
2002	August December	a. An ambush killed two American and one Indonesian. At first, the Indonesian military was highly suspected behind the incident; however, later on, based on joint investigation by FBI and Indonesian Police, it has proved done by OPM. b. A shooting of human rights activist's wife—Elsie Rumbiak Bonay--by unknown person.
2003	January April May June August November	a. A shooting by unknown gunman wounded military personnel. b. An attack to a military facility killed two officers, and one of the attackers who were identified as an OPM member. The attackers also took away some of the TNI rifles. c. A gunfight between the Indonesian military and OPM killed two unidentified OPM member. d. KONTRAS (Indonesian Human Rights Affiliated Organization) accused military killing sixteen civilian during the military operation responded the incident of military facility's raid in May e. A gunfight killed two of OPM member f. Clashes between West Papuans regarding the controversy over the creation of Central Irian Jaya province claimed three lives. g. Two un-indigenous people killed and four injured after attacked by indigenous people. h. TNI killed ten OPM members in a raid, including one of the leaders, Yustinus Murib.
2004	April August September October	a. Police killed two OPM. b. One killed over clashed disputed Indonesian independence day c. Police shot to dead one local people d. A raid over military base, killed one OPM and one TNI injured e. Six person killed by OPM attack to construction workers.
2005	April	a. OPM member shot by Police, eight others arrested.
2006	January March April May July August	a. Security officer shot to dead a local people b. Riot, four Indonesian Police officer and one Indonesian Air force personnel were killed, one demonstrator wounded. c. Four die in an attack, two TNI and two OPM, two injured d. Two died in clash with police e. Ten died in tribal war f. Three die in tribal war.

Table 7: Human –rights-and –justice-related incidents 2001-2006 (After: The Jakarta Post in Period January 2001-October 2006, compiled by author)

C. IMPLICATIONS

The failure of special autonomy will have serious implications and consequences for the Indonesian government both domestically and internationally. One obvious consequence is that Indonesia's territorial integrity will be put at high risk. After "the loss" of East Timor in 1999, many scholars assumed that a similar incident would trigger the so-called "Balkanization" of Indonesia which is the worst thing that could happen.

1. Domestic Implications

Domestically, the failure of special autonomy in West Papua will influence all government policies, not only in West Papua, but also in other regions, especially since special autonomy is a continuation of the central government's decentralization policy. In addition, there are three other important implications that the government must take into serious consideration; otherwise, Indonesia will start to fall apart.

a. Credibility of Central Government is at Risk

Special autonomy has been used by the Indonesian government to show its intention to resolve West Papua's problems peacefully, as it did in Aceh. However, unlike Aceh, where the implementation of a peace process and so forth went well, West Papua is a messy place. The Indonesian government's credibility and capability will be at high risk if the current situation in West Papua continues. And once it loses its credibility, it will be hard for the central government to impose its policies on the provinces. As a result, the already "difficult" relation between the central government and the regions will continue and worsen.

b. Disintegration of West Papua

The disintegration of West Papua will become obvious. Special autonomy was expected to be a final solution for all the problems in West Papua. By introducing special autonomy, the Indonesian government hoped it would change West Papuans' perceptions and attitudes toward the government. Sadly, the blunders in its implementation will just give the West Papuans another reason to demand their independence, something the government wants to avoid.

c. Disintegration of Indonesia

A more devastating estimation is the disintegration of Indonesia itself. The central government's disability in holding West Papua as part of Indonesia will

definitely trigger the same demand from other provinces. Even if this assumption is too pessimistic, from their experiences during the early phase of the reformation era, 1997–1999, some regions have echoed that demand: for instance, Bali, Riau, Moluccas, and even South Sulawesi. There will be always opportunist figures or politicians that will try to take advantage of this issue, as they have in the past. Unfortunately, the cost of Indonesia’s disintegration will be too high.

2. International Implications

Internationally, the failure of special autonomy will influence and determine the situation not only in West Papua, but also in other parts of Indonesia. And, given today’s era of globalization, there will be no way for the Indonesian government to deny or avoid the implications and consequences of its mismanagement in West Papua. The International community will make sure that the Indonesian government is “punished” if the situation in West Papua continues or worsens. There are three important implications that should be pointed out here as a direct result of the failure of special autonomy.

a. Worsen Indonesian’s Image

Indonesia’s international image has, to some extent, gradually become “normal” since the election in 2004, which put Indonesia on the list of democratic countries after more than three decades under authoritarianism. The continuation of many problems, however, has undermined this image. Some of the problems are a continuation of problems that occurred at the beginning of the reformation era, during the period 1997–1999. During that period, Indonesia was known as a place of communal violence, riots, ethnic conflict, corruption, and so forth. The failure of special autonomy will add to the long list of problems in Indonesia, and obviously will further justify the belief that Indonesia is just what the international community thought it was.

b. Political Pressure

Politically, the failure of special autonomy, marked by the problems with its implementation, will result in pressure on the Indonesian government from the international community. West Papua is already widely seen as an international issue, even if only three Pacific countries – Vanuatu, Nauru, and Tuvalu – officially recognize the existence of OPM as an independence movement demanding self-determination.

Most countries officially recognize Indonesia's sovereignty over West Papua.¹³⁸ However, many countries also express their concern over West Papua for various reasons, such as democratization, the economy, minority rights, justice, human rights, and global warming. All of these issues must be taken seriously by the Indonesian government, because, in the past, they have been used by the international community to influence, pressure, and determine Indonesian government policies. Clearly, any failure of government policy in West Papua will put the Indonesian government at the center of attention for the international community as, for example, was the case recently regarding the West Papuan asylum-seekers.¹³⁹

c. Economic Pressure

Economic pressure is obviously a natural continuation of political pressure. Economic aid and assistance are always followed by certain conditions. Unfortunately, Indonesia is known as one of the international community's biggest aid recipients. And, with so many countries and international financial organizations involved in budgeting the development in Indonesian, the economic implications are inevitable, especially considering the amount of foreign investment taking place in West Papua.

D. CONCLUSION

Special autonomy has been cheered by some of its proponents as a good policy of the Indonesian government in its attempt to solve West Papua's problems comprehensively. Regrettably, as discussed here, the implementation remains unclear. A half-hearted implementation from the Indonesian government put special autonomy at high risk of failure. The consequences of another policy failure, especially for West Papua, which has experienced so many policy failures of the Indonesian government, will inevitably have diverse implications and consequences. And the West Papuans and the rest of Indonesian are obviously the ones who will have to deal with these consequences, like it or not. Unfortunately, consequences are always associated with unpleasant situations.

¹³⁸ International Crisis Group, "Papua: Answers to Frequently Asked Questions," Asia Briefing No. 53, Jakarta/Brussels, September 5, 2006, 7-8.

¹³⁹ Khalik and Siboro. Ibid.

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V. CONCLUSION

Indonesia has existed as a state for sixty-one years. During that time, it escaped many worst-case scenarios, which might have threatened its survival as a nation. That survival came at a tragic cost, however: the lives of thousands of Indonesians. Many bloody incidents, which, unfortunately, seemed inevitable, marked Indonesia's continued existence as a state. Sukarno's Old Order, Suharto's New Order, and the Reform Era, saw hundreds of violent incidents that took the lives of many Indonesians. Regrettably, this was also the case in West Papua.

Since the Act of Free Choice and West Papua's controversial integration into the Republic of Indonesia in 1969, that province has dominated the Indonesian media's news reports of violence, backwardness, negligence, marginalization, and so forth. Continually, the news from West Papua on any given day is represented in those terms. An accumulated sense of desperation, helplessness, hopelessness, humiliation, and anger intensifies the West Papuans' grievances and their resentment of the central government. The general feeling of exploitation that prevails seems inevitable, especially in light of the damage done by mining, legal or illegal; by logging, more by illegal than legal companies; and by an out-of-control fishing industry. At the same time, most West Papuans live beneath the poverty level with all the consequences of that, such as illiteracy, unhealthy living conditions, endemic disease, unemployment, AIDS, and backwardness.

The Indonesian government's policy toward West Papua, which relies primarily on a heavy-handed security approach, is clearly one of the main sources of the West Papuans' growing resentment. It is simply astonishing that, after more than three decades of integration into the Republic of Indonesia, the same problems and grievances as in the beginning continue to hamper the lives of West Papuans. Although similar problems – poverty, illiteracy, backwardness – also occur in other parts of Indonesia, the Indonesian government was supposed to pay particular attention to West Papua, so as to avoid the “internationalization” of this problem, since the problems also involved arrangements made by the international community.

Ironically, the New Order Era, which was perceived as an era of development for Indonesia, had little impact in West Papua. This region was still treated like a second-class region where the “must-crush” OPM existed. No wonder the thirty-two years of the New Order Era were cheered only by a small number of West Papuans. Basically, the Indonesian government had tried a number of different policies in West Papua, but it lacked the strong political will needed to solve the problems comprehensively, to address the grievances, and to improve the overall conditions in the province. As a result, instead of being resolved, the problems in West Papua continue and seem even to worsen.

A. CONCLUSION

1. The Failure of Special Autonomy in West Papua

Special autonomy was launched in November 2001. The law was drafted mostly by West Papuan scholars with the governor of West Papua, Jaap Salossa, as the leader. Special autonomy was discussed extensively by West Papuan scholars and politicians, as well as the Indonesian parliament, before it passed into law. Originally, special autonomy was intended as a conflict-resolution measure in West Papua, and thus had been long awaited by the West Papuans. Unfortunately, as this thesis has shown here, their hopes remain unfulfilled. Instead of being a solution, the law has created even more resentment among West Papuans, who skeptically perceive the law as merely another empty promise by the Indonesian government.

These circumstances, too, seem inevitable, because even now, five years after the law’s promulgation, the Indonesian government is still struggling to find an appropriate method for implementing some of the law’s articles. Moreover, the situation has been worsened by the central government’s many political and economical blunders in implementing the law. As a result, some highly controversial policies – political, economic, and socio-cultural – have been applied in West Papua. These have had severe consequences, including: violent incidents which took the lives of mostly West Papuans; incidents of famine and starvation which also took lives; and increasing number incidents of deaths caused by illness. It is not unrealistic to assume, therefore, given all of the above, that the special autonomy law has substantially failed.

2. The Problems of Implementation

Special autonomy is undeniably a very good method for resolving conflicts such as those in West Papua. Indeed, West Papua's special autonomy law includes many articles that directly address West Papuan grievances. These articles are applicable, specifically, for example, to the political, economic, socio-cultural, human-rights, justice, and environmental matters in West Papua. Many experts believe that, if all the articles were fully implemented, the province of West Papua would no longer be such a problem for the Indonesian government. Regrettably, what was intended as a good opportunity for solving the West Papua problem turned out to be disappointing. While the law appears good conceptually, it falls short in the implementation.

Some of the disturbing realities of the special-autonomy law's implementation had to do with the everyday affairs ruled by the law. The implementation was handicapped in its application to political, economic, socio-cultural, human-rights, and justice issues. Some of the problems that occurred were intentionally created by the central government; some occurred as a result of weak, ignorant, corrupt, and incompetent governance, by both the central and the regional governments. Therefore, it is not surprising that many West Papuans are deeply disappointed in the government, particularly the central government, which, after more than four decades, is still promising to improve the economy, living conditions, infrastructure, political rights, human rights, and cultural protection of the West Papuans.

Equally annoying is the fact that some of these problems still persist, with no clear sign that they will be solved soon by the government. The government seems to have no strong political will to address and overcome these problems. If the situation remains the same, the Indonesian government may face severe consequences, including a possible "internationalization" of the West Papua problem, which could lead to a situation similar to that of East Timor. The government must act now, or the situation will worsen, and it will be too late. The disintegration of any part of Indonesia, such as the province of West Papua, could trigger the disintegration of the entire Indonesian state.

B. RECOMMENDATIONS

The preceding discussions focused on the implementation problems of special autonomy in West Papua. This section will present some recommendation for the Indonesian government in general, and for the provincial government of West Papua in particular, including all the departments under its control and coordination.

These recommendations are intended as yet another opinion for the government of Indonesia to consider in regard to the implementation of special autonomy, with all its problems and complications, in West Papua. Therefore, it is necessary that these recommendations be understood by the persons in charge, both conceptually and in their practical in-the-field application. The combined understanding from these two key perspectives will determine how much improvement in the law's implementation will take place.

1. The Political Factors

Politically, the Indonesian government must address and seriously review the three problems discussed in Chapter IV. These problems are by far the most controversial, politically, since they clearly undermine the special autonomy law.

a. Review the Division of West Papua into Three Provinces

First, this thesis recommends that the Indonesian government cancel Law No. 45/1999, which requires the division of West Papua into three provinces. This law contradicts and undermines the law of special autonomy, which perceives West Papua as a single entity. In addition, the paper recommends that the government also cancel the presidential instruction that calls for the speeding up of that tripartite division. Obviously, this will be difficult, since the three provinces have already been established. However, for the Indonesian government to be consistent, this must be done in accordance with special autonomy.¹⁴⁰ The Indonesian government could at least re-process the division, using the appropriate methods and regulations as stipulated by the special autonomy laws. Special autonomy itself requires the approval of the MRP for any such political decisions. Hopefully, the division of West Papua, if unavoidable, would through those

¹⁴⁰ Ikrar Nusa Bhakti, *Mencari Titik Temu Pemekaran*, Kompas. Thursday, August 28, 2003, available at <<http://kompas.com/kompas-cetak/0308/28/opini/517787.htm>> accessed on 10/29/2006.

measures be made more politically and ethically acceptable to the West Papuans. At least, there could be no accusation that the central government is playing a game of “divide and rule.”

b. Evaluate West Papua’s Relationship with the MRP

As mandated by the special autonomy law, the MRP (Majelis Rakyat Papua) serves as a legislative body in West Papua and, together with the DPRD (West Papua Parliament), determines and oversees all decisions pertaining to West Papua’s governance and laws. There is a nuanced undermining of this, however. Because of a growing fear among the central government officials and politicians in Jakarta that the MRP will become a starting point for West Papuan independence, the central government wants to reduce the MRP’s power. The Indonesian government needs to do away with such fears. Instead of developing suspicious sentiments, the central and regional governments could use the MRP to bridge the gap between Jakarta and Jayapura, and thus achieve a mutual understanding of the pertinent factors: the concept and law of special autonomy; the concepts of the NKRI, the *Negara Kesatuan Republik Indonesia*/ (The Unity of the Indonesian Republic); and the concept of Indonesian nationalism.

c. Redefine the Regulations Governing West Papua Symbols

This thesis recommends that the regulations governing West Papua’s symbols also be reconsidered, so as to more broadly accommodate the spirit of “free expression” among West Papuans. This is especially crucial in regard to the raising of the OPM flag, which is already perceived as one of the symbols of West Papua. The Indonesian security apparatus, especially the Indonesian police, must handle every case of flag-raising carefully, with full awareness of and concern for possible political and international implications of any harsh response. By differentiating case by case, using prevention-and-persuasion measures, the Indonesian government can avoid the backfire effects of any hostile actions in such incidents. In addition, the government also must publicize the laws regarding this sort of behavior, which often happens because of a lack of knowledge by those involved.

2. The Economic Factors

This paper recommends that, in economic matters, the Indonesian government evaluate what has been done, especially regarding the three important issues outlined in Chapter IV, which dominate the grievances and resentment of West Papuans.

a. Follow the Laws Governing Natural Resources Percentages

As ruled in the special autonomy law, West Papua is entitled to a significant percentage of the shared natural-resources revenue. The recommendation, therefore, that the central government fulfill the legal arrangement – without objection – let alone any effort to deviate, for whatever reason. By doing so, the government will send a strong message to the West Papuans regarding its responsibility and sincere dedication to the development and improvement of West Papua.

b. Better Control and Management of the Annual Budget

Corruption has been chronically rooted in West Papua.¹⁴¹ As a result, despite the large amount of the annual budget allocated to this region every year – especially after the introduction of special autonomy – poverty, backwardness, illiteracy, and disease still hamper the lives of West Papuans.¹⁴² The government, both central and provincial, must take the necessary steps to ensure that expenditures of the annual budget go in the right direction to meet the designated targets and objectives. Tight control and smart management will be required in this effort, which also must be followed by a strong, indiscriminate enforcement of the law.

c. Reduce the Economic Disparities

This thesis recommends that the government create an alternative economic system which provides indigenous West Papuans strong incentives and more facilities, such as easy access to bank credit, training, protection, and subsidies, in starting economic activities. The government also needs to create activities that will better accommodate indigenous West Papuans and encourage them to take advantage of more opportunities to improve the West Papuan economy. In addition, a so-called *padat karya* (labor-intensive) projects are also needed in accommodating high unemployment in this

¹⁴¹ *Memberantas Korupsi di Papua, Mungkinkah?* Kompas. Friday, April 30, 2004 available at (<http://www.kompas.com/kompas-cetak/0404/30/utama/998738.htm>) accessed on 10/29/2006.

¹⁴² *Kesejahteraan Warga Papua Tak Pernah Terbangun*, Kompas. Sunday 7, September. 2003, available at (<http://www.kompas.com/Kompas-cetak/0309/07/Fokus/545218.htm>) accessed on 10/29/2006.

province. This step is necessary because the conventional economic system has created a huge gap between the indigenous West Papuans and Indonesian migrants. By adopting this policy step-by-step, the gap between the two groups – indigenous and migrants – will be reduced, which means no more feelings of jealousy, marginalization, and alienation.

3. The Socio-Cultural Factors

In regard to the social and cultural issues, the government must pay closer attention to the problems in education, poverty, the healthcare system, living conditions, and cultural protections. The existence of these problems not only fuels the feeling of abandonment among West Papuans, but also ultimately gives them no incentive to live as part of the greater Indonesia.

a. Education as Part of Culture Preservation

This thesis recommends that the government review the application of the national education laws in West Papua, which, at present, does not represent the spirit of the special autonomy law. As this paper has shown in the earlier discussion, the current generalized application of the national education law undermines the articles of education in the special autonomy law which were meant to preserve and promote the culture of indigenous West Papua. By reviewing and reevaluating these measures, the government would once again be credited with having the political will to fulfill the special autonomy law as part of its overall attempt at conflict resolution in West Papua. Furthermore, the government must work very hard to increase the literacy rate of West Papuans by providing more opportunities for the people to have access to education, whether through formal or informal means.

b. Overcome Poverty, Increase the Living Standard, and Provide a Good Healthcare System

The heading points out the classic problems in West Papua which have existed since its integration into the Indonesian state. We strongly recommend that the government work harder in these matters, with close and careful interdepartmental coordination. The government must redefine its strategy in order to overcome a number of obstacles, for instance, cultural barriers, a lack of infrastructure, and limited resources. Equally important is the determination of certain achievable objectives that can be reached and measured within a set timeframe. By adopting these policies, the government

could move step-by-step in the right direction for improving the living standards, reducing the number of people living in poverty, and ameliorating the healthcare system.

c. Taking a Real Step toward Culture Protection

This thesis recommends that the government change its approach in regard to protecting and promoting the West Papuan culture. The first step in doing so is to stop forcing West Papuans to change their culture, identity, and customs in the name of modernization and development. The government could create special regulations as a follow-up to the special autonomy law, to achieve the objectives of protecting, fostering, and developing the culture of West Papua. In addition, the government also could initiate the establishment of cultural pocket-areas protected by the government and the law. These policies are greatly needed, given the great impact of cultural globalization that tends to undermine local values and traditions. By adopting these recommendations, the government could prevent the accusation that it is intentionally trying to eliminate the West Papuan culture. Instead, the government would be hailed for its concern for and protection of the indigenous culture.

4. Human-Rights and Justice Factors

a. Carefully Plan and Conduct Military and Police Operations

This research finds that the human-rights violations in West Papua are a direct result of the continuation of the security approach that characterizes military and police operations against the OPM (*Organisasi Papua Merdeka*). Many times, anti-guerilla military operations have an unanticipated side effect: they trigger incidents of human rights abuse and, ultimately, human-rights violations. Because of this unfortunate situation, this thesis recommends that the government review and evaluate the current strategy and procedures being used in military and police operations in West Papua. By more carefully planning and conducting its police and military operations, the government could minimize the unnecessary and excessive effect of these operations on West Papuan society in general, and on indigenous West Papuans in particular.

In implementing these changes, the abolition of a generalized harsh and biased mentality in the Indonesian security apparatus could be critically important, for the current tendency is to perceive any and all incidents involving indigenous West Papuans as directly associated with the OPM. By taking steps to modify that general impression,

incidents would more likely be treated on the basis of the rule law, whereby suspects would be taken into custody and tried in the courts. This could eliminate the potential for future extra-judicial actions on the part of the Indonesian security apparatuses. This step would therefore be enormously valuable, since the most chronic grievances and resentments of West Papuans are often related to incidents of human-rights violations.

b. Establish a Human Rights Court and a Truth and Reconciliation Commission

Finally, this thesis recommends the establishment of a Human Rights Court and a Truth and Reconciliation Commission. Indeed, both institutions are mandated by the special autonomy law. Therefore, this research recommends that the government fulfill its mandate and enact the policies necessary for establishing these two institutions. Failure to do so only exacerbates the human-rights situation in West Papua, which is already referred to as a typical example of the Indonesian government's negligence and ignorance in regard to West Papua and the indigenous West Papuans.

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