

## Papua: The Dangers of Shutting Down Dialogue

### I. OVERVIEW

There is serious risk the long-awaited Papuan People's Council (*Majelis Rakyat Papua*, MRP) is about to collapse, only five months after it was established, ending hopes that it could ease tensions between Papuans and the central government. The MRP was designed as the centrepiece of the autonomy package granted the country's easternmost province in 2001. Almost as soon as it came into being, however, it was faced with two major crises – stalled talks over the legal status of West Irian Jaya, the province carved out of Papua in 2003, and violence sparked by protests over the giant Freeport mine – while Jakarta marginalised its mediation attempts. To revive genuine dialogue and salvage the institution before autonomy is perhaps fatally damaged, President Yudhoyono should meet the MRP in Papua, thus acknowledging its importance, while the MRP should move beyond non-negotiable demands and offer realistic policy options to make autonomy work.

Papuan leaders had envisaged the MRP as a representative body of indigenous leaders that would protect Papuan culture and values in the face of large-scale migration from elsewhere in Indonesia and exploitation of Papua's natural resources. Jakarta-based politicians saw it as a vehicle for Papuan nationalism and deliberately diluted its powers, then delayed its birth. By the time it emerged, the province had been divided into two, many Papuans were disillusioned with autonomy and some were already questioning how the MRP could function under such circumstances.

The MRP's authority remains uncertain. If it can manoeuvre its way through these two crises, it may yet be able to take on other outstanding grievances and become what Papua has always lacked, a genuinely representative dialogue partner with Jakarta. If it fails, not only will its own legitimacy be diminished, but local resentment against the central government will almost certainly increase.

The signs are not good. As negotiations between the MRP and the central government were underway to resolve the disputed legal status of West Irian Jaya (*Irian Jaya Barat*, IJB), Jakarta suddenly authorised gubernatorial elections there, cementing its status as a separate province outside autonomy. The MRP, despite

its hard-line rhetoric, had begun to show signs of willingness to compromise, but rather than reciprocate, the central government sidelined it. The MRP is now grappling with whether continued negotiations are possible, and if not, whether it should disband. But with large local turnout in the West Irian Jaya elections, and the local support that implies for the province, the bigger question is whether the MRP is still a relevant actor.

Meanwhile, student-led demonstrations in Papua and by Papuan students in Java and Sulawesi demanding closure of the Freeport mine in Timika and the withdrawal of military forces there, which had been escalating since late February, culminated in a violent clash in Abepura on 16 March, in which four police and an air force officer were killed and several civilians seriously injured. The subsequent police sweeps have been heavy handed, and the atmosphere remains tense. The MRP's attempts to engage the central government on this issue were quickly brushed aside.

Successful MRP mediation of these tensions is becoming more crucial as the chances of it happening become more remote. The MRP has not made its own case any easier but it is now up to the central government to bring it back on board. If sufficient trust can be reestablished to resume dialogue, a compromise on West Irian Jaya is still possible, building on the baseline consensus reached by the central government and top Papuan provincial leaders in late November 2005. The essence of that agreement was that Papua would remain a single economic, social, and cultural entity, regardless of the administrative division. That is, there would be a single MRP, and the autonomy funds from the central government and revenues raised in each province from resource exploitation – from the gold and copper of the Freeport mine in Papua and from the BP natural gas project in West Irian Jaya – would be shared by both.

Since the elections, the MRP's bargaining position has been further weakened, but it is critically important now to reach a compromise on the issue – not just in the interests of resolving two crises, but to make the MRP a functioning institution. Failure to bolster the MRP would almost certainly deal a fatal blow to an autonomy package in which many Papuans are already losing faith. Given the current volatility in Papua, it is in everyone's interests to make sure this does not happen.

## II. BACKGROUND TO THE MRP

The November 2001 law on Special Autonomy (*otonomi khusus* or *otsus*) was drafted at the height of Indonesian fears of disintegration. The country was still reeling from the loss of East Timor, struggling with communal violence in Maluku and Poso and in the middle of negotiations with separatist rebels in Aceh. Autonomy was seen as an attempt to diminish rising demands for independence. The Special Autonomy law for Papua (and earlier for Aceh) was initiated by the much more accommodating government of Abdurrahman Wahid, then reluctantly concluded by the much harder-line nationalist Megawati government.

The draft was laboriously negotiated with a variety of Papuan groups, who saw it as a way of strengthening local institutions to address political, cultural and economic grievances, and here the inclusion of the Papuan People's Council (MRP) was vital. The Home Affairs Ministry weakened a final Papuan draft, but the MRP was among the components it retained, albeit with curtailed powers.<sup>1</sup> As soon as the law had been enacted however, key figures in the central government began to regret its concessions, fearing they would fuel support for independence. They settled on two tactics: stall implementation and divide Papua.<sup>2</sup>

The law held that the MRP should have been established by an implementing regulation (*peraturan pelaksanaan*) within two years.<sup>3</sup> In August 2002 the Papuan parliament sent a draft regulation on the MRP to the Ministry of Home Affairs, but had no response until March 2003 when Home Minister Hari Sabarno announced he would produce an alternative. He never did. Instead, the government of President Megawati pressed ahead with

*pemekaran* (administrative division), undercutting Special Autonomy and Papuan moderates who had risked their credibility supporting it, and creating a legal and political quagmire.

### A. DIVISION OF PAPUA

On 27 January 2003, without consulting either Papuan Governor Jaap Salossa nor then Coordinating Minister for Politics and Security Bambang Susilo Yudhoyono, President Megawati issued a Presidential Instruction reactivating Law No. 45 of 1999, which mandated the division of Papua into the three new provinces of Irian Jaya (the old name for Papua), West Irian Jaya and Central Irian Jaya.<sup>4</sup> The new provinces it authorised had not been created in 1999 because of strong local opposition.<sup>5</sup> There had, in fact, been an agreement between a parliamentary committee finalising the Special Autonomy Law and the home affairs minister in 2001 that after Special Autonomy was enacted, the articles in Law 45 of 1999 on the creation of new provinces would be reviewed and repealed.<sup>6</sup>

The decision to revive the 1999 law was presented as an effort to improve access to government services and expedite economic development but it appeared to be driven by the desire to divide Papuan elites and weaken the independence movement.<sup>7</sup> President Megawati's PDI-P party also had an interest in cultivating local support in the Golkar-dominated province in the run up to the 2004 legislative and presidential elections. The BP liquid natural gas project due to commence in the Bintuni Bay area of West Irian Jaya was also undoubtedly a factor.

<sup>1</sup> The initial draft designed the MRP as the equivalent of a House of Lords or Senate in a bicameral system. Crisis Group interviews. For a concise summary of the differences between the two drafts, see Sekretariat Keadilan dan Perdamaian, Keuskupan Jayapura, "Special Autonomy: Its Processes and Final Contents", 2001, at <http://westpapuaaction.buz.org/Note5SpecialAutonomyrtf.htm>.

<sup>2</sup> Crisis Group interview, officials in the Coordinating Ministry for Politics Law and Security, Jakarta, January 2006; Crisis Group interviews, Papuan politicians, Jayapura and Jakarta, 2003-2006. See also J Kristiadi, "Jalan Berliku Menuju dan Mewujudkan Otonomi Khusus Papua", *Jurnal Politika*, vol 1, no. 3, December 2005; Rod McGibbon, "Secessionist Challenges in Aceh and Papua: Is Special Autonomy the Solution?", *East-West Center Policy Studies* 10, 2004; Pokja Papua, *Inkonsistensi dan Seperatisme Jakarta: Mengapa Tanah Papua Terus Bergolak?* (2006), pp. 56-58.

<sup>3</sup> Article 75, Chapter XXIII, Law 21 of 2001 on Special Autonomy for Papua Province.

<sup>4</sup> "Instruksi Presiden Republik Indonesia Nomor 1 Tahun 2003". See also Crisis Group Asia Briefing N°24, *Dividing Papua: How Not to Do It*, 9 April 2003.

<sup>5</sup> There were protests throughout the province when the law was enacted in September 1999; the next month the Papuan provincial parliament passed a resolution calling for its repeal (Keputusan DPRD Propinsi Irian Jaya No 11/DPRD/1999) and in November, the governor wrote a letter to the home affairs minister, after which implementation was halted.

<sup>6</sup> "Pemekaran yang Menyulut Perang", *Tempo*, 1-7 September 2003, p. 37.

<sup>7</sup> The National Intelligence Agency (Badan Intelijen Negara, BIN) and some members of the government and parliament in Jakarta were concerned about growing international links of the Free Papua Movement. Key members of the pro-*pemekaran* lobby, Tim 315, also had links to BIN. An important advocate and later provincial governor, Abraham Atururi, reportedly carried around a letter of endorsement from Hendropriyono, then head of BIN. See Crisis Group Briefing, *Dividing Papua*, op. cit., pp. 8-9; Jaap Timmer, "Decentralisation and Elite Politics in Papua", *State Society and Governance in Melanesia* June 2005.

Opponents of the division argued that it was incompatible with the autonomy law, that establishing new provincial governments would cause an influx of non-Papuan migrants, waste money on new bureaucracies that would be better spent on health and education, and increase the risk of conflict.<sup>8</sup> Opponents among the Jayapura elite were also probably reacting at least in part to the weakening of their own positions.

In August 2003 violent clashes broke out in Timika, the proposed capital of the new province of Central Irian Jaya, between pro- and anti-*pemekaran* groups in which five were killed.<sup>9</sup> The central government then decided to postpone the province's establishment. Pro- and anti-*pemekaran* groups also held rallies in Manokwari, when the founding of West Irian Jaya was announced in November 2003, but without violence.

The key factor in determining West Irian Jaya's endurance and Central Irian Jaya's demise, however, was support from local elites. In Central Irian Jaya the proposed governor, Herman Monim, was equivocal at best about creation of the new province, and found out only by accident a week after the fact that he had been appointed, whereas acting IJB Governor Bram Atuturi, a former military intelligence officer, actively lobbied the central government for the creation of West Irian Jaya.<sup>10</sup>

Since its creation in November 2003, West Irian Jaya has existed in a legal limbo. While it was left to the Constitutional Court to resolve whether creation of the new province violated the autonomy law, Bram Atuturi was appointed as caretaker governor and proceeded to develop its political and physical infrastructure. Cementing its status as a separate province, a regional

electoral office (KPUD) separate from the Papua branch in Jayapura was established in Manokwari, and a regional parliament elected in April 2004 added another layer of political legitimacy. Hundreds of local officials have been employed, with the side effect of boosting the local economy.

The gubernatorial elections originally slated for July 2005 could not be held until March 2006, due to the province's unclear legal status. The vote was authorised less than a week before it took place on 11 March, in a sudden decision by the home affairs minister, who had previously assured the MRP and Papuan parliament that it would not be carried out until IJB's legal status had been reconciled with Special Autonomy.

West Irian Jaya continues to rely heavily on the Ministry of Home Affairs, politically and financially. It is unable to raise revenue within the province, and is not eligible for Special Autonomy funds.<sup>11</sup> The payment of royalties from the BP liquid natural gas plant will also be held up until the province's legal status is resolved.<sup>12</sup>

## B. CONSTITUTIONAL COURT DECISION ADDS TO CONFUSION

As soon as West Irian Jaya's formation was announced, the speaker of Papua's provincial parliament, John Ibo, filed an appeal for judicial review with the Constitutional Court.<sup>13</sup> The verdict issued almost a year later, on 11 November 2004, ruled that Law 45 of 1999 dividing Papua into three provinces had been superseded by the Special Autonomy law, but since the province of West Irian Jaya had already been established, had its own parliament and participated in the 2004 national elections,

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<sup>8</sup> On the basis of first legal principles, many argue that Law 45 of 1999, although never formally repealed, was superseded by the 2001 Special Autonomy law, which makes no mention of the new provinces and refers to Papua as a single legal entity. Furthermore, opponents argue that Article 76 of the autonomy law stipulates that any division of the province is subject to the approval of the Papuan parliament and MRP. Supporters contend Law 1999 remains valid regardless of the fact that it was not fully implemented until 2003, and that it is not incompatible with the autonomy law.

<sup>9</sup> *Pemekaran* advocates were led by the speaker of the Timika district parliament, Andreas Anggaibak, and a grouping known as the "Group of Seven Tribes"; Anti-*pemekaran* protestors were led by the Amungme customary leader, Yopie Kilangin. "Pemekaran yang Menyulut Perang", *Tempo*, 1-7 September 2003, pp. 35-37; Jaap Timmer. "Political Reviews – West Papua", *The Contemporary Pacific*, vol. 16, no 2, 2004.

<sup>10</sup> Crisis Group Briefing, *How Not To Do It*, op. cit. Atuturi had also run and lost against Jaap Salossa in Papua's 2000 gubernatorial election; the bitterness of that defeat and his personal antagonism toward Salossa provided additional motivation.

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<sup>11</sup> Crisis Group interview, head of the Office for Legal Affairs and Organisations, Zainal Abdul Razak, Manokwari, 13 December 2005. See also World Bank report, "Papua Public Expenditure Analysis: Regional Finance and Service Delivery in Indonesia's Most Remote Region", August 2005, pp. 21-35.

<sup>12</sup> Under the Special Autonomy Law, 70 per cent of local natural resource revenues are allocated to the provincial government, and 30 per cent to the centre, whereas the 1999 law on fiscal balance (for all regions except Aceh and Papua) stipulates that 70 per cent of natural gas revenues are allocated to the centre, and 30 to the district of origin. See Article 34 of Law 21 of 2001 on Special Autonomy for Papua; Article 6 of Law 25 of 1999 on the fiscal balance between the central government and the regions.

<sup>13</sup> The appeal was actually made by four members of the Team for the Defence of Special Autonomy for Papua (*Tim Pembela Otonomic Kusus Papua*), Bambang Widjojanto, Iskander Sonhadji, Budi Setianto and Abdulrachman Upara on John Ibo's behalf, and sent as a fourteen-page letter to the Constitutional Court on 13 November 2003.

its existence had to be recognised. It also stated that Article 76 of the Special Autonomy Law, which requires the MRP to approve new provinces, does not apply to West Irian Jaya.<sup>14</sup>

The court's decision, which is final and binding, appears to have been an attempt to reconcile legal inconsistencies with practical concerns but it only served to create even more legal uncertainty. It has been interpreted by some opponents of *pemekaran*, for example, as implying the nullification of West Irian Jaya, since the law on which it is based is no longer valid, even though the verdict explicitly states that West Irian Jaya should be recognised.<sup>15</sup> Acknowledging the inadequacy of the province's current legal status, the Constitutional Court recommended in a June 2005 clarification that the central government provide an additional "legal umbrella" to consolidate the province's legal base.<sup>16</sup>

The interim arrangement has been that West Irian Jaya is regulated under Law 32 of 2004 on Regional Governance, the law governing all provinces in Indonesia other than Aceh and Papua.<sup>17</sup> This calls into question whether the new province would benefit from the provisions of the autonomy law it enjoyed as part of Papua – and whether certain government functions would be subject to MRP approval.

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<sup>14</sup> Putusan Perkara Nomor 018/PUU-I/2003 Dimuat Dalam Berita Negara Republik Indonesia Nomor 95 Tahun 2004, Terbit Hari Jumat tanggal 26 Nopember 2004.

<sup>15</sup> See "Kegiatan DPRD Propinsi Iriabar Dinilai Illegal", *Kompas*, 28 February 2005.

<sup>16</sup> In June 2005, in response to a query from the Home Minister, the head of the Constitutional Court, Jimly Asshidiqie, sent a clarification (No 18/KA.MK/VI/2005) of the Court's November 2004 decision. It called on the government to provide a legal basis for the province of West Irian Jaya. "Alongside Law 21/2001, an appropriate legal umbrella is required. Its contents are entirely the responsibility of the [central] government". *Diperlukan Landasan Hukum Bagi Propinso Irian Jaya Barat Dalam Melaksanakan Tugas Operasional*, website of the Directorate General for Regional Autonomy of the Department for Home Affairs. Jimly has since stated that only an "operational legal base" is required, and that the legal basis for the province's existence is Law 32 of 2004. No formal document from the Court affirms this, however. "Iriabar hanya perlu landasan hukum operasional", *Media Indonesia*, 22 February 2006.

<sup>17</sup> President Yudhoyono made this clear in an August 2005 speech to the Regional Representatives Council. "Keterangan pemerintah tentang kebijakan pembangunan daerah di depan siding Dewan Perwakilan Daerah Republik Indonesia", Jakarta, 23 August 2005. It has since been reinforced by the home affairs minister and the Constitutional Court. See "IJB Gagal Diputuskan", *Cenderawasih Pos*, 21 February 2006; "Iriabar hanya perlu landasan hokum operasional", *Media Indonesia*, 22 February 2006.

## C. GETTING BACK ON TRACK

Much of Papuans' resentment over West Irian Jaya and the inconsistent implementation of Special Autonomy is directed at the government of Megawati Sukarnoputri – particularly the president herself, the National Intelligence Agency (*Badan Intelijen Negara*, BIN) and the Ministry of Home Affairs. Yudhoyono, then Coordinating Minister for Politics and Security, was completely cut out of the decision on *pemekaran* in Papua.

When he resigned to run for President in March 2004, Yudhoyono made peaceful resolution of the conflicts in Aceh and Papua an important part of his platform. He reassured Papuan leaders both publicly and privately throughout the campaign of his commitment to the full and consistent implementation of Special Autonomy.<sup>18</sup> He reinforced this message several times after he took office in October 2004, including by issuing the long awaited Government Regulation No. 54 of 2004 on the establishment of the MRP. Yudhoyono's commitment to Special Autonomy resonated among Papuans, reflected in their strong support for him in the 2004 presidential election. It also created considerable expectations.<sup>19</sup>

Having paved the way for the creation of the MRP, President Yudhoyono, whatever his own thoughts on the legitimacy of the division, had to reconcile it with West Irian Jaya. He has repeatedly stressed that the MRP must recognise the disputed province. Regulation No. 54 itself stipulates that:

The MRP along with the Papuan Provincial Government and Legislature, is given the task and responsibility of assisting the government to resolve and implement the division of the Papuan province which had been decided prior to this regulation, taking into consideration the realities of the situation and the laws in operation, no later than six months after being appointed.<sup>20</sup>

He underlined this point in his speech in August 2005 to the Regional Representatives Council (*Dewan Perwakilan*

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<sup>18</sup> Crisis Group interviews, Frans Wospakrik, Barnabas Suebu, Simon Morin, Frans Maniagasi, the Rev. Phil Erari, Jayapura and Jakarta, June 2005-January 2006; Crisis Group interview, member of President Yudhoyono's campaign team, Jakarta, May 2004.

<sup>19</sup> See "Implementasi Komprehensip Otonomi Khusus dan Pemerintah Baru Susilo Bambang Susilo Yudhoyono-Jusuf Kalla Peluang Terahir Menyelesaian Persoalan Papua?", *Inkonsistensi dan Separatisme Jakarta: Mengapa Tanah Papua Terus Bergolak?*, Pokja Papua 2006.

<sup>20</sup> Section 73, Chapter 15, Peraturan Pemerintah no. 54, Tahun 2004 Tentang Majelis Rakyat Papua.

Daerah, DPD). In the same breath that he affirmed his commitment to full implementation of Special Autonomy, he said:

The government would like to clarify that the legal status of West Irian Jaya province is valid...its legal basis is Law No. 32 of 2004 [the revised regional autonomy law], as applied to any province. In view of that, I ask all parties to fully respect the law and the decision of the Constitutional Court.<sup>21</sup>

Many Papuan leaders were taken aback by this unequivocal support for West Irian Jaya, feeling suddenly betrayed by someone they had regarded as a political ally.

### III. THE MRP'S DIFFICULT BIRTH

As soon as the central government provided the legal infrastructure needed to establish the MRP, problems began to arise at the provincial level. The Dewan Adat Papua (Papuan customary council), an organisation representing Papua's 253 ethnic communities, formally turned its back on Special Autonomy in August 2005; religious institutions refused for months to nominate representatives to the MRP; and serious irregularities were reported with the selection of representatives in some areas. Ultimately, however, most of the relevant institutions were eventually brought on board, and none of the technical or political problems were sufficiently grave either to derail the formation of the MRP or to seriously damage its overall credibility.

A Papuan Provincial Regulation (*perdasi*) outlined the mechanisms for electing the religious, women and customary representatives, each of which make up one third of the MRP's 42 members.<sup>22</sup> Religious leaders were to be chosen by their respective institutions, with the proportion of seats allocated to each religion and denomination determined by representatives of provincial religious bodies and a specially appointed MRP Selection Committee (*Panitia Pemilihan*) in accordance with the

proportions of indigenous Papuans belonging to each faith.<sup>23</sup>

For the customary and women representatives on the Council, the drafting team examined a number of options, including direct election, but ultimately opted for an indirect method of community consultations. Although direct elections would have been the most democratic option, the time and expense of drawing up a list of indigenous Papuans eligible to vote, given the logistical difficulties inherent in Papua's mountainous regions, was deemed prohibitive.<sup>24</sup>

To ensure a "bottom-up" process, the drafters designed a three-tiered system, beginning with village level meetings to select representatives to meet at the sub-district (*kecamatan/distrik*) level. The sub-district representatives were then to vote for representatives at the district (*kabupaten/kota*) level, who chose the final representatives for the fourteen electoral areas (*daerah pemilihan*), four of which were in West Irian Jaya. The electoral mechanism was criticised as undemocratic. Imperfect though it was, it did allow for village level input but implementation was apparently uneven.

#### A. REPORTS OF GOVERNMENT INTERFERENCE

In line with the *perdasi*, the government appointed electoral committees to organise the process, and monitoring committees to oversee it.<sup>25</sup> However, it appointed the provincial branch office of the Ministry of Home Affairs, the National Unity Office (*Badan Kesatuan Negara* or *kesbang*), to manage overall coordination of the process, which disappointed many locals hoping for an independent body. Governor Salossa cited time pressures, arguing that it would be more efficient to use an existing institution than to establish a new one.<sup>26</sup>

<sup>21</sup> "Keterangan pemerintah tentang kebijakan pembangunan daerah di depan sidang Dewan Perwakilan Daerah Republik Indonesia", Jakarta, 23 August 2005.

<sup>22</sup> The process had been outlined in Articles 5-17, Chapter III of Peraturan Pemerintah No 54/2004 but awaited further elaboration in a provincial regulation, which was issued in July 2005. The election process is detailed in Chapters III and IV of Peraturan Daerah Propinsi Papua no. 4, Tahun 2005 Tentang Tata Cara Pemilihan Anggota Majelis Rakyat Papua.

<sup>23</sup> Chapter III, Article 4 (6), Peraturan Daerah Propinsi Papua No., 4 Tahun 2005, op. cit.

<sup>24</sup> The voter list used by Papua's provincial election commission (KPUD) does not distinguish between indigenous and non-indigenous residents. Crisis Group interview, Tony Rahail, head of the drafting team, Jayapura, June 2005.

<sup>25</sup> Chapters III and IV of Peraturan Daerah Propinsi Papua no. 4, Tahun 2005 Tentang Tata Cara Pemilihan Anggota Majelis Rakyat Papua.

<sup>26</sup> "Kesbang Anggap Pemilihan Anggota MRP Sudah Sesuai Mekanisme", *Cenderawasih Pos*, 11 November 2005. The *kesbang* offices were also reportedly paid the allocated Rp. 76 billion, (around \$8.3 million) while the *panitia pemilihan* and *panitia pengawas* which had done most of the work received only the Rp. 1 billion they had initially requested. Crisis Group interviews, members of the *panitia pemilihan*

In accordance with the *perdasi*, the electoral and monitoring committees began the process of disseminating information about the structure and function of the MRP and the procedure for selecting representatives for the fourteen electoral areas in September 2005. Although they managed to visit all of Papua's 29 districts, the teams were not able to complete their work before the process was accelerated in early October.<sup>27</sup>

Many complained that the public outreach was inadequate for people to make sufficiently informed choices. And the final selections of MRP representatives were reportedly made directly by staff of the provincial *kesbang* office in some cases, seriously undermining the MRP's legitimacy in those areas.<sup>28</sup> This problem was not universal, however, and community consultations and elections were conducted faithfully in many other areas. Electoral Area IV (Biak-Numfor and Supiori) was regularly cited as an example of a transparent process.<sup>29</sup>

## B. OPPOSITION OF RELIGIOUS INSTITUTIONS

Before the *perdasi* was issued, the Catholic Church, the major Protestant denominations and the Provincial Islamic Council had already informally apportioned the fourteen seats among themselves without any serious argument.<sup>30</sup> As the establishment of the MRP drew nearer, however, support from all major religious institutions began to waver. This was in part a response to reports from their congregations of manipulation and political interference in the process. Many Papuan religious leaders also felt they were too often drawn into political disputes between the provincial and central governments and that this compromised their primary social role.<sup>31</sup>

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and non-governmental organisations in Manokwari and Jayapura, December 2005; "Kemana Larinya Uang Pemilihan MRP?", *Suara Perempuan Papua*, 6 December 2005.

<sup>27</sup> Crisis Group interview, committee member, Manokwari, December 2005.

<sup>28</sup> A former *kesbang* official was selected in Electoral Area 7 (Yahukimo, Pegunungan Bintang), against the wishes of many locals. Crisis Group interviews, community leaders, Oksibil, December 2005. The Secretary of the Papuan Customary Council, Fadhil Al Hamid, stated that MRP representatives in Electoral Area 5 (Yapen Waropen) were selected by *kesbang* officials. See "42 Papuan People's Council Members Selected", *Jakarta Post*, 27 October 2005. Non-governmental organisations in Jayapura and Manokwari also reported interference in several other electoral areas.

<sup>29</sup> Crisis Group interviews, Jayapura, Manokwari, December 2005.

<sup>30</sup> Crisis Group interviews, Herman Saut, Indonesian Christian Church Synod, Abepura; Hussein Zubeir, Majelis Ulama Indonesia, Jayapura, June 2005.

<sup>31</sup> Crisis Group interviews, Papuan religious leaders and academics, Jakarta and Jayapura, August, December 2005;

Until a few weeks before the MRP was inaugurated, most religious institutions remained unwilling to participate. They were eventually brought on board, however, by prominent local Special Autonomy advocates, who convinced key church leaders that the MRP had to be given a chance. "I had to acknowledge that even if it wasn't perfect, the MRP was one of the best hopes to get the voices of Papuans heard and I realised I had a responsibility to try and get some good people into it", one church leader explained.

All the major churches and the Papuan Islamic Council then nominated representatives. Most religious institutions did not nominate representatives directly, however, but used their "intellectual institutions", insulating the religious institutions themselves from the politics they were keen to avoid.<sup>32</sup>

## C. REJECTION BY THE DEWAN ADAT

The Dewan Adat also formally shunned the MRP. Frustrated and disillusioned with the lack of progress since 2001, it passed a resolution at its annual plenary in February 2005 rejecting Law 21 on Special Autonomy and Government Regulation 54 on the MRP, arguing that "its most important elements had been revised and emasculated by the Ministry of Home Affairs without having consulted the Papuan customary community".<sup>33</sup> In a press conference at the conclusion of that meeting, the Dewan Adat announced it would set a deadline of 15 August for the government to take concrete steps toward implementing Special Autonomy before it officially turned its back on the law.<sup>34</sup>

On 12 August 2005, the Dewan Adat held a protest, reportedly funded by Golkar politician Yorrys Raweyai, outside Papua's provincial parliament at which it symbolically handed Special Autonomy back to the

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"Kisruh Majelis Rakyat di Papua", *Tempo*, Edisi 17-23 Oktober 2005, pp. 38-39.

<sup>32</sup> The Protestant Churches nominated representatives via the PGPI (Persatuan Gereja Protestan Indonesia, Indonesian Council of Churches); the Muslims used MUI (Council of Indonesian Islamic Scholars), and the Catholics their theological college. The Catholic Church has four representatives, the Protestant churches share eight, and the Islamic Scholars Council has two representatives on the MRP. Crisis Group interviews, the Rev. Herman Saut, Brother Budi Hernawan, the Rev. Phil Erari, Frans Wospakrik, Agus Sumule and others, Abepura, Jayapura and Jakarta, June-December 2005.

<sup>33</sup> Ketetapan Sidang III Dewan Adat Papua no. 01/TAP/SIII -DAP/II/2005, p. 67.

<sup>34</sup> See Pokja Papua, *Inkonsistensi dan Seperatisme Jakarta: Mengapa Tanah Papua Terus Bergolak?* (2006), pp. 64-65.

central government.<sup>35</sup> Several thousand people joined this rally, testament to Papuans' frustration with the slow and inconsistent implementation of Special Autonomy but not a wholesale rejection of the law. Indeed, several prominent Papuans leading the demonstration are now members of the MRP.

Even the Dewan Adat leadership quietly admits that the return of Law 21 was a symbolic protest designed to spur reevaluation of the law. As the Secretary of the Dewan Adat, Fadhal al Hamid, told Crisis Group:

We want to begin the whole discussion again. We're prepared to talk about revising special autonomy or designing a new law – the concept is not dead, just the implementation of this version.<sup>36</sup>

Despite its rejectionist stance, the Dewan Adat participates actively in the MRP through informal channels. It has no members in the body but its leadership has close relationships with a significant proportion of MRP representatives, and the two institutions share many goals.<sup>37</sup>

#### D. OTHER CIVIL SOCIETY GROUPS

Willy Mandowen, the Secretary General of the Papuan Presidium Council (*Presidium Dewan Papua*, PDP), a pro-independence organisation formed in 2000 from the Papuan People's Congress, stated that Papuan voters do not consider the MRP representative:

The people are now in the process of forming their own MRP which truly represents the cultural, tribal groups in West Papua – not this 42 [-member MRP] which is marginalising the genuine participation of West Papuans in the process of decision-making.<sup>38</sup>

Although the Presidium enjoyed widespread support when it was established, it has disintegrated since the

death of its charismatic leader Theys Eluay, in November 2001.<sup>39</sup> There is no evidence a parallel structure is being formed. In practice there are strong links between the PDP and the MRP. MRP Chairman Agus Alue Alua is the PDP's Deputy Secretary General, and there are at least four other PDP members on the MRP. This initially made the central government nervous but it has been somewhat reassured by Alua's commitment to working within the framework of Special Autonomy. And the MRP's Deputy Chairman, Frans Wospakrik, former rector of Cenderawasih University, was one of the main authors of the Special Autonomy Law and is widely respected and trusted by both the Jayapura and Jakarta elites.

On 31 October 2005, the day the MRP was inaugurated, there was a demonstration of about 100 people in Jayapura, organised by a pro-independence group called the United Front for the West Papuan People's Struggle (*Front Pepera Papua Barat*); another 100 Papuan students in Jogjakarta rejected the MRP and Special Autonomy.<sup>40</sup> A broad spectrum of local non-governmental organisations and religious groups in Jayapura and Manokwari welcomed the MRP, however. Most acknowledged that while there were problems with the selection of some members, the majority are genuinely representative and committed to defending Papuan rights.<sup>41</sup>

#### IV. ROLE AND POWERS OF THE MRP

As a cultural representative body, the core mandate of the MRP is to protect and defend the rights of indigenous Papuans, particularly in the areas of women's rights, customary law and religious matters. It is also empowered to approve initiatives of the provincial government and parliament in a number of specific areas. The MRP is mandated under the Special Autonomy Law and Government Regulation 54, among other things, to give its "consideration and approval" on:

<sup>35</sup> Yorrays, also a member of the Dewan Adat, was at that time running for West Irian Jaya governor, leading some locals to question his motives. Suspicion was also raised by the fact that the marchers stopped at the provincial *kesbang* office en route. Crisis Group interviews. After discussions with local police, the Dewan Adat agreed to hold the rally three days earlier than planned for security reasons.

<sup>36</sup> Crisis Group interview, Fadhal al Hamid, Secretary of the Dewan Adat Papua, Waena, 6 December 2005.

<sup>37</sup> Crisis Group interviews, Dewan Adat and MRP members, Jayapura and Jakarta, December, January 2005.

<sup>38</sup> Willy Mandowen, quoted in "Papuans forming representative body to counter Indonesia's MRP", Radio New Zealand, 7 November 2005.

<sup>39</sup> On the Presidium and Theys' death, see Crisis Group Asia Report N°39, *Natural Resources and Conflict in Papua*, 13 September 2002.

<sup>40</sup> "Gagal Boikot Pelantikan Anggota MRP, KORAPABATU Serukan Mogok Nasional", *SPMNews*, 1 November 2005. "Protest greets council inauguration", *Jakarta Post*, 1 November 2005; "Papuan students in Jogja protest against MRP inauguration", *SPMNews* 31 October 2005.

<sup>41</sup> Crisis Group interviews in Jayapura and Manokwari, November 2005-January 2006; "Activists cautiously welcome new assembly for Indonesia's Papua", Associated Press, 1 November 2005.

- ❑ the eligibility of electoral candidates for the positions of governor and deputy governor proposed by the provincial parliament, in relation to the requirement that they are indigenous Papuans;
- ❑ special provincial regulations proposed by the provincial parliament and government in order to implement specific provisions of the Special Autonomy Law (*peraturan daerah khusus or perdasus*);
- ❑ contracts between the central government or the provincial government and third parties for work in the province, in particular those which concern the rights of indigenous Papuans;<sup>42</sup> and
- ❑ any planned *pemekaran* (division) of new provinces in Papua.<sup>43</sup>

Regulation 54 states that if the MRP does not give its approval within seven days for gubernatorial or vice gubernatorial candidates, or 30 days in the case of *perdasus*, *pemekaran* and cooperation with third parties, its approval is automatically assumed.<sup>44</sup>

However, neither the Special Autonomy Law nor Regulation 54 on the MRP addresses the contingency of MRP refusal to endorse any of these policies. When Crisis Group asked government officials and academics in Jakarta and Jayapura, the answer was invariably that this was not clear from the law and would essentially be left to political negotiation between the MRP and the Papuan parliament.<sup>45</sup> There is a more general article in the Special Autonomy Law, however, which the home affairs minister is reportedly fond of citing, which states that “the [central] government is authorised to overrule the *Perdasus*, *Perdasi* and Governor's decisions”.<sup>46</sup> The MRP's authority in approving gubernatorial and vice gubernatorial candidates was put to the test just over two weeks after its inauguration.

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<sup>42</sup> Article 20, Chapter V; Article 76, Chapter XXIV, Law 21 of 2001 on Special Autonomy for Papua Province. Also see Chapter IX Articles 36-41 of Government Regulation 54 of 2004 on the Papuan People's Council.

<sup>43</sup> Article 71 of Government Regulation 54 of 2004, op. cit.

<sup>44</sup> Articles 37-39, Article 71(4) of Government Regulation 54 of 2004 on the MRP.

<sup>45</sup> One official told Crisis Group that the normal recourse for a dispute between two government institutions was referral to the State Administrative Supreme Court (Pengadilan Tinggi Tata Usaha Negara, PTUN).

<sup>46</sup> Article 68 (2) of Law 21 on Special Autonomy for Papua.

## A. THE FIRST TEST: GUBERNATORIAL CANDIDATES

Although Chairman Agus Alue Alua was careful to stress that the MRP's role in approving the candidates was to make a recommendation to the parliament rather than a binding decision, its evaluation of the gubernatorial candidates was widely seen (including by many of its members) as the first real test of the MRP's authority.

On 16 November 2005 the Papuan parliament submitted the names of five pairs of proposed gubernatorial and vice gubernatorial candidates to the MRP for approval as indigenous Papuans. On 18 November the MRP announced that of the ten hopefuls, two vice gubernatorial candidates, Komaruddin Watubun and Mohammad Musa'ad, were not indigenous Papuans and, therefore, not eligible to contest the election.

The case of Komaruddin Watubun was uncontroversial. Neither of his parents is ethnic Papuan. He and his running mate, Barnabas Suebu, and the coalition of parties supporting the pair, accepted the verdict and began making preparations for a replacement.<sup>47</sup> The decision on Musa'ad, however, sparked hours of heated debate within the MRP and violent protests outside in which 27 people including eleven police were injured.<sup>48</sup>

According to the MRP's definition, an indigenous Papuan is a person of the Melanesian race, whose mother and father are Papuan, with patrilineal heritage, and who has a cultural base with a local language, a Papuan tribe, a village to which he or she belong, and a customary tradition (*adat istiadat*).<sup>49</sup> Although Musa'ad's mother is a Papuan from FakFak, his father is of Arab descent. Since he did not fulfil the MRP's first criterion, he was not formally assessed on the others.

According to the Special Autonomy Law, there are two possible definitions of an indigenous Papuan:

- ❑ a person of the Melanesian race, comprising native ethnic groups in Papua province; or

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<sup>47</sup> In fact, the parties supporting Bas Suebu and Komaruddin Watubun were well aware that Komaruddin would fail if the indigenous requirement was enforced but as the provincial head of the main party in the coalition (PDI-P), it initially insisted on running him. A number of coalition members wanted to reject the MRP's decision, but after an eight-hour meeting through the night of 23 November, they settled on Alex Hese gem.

<sup>48</sup> “Rusuh di KPU Papua, 27 Luka”, *Cenderawasih Pos*, 21 November 2005.

<sup>49</sup> Crisis Group interviews; “Akibat Mangambangnya Keputusan”, *Suara Perempuan Papua*, no. 17, 28 November-4 December 2005.



- a person accepted and acknowledged as an indigenous Papuan by the local customary community.<sup>50</sup>

Musa'ad was only assessed on the first basis. The same two categories are used in provincial regulation No 4 of 2005 for members of the MRP itself. Neither contains any stipulation on patrilineal heritage.<sup>51</sup> If Musa'ad had been assessed on the second criteria, the acceptance of his customary community, he would have had a strong case.<sup>52</sup> Indeed one MRP member who was a customary leader from the same (Bombarari) tribe declared his support for Musa'ad during the debate, but when it was put to a vote, he was rejected.<sup>53</sup>

The majority of MRP members felt that even if Musa'ad identified as Papuan, could claim some recognition from locals, and as one of the authors of the Special Autonomy Law, was clearly committed to indigenous rights, he still did not fit their criteria. Many MRP members are deeply committed to the principle of "full-blooded Papuans, with black skin and frizzy hair", as one member emphatically described it.<sup>54</sup>

Following the announcement of its decision on 18 November, an angry crowd of Musa'ad's supporters gathered outside the MRP's temporary office, pushed past security guards to break down the door and threatened that unless the decision was reversed they would return with supporters and burn down the MRP Secretariat.<sup>55</sup> Although there was no subsequent violence against the MRP, hundreds protested outside the provincial electoral commission the following day, 19 November, while MRP Chairman Agus Alue Alua was meeting with its staff. When Agus came out and addressed the crowd, reiterating the MRP's decision, some protestors threw rocks and other objects, and a clash with police ensued.<sup>56</sup>

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<sup>50</sup> Article 1 (t) of Law 21 of 2001 on Special Autonomy for Papua. See also "Hari ini, DPRP serahkan nama balongub ke MRP", *Cenderawasih Pos*, 16 November 2005.

<sup>51</sup> Chapter I, Article 2 (a) of Papuan Provincial Regulation No. 4/2005 on the Method of Selection of MRP Members [*Peraturan Daerah Propinsi Papua no. 4 Tahun 2005 Tentang Tata Cara Pemilihan Anggota Majelis Rakyat Papua*].

<sup>52</sup> Musa'ad was also one of the authors of the Special Autonomy Law.

<sup>53</sup> 27 of 42 MRP members voted against Musa'ad, eight voted in support, one abstained, and five walked out. "Tak Puas, Pendukung Musa'ad Demo MRP", *Cenderawasih Pos*, 19 November 2005.

<sup>54</sup> Crisis Group interview, Ani Sabami, Abepura, December 2005.

<sup>55</sup> "Tak Puas", *op. cit.*

<sup>56</sup> "Rusuh di KPU Papua", *op. cit.*

In the wake of the riot, a delegation of officials from Jakarta, including representatives from Home Affairs, the national police and the National Intelligence Agency, came to Jayapura to ask the MRP for clarification, warning it might be overstepping its mandate as a cultural representative body.<sup>57</sup> Individual members of the provincial parliament also appealed to the MRP to reconsider its decision on Musa'ad, but it stood firm, and the parliament as a whole supported its decision. On 23 November, the parliament requested the New Papua Coalition and the Trans-Archipelagic Coalition Party to propose alternative vice gubernatorial candidates.

That the parliament upheld its controversial decision is a victory for the MRP and sets a precedent for the weight of its recommendations. The ruling itself, however, was not in line with the Special Autonomy Law and is regarded by many Papuans and non-Papuans alike as politicised and unjust.

## B. JURISDICTION OVER WEST IRIAN JAYA?

The MRP's geographical mandate, according to the Special Autonomy law, is clear. It has jurisdiction over the entire territory of Papua as it was defined before the 2003 split.<sup>58</sup> However, the former (and future) West Irian Jaya governor, Bram Atururi, has periodically questioned IJB's Special Autonomy status. Until the province's legal basis is reconciled with the Special Autonomy law, the interim arrangement has been that it is governed under the Law on Regional Governance – it was on this basis that the 11 March gubernatorial election was held, further complicating the autonomy question.<sup>59</sup> District governments within IJB, however, continue to receive Special Autonomy funds from the government in Jayapura.<sup>60</sup> Officials in Manokwari work on the assumption that once IJB's legal basis has been resolved it will, as part of Papua, be a Special Autonomy province.

Around a quarter of the MRP's members were selected from the area of West Irian Jaya, and the MRP as a whole believes its jurisdiction extends there. This was

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<sup>57</sup> "Depdagri Minta Klarifikasi MRP", *Cenderawasih Pos*, 22 November 2005.

<sup>58</sup> Article 1(a) of the Special Autonomy law states that "Papua Province is the Irian Jaya Province granted Special Autonomy in the framework of the Unitary State of the Republic of Indonesia". The province known as Irian Jaya in 2001 when the law was enacted covered the entire territory, including what is now West Irian Jaya.

<sup>59</sup> Crisis Group interview, Zainal Abdul Razak, head of the Legal Office of the West Irian Jaya provincial government, 13 December 2005.

<sup>60</sup> See "Papua Public Expenditure Analysis", World Bank, pp. 21-25.

also recognised by the central government in November 2005.<sup>61</sup> Both Jimmy Ijie, the speaker of IJB's parliament, and its acting governor, Timbul Pujiyanto, have questioned the way the MRP conducted consultations in West Irian Jaya but have never explicitly challenged its jurisdiction over the province.<sup>62</sup>

## V. LOCAL ELECTIONS AND THE WEST IRIAN JAYA PROBLEM

The elections on 11 March 2006 were the anti-climactic outcome of a protracted struggle between Papuan leaders and the central government. As soon as the MRP came into existence, it pushed for the vote to be delayed until the legal status of West Irian Jaya could be reconciled with Special Autonomy. The central government officially accepted this arrangement, belying its internal power struggles, but after two near misses, the home affairs minister finally sidelined the MRP and pushed the elections through under the regular regional governance law.

Despite assurances from the Minister of Home Affairs since February 2005 that elections in West Irian Jaya would be delayed until the MRP had been established to approve the candidates, the provincial election commission scheduled a gubernatorial poll for 28 July 2005, before the election of MRP members had even begun.<sup>63</sup> Although the central government never officially endorsed the move, there was tacit support from elements in Home Affairs and the Coordinating Ministry, where many officials remain deeply suspicious of the MRP and maintain close links in Manokwari.<sup>64</sup>

Adding legitimacy to the elections, Vice President Kalla visited Manokwari in late May, to campaign alongside

Golkar candidate Yorrys Raweyai, who at that stage was treading a difficult line between rejecting the initial PDI-P-led formation of the province, and campaigning to become its governor. The slightly awkward Golkar compromise, and indeed that of most of the Jayapura elite, was to oppose the way the province was created rather than the existence of the province itself and argue that resolution lay in bringing West Irian Jaya into the Special Autonomy fold.<sup>65</sup>

As the poll drew closer, however, Golkar began to press for postponement on the grounds that the province's logistical preparation was inadequate. This shift actually appeared to have more to do with the party's inadequate political preparation and a sudden realisation that Atururi would probably defeat Yorrys. Attributing the delay to technical difficulties was complicated by the fact that only the local electoral office, the head of which was a close ally of Atururi, could initiate a postponement, and she refused. Atururi also had key allies in Home Affairs and the Coordinating Ministry for Politics, Law and Security, who pushed for the election to go ahead. Although Golkar lobbying in Jakarta had prepared the ground for a postponement, it was a last-minute intervention from Papuans that swung it.

In late July, all outward indications were that the poll would go ahead, disconcerting leaders in Jayapura, who had been assured it would be delayed until after the MRP had been set up and the legal status of West Irian Jaya resolved. Two days before the scheduled vote, a delegation of Papuan parliamentarians and intellectuals flew to Jakarta and told President Yudhoyono that unless there was a delay, they would support the Dewan Adat's return of Special Autonomy and officially campaign for a referendum on independence. Backed into a corner, Yudhoyono ordered Home Affairs Minister Ma'ruf to postpone the election, citing inadequate preparation.<sup>66</sup>

This episode did little to build trust between Jayapura, Manokwari and Jakarta, and reinforced the perception among many Papuans that the central government could not be taken at its word. These fears were played out again in November 2005. Although President Yudhoyono had assured the delegation from Jayapura in July that the election would be postponed until the MRP could approve its candidates, and again at a meeting in Jakarta with Papuan parliamentarians on 9 August, preparations were underway for a November poll.<sup>67</sup>

<sup>61</sup> During the consultations between the MRP and the central government in Jayapura in late November 2005, an agreement was reached that Papua would be regarded as a single social, cultural and economic entity in the spirit of Special Autonomy and that this would be the subject of a central government regulation. Crisis Group interviews, MRP members, Jayapura, December 2005; "Kesepakatan Penyelesaian Masalah Papua", 24 November 2005.

<sup>62</sup> Jimmy Ijie and Governor Timbul criticised the MRP's popular consultation in IJB on the grounds that it questioned the existence of the province rather than sought input on how to strengthen it but they did not question the MRP's mandate to conduct a consultation in the province. See "Ekistensi Prov IJB Tak Bisa Diganggu Gugat", *Cenderawasih Pos*, 25 January 2006; "Pemprov IJB Akan Laporkan MRP ke Presiden", *Manokwari Pos*, 26 January 2006.

<sup>63</sup> "Medagri: MRP dibentuk sebelum Pilkada", *Kompas Online*, 25 February 2005.

<sup>64</sup> Crisis Group interviews, Jakarta, January and February 2006.

<sup>65</sup> Crisis Group interview, Yorrys Raweyai, Jakarta, February 2005.

<sup>66</sup> Crisis Group interview, Jakarta, August 2005.

<sup>67</sup> Crisis Group interview, MRP Deputy Chairman Frans Wospakrik, Jayapura, 6 December 2005.

The Minister of Home Affairs issued an official letter authorising elections in West Irian Jaya for 28 November, dated 11 November, the very day Governor Salossa was inaugurating the new MRP leadership on his behalf in Jayapura.<sup>68</sup> The MRP was dismayed, feeling the central government had completely undermined its authority on this matter and set the tone for a difficult relationship. Again, the Papuan elite had to use its trump card – the threat of campaigning for a referendum – just to hold the government to its stated policy.<sup>69</sup> The MRP was supported by an official letter from the Papuan parliament threatening to support a referendum on independence unless the election was immediately cancelled.<sup>70</sup> This in turn fuelled the fears of the central government that the MRP's real agenda was independence.<sup>71</sup>

Home Minister Ma'ruf again instructed the government in Manokwari to postpone the elections. Realising the extent of the political damage in Jayapura, President Yudhoyono also sent Ma'ruf and Coordinating Minister for Politics, Law and Security Widodo to Jayapura, where they spent several days in discussions with the MRP on how best to resolve the West Irian Jaya problem within the framework of Special Autonomy.<sup>72</sup>

The ministers, accompanied by the intelligence chief, Syamsir Siregar, and the regional military commander, George Toisutta, also met with officials in Manokwari, who, along with the three candidates for West Irian Jaya governor, were becoming increasingly frustrated, having spent billions of Rupiah on their campaigns only to have each election cancelled at the eleventh hour.<sup>73</sup>

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<sup>68</sup> Surat Keputusan no. 120.82-1009/2005 sent by the Ministry of Home Affairs to the West Irian Jaya Provincial Government on 11 November 2005; "Medagri: MRP dibentuk sebelum Pilkada", *Kompas Online*, 25 February 2005.

<sup>69</sup> Crisis Group interview, MRP Chairman Agus Alue Alua, Jayapura, 4 December 2005. See also "MRP Tolak Keputusan Mendagri", *Kompas*, 17 November 2005; "MRP Ancam Kembalikan Otonomi", *Koran Tempo*, 17 November 2005.

<sup>70</sup> The parliament sent this letter (Surat Keputusan Dewan Perwakilan Rakyat Papua no. 18/DPRP/2005) by fax to the president's office and the Home Affairs Ministry on 16 November. See also "Stop Sudah Intervensi Jakarta", *Suara Perempuan Papua*, 21 November 2005.

<sup>71</sup> Crisis Group interview.

<sup>72</sup> Crisis Group interviews, several MRP members and officials in the Coordinating Ministry for Politics, Law and Security, Jayapura and Jakarta, December 2005-January 2006. See also "Stop sudah intervensi Jakarta", op. cit.

<sup>73</sup> Crisis Group interview, Yorrys Raweyai, Jakarta, February 2005. See also "Pilkada ditunda 2 kali, 43 M Mubazir", *Cenderawasih Pos*, 27 January 2006; "Pilkada IJB ditunda lagi", *Suara Perempuan Papua*, no. 17, 28 November 2005.

## A. THE 24 NOVEMBER AGREEMENT

The result of the discussions in Jayapura was an agreement signed between the Papuan government, parliament and the MRP, and Ministers Ma'ruf and Widodo, outlining a process to strengthen the legal basis for West Irian Jaya.<sup>74</sup> The mechanism in the agreement largely follows the process prescribed in Article 76 of the Special Autonomy law, meeting the MRP's demand the province be brought in line with Special Autonomy.<sup>75</sup> The leaders of the MRP and Papuan parliament still had strong reservations, however, and felt the schedule was too tight for adequate consultation, but were under enormous pressure from the central government to sign. As a result, the understandings of what had been agreed differed substantially in Jayapura, Manokwari and Jakarta.

The agreement requires the governor to submit a bill to the Papuan parliament on the legalisation of West Irian Jaya, which it and the MRP would then approve. The central government would subsequently issue a regulation in lieu of a law (*Peraturan Pemerintah Pengganti Undang-undang*, or *perpu*) formally establishing the province.<sup>76</sup> According to the timeline mapped out in the agreement, this entire process should have been completed by the first week of January 2006.

MRP Chairman Agus Alue Alua described it as an agreement to consider the proposal of the governor, not an agreement to approve West Irian Jaya.<sup>77</sup> Officials in Manokwari, on the other hand, insisted that the leaders of the Papuan parliament and MRP had agreed on behalf of their institutions to implement the agreement as written and were confident the central government would enforce it.<sup>78</sup>

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<sup>74</sup> Kesepakatan Penyelesaian Masalah Papua, 24 November 2005. It was signed by Papua Governor Jaap Salossa, the Speaker of the Papuan Parliament, John Ibo; his deputy, Yop Kogoya, MRP Chairman Agus Alue Alua; and his two deputies, Frans Wospakrik and Hana Hikoyabi.

<sup>75</sup> Article 76 requires that "any expansion of Papua Province into smaller provinces shall be carried out with the approval of the MRP and the Papuan parliament, paying close attention to the social cultural unity, readiness of the human resources and the future economic capacity and development potential".

<sup>76</sup> The *perpu* would also legalise the three new districts of Paniai, Mimika, Puncak Jaya and the municipality of Sorong, whose legal basis was also Law 45 of 1999. These new districts and municipality were much less controversial since *pemekaran* at that level does not require the approval of the MRP.

<sup>77</sup> Crisis Group interview, Agus Alue Alua, Jayapura, 4 December 2005.

<sup>78</sup> Crisis Group interview, Zainal Abdul Razak, head of the West Irian Jaya Office of Law and Organisations, 13 December 2005.

The debate exposed serious concerns in the MRP, which felt that an agreement was being hastily imposed and took a confrontational stance. Its chairman sent a letter to the speaker of the Papuan parliament on 16 December listing seven preconditions for legalisation of the *pemekaran*:

1. The *pemekaran* should not lead to the creation of additional provincial military or police commands, since the existing security presence is sufficient for all of Papua.
2. Creation of new provinces in Papua, including the proposed West Irian Jaya, should not result in an unchecked increase in the flow of migration of non-Papuans into the area.
3. The proposed *pemekaran* should not tap Special Autonomy funds to cover the cost of the state apparatus in excess of what is required, so that public services would not be negatively impacted.
4. The proposed *pemekaran* should guarantee the status of Papua as a single economic, social and cultural entity.
5. The social and cultural unity of Papua should be guaranteed by a legal stipulation (*ketentuan legal*) that in the area of Papua there is only one cultural representative body, that is, one MRP.
6. The *pemekaran* must guarantee significant development for indigenous Papuans in the time frame set out in the Special Autonomy Law for Papua (in the next 20 to 25 years).
7. The *pemekaran* must guarantee a significant increase in the proportion of indigenous Papuans in the population by the end of the Special Autonomy period, that is, two to three times the current level.<sup>79</sup>

These seven points closely mirror the initial qualms expressed by Papuan leaders in 2003, and are rooted in legitimate grievances, but points 2, 6 and 7 would be next to impossible to measure or enforce, particularly as preconditions for the legalisation of an existing province. Point 5 conflicts with Regulation 54 on the MRP, which allows for the creation of additional MRPs in new provinces.<sup>80</sup> And although point 1 is understandable given the disproportionate troop levels in Papua, security and defence policy is the sole purview of the central

government.<sup>81</sup> The seven demands caused considerable uneasiness in Jakarta and Manokwari.

Further complicating the situation, Governor Salossa died suddenly on 19 December of an apparent heart attack. The deputy speaker of the Papuan parliament sent a letter to the acting governor on 22 December suggesting a meeting of the parliament, MRP and caretaker governor with the central government to revise the schedule of the 24 November agreement. Vice President Kalla conceded on 22 December the process would have to be delayed.<sup>82</sup> Coordinating Minister Widodo met with MRP and Papuan parliament leaders and the caretaker governor on 30 December to discuss the timetable. All parties agreed to commit to the provisions of the agreement, and the central government agreed to be flexible on the timetable.

At its next meeting with the central government on 9 January 2006, the MRP presented its seven points and announced its intention to hold a consultation with indigenous Papuans living in the area of West Irian Jaya to gauge popular support for *pemekaran* before proceeding any further with the agreement.<sup>83</sup> The atmosphere in the meeting was very tense. For example, the central government repeatedly stressed the need for the MRP to accept the political reality of West Irian Jaya's existence. Fed up with being hectoring, Second Deputy MRP Chair Hana Hikoyabi retorted that there were many subjective realities. The central government recognises the political reality of West Irian Jaya, but there were others who may see the 1961 Papuan declaration of independence as a political reality.<sup>84</sup> Such exchanges further eroded the already fragile trust between Jakarta and Jayapura. No new written agreement emerged, only a terse verbal agreement to consider each other's suggestions and meet again on 15 February after the MRP had carried out its popular consultation.

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<sup>81</sup> The one exception is that the *Kapolda* (provincial police chief) must be approved by the Papuan governor. Article 48 (5) of the Special Autonomy law.

<sup>82</sup> "Legalisation of Papua's Redivision Slightly Delayed", *Antara*, 22 December 2005; "Payung Hukum IJB masih Terus Diproses", *Cenderawasih Pos*, 31 December 2005. The caretaker governor sent a letter to the Home Affairs Minister on 28 December formally requesting a rescheduling of the timetable.

<sup>83</sup> The MRP also requested the central government use a legal instrument other than a *perpu* to provide a legal foundation for West Irian Jaya, since *perpu*, which carry the same weight as a law, should be reserved for states of emergency, according to Article 22 of the Indonesian Constitution. See also "Jangan Paksakan Penyelesaian Irjabar dengan Perpu", *Kompas*, 8 January 2006.

<sup>84</sup> Crisis Group interview.

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<sup>79</sup> Documents made available to Crisis Group.

<sup>80</sup> Articles 74 and 75 of Regulation 54 of 2004 on the MRP

## B. THE MRP'S POPULAR CONSULTATION

As soon as its members arrived in West Irian Jaya to conduct the popular consultation, the MRP's already strained relations with Manokwari began to deteriorate further. Leaders in West Irian Jaya felt that the MRP had already agreed to a process to strengthen the province's legal status and had no right to begin questioning it again. The speaker of the West Irian Jaya Parliament, Jimmy Ijie, complained:

The [24 November] agreement had already been signed by the government, the parliament and the MRP as well as the central government. Doesn't that mean anything?<sup>85</sup>

Between 19 January and 3 February, the MRP held community meetings with indigenous women's groups, customary leaders, youth groups, religious leaders and district governments throughout West Irian Jaya.<sup>86</sup> The MRP teams made audio and video recordings of all the meetings as well as written records. As part of these consultations, it met with provincial parliamentarians and civil servants on 24 January in Manokwari. Bram Atururi did not attend but Jimmy Ijie and several other members of Tim 315 (which derives its name from the original delegation of 315 people who approached the central government in 2002 about establishing a province of West Irian Jaya) came.

Delegates from the Tim 315 reportedly stomped their feet and insisted the MRP confirm support for the province. Lazarus Indow threatened to detain the MRP members to prevent them from going to Bintuni and Wondana. Hermus Indow (a Tim 315 member) told the MRP team they were unwise to come to West Irian Jaya to invite the community to reject the existence of the province. As the Tim 315 members spoke, a group of Arfak men came to the meeting armed with bows and arrows and machetes. The deputy provincial police chief had to be called to calm the situation. Armed men also came later that night to the hotel where the MRP delegation was staying and threatened them.<sup>87</sup>

The MRP compiled a three-volume report analysing the results of the consultation, which demonstrates widespread opposition to the creation of the province, and calls from many to dismantle it.<sup>88</sup> Although the MRP's popular consultation demonstrated overwhelming opposition to *pemekaran*, its leaders acknowledged some support for IJB among indigenous Papuans, particularly but not exclusively among the Arfak ethnic group.<sup>89</sup>

Indeed several tribal leaders in West Irian Jaya have expressed clear support for the province. For example, the leader of the Maibarat tribe, Yohnia Kareth, argues that there would be strong local opposition to any attempt to dismantle the province, since the administration provides employment for local youth.

Similarly, Yaropen leader Yan Ayomi said:

With one province [the government] can't reach the whole community. The people agree with *pemekaran*, it allows even people in the remote mountains to get the government's attention. So if the MRP does not agree, we will not accept them. We ask them to respect West Irian Jaya.<sup>90</sup>

Others expressed conditional support. For example, the Teluk Wondana district government agreed with *pemekaran* on the condition that it was referred back to Article 76 of the Special Autonomy law (requiring the approval of the MRP).<sup>91</sup> Political and civil society leaders in Sorong Municipality argued that either the MRP should decide the fate of West Irian Jaya, or there should be an opinion survey throughout Papua province on the question.<sup>92</sup> The overwhelming majority of the

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<sup>85</sup> "Ketua DPRD IJB Harapkan Kejujuran Semua Pihak", *Cenderawasih Pos*, 10 February 2006.

<sup>86</sup> Three teams spread out to cover different areas. Team One (eleven people) covered the districts of Fakfak and Kaimana; Team Two (sixteen people) visited the districts of Sorong, South Sorong and Raja Ampat; Team Three (sixteen people) consulted with locals in Manokwari, Teluk Wondama and Teluk Bintuni districts. "Menjaring Aspirasi Pemekaran Irjabar, MRP Turunkan Tim", *Kompas*, 20 January 2006; "Posisi tawar MRP di Rakyat", *Cenderawasih Pos* 13 January 2006.

<sup>87</sup> Crisis Group telephone interviews, MRP members present at the meeting, 24 and 25 January 2005; "Ketua dan anggota

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MRP sempat dapat ancaman", *Cenderawasih Pos*, 27 January 2004; "Pertemuan MRP-Tim 315 Nyaris Ricuh", *Cenderawasih Pos*, 26 January 2006; "Eksistensi prov IJB tak bias diganggu gugat", *Cenderawasih Pos*, 25 January 2006. Bram Atururi had deliberately cultivated support among the Arfak ethnic group in his campaign to create West Irian Jaya. McGibbon, pp. 60-61, op. cit.

<sup>88</sup> Summary of the MRP report on the public consultation on West Irian Jaya, "Laporan Temuan Konsultasi Publik Tentang Sikap dan Pandangan Orang Orang Asli Papua Terhadap Keberadaan Provinsi Irian Jaya Barat"; Crisis Group interviews, MRP members, January and February 2006.

<sup>89</sup> Crisis Group telephone interview, MRP Deputy Chairman Frans Wospakrik, 2 February 2006; "Laporan Temuan Konsultasi Publik Tentang Sikap dan Pandangan Orang Orang Asli Papua Terhadap Keberadaan Provinsi Irian Jaya Barat", p. 22.

<sup>90</sup> "Pro-kontra Irjabar: MRP Menyimpang dari komitmen", *Sinar Harapan*, 14 February 2005.

<sup>91</sup> "Laporan Temuan Konsultasi Publik Tentang Sikap dan Pandangan Orang Orang Asli Papua Terhadap Keberadaan Provinsi Irian Jaya Barat", p. 12.

<sup>92</sup> Ibid. p. 16.

groups the MRP consulted rejected the *pemekaran* on the basis that it was not carried out in accordance with the Special Autonomy law.

Second Deputy Chair of the MRP Hana Hikoyabi held a press conference on 27 January – halfway through the consultations – to announce that the majority of indigenous Papuans consulted wanted to remain part of a single Papua province.<sup>93</sup>

The reaction from the West Irian Jaya government was to hold its own press conference the following day rejecting the MRP's consultation and announcing plans to hold its own. Jimmy Ijje complained the MRP had overstepped its mandate and claimed it had sought out those who opposed *pemekaran* and not tried to meet with supporters of the province.<sup>94</sup> The West Irian Jaya parliament held meetings with district heads throughout the province (many of whom had initially been appointed by Atururi), which established strong support for *pemekaran*. This was discussed at a special session of the parliament on 13 February, which concluded with representatives of all factions signing a statement that:

- rejects the public consultation conducted by the MRP on the basis that it is not representative;
- supports the result of the meeting of regional leaders on 8 February, which urges the central government to legalise the province as soon as possible; and
- urges the central government to legalise the province as soon as possible and approve the schedule proposed by the provincial electoral office for the gubernatorial election.

The MRP had attempted to head off this war of words by inviting representatives from the provincial government and parliament of West Irian Jaya to meet with it and members of the Papuan provincial parliament in Jayapura on 13 February, so the two sides could discuss the results of their consultations ahead of a planned meeting of leaders from Jayapura and Manokwari with the central government. The West Irian Jaya government refused the invitation, saying it would only meet on neutral territory, and proposed Makassar in South Sulawesi.<sup>95</sup> The MRP

responded that it would not meet outside Papua, claiming it was the wish of the Papuan people, as expressed in the popular consultation, to solve this problem in Papua.<sup>96</sup> That such an important meeting could be cancelled for such a seemingly trivial reason demonstrates the depth of animosity between Jayapura and Manokwari.

### C. MRP PROPOSAL AND THE SNAP ELECTION IN IJB

The MRP passed the results of its consultation to the Papuan parliament and gave it time to assess the data before meeting again with the central government. Chairman Agus Alue Alua sent a fax to the vice president's office on 14 February stating that no representative would attend the Jakarta meeting the following day but outlining the MRP's basic position, which had softened in a few subtle but significant ways: "no" to *pemekaran*, including in IJB, had become "not yet", and the seven preconditions were expressed as recommendations for when *pemekaran* was implemented. The main points in the fax were as follows:

- it was not the right time to carry out *pemekaran* in West Irian Jaya;
- any *pemekaran* in Papua should be conducted in accordance with Article 76 of the Special Autonomy Law;
- the gubernatorial elections in Papua should include voters throughout Papua (including West Irian Jaya), as intended in article 1(a) of the Special Autonomy law;
- the MRP, on behalf of the Papuan people, requested a comprehensive dialogue on these issues;
- any *pemekaran* the government implements should ensure Papua's cultural and economic unity as per the seven preconditions;
- the government should establish a mechanism to oversee and coordinate governance of Papua as a single economic and cultural unit; and
- the seven conditions suggested by the MRP should be codified in a legal instrument such as a government regulation (*peraturan pemerintah*) or *perpu*.

On 15 February, Vice President Kalla and Ministers Ma'ruf and Widodo met with Jimmy Ijje, Acting West

<sup>93</sup> "Umumnya, ingin tepat 1 propinsi", *Cenderawasih Pos*, 28 January 2006.

<sup>94</sup> "Pemprov IJB Akan Laporkan MRP ke Presiden", *Cenderawasih Pos*, 26 January 2006; "DPRD tak mau Kallah dengan MRP", *Cenderawasih Pos*, 27 January 2006; "DPRD IJB Konsultasi Publik 'Tandingi' MRP", *Cenderawasih Pos*, 8 February 2006; "Sikapi 15 Februari, Degalar Raker", *Manokwari Pos*, 8 Februari 2006.

<sup>95</sup> "13 Februari, Pra Pertemuan IJB-Papua di Makassar", *Manokwari Pos*, 10 February 2006.

<sup>96</sup> Crisis Group correspondence, MRP member, 13 February 2006.

Irian Jaya Governor Timbul and a group of IJB district heads in Jakarta to explain the central government's approach to resolving the dispute. They made clear that it would be resolved in accordance with the Special Autonomy law, and that the gubernatorial election in West Irian Jaya must not be conducted until after the 10 March elections in Papua.<sup>97</sup>

On 17 February the MRP presented the complete results of the public consultation to Papua's acting governor and Vice President Kalla, along with a statement arguing, on the basis of the consultation, that it was not the time to carry out *pemekaran* in West Irian Jaya and reiterating the seven points in the 14 February fax.<sup>98</sup> This was reinforced by a supporting letter from the Papuan parliament, sent on the same day, which threatened that if the central government went ahead with *pemekaran* in IJB outside the mechanism in Article 76 of the Special Autonomy law, it would hold a special session to return the Special Autonomy law.<sup>99</sup>

Leaders of the MRP and Papuan parliament met with Vice President Kalla in Jakarta on 20 February. Kalla made clear that residents of IJB would not participate in the Papuan gubernatorial election but that the government was still assessing the MRP's other recommendations and would decide how to proceed with West Irian Jaya's legalisation after Papua voted for a governor in March.<sup>100</sup>

West Irian Jaya politicians continued to push for the gubernatorial election to be held simultaneously, despite the earlier refusal of Vice President Kalla. IJB's provincial electoral commission sent a letter to the home minister announcing its intention to hold the vote on 10 March.<sup>101</sup> Then in consultations that completely excluded the MRP, the central government remarkably agreed with the West Irian Jaya government and electoral commission that it could hold the vote a day later, on 11 March.

Four of IJB's nine district heads and the local representative of the Dewan Adat, Yoab Syatfle, rejected the poll and threatened a mass boycott, arguing the negotiations with the MRP on the province's legal status should be completed first. The MRP and Papuan

parliament called for it to be delayed until a compromise could be reached and tried unsuccessfully to meet directly with the president to negotiate a brief delay. But the vote went ahead on 11 March, the day after the Papuan gubernatorial election.<sup>102</sup>

The threatened boycott did not materialise. Voter turnout was over 70 per cent, which is higher than the national average for provincial governor elections.<sup>103</sup> There were some reports of military intimidation to prevent the planned boycott in Manokwari and Sorong districts but such a high turnout across the province implies significant local support.<sup>104</sup> The MRP and the Papuan parliament continue to reject the election, and Yorrays Rayewai, the unsuccessful Golkar party candidate, plans to mount a legal challenge, but Home Minister Ma'ruf has confirmed its validity.<sup>105</sup>

The bigger issue the gubernatorial election in West Irian Jaya raises, however, is its implications for the future legal status of the province. Its sudden authorisation, outside the framework of Special Autonomy and opposed by the MRP, undermines the process of reconciling the province with the Papuan autonomy law. Bram Atururi, the founding father of West Irian Jaya, is the clear victor, and his commitment to Special Autonomy for the province is less than solid.

## VI. THE FREEPORT PROTESTS

Negotiations over IJB's status were already up in the air after the elections, but the explosion of tensions in Timika and Jayapura over the Freeport mine wiped them off the public agenda altogether.

Freeport is the company that everybody loves to hate. Controversial since it first began exploration in 1967, before Papua had been incorporated into Indonesia, it has come under criticism at the local, national and international level for everything from alleged corruption to producing environmental degradation, to accusations of fuelling military abuses against locals. Each of these issues has resurfaced in one form or another in the last few months. A 6,000-word exposé on the front page of *The New York Times* in late December 2005 provided much of the

<sup>97</sup> "Papua dan Iriabar Perlu Rekonsiliasi", *Kompas*, 22 February 2006.

<sup>98</sup> Surat Keputusan Majelis Rakyat Papua No 125/81/2006.

<sup>99</sup> Keputusan Dewan Perwakilan Rakyat Papua no. 05/DPRP/2006 Tentang Pemekaran Propinsi Papua Menjadi Propinsi Irian Jaya Barat Atau Nama Lain, 17 February 2006.

<sup>100</sup> Crisis Group interview, Agus Alua Alue, Jakarta, 21 February 2006.

<sup>101</sup> "KPUD Tunggu Penetapan Libur Dari Mendagri", *Manokwari Pos*, 3 March 2006; "Pilkada IJB Digelar Dipastikan 10 Maret", *Manokwari Pos*, 28 February 2006.

<sup>102</sup> Crisis Group interview with Agus Alua, Jakarta, 9 March 2006.

<sup>103</sup> "MRP Minta Pilkada Ditunda", *Cenderawasi Pos*, 8 March 2006.

<sup>104</sup> Intimidation was reported to Crisis Group in a telephone interview with MRP members and correspondence with Manokwari academic, March 2006.

<sup>105</sup> "Mendagri: Pilkada dan Iriabar Sah", *Kompas* 14 March 2006.

impetus. Few of its allegations were new, but it helped draw national and international attention to the issues.

Freeport openly pays the Indonesian military to provide security for its mine, but the *Times* reported separate large payments to individual commanders, prompting investigations both in Jakarta and Washington. Indonesian politicians jumped on the bandwagon, calling for an investigation into the well-known environmental problems and a review of Freeport's contract to extract more tax. Many played the nationalist card by questioning foreign exploitation of a vital national asset.

A few weeks after the *Times* report, on 11 January 2006, the prime suspect and several others reportedly involved in the killing of an Indonesian and two American Freeport employees in August 2003 were arrested, focusing new attention on that case. Free Papua Movement guerrillas took part in that ambush, but allegations of local military involvement linger on.

Freeport is Indonesia's single largest tax payer – \$1.2 billion in 2005 alone. Whenever the company comes under attack, it is almost always a mixture of genuine and manufactured grievances, and criticism on any one issue usually acts as a lightning rod for a host of others. It was in this context that a series of local protests escalated into a riot that claimed five lives in Abepura on 16 March and tested the MRP yet again.

A clash between local illegal gold panners and Freeport security guards on 21 February sparked weeks of protests, several of which turned violent, at the mine site, in the Papuan capital of Jayapura, and beyond.<sup>106</sup> The initial clash on 21 February appeared to stem from a dispute between local prospectors and soldiers who facilitated the illicit mining of Freeport tailings but quickly became linked to generalised anger over uneven

distribution of the province's mineral riches.<sup>107</sup> Locals feel they benefit very little from the 1.46 billion pounds of copper and 2.8 million ounces of gold extracted every year by the American mining giant and complain of environmental degradation and human rights abuses by the Indonesian soldiers guarding the mine.

Protestors in Timika, Jayapura, Jakarta and Makassar demanded closure of the Freeport mine and withdrawal of Indonesian soldiers guarding it. Many of the demonstrations had long been planned by student groups linked to the independence movement but the Freeport protests also reflected broader frustration and anger over the role of the military in Papua, lack of justice for past abuses and the failure of Special Autonomy to improve the welfare of indigenous Papuans.<sup>108</sup>

The MRP and the Papuan parliament sent a joint fact-finding mission to Timika on 12 March to investigate the clashes at the mine. It met with leaders of seven local tribes as well as Freeport employees. On the morning of 14 March, it was due to visit the mine site, accompanied by Freeport staff and representatives of local communities. On the evening of the 13 March, a group of eight student activists from Jayapura asked to join the delegation's visit, but were refused. That group, led by local *Front Pepera* activist Jefri Pagawak, therefore decided to blockade the entrance road at Mile 28, and convinced the local community leaders to join the protest. When the delegation drove to the site the following morning, over 50 locals were blockading the entrance, armed with rocks, machetes and spears, shouting at the MRP and parliamentarians to keep out of the problem.

After fruitlessly trying to negotiate with the crowd, the delegation returned to its hotel. Several hours later, the protestors followed and attacked the hotel, throwing rocks and burning cars. Immediately after the violence the team was evacuated. Police arrested fifteen people and are searching for five who fled.<sup>109</sup> Jefri Pagawak is among the five, having been implicated in the Sheraton attack by witnesses and other suspects in detention, but he denies any involvement.<sup>110</sup>

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<sup>106</sup> On 22 February, hundreds of local traditional miners blockaded an entrance to the mine, forcing Freeport to suspend operations for three days at an estimated cost of \$36 million, and \$9.6million to the Indonesian government in lost tax revenue. Protests have continued intermittently at various entrances to the mine since. There were also several protests outside the Papuan parliament. On 23 February in Jakarta, a group of Papuan students vandalised a travel agent on the ground floor of the building where Freeport's office is located in a pre-dawn attack; more than a hundred demonstrated outside the building the following day, and tried to enter the building. Some began to throw stones and a clash with police ensued. Four police and two protestors were injured and eight people were arrested. Demonstrations by Papuan students also took place in Yogyakarta, Semarang and Makassar on 1 March. See "Demo Kantor Freeport Diwarnai Benturan", *Cenderawasih Pos*, 1 March 2006; "Students take Freeport protests nationwide", *Jakarta Post*, 2 March 2006.

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<sup>107</sup> "Berendam Mengais Emas", *Tempo*, 6-12 March 2006.

<sup>108</sup> Crisis Group telephone interview, member of Front Pepera Papua Barat, 16 March 2006.

<sup>109</sup> Three have been detained as suspects and the remaining twelve released. Crisis Group telephone interview, MRP delegation member Ani Sabami from Timika, 14 March 2006; MRP Chairman Agus Alua, from Timika and Freeport, telephone interview with Papuan parliamentarian, Albert Yogi, 22 March 2006; "Di Timika, Massa Terobos Sheraton", *Cenderawasih Pos*, 15 March 2006; "Freeport protests hit hotel, politicians flee", *Jakarta Post* 15 March 2006.

<sup>110</sup> "Jefri bantah komando rusak Sheraton", *Radar Timika*, 23 March 2006.



The day after the violence in Timika, more protests broke out in Jayapura. On 15 March, student activists blockaded the road between Jayapura and Sentani, demanding closure of the Freeport mine.<sup>111</sup> Traffic was completely paralysed from mid-day until just after 6:00 p.m., when the protesters dispersed.<sup>112</sup> The following day, at 6:00 a.m., students from the Jayapura branch of the *Front Pepera* again erected a blockade near the Cenderawasih University campus in Abepura, on the Jayapura-Sentani road but by 8:00 the police had surrounded them and were trying to convince them to disperse.

Meanwhile, though, hundreds of people (assumed not to be students) streamed down from the hills behind the campus to join the demonstration.<sup>113</sup> At 10:00 a.m., the speaker of the Papuan parliament, Komarudin Watubun, came to negotiate with the protestors, offering several compromises, but they insisted they would not leave until he guaranteed the Timika Freeport mine would be closed, the military and police withdrawn from the area, and seven protestors arrested in Timika after an earlier protest released. At around noon, police plucked the demonstration organiser and leader of the Front Pepera leader, Selfius Bobi, from the crowd and took him into detention.

Anti-riot police warned the crowd that if it did not disperse they would use force to break the blockade. At 12:30 p.m., riot police sprayed tear gas into the crowd, and most protestors ran into the campus where, from behind a fence, they threw rocks and bottles at the police. There was a minivan full of large rocks apparently deliberately collected for use by rioters.<sup>114</sup> Two officers who tripped and fell in the melee were seized by a part of the crowd and bludgeoned to death. A third officer died of stab wounds, and an air force intelligence officer was beaten to death on the campus by a group of students.<sup>115</sup> Another nineteen police officers were injured, one of whom

died in hospital on 22 March.<sup>116</sup> Twenty-four civilians were hospitalised with injuries inflicted by the police and the mob, including five with gunshot wounds.<sup>117</sup> Security officers fired mostly into the air, but film footage showed at least one man in plain clothes fire into the crowd.<sup>118</sup>

In the days after the riot, police conducted sweeps of student dormitories, reportedly beating civilians and firing shots into the air. Stray bullets wounded two women and a ten-year-old girl.<sup>119</sup> Police took in over 70 people for questioning and have so far arrested fifteen, but much about the Abepura riot remains unclear. Local human rights organisations attempting to investigate have been hampered by police interference and intimidation. Journalists have been denied access to hospitals to interview victims.<sup>120</sup>

The armed forces commander, national police and intelligence chiefs, and coordinating minister for politics, law and security were all dispatched to Jayapura the night of the riot to meet with local security forces, politicians and community leaders. Many MRP members, including the chairman, Agus Alue Alua, were in different parts of the province and unable to get back to meet the high-level delegation. Those who did attend the meeting on the morning of 17 March, including Second Deputy Hana Hikoyabi, felt that their suggestions were not being heeded.<sup>121</sup>

The Freeport protests began as the MRP was in the midst of crisis negotiations over West Irian Jaya, and the fact finding team it eventually deployed was threatened and attacked. The Abepura violence erupted in the wake of the Papua and West Irian Jaya gubernatorial elections, while MRP members were scattered around Papua consulting with constituents and attending to other matters. Chairman Agus Alue Alua was in Timika, and Deputy I Frans Wospakrik was in Biak; neither was able to get to Jayapura in time for the senior ministers' lightning visit. The ministers in turn made only perfunctory efforts to engage the People's Council, but even given all those limitations, the MRP's intervention on this issue has to be judged as very ineffective.

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<sup>111</sup> The student groups that organised the demonstration were Parlemen Jalanan and the Jayapura City branch of the Front Pepera Papua Barat.

<sup>112</sup> "Diblokir, Jalan Abe-Waena Lumpuh", *Cenderawasih Pos*, 16 March 2006.

<sup>113</sup> Crisis Group telephone interviews, witnesses, 16 March 2006. The rector of Cenderawasih University sent faculty members to the demonstration to see whether many students were involved. They reported back that only very few were taking part but others were watching on the sidelines. "Kebrutalan di sebuah jembatan", *Tempo*, 20-26 March 2006.

<sup>114</sup> Footage on *Metro Realitas*, Metro TV, 19:00, 19 March 2006; Crisis Group interview, witness, 21 March 2006.

<sup>115</sup> "Kebrutalan di sebuah jembatan", op. cit.; report of the Jayapura Diocese Catholic Peace and Justice Office; "Empat Tewas", *Kompas Online*, 16 March 2006.

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<sup>116</sup> "Satu Lagi, Brimob Tewas Akibat Kerusakan Abepura", Detik.com, 22 March 2006.

<sup>117</sup> Peace and Justice Office report, op. cit.

<sup>118</sup> Evening news, 18:00, Metro TV, 16 March 2006.

<sup>119</sup> "Abe Masih Mencekam; Tiga Warga Sipil Kena Peluru Nyasar", *Cenderawasih Pos*, 18 March 2006.

<sup>120</sup> Crisis Group telephone interviews, local journalist and human rights groups, 16-20 March 2006.

<sup>121</sup> Crisis Group interview, Hana Hikoyoba, Ani Sabami, 17 March 2006.

The MRP is now preparing a report for the central government on this issue, which will include recommendations on traditional land and other basic rights of the local communities. It will present this report and seek an audience with the President on both the Freeport and West Irian Jaya issues in late March.<sup>122</sup>

central government needs to realise that it is in its interest to help the MRP succeed, because if it fails, Special Autonomy – the best hope for Papua-Jakarta relations – will be badly, if not irreparably damaged.

**Jakarta/Brussels, 23 March 2006**

## **VII. CONCLUSION**

The odds have been stacked against the MRP from the beginning. Even before negotiations on West Irian Jaya were derailed by the election and violence broke out in Abepura it was weak but these two blows in rapid succession have proved nearly fatal. MRP members are discouraged and demoralised, and many are ready to quit. The central government has done nothing to counter the perception that it is marginalising the institution.

It is up to the government in Jakarta to make the first move to salvage the relationship. It needs to engage the MRP actively on both the Freeport and West Irian Jaya issues.

For its part, the MRP has taken positions on both issues that, while they might reflect popular sentiment, have been too easy for the central government to dismiss. On West Irian Jaya, it did begin to make concessions, but needed to go much further. Now, rather than focus on the objections to the way the province was created, it needs somehow to accommodate the reality that West Irian Jaya, like it or not, is not going to be dismantled, and set out practical proposals for addressing the substantive concerns of Papuans – on military build-up, affirmative action and cultural unity.

On the Freeport issue, its response to the initial protests was sluggish. The first clash took place on 21 February but the MRP delegation only arrived in Timika on 12 March, after the crisis had escalated significantly. After the Abepura violence, when MRP representatives met with central government officials, they offered no practical policy suggestions for the government to adopt. Tensions have eased in Abepura for now but the MRP played no role in that process.

Nevertheless, the institution remains important. It is the most representative body to emerge so far and has the support of key Papuan institutions. The MRP will need to improve its negotiating skills and not squander its legitimacy on battles it cannot win but rather choose its issues very carefully. It will also need to frame them in a way that does not immediately alienate Jakarta. The

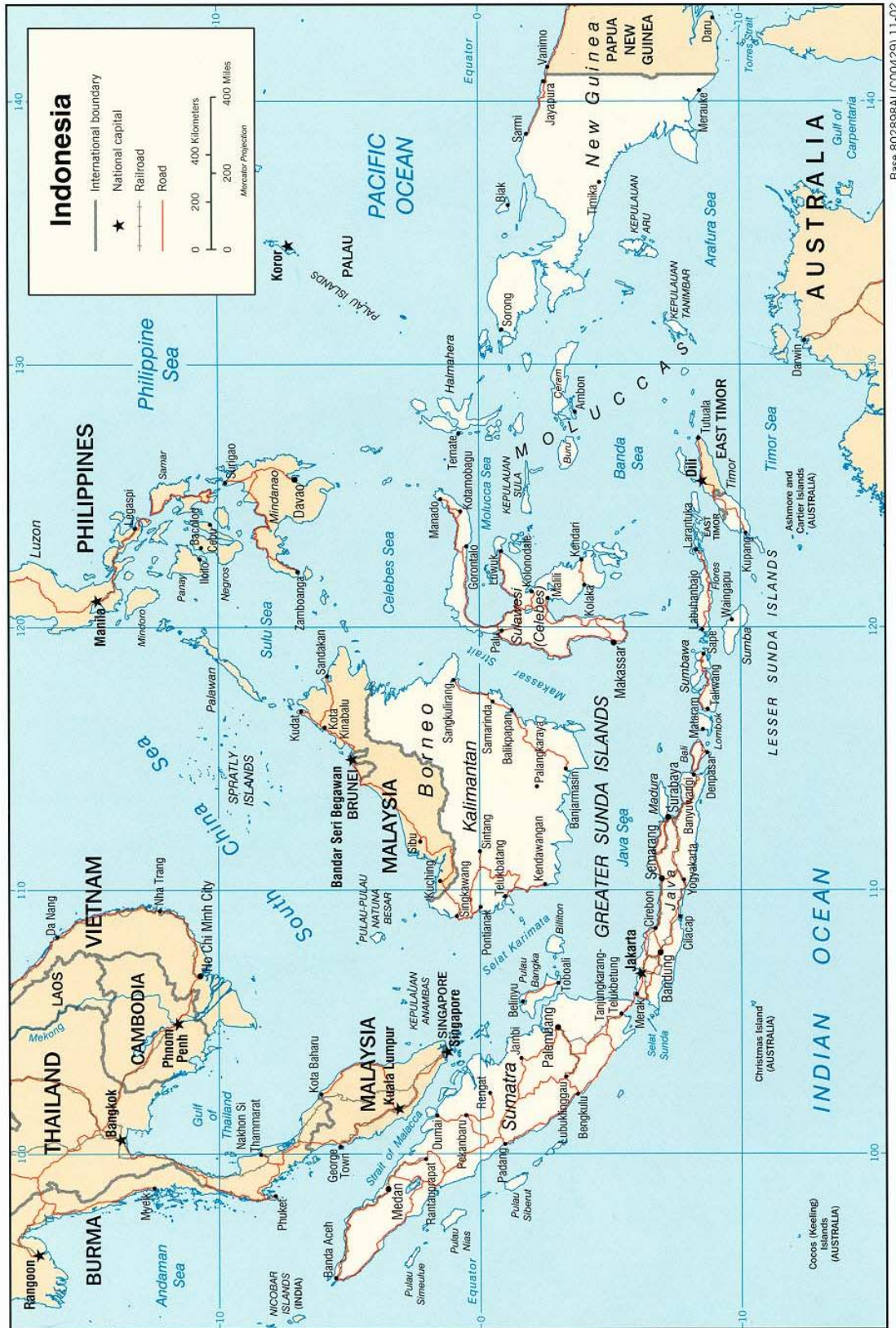
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<sup>122</sup> Crisis Group telephone interview with Agus Alue Alua, 23 March 2006.

**APPENDIX A**  
**MAP OF PAPUA**



## APPENDIX B MAP OF INDONESIA



Courtesy of The General Libraries, The University of Texas at Austin