

## DIVIDING PAPUA: HOW NOT TO DO IT

### I. OVERVIEW

A presidential instruction (*Inpres*) issued in January 2003 to divide Papua, Indonesia's easternmost province, into three parts has done more to create tension and turmoil there than any government action in years. The instruction undercuts a special autonomy law passed by the parliament in November 2001 that assumed the province to be a single territorial unit, and it has thrown Papua's administrative status into legal limbo. It undermines moderate intellectuals who saw special autonomy as a way of strengthening Papuan institutions and encouraging independence supporters to work within the Indonesian state. It has infuriated many Papuans, pro-independence and pro-autonomy alike, who have a deep attachment to Papua as a single political unit with a distinct history and who see the decree as a divide-and-rule tactic by Jakarta. All major religious leaders in the province have come out against it.

At the same time, the decree has generated intense acrimony within the governing elite in Papua between those who stand to gain from the division – known as *pemekaran* in Indonesian – and those who benefit more from the status quo. In the first category are the individuals likely to be appointed to top jobs in the new provinces; those who believe that the province will be further divided and have their eyes on future governorships; and those who believe that loyalty to the central government in supporting *pemekaran* will be suitably rewarded. In the second category are some of the top officials in the current provincial government who will see their administrative authority, and perhaps their access to spoils, substantially weakened.

The division of Papua has major political ramifications as the 2004 national elections approach. The former ruling party, Golkar, still dominates the provincial government and parliament, and supporters of its main rival, President Megawati Sukarnoputri's PDIP party, have accused the governor of using special autonomy revenues for

Golkar's 2004 war chest. Golkar members in turn suggest that the division into three provinces would benefit PDIP and enable the new governors to divert funds to the local PDIP campaigns.

The overriding motivation behind the decree appears to have been the weakening of the Papuan independence movement, but far from lessening the possibility of conflict, the decree may actually increase it. The possibilities include:

- ❑ increased resentment and distrust of the central government by Papuans;
- ❑ mobilisation of grassroots support (including through strategically distributed payments) by the leaders of pro- and anti-*pemekaran* positions respectively, leading to physical clashes; pre-election Golkar and PDIP rivalry could easily add to the tension; so could the interest of the National Intelligence Agency (Badan Intelijen Negara, BIN) and the army in portraying any tensions in the province as an intra-Papuan conflict; and
- ❑ unwillingness of pro-autonomy moderates to work with the central government.

Other consequences could include:

- ❑ emergence of different and competing demands for new provinces from those who support *pemekaran* but do not agree with how Jakarta has drawn the dividing lines; and
- ❑ increased competition over resources and business contracts.

Whatever the merits of the pro-*pemekaran* argument, the way in which the *Inpres* was issued and the lack of consultation with senior Papuan leaders and even some Cabinet ministers was ill-advised.

In the current political climate, with elections looming and an increasingly nationalist mood in Jakarta, it is going to be difficult to undo the damage.

The government has three options: revoking the decree, implementing it over massive objections and dealing with the consequences; and deliberate bureaucratic inertia, so that for all practical purposes, special autonomy remains in effect.

Of these, revocation by President Megawati is highly unlikely. Given the outcry, the government would lose too much face. The Indonesian parliament might move to have the decree repealed or demand a judicial review from the Supreme Court, but as of this writing it looks as though the government is determined to move forward.

Speedy implementation, however, is also unlikely; at the very least, the pro-*pemekaran* forces need time to show that they have some popular support, and the government has made clear that it is not going to rush into inaugurating the new governors, even though one has installed himself.

It may be that the best one can hope for is inertia, with implementation postponed at least until after the 2004 elections and perhaps beyond. Unfortunately, the expectations created by the decree, particularly in the western part of the province, could make this position untenable, unless the government can offer some attractive consolation prizes to the would-be beneficiaries.

## II. BACKGROUND TO THE DIVISION

The idea of dividing Papua has a long and troubled history. The Dutch colonial administration had originally divided what was then Netherlands New Guinea or West New Guinea, into six residencies: Hollandia, with the capital in present day Jayapura; Geelvinkbaai, with the capital in Biak; Central New Guinea, capital Enarotali; South New Guinea, capital Merauke; Fakfak, capital Fakfak; and West New Guinea, capital Sorong.

When Indonesia incorporated the territory it called West Irian in 1969, it initially kept the six residencies while giving them new names. By 1969, it had created three more.<sup>1</sup> In 1973, West

Irian was formally renamed Irian Jaya (it would only formally become “Papua” in 2001). After the city of Jayapura became formally recognized as a municipality, equivalent to a district, the major administrative divisions of the province stayed unchanged until 1999.

The possibility of dividing the province into three was discussed, and apparently rejected, by President Soeharto, in 1984. The then Minister of Home Affairs, Sapardjo Rustam, had commissioned a study on the possibility of dividing Irian Jaya in the interests of speeding up development. The study concluded that if an adequate bureaucratic structure could be put in place and a cadre-building program (*kaderisasi*) undertaken so that Papuans could be put in key positions, a division first into three provinces and then into six, recreating the original Dutch residencies, would be desirable.<sup>2</sup>

No further plans to divide the province were floated until 1999, and the timing was probably not a coincidence. President Soeharto had resigned in May 1998 and was succeeded by his vice-president, B. J. Habibie. In February 1999, a delegation of 100 Papuan community leaders went to Jakarta to meet with the new president as part of what was billed as a “National Dialogue” on the future of Irian Jaya. In a statement that shocked their host, they formally expressed the desire to separate from Indonesia and establish a transitional government under supervision of the United Nations.<sup>3</sup>

On their return, they began setting up “communication posts” or *posko* across the country to spread the word about the statement. In April 1999, the police issued an order banning any further discussion of the Jakarta meeting and

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both Nabire and Paniai. A separate district of Paniai was carved out of Nabire by the controversial Law No. 45/1999. The creation of Sorong meant that the old Dutch district of West New Guinea was divided into Manokwari and Sorong. Yapen Waropen was carved out of the old Dutch Geelvinkbaai, with the rump district renamed Biak.

<sup>2</sup> J.R.G. Djopari, “Pemekaran Papua Positif bagi Rakyat Papua”, *Sinar Harapan*, 5 March 2003. The author, a former vice-governor of Irian Jaya, is a longtime proponent of provincial division.

<sup>3</sup> Human Rights Watch, “Indonesia: Human Rights and Pro-Independence Actions in Papua, 1999-2000”, Vol. 12, N°2C, May 2000, pp.10-12. See also ICG Asia Report N°23, *Indonesia: Ending Repression in Irian Jaya*, 20 September 2001, p.11.

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<sup>1</sup> The three new districts were Paniai, Sorong, and Yapen Waropen. The creation of Paniai meant that what had been Central New Guinea was now divided into Paniai and Jayawijaya districts. Confusingly, the district of Paniai, created in 1965, was later renamed Nabire and included

ordered that all the *posko* be shut down, citing the “uneasiness, discord, and fear” they had created which “if left unattended could disturb stability, safety, and order”.<sup>4</sup> A series of arrests of *posko* members by police and defiant flag-raising by activists followed, with a particularly high-profile one in Sorong on 5 July in which several members of the original delegation to Jakarta were arrested.

It was in this atmosphere that the provincial government, with support from Jakarta, began to promote the idea of dividing the province into three. In a trip around the province in July 1999, vice-governor John Djopari said that the idea had been long in the works. It had the support of the then governor of Irian Jaya, Freddy Numberi, and his three vice-governors, Djopari, Herman Monim, and Abraham (“Bram”) Atururi. These officials maintained at the time, and Monim told ICG in March 2003, that the whole idea was to improve government services.<sup>5</sup>

But many Papuans were convinced that the proposed division was a direct response to the National Dialogue and the flurry of organizing in support of independence. Developments in East Timor may also have been a factor.<sup>6</sup>

On 16 September 1999, the Indonesian parliament passed Law No. 45 mandating the division of Irian Jaya into West Irian Jaya, with its capital in Manokwari; Central Irian Jaya, with its capital in Timika; and the rump Irian Jaya, with its capital in Jayapura. The law also mandated the establishment of four new districts (Paniai, carved out of Nabire; Puncak Jaya, carved out of Jayawijaya; Mimika, carved out of Fakfak, and the city of Sorong, recognised as a separate entity from Sorong district).

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<sup>4</sup> “Human Rights and Pro-Independence Actions in Papua”, op. cit., p.16.

<sup>5</sup> Ibid., p.25; ICG interview with Herman Monim, Jayapura, 8 March 2003.

<sup>6</sup> In January 1999, President Habibie decided to offer the East Timorese the option of separating from Indonesia. On 5 May 1999, the Indonesian government agreed to allow the United Nations to organise a “popular consultation” – in fact, a referendum – that took place on 30 August 1999. The vote was overwhelmingly in favour of separating from Indonesia, and on 25 October 1999, after departing militia and army troops left the country in ruins, Indonesia formally ceded sovereignty to the United Nations. The country of Timor Leste became independent on 20 May 2002.

On 12 October, President Habibie issued Presidential Decree No. 327, naming vice-governors Herman Monim and Bram Atururi as governors of Central Irian Jaya and West Irian Jaya respectively.

### III. REACTION TO LAW NO. 45

Passage of the law generated immediate protests throughout Irian Jaya. “People didn’t like the law”, one of its backers, a former vice-governor, told ICG. “It came out of the Habibie government and smelled of the New Order”.<sup>7</sup>

On 16 October, the provincial parliament (Dewan Perwakilan Rakyat Daerah or DPRD), citing “the aspirations of intellectuals and the younger generation” as well as the need to prevent unrest, recommended the repeal of both Law No. 45 and Decree No. 327.<sup>8</sup> Governor Freddy Numberi, who had submitted the original proposal for the division, went along with the DPRD’s decision.

Atururi did not. He told crowds of protestors that Numberi had ordered him to refuse his new governorship but that in the interests of loyalty to Indonesia, he had decided to accept it.<sup>9</sup>

Partly as a result of the DPRD’s rejection, partly due to the multitude of other issues claiming Jakarta’s attention, including the transfer of the presidency from President Habibie to Abdurrahman Wahid, the division of the province was never implemented.

Indeed, President Wahid’s Minister of Home Affairs, Surjadi Soedirja, sent a letter to Governor Numberi on 18 November 1999 acknowledging the DPRD’s rejection of the law and saying the necessary steps would be taken.<sup>10</sup> The letter may have been an effort by the new Wahid government to avert violence,

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<sup>7</sup> ICG interview, Jayapura, 8 March 2003.

<sup>8</sup> “Keputusan Dewan Perwakilan Rakyat Daerah Propinsi Irian Jaya; No.11/DPRD/1999 tentang Pernyataan Pendapat DPRD Propinsi Irian Jaya Kepada Pemerintah Pusat Untuk Menolak Pemekaran Propinsi Irian Jaya dan Usul Pencabutan Surat Keputusan Presiden RI Nomor 327/M Tahun 1999 Tanggal 5 Oktober 1999”, 16 October 1999.

<sup>9</sup> “Human Rights and Pro-Independence Actions in Papua”, op. cit., p. 26.

<sup>10</sup> Simon Morin, “Mengapa Instruksi Presiden RI Nomor 1 Tahun 2003 Harus Dicabut”, Jakarta, 5 March 2003.

since it came as a series of pro-independence actions began to take place across the province.

The Wahid government also asked Numberi, who by this time had been appointed Minister for Reform of the State Apparatus but not yet replaced as governor, to ask his deputies to resume their old jobs. He told the press that both Atururi and Monim had submitted their resignations as governors of the putative new provinces.<sup>11</sup>

The way Law No. 45 was handled left virtually everyone concerned in Papua feeling embittered. Atururi and Monim were particularly affected. Monim, a respected civil servant with a career that had begun with the Dutch colonial administration, told ICG that he had been installed with great fanfare as governor of Central Irian Jaya but never given a salary or a staff. Jakarta effectively forgot about him, and he felt as though he had been duped.<sup>12</sup> When his term as vice-governor came to an end in 2000, he went into a quiet retirement in his home on the shore of Lake Sentani, near Jayapura.

Atururi, a retired Marines Brigadier General and former member of the military intelligence body, BAIS, still harboured political ambitions but seemed to accept that his installation as governor had been premature. On 19 April 2000, he told members of the police and military group in the provincial parliament that the people had clearly rejected division of the province, and now the focus would shift to increasing the number of districts in the interests of more equitable development of human resources.<sup>13</sup>

Atururi ran for governor unsuccessfully, losing to Jaap Solossa in October 2000, and was then given a sinecure as head of the Papuan branch of KONI, the national sports organization.

Opponents of the province's division saw the Habibie government's efforts to divide Papua into three as an indication that Soeharto-style divide and rule tactics from Jakarta continued. Proponents saw

the failure to implement the law as an indication that the central government was not to be trusted.

In the meantime, by mid-2000, Law No. 45 was in legal limbo, rejected but not repealed, with the creation of new provinces on hold, but the creation of the four new districts well on their way to implementation.

#### IV. SPECIAL AUTONOMY

President Wahid had a very different approach to the Papuan independence movement from his predecessors. Instead of trying to curb it by repression or divide-and-rule tactics, he chose to accommodate some of its demands in the hopes that this would bring it back into the national fold. Like many of the policies that characterized his administration, Wahid's approach to Papua was based on a commitment to democracy, a large dose of good will, and a fundamental ignorance about political realities.

The result, as in Aceh, was a pattern of early promises welcomed as indications of good faith by local political activists (and misread by some of them as tacit support for independence); dismay on the part of the police and military as well as mainstream politicians in Jakarta, who believed that accommodation only encouraged separatism; backtracking by the president and a crackdown by security forces; and a feeling of betrayal on the part of local leaders when it was all over.

The year 2000 represented the height both of the consolidation of the political movement for independence and of government tolerance for pro-independence actions.

The move to formally change the name of the province from Irian Jaya to Papua gathered momentum. Independence leader Theys Eluay had requested the change in early January 2000; the governor declared his support for it in April; the DPRD decided on 16 August to recommend it, and in a Christmas visit to Papua on 25 December, President Wahid endorsed it, over the strong objections of members of his cabinet and explicit rejection of the idea by members of the national parliament.

In February 2000, a "Papuan People's Consultation" took place in Jayapura, involving

<sup>11</sup> "Menolak Mejadi Tiga", *Gatra*, Nomor 03/VI, 4 Desember 1999.

<sup>12</sup> ICG interview, Jayapura, 8 March 2003.

<sup>13</sup> Theo P.A. van den Broek, J. Budi Hernawan, Frederika Korain and Adolf Kambayong, *Memoria Passionis di Papua: Kondisi Sosial Politik dan Hak Asasi Manusia, Gambaran 2000*, Sekretariat Keadilan dan Perdamaian Keuskupan Jayapura, (Jakarta 2001), p. 40.

some 300 participants from across the province. It concluded with a statement that expressed the aspiration of the Papuan people for independence; the determination to foster Papuan nationalism; and the intention of convening the Second Papuan People's Congress later in the year (the first having taken place in 1961 at the time independence was declared). The Congress was convened on 29 May with some 25,000 participants. President Wahid had repeatedly promised Papuan leaders that he would open the event, but days before it began, he backed down, his advisers telling the organisers that they feared his presence would be interpreted as support for independence.<sup>14</sup>

The Congress marked the beginning of a pronounced shift toward a more hardline policy from Jakarta. Police said the organisers of the Congress would be investigated on suspicion of committing rebellion. Parliamentary leader Amien Rais and other opponents of President Wahid began to use his accommodating stance as proof that he was furthering Indonesia's disintegration. Security forces stopped allowing activists to fly the Morning Star flag, the symbol of Papuan independence.<sup>15</sup>

By the time of the August 2000 session of the People's Consultative Assembly (Majelis Permusyawaratan Rakyat or MPR), Jakarta's leading politicians were calling on the central government to act more decisively against separatists and refused to permit the name of the province to be changed to "Papua".<sup>16</sup> At the same time, the very strength of pro-independence sentiment led the MPR to issue a resolution mandating the development of special autonomy for Irian Jaya, as a way of trying to win over the Papuan people.

It is important to remember that all this was happening at a time when the loss of East Timor was less than a year old; when communal conflicts were raging in Maluku and Poso, and Laskar Jihad, with the blessing of the army, had sent thousands

of recruits off to Ambon to fight "Christian separatists"; and shortly after President Wahid had agreed to negotiations with the rebels in Aceh, much to the dismay of the armed forces. The push from Jakarta for autonomy was thus very much an effort to dampen independence aspirations and to move away from the president's own position of maximum tolerance.

The latter part of 2000 saw some of the bloodiest clashes in years between pro-independence supporters and security forces. Three people were killed in Sorong on 22 August; 34 in Wamena, many of them non-Papuan migrants, on 6 October; five in Merauke on 5 November, seven more in a clash there on 2 December; three, including a policeman, in Abepura on 7 December, with seventeen arrested and later tortured.<sup>17</sup>

It was in the tense atmosphere of late 2000 and early 2001 that a committee to draft a special autonomy law began work. After more than eleven drafts went back and forth between a Papuan team and a parliamentary team, a final version was produced. It came out as something less than its Papuan architects had hoped for, but was a strong law nonetheless. Its 79 articles included provisions that for the first time recognised the validity of Papuan cultural institutions and practices. It officially recognized the name of the province as "Papua". It gave Papuans the right to develop their own symbols, including a flag and an anthem, as long as they were not considered symbols of sovereignty.<sup>18</sup> It allowed Papuans to retain a much larger share of locally generated revenue than in the past, including 70 per cent of the income from oil and gas, and 80 per cent from mining. It also granted a "special autonomy allocation" for twenty years, to be spent on health, education, and infrastructure.<sup>19</sup>

It further mandated the establishment of a Papuan People's Council (Majelis Rakyat Papua or MRP), an advisory body to the provincial parliament composed of ethnic Papuans to be chosen from among religious and traditional leaders and women. The MRP was to have the authority to voice opinions about and approve draft provincial

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<sup>14</sup> *Memoria Passionis di Papua*, op. cit., pp. 54-55.

<sup>15</sup> At the beginning of his presidency, Wahid had agreed that the Morning Star flag could be flown in Papua as a "cultural" symbol, as long as it was flown below the Indonesian national flag. The police and military were instructed to let the flag fly, but as had always been the case in Papua, flag-raising served as a rallying point for independence supporters. It was a measure of the president's lack of knowledge about Papua that he could have seen the Morning Star as anything but a political icon.

<sup>16</sup> *Memoria Passionis di Papua*, op. cit., p. 83.

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<sup>17</sup> See Human Rights Watch, "Indonesia: Violence and Political Impasse in Papua", Vol.13, No. 2, July 2001, for detailed accounts of the clashes in Wamena and Abepura.

<sup>18</sup> Law 21/2001 on Special Autonomy for Papua, Article 3.

<sup>19</sup> ICG Asia Report N°39, *Indonesia: Resources and Conflict in Papua*, 13 September 2002, pp. 7-8.

legislation; review and make recommendations over agreements that the provincial government was planning on making with third parties, with a view toward ensuring that the rights of ethnic Papuans would be protected; and review and approve nominees proposed by the provincial parliament for governor, vice-governor, and members of the People's Consultative Council in Jakarta.<sup>20</sup>

Finally, Article 76 provided that the division of Papua required the approval of the MRP and the provincial parliament.

In the discussions in Jakarta by the special committee (*pansus*) of the Indonesian parliament established to finalise the law, the issue of Law No. 45 repeatedly came up. To the parliamentarians, it was clear that the special autonomy law superseded the latter. The division of the province mandated by Law No. 45 had never been implemented, and now it could not be carried out without the approval of the two bodies based in Jayapura. The obvious step was to repeal the law, but there was a problem: Law No. 45 constituted the only basis on which the districts of Paniai, Mimika, Puncak Jaya, and Sorong city had been created. The parliamentarians agreed to ask the Ministry of Home Affairs and their colleagues on the parliament's Commission II to work for a revision of the law that would simply drop the references to division of the province, and in the meantime, to make no reference to the law in the preamble to the Special Autonomy bill.<sup>21</sup>

Law No. 21 on Special Autonomy for Papua was passed on 22 October 2001. Theys Eluay and other members of the Presidium Dewan Papua, the leadership council chosen at the time of the Papuan Congress in June 2000, rejected it, as they had rejected autonomy from the outset. They were prepared to settle for nothing less than full independence.

Three weeks after the law was passed, Theys was abducted and killed by members of the army special forces, Kopassus. At his trial, a Kopassus officer said that he ordered one of his men to prevent Theys from declaring independence on 1 December 2002; another officer said that he thought Theys was determined to make that

declaration because the government was planning to begin the implementation of special autonomy.<sup>22</sup>

Theys's death shocked Papua and reinforced the belief of many that Jakarta could not be trusted. Many saw the killing as an attempt by the armed forces to create conflict at a time when Papua was relatively calm; the timing of the murder, so closely following on the passage of the autonomy law, certainly raised questions.<sup>23</sup>

But significant elements within the Papuan elite were prepared to give autonomy a chance. They fell into three groups: the moderate intellectuals and politicians who saw autonomy as giving Papuans the best chance to strengthen indigenous institutions and control their own resources without constant confrontation with Jakarta; the pro-independence realists who believed that Papua needed time to develop its human and institutional resources before it had any chance of surviving as an independent country; and some provincial officials who saw their own power enhanced by autonomy. The moderates believed additionally that over time, wise implementation of special autonomy could persuade many within the pro-independence camp to accept Indonesian sovereignty.

Wise implementation, however, depended on the establishment of the MRP. As envisaged by its architects, the MRP was to be not just the guardian of indigenous Papuan values. It was also to be an important check on executive authority and a guarantor of distributive justice – that is, its members would ensure that the fruits of autonomy did not stay in Jayapura.<sup>24</sup>

In August 2002, the Papuan parliament sent a draft bill establishing the MRP to the Ministry of Home Affairs. The Ministry, apparently convinced that as conceived, the MRP could turn into a pro-independence body, let the bill languish. In March 2003, Minister Hari Sabarno finally announced that he expected the Ministry's version of the MRP to be ready in August 2003. To ICG's knowledge, no Papuan had seen a draft of that version at the time of this writing.

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<sup>20</sup> Law No.21/2000, Article 5(2).

<sup>21</sup> Simon Morin, "Mengapa Instruksi Presiden RI Nomor 1 Tahun 2003 Harus Dicabut", Jakarta, 5 March 2003.

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<sup>22</sup> "Theys dibunuh karena akan merdekakan Papua", *Koran Tempo*, 4 January 2003.

<sup>23</sup> ICG Report, *Indonesia: Resources and Conflict in Papua*, op. cit., pp.7-8.

<sup>24</sup> IGG interviews, Jayapura, 10 March 2003.

## V. PRESIDENTIAL INSTRUCTION NO. 1

By early 2003, special autonomy had been in force in Papua for a year, during which pro-independence forces were relatively quiet. Papuans were focused on the unfolding case against Kopassus soldiers in the Theys murder, and later on the investigation into the 31 August 2002 ambush of a convoy outside Timika in which two American teachers and an Indonesian were killed.<sup>25</sup>

President Megawati's Instruction (*Inpres*) No.1 of 2003, calling for the speeded up implementation of Law No. 45, was, therefore, unexpected.

Among other things, it called for:

- establishing the provincial governments for West Irian Jaya and Central Irian Jaya (the existing provincial government in Jayapura would stay on to administer the rump province, called Irian Jaya);
- determining the borders of the three provinces;
- giving guidance to the two new provinces on the creation of provincial parliaments; and
- activating the positions of governor and other parts of the government apparatus for the two new provinces and preparing the necessary facilities.<sup>26</sup>

It called on the Minister of Finance to prepare a special budget, and on the Governor to support the implementation by seconding the necessary personnel and preparing whatever documents were needed. It also called on the Minister of Home Affairs to prepare a team to provide technical assistance as required to the Governor and district heads in order to ensure the establishment of the two new provinces.<sup>27</sup>

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<sup>25</sup> That attack was widely believed to have been the work of soldiers as well but as of March 2003, none of the perpetrators had been identified, and no case against the army had been established.

<sup>26</sup> "Instruksi Presiden Republik Indonesia Nomor 1 Tahun 2003 Tentang Percepatan Pelaksanaan Undang-Undang Nomor 45 Tahun 1999 Tentang Pembentukan Propinsi Irian Jaya Tengah, Propinsi Irian Jaya Barat, Kabupaten Paniai, Kabupaten Mimika, Kabupaten Puncak Jaya, dan Kota Sorong", 27 January 2003, pp. 4-5.

<sup>27</sup> *Ibid*, p. 6.

The sudden appearance of the *Inpres* created shock waves. Not only had Governor Solossa apparently not been consulted, but neither, apparently, had Coordinating Minister for Politics and Security Bambang Soesilo Yudhoyono. Herman Monim, the man appointed as governor of Central Irian Jaya in 1999, had no idea he was going to be reactivated and only found out by accident, a week after the *Inpres* had been issued.<sup>28</sup>

The *Inpres* brought back the hated name of Irian Jaya that had been changed, after so much trouble, to Papua. It appeared to be in clear contradiction to the Special Autonomy Law, since any division (*pemekaran*) was supposed to take place only with the approval of the provincial parliament and MRP. It pulled the rug out from under the moderates who had taken the unpopular position of supporting autonomy because they thought they could turn it to the advantage of both Papuans and Indonesia. It created widespread anger within important sectors of the Papuan elite and looked certain to cause tensions, if not physical conflict, between pro- and anti-*pemekaran* groups, particularly in the designated capital cities of the new provinces, Manokwari and Timika, and also in Jayapura.

As a Papuan intellectual who had devoted considerable time to helping draft the special autonomy law asked ICG in anguish, "What could the government have possibly been thinking?"

## VI. REASONS FOR THE INPRES

The official reason given for the *Inpres* was to bring government closer to the people and facilitate economic development. With fourteen new districts approved, it was argued, it would be impossible for one governor to administer effectively 28 districts spread out over a huge and remote area.

The real reasons are almost certainly very different: to divide the independence movement; to weaken Golkar in Papua prior to the 2004 elections; and to direct the spoils from lucrative resource extraction projects to individuals closely tied to the Jakarta elite. There were also some very petty local politics at work.

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<sup>28</sup> ICG interview, Jayapura, 8 March 2003.

### The Security Argument

The driving force behind the *Inpres*, however, was almost certainly the determination by BIN and the army to weaken the independence movement. On the surface, this would seem odd. The various pro-independence groups and bodies were far less visible than they had been in 1999 or 2000; there had been nothing in 2002 on the scale of the Papuan Congress in 2000, indeed quite the opposite: one source told ICG that the Presidium had lost focus and direction and was only given a new lease of life by the murder of Theys.<sup>29</sup>

But statements by various officials suggested that they were deeply concerned over the gains that pro-independence groups seemed to be making abroad in terms of generating international support for a re-examination of the 1969 Act of Free Choice.<sup>30</sup> In November 2002, the deputy speaker of the Indonesian parliament openly accused Governor Solossa of going overseas to seek support for the independence movement; at the same time he raised concerns about the growing international links of the insurgent Free Papua Movement (Organisasi Papua Merdeka, OPM).<sup>31</sup> In January 2003, the government announced the access by foreign researchers to Papua would be restricted because of concern over a plot to internationalise the conflict.<sup>32</sup> In February, Minister of Defence Matori Abdul Jalil, responding to questions from the parliamentary committee responsible for defence about the growing strength of the separatist movement, said that Papua had become a priority issue for the government.<sup>33</sup>

After the *Inpres* was issued, the speaker of the Papuan parliament, John Ibo, claimed that Bram Atururi told him that BIN chief Hendropriyono was behind it and had ordered him on 4 February 2003 to establish the new province of West Irian

Jaya officially.<sup>34</sup> Hendropriyono denied the allegation, saying that the *Inpres* was drafted by the Ministry of Justice and Human Rights.<sup>35</sup>

But BIN's involvement in the revival of Law No. 45 may have started much earlier. On July 2002, a man named Jimmy Ijie, head of a Jakarta-based group called the Irian Jaya Crisis Center, wrote to Hendropriyono urging that the statute be implemented immediately. Ijie, a native of Sorong and a PDIP activist, warned that leaving Papua as a single province would nurture Papuan nationalism, and the threat of separatism and national disintegration could be effectively confronted only by dividing it. Those who rejected *pemekaran* were precisely those who supported independence, he wrote.

Ijie also noted that the new funds from special autonomy were not being distributed fairly, and he accused Gov. Solossa of trying to use them to ensure a Golkar victory in 2004.

He urged Hendropriyono to ensure that Law No. 45 was implemented before October 2002 so that the new provinces could be included in the election law. He also urged him to reactivate the appointment of Bram Atururi as governor of West Irian Jaya, citing four reasons:

- Law No. 45 had never been repealed, so Atururi still had a right to the job;
- Atururi had wide governmental experience as he had previously served as bupati (district head) of Sorong and deputy governor;
- as a naval officer, Atururi was knowledgeable about the problems of maritime crime, and could be relied on to curb timber smuggling and illegal fishing; and
- as a former officer in BAIS, the military intelligence organisation, Atururi had the highest commitment to preserving the unitary state of Indonesia.<sup>36</sup>

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<sup>29</sup> ICG interview, Jayapura, 6 March 2003.

<sup>30</sup> The Act of Free Choice was a U.N.-supervised plebiscite in which just over 1,000 hand-picked delegates voted to integrate with Indonesia. It has been widely condemned as fraudulent. See John Saltford, *The United Nations and the Indonesian Takeover of West Papua, 1962-69: the Anatomy of Betrayal* (London, 2002).

<sup>31</sup> "Gubernur diduga terlibat Gerakan Papua Merdeka", *Koran Tempo*, 2 November 2002.

<sup>32</sup> "RI rejects foreign research on Papua, Aceh", *Jakarta Post*, 9 January 2003.

<sup>33</sup> "Menham: Gerakan Separatis Papua Terinspirasi Timor Timur", *Koran Tempo*, 25 February 2003.

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<sup>34</sup> ICG interview with John Ibo, Jayapura, 7 March 2003 and "Ada Apa di Balik Inpres Pemekaran Provinsi Papua?", *Kompas*, 17 February 2003.

<sup>35</sup> "Tidak Jelas, Alasan Pemekaran Papua", *Kompas*, 19 February 2003.

<sup>36</sup> Letter from David Obadiri and Jimmy Demianus Ijie of the Irian Jaya Crisis Centre to Head of the National Intelligence Agency, 10 July 2002.

An individual who met Atururi on a boat from Fakfak to Sorong some time after this letter had been sent told ICG that Atururi said to him that Hendropriyono had urged him to move forward with his campaign to revive the 1999 law. He said Hendropriyono was worried about the East Timor precedent and reportedly told Atururi, "I don't want to have to use a passport to visit Papua".<sup>37</sup>

On 20 September 2002, President Megawati and Minister of Home Affairs Hari Sabarno received 315 "community leaders and members of the public" from West Irian Jaya, who had come to demand the establishment of the new province by 12 October – some three weeks away. They called themselves The National Committee for the reactivation of the Province of West Irian Jaya, and their spokesman was Jimmy Ijie. The President urged her visitors not to set a deadline, but she assured them that she would take their aspirations into consideration. Her reaction, however, seemed to be less than enthusiastic, and the most Ijie could tell the press after the meeting was that at least she had no objection to their cause.<sup>38</sup> It is unlikely that a delegation could have obtained direct access to the President and Minister of Home Affairs without very high-level political backing.

#### *The Political Argument*

A secondary reason for the *Inpres* may have been to weaken Golkar and strengthen PDIP before the 2004 elections. Golkar holds fifteen of the 45 seats in the Papuan parliament; PDIP holds thirteen. Governor Solossa, a staunch opponent of *pemekaran*, is Golkar, as is John Ibo, speaker of the Papuan parliament. As noted above, Jimmy Ijie, a PDIP supporter, accused Solossa of hoarding special autonomy funds for use in the 2004 campaign, and PDIP would undoubtedly like to get its hands on those funds for the same purpose.

By creating two new provinces, President Megawati would likely gain the political support of the new governors, who could then use their patronage not only to raise funds for the party at the provincial and district levels and elect members to the Indonesian parliament, but also to ensure that PDIP-linked business had access to contracts and concessions in

the resource-rich region. (Several PDIP stalwarts have extensive business interests in Papua.) It is no coincidence that one of the most fiercely contested struggles as of this writing was over who would be bupati of Bintuni Bay, a newly-created district that includes the area of the proposed contract for BP's Tangguh natural gas project.

But it is important to point out that the Papuan representatives in the Indonesian parliament, including the PDIP member, and a senior PDIP member of the provincial parliament (a non-Papuan) were strongly opposed to the *Inpres*, and none of the PDIP leaders in either parliament had any idea that it was coming.<sup>39</sup>

### VII. THE ARGUMENTS FOR AND AGAINST THE *INPRES*

Opponents argue that the *Inpres* is legally incompatible with the special autonomy law. They say it will increase corruption; waste all the windfall profits from special autonomy revenues that could go toward education or health on bureaucracies for the new provinces; create an influx of non-Papuans into Aceh; increase despoliation of resources; strengthen support for the independence movement; and increase the possibility of conflict. In any case, they say, the supporters of *pemekaran* are only a small group of Jakarta-linked politicians who are only interested in lining their own pockets.

Proponents say that the *Inpres* is not incompatible with special autonomy, and that it will ensure a more equitable distribution of revenues and improve administrative efficiency. They say if Papua remains a single province, all the new wealth will stay in Jayapura.

Some, but not all, *Inpres* supporters do want to see special autonomy scrapped completely, because they believe it fosters independence. If the architects of the MRP really intended it as representative of the Papuan people, they argue, they should have included representation of the bureaucracy and the security forces.

How valid are these arguments?

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<sup>37</sup> ICG telephone interview, 7 April 2003.

<sup>38</sup> "Mega Minta Provinsi Irija Barat Tak Dipaksakan", *Republika*, 21 September 2002 and "Sebanyak 315 Masyarakat Papua Temui Presiden", *Kompas*, 20 September 2002.

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<sup>39</sup> ICG interviews in Jayapura, 11 March 2003 and Jakarta 25 March 2003.

### *The Legal Argument*

The opponents of *Inpres* appear to hold all the cards. They say that Law No. 45 of 1999 was inconsistent in significant respects with the later special autonomy law passed by the same parliament, Law No. 21 of 2001, and, therefore (on first legal principles), implicitly repealed by the later law to the extent of that inconsistency. The inconsistency was simply this: whereas Law No. 45 had provided for the creation of three new provinces, Law No. 21 is written on the assumption that they not only had no material existence, but also no legal existence. There is no reference in the later law to any Irian Jaya, West Irian Jaya or Central Irian Jaya, and special autonomy is granted not to three provinces but one, explicitly named Papua in the preamble. Since Article 76 of the later law requires any division of the province to have the approval of the parliament and MRP, any purported reactivation of the 1999 division would now require such approval.<sup>40</sup>

The argument is made by *pemekaran* supporters that ignoring the provisions of Law No. 45 would invalidate the creation of the four districts – Paniai, Mimika, Puncak Jaya and the city of Sorong. This is not, however, persuasive: since there is nothing in the later Law No. 21 that is directly or indirectly inconsistent with these particular provisions, there is no reason to regard them as implicitly repealed.

### *The Administrative Efficiency Argument*

Supporters of the *Inpres* argue that division is necessary because a province that is three and a half times the size of Java, with soon-to-be 28 districts and forbidding geography, is too big for a single governor to manage.

They are right, and the architects of special autonomy recognized that division was necessary. They just argued that it needed to be done in a way that was both orderly and in the best interests of

the province as a whole, hence the requirement for approval from the DPRD and MRP.

The way that the three new provinces have been drawn does little for administrative efficiency. Central Irian Jaya, for example, has been formed with its capital in the interior town of Timika, reachable from the coast only by plane. Philips Wona, the bupati of Yapen Waropen, told ICG that while he supported the *Inpres* and indeed had come to Jakarta to lobby for *pemekaran*, there was no way his people could be expected to go all the way to Timika for administrative services. He was, therefore, arguing for creation of yet another province, Teluk Cenderawasih, which would lop off the northern part of Central Irian Jaya and have its capital in the coastal town of Serui. Wona would then be a strong candidate for governor, but he denied he had any personal interests in the outcome.<sup>41</sup>

One result of the *Inpres*, in fact, has been to generate an endless stream of delegations to Jakarta from Papua to support the idea of division but demand that the lines be drawn differently – all in the interests of administrative efficiency. There is nothing logical, let alone efficient, about the way the three provinces have been drawn. Someone drew two not-so-straight lines down a map – “Like cutting a cake” – one man told ICG in disgust.

The sheer variety of demands for new and differently drawn provinces underscores the necessity of the mechanism set up in the special autonomy law for approving them.

### *The Influx of Migrants Argument*

Many Papuans are worried that the creation of two new provinces will also create some 4,000 new civil service vacancies that will be filled by non-Papuans. “This is the new model of transmigration”, one Papuan told ICG.<sup>42</sup> Another said, “If people think that *pemekaran* is going to give them more benefits than autonomy, wait until they see who gets the new jobs”.<sup>43</sup>

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<sup>40</sup> Communication to ICG, 31 March 2003. But one lawyer consulted by ICG said that supporters of *pemekaran* could make the case that while Article 76 clearly requires approval for any new divisions created after the law was passed in November 2001, West and Central Irian Jaya existed legally since 1999. It does not matter that they were never physically established. Therefore, they are not covered by Article 76.

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<sup>41</sup> ICG interview in Jakarta, 15 March 2003.

<sup>42</sup> Under Indonesian transmigration policies, the government has helped people move from the more crowded islands in the western part of the country, such as Java, to those areas with lower populations in Eastern Indonesia, such as Papua and Kalimantan. The policy has often been a source of resentment and conflict across Indonesia.

<sup>43</sup> ICG interview in Arso, 9 March 2003.

The issue of the balance between indigenous Papuans and non-Papuans is extremely sensitive in Papua, and there is no question that throughout the Soeharto years, the government's transmigration program that brought hundreds of thousands of Javanese and others there was as much motivated by security considerations as by the goal of economic development.<sup>44</sup> One reason, indeed, that the MRP is considered so crucial to the special autonomy law is that it very clearly is designed to safeguard indigenous Papuan culture and values. The possibility of a new influx is thus a genuine concern but it is also an issue that can be easily manipulated for political purposes.

Supporters of *pemekaran* have two responses to the fear of a migrant influx. One man asked ICG, "We're part of Indonesia, why should we try to keep other Indonesians out"?

Philips Wona, the bupati of Yapen Waropen, said if a mining engineer was needed, he might have to bring in a non-Papuan, but for other jobs, if qualified Papuans were not immediately available, there was no reason why training programs could not be established and a deadline set, so that by a fixed time those jobs would have filled by Papuans.<sup>45</sup>

#### *The Corruption and Misuse of Money Argument*

Opponents of the *Inpres* have argued that most of the new revenues coming in to Papua from special autonomy will go to jobs, residences, offices, cars, and salaries for the people tapped to be officials of the new provinces, making a mockery of the claim that *pemekaran* will increase prosperity.

Supporters say that the special autonomy funds are being hoarded anyway in Jayapura; the lack of any trickle-down to other districts is one of the biggest complaints against Governor Solossa and the way that special autonomy has been implemented.

One community leader from Fakfak who is opposed to the *Inpres* – not because he is against division but because of the way it was issued – said that many people in Fakfak, Sorong and Manokwari genuinely supported *pemekaran* because after a year, they had not seen any benefits from special autonomy. If Irian Jaya Barat became

a separate province, maybe they could get a share of the wealth.<sup>46</sup> Despite the legal incompatibility of the *Inpres* and the special autonomy law, the self-installed governor is assuming that his province would get the same share of locally generated revenue as mandated in the latter law.

One of the architects of special autonomy, in response to the complaints about inequitable distribution of provincial revenues, acknowledged, "Governor Solossa still does things the old way". But, he said, part of the problem was that the MRP had never been set up; if it had been, and it functioned the way it was intended, it could help address the problem of too few resources being spent outside the capital. Moreover, he added, one year was too early to judge the implementation of special autonomy – the law itself required an evaluation after three years.<sup>47</sup>

## VIII. CONSEQUENCES OF THE *INPRES*

There is no question that the issuance of the *Inpres* has had immediate and negative consequences. Because of the expectations generated, particularly in the western part of Papua, it will be difficult to go back to the status quo ante. It has pitted one group of the Papuan political elite against another. It has raised the stakes of selection of bupatis for the fourteen new districts. It has palpably increased tensions in a place that does not need any pretexts for conflict. There are serious questions being asked in Papua about whether these tensions were the result of ignorance in Jakarta or of a deliberate calculation to produce low-level conflict that would require an increased presence of security forces.

#### *Elite Conflict*

The *Inpres* has generated deep divisions within the Papuan governing elite. Governor Solossa and his vice-governor, Constan Karma, are outspoken opponents. Decky Asmuruf, the secretary of the province (*sekwilda*), the second most important position in the government, is one of its most ardent supporters. The secretary in Papua was traditionally Jakarta's man, reporting to Home Affairs rather than the governor; Asmuruf is the first Papuan in the position.

<sup>44</sup> Many of the migrants in Papua have come on their own, however, from Sulawesi, Flores, and other eastern islands.

<sup>45</sup> ICG interview in Jakarta, 15 March 2003.

<sup>46</sup> ICG interview in Jayapura, 10 March 2003.

<sup>47</sup> ICG interview in Jayapura, 11 March 2003.

It has generated divisions across and within districts. Bram Atururi installed himself as governor of West Irian Jaya in Manokwari on 6 February 2003, then led a parade of hundreds of cheering supporters and motorcyclists around the city, accompanied by the new province's four bupatis (from Fakfak, Sorong, Manokwari and the mayor of the city of Sorong), the district military commander, the chief prosecutor, the rector of the local university – and Jimmy Ijie.<sup>48</sup> The bupatis of Manokwari and Sorong clearly believe that being part of a separate province enhances their political and economic prospects. The city of Manokwari will benefit in particular from becoming a provincial capital, as this will mean higher land values, new business opportunities, including for building contractors, and all the added revenue that a government centre can bring in.

The district of Biak-Numfor, home to Papua's most populous ethnic group, gets nothing from the *Inpres*, since it becomes the northernmost part of the province of Central Irian Jaya, whose capital, Timika, lies far to the south. But this does not mean that it has anything to gain from joining the campaign of Philips Wona to establish the coastal province of Teluk Cenderawasih, of which Biak would be a part, because the capital of Wona's province would be the town of Serui.

In Timika, the pro-*pemekaran* faction is led by Clemens Tinal, the bupati, and Andreas Anggaibak, a former policeman who tried and failed to control the so-called One Per Cent Fund set up by the Freeport company; it is deeply opposed by Papua's most prominent indigenous leader, independence supporter, and Freeport board member, Tom Beanal.<sup>49</sup>

In Merauke, the district that would be the southernmost in the rump province of Irian Jaya, a strong pro-*pemekaran* faction is led by the head of the district parliament, but in fact what the Merauke

leaders want is their own province, with the town of Merauke as the provincial seat and, presumably, the head of the pro-*pemekaran* forces as governor.<sup>50</sup> Some leading members of the Jakarta elite have strong economic interests in Merauke, and a new province could be mutually beneficial for them and the local *pemekaran* advocates. But there is a strong pro-independence faction in Merauke as well.

The danger is that the relatively few officials who are engaged by the *pemekaran* debate will try to use their influence and promises of future gains to mobilise grassroots support in a way that could easily erupt in violence – spontaneous or provoked. Paid demonstrations in support of *pemekaran* have already taken place in Jayapura, with the drivers of motorcycles-for-hire reportedly having received Rp. 50,000 each (about U.S.\$4.50) to take part. On 18 February 2003, people from some of the remote districts of the central highlands came to Jayapura to demonstrate in support of the new province of Central Irian Jaya.<sup>51</sup> It is highly unlikely that they could have travelled so far without outside help.

#### *The Fourteen New Districts*

The *Inpres* is also likely to change the dynamics of the fourteen new districts authorised by the Indonesian parliament in 2002. The new districts include, in the East, Asmat and Boven Digul, carved out of Merauke; Sarmi and Kerom, carved out of Jayapura district; Pegunungan Bintang, Mappi, Yahukimo, and Tolikara. The district of Yapen Waropen will be divided into two, with the island Yapen and its main town, Serui, separated from Waropen, a mainland district. In the West, the new districts include South Sorong, Bintuni Bay, Kaimana, Wondana Bay, and Raja Ampat.

The creation of these districts did not generate anywhere near the controversy that the proposed division of the province did, because they were subordinate, not equal to, the autonomous provincial government. Now all eyes are on who will take charge.

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<sup>48</sup> "Irija Barat Dibentuk", *Cenderawasih Pos*, 7 February 2003.

<sup>49</sup> In April 1996, Freeport "agreed to commit at least one per cent of its gross revenues for the next ten years to support village-based, bottom-up health, education, economic and social development programs in its area of operations. This commitment replaced community development programs undertaken by the company that spent a similar amount of money each year". See Freeport McMoRan Copper and Gold Inc., "Fast Facts: Freeport Fund for Irian Jaya", [www.fcx.com/mr/fast-facts/ff-ffijd.html](http://www.fcx.com/mr/fast-facts/ff-ffijd.html).

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<sup>50</sup> They are willing to accept the Kei islands, currently part of the province of Maluku, as part of a larger province to be called Arafura, as long as Merauke is kept as the capital. ICG interview with Merauke delegation, in Jakarta, 14 March 2003.

<sup>51</sup> "Demonstrators give backing to new Papuan province", *Jakarta Post*, 19 February 2003.

The controversy over the *Inpres* arose just as Governor Solossa had submitted a list of names of his nominees for “caretaker” bupati for the fourteen districts to the Ministry of Home Affairs. Several opponents of *Inpres* told ICG in Jayapura that the Ministry had rejected Solossa’s choices, as one more proof of Jakarta’s iniquity and efforts to deliberately undercut those opposed to *pemekaran*. The implication was that pro-*pemekaran* people would be placed in these positions.<sup>52</sup>

In fact, Home Affairs Minister Hari Sabarno told the press that Solossa had not fulfilled the requirements of submitting at least two names but not more than three for every position, because Jakarta needed to have a choice. On 13 March 2003, he announced that Home Affairs had agreed on eleven of the fourteen, and these would be installed as quickly as possible.<sup>53</sup> But Papua’s elite will be watching closely to see what the bupati appointments mean for provincial *pemekaran*, the Golkar-PDIP rivalry, and business partnerships in the fourteen districts concerned.

The need to get the new districts up and running may prove to be useful as a delaying tactic for the larger provincial dispute. Sabarno told the press that his ministry’s priority was the establishment of the districts, and only afterwards would there be further discussions about dividing the province.<sup>54</sup>

## IX. CONCLUSION

The Presidential Instruction of 27 January 2003 was an ill-advised move that contradicts existing law, undercuts the Papuan moderates that Jakarta needs most to keep the peace, and raises the possibility of new conflict, just as the election campaign for 2004 is gearing up.

It is too simplistic to dismiss all supporters of the *Inpres* as pro-Jakarta hacks with personal interests at stake. There are serious problems with the way special autonomy has been implemented, and there are serious arguments for dividing a sprawling province. But those grievances and concerns could

have been worked out within the framework of special autonomy, had there been any will to do so.

There are no good arguments for springing this kind of surprise on a tense province without extensive consultation with those most affected. There are also no good arguments for effectively throwing away an autonomy package that had been laboriously worked out through a process that genuinely seemed to be democracy at work.

That autonomy package also was the best answer that moderates had to the widespread demand for independence. One intellectual said:

Papuans resorted to a demand for independence because they felt they had not benefited from economic development, their rights had been violated, and they were not treated as human beings. They saw separation as the only form of redress. But special autonomy was a way out. It was a way of avoiding confrontation with the state. It was even a way of ensuring that Papuans stayed within Indonesia. Then the government comes with this *Inpres*. Why? Why?<sup>55</sup>

If even the man designated as governor of Central Irian Jaya believes that the purpose of the *Inpres* was to pit Papuans against one another, something is seriously wrong.

The best option available now is for the government to delay implementation of the *Inpres* and take the necessary administrative steps to get a broadly acceptable version of the MRP up and running. The various proposals for *pemekaran* should then be submitted to the MRP and DPRD for consideration, with a mechanism worked out for how the MRP will continue to function, undivided, as a single institution for the entire area of Papua. No such solution, however, is likely.

**Jakarta/Brussels, 9 April 2003**

<sup>52</sup> ICG interviews in Jayapura, March 2003.

<sup>53</sup> *Timika Pos*, 14 March 2003. Of the three positions that remained unresolved, the most contested was reportedly that for bupati of Bintuni Bay. ICG interview in Jakarta, 15 March 2003.

<sup>54</sup> *Timika Pos*, 14 March 2003.

<sup>55</sup> ICG interview in Abepura, 11 March 2003.

## APPENDIX A

### MAP OF PAPUA

