



THE CONTEMPORARY *pacific*



VOLUME 35 | NUMBERS 1 & 2 | 2023

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Claims for issues not received will be honored for 180 days after the publication date. Print subscription orders, change-of-address, and other business communications may be sent to: University of Hawai'i Press, Journals Department, 2840 Kolowalu Street, Honolulu, Hawai'i 96822-1888 USA; e-mail: [uhpjourn@hawaii.edu](mailto:uhpjourn@hawaii.edu)



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Papua

Budi Hernawan

The Contemporary Pacific, Volume 35, Number 1-2, 2023, pp. 177-188  
(Article)

Published by University of Hawai'i Press  
DOI: <https://doi.org/10.1353/cp.2023.a924461>



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## PAPUA

The year of 2022 ended with a glimmer of hope for a humanitarian pause in Papua. On 11 November, the United Liberation Movement for West Papua (ULMWP), the Majelis Rakyat Papua (MRP, the Papuan People's Assembly), the Komisi Nasional Hak Asasi Manusia (Komnas HAM, the Indonesian National Commission on Human Rights), and the West Papua Council of Churches signed a Memorandum of Understanding (MOU) in Geneva, Switzerland, facilitated by the Humanitarian Dialogue Centre, calling for a humanitarian pause from 10 December 2022 to 10 February 2023. The call consisted of three main points: ending conflict, assisting the internally displaced people (IDPs), and releasing the Papuan political prisoners (Rikang 2022).

IDPs were a major consideration for the MOU. Various reports count some sixty thousand to one hundred thousand Papua IDPs whose fate is unresolved and whose condition has deteriorated significantly as they are unable to return to their normal lives (ACLEDA 2022; Human Rights

[Monitor 2023](#); [OHCHR 2022](#)). They lost their property, and many children have suffered from malnutrition in both Meybrat and Pegunungan Bintang regencies ([Rikang 2023](#)). Given the number of IDPs and areas of armed conflict, the parties of the MOU agreed to start with Meybrat Regency in West Papua Province.

The hope, however, evaporated quickly for several reasons. First, the MOU was not binding for all parties to the conflict, especially the government and the Tentara Pembebasan Nasional Papua Barat (TPNPB, the West Papua National Liberation Army), so they disassociated themselves from the MOU. Representing the government, Mahfud MD argued that the agreement was only between Komnas HAM and the ULMWP, not the government and the TPNPB. The Tentara Nasional Indonesia (TNI, the Indonesian Military) and police were not involved either. Similarly, Sebby Sambom, the TPNPB spokesperson, explained that they were not consulted and thus were not required to abide by it. Moreover, Sambom warned that the church leaders who signed would be the target of TPNPB operations. ULMWP chair Benny Wenda himself was reportedly not so convinced of the MOU's merits, although he gave the green light to Markus Haluk, the director of the ULMWP in Jayapura, to go ahead with it. ([Rikang 2022](#)).

Second, the MOU was published prematurely. As one of the observers of the negotiation commented, "It's still very early to assess its effectiveness. But indeed, it's still very fragile. It's supposed to be strictly confidential before all parties have been consulted. But then Komnas HAM went to the

press. So that's why it fell apart" (pers comm, Dec 2022; anonymity preferred).

Third, the period between the agreement and the implementation of the humanitarian pause was too short for realistic preparations. As a result, the parties of the MOU did not have sufficient time to disseminate the agreement to all relevant parties and bring them on board. By 7 February 2023, the new chair of Komnas HAM, Atnike Sigiro, issued a letter explaining that the new Komnas HAM team officially withdrew from the MOU for two major reasons: (1) Komnas HAM does not have the mandate to intervene in political mediation, and (2) the old Komnas HAM team had already been decommissioned when they signed the agreement, so their involvement was no longer valid ([Aji 2023](#)).

The prospect of a humanitarian pause was not too promising. Meanwhile, four underlying problems that characterized the year remained unresolved: namely, the intensity of armed conflict, mismanagement of the government, persistent land grabbing, and shrinking civic space.

In comparison to previous years, 2022 recorded an increased level of brutality of armed violence in Papua committed by both the Indonesian Armed Forces and the TPNPB. At the beginning of the year, TNI Commander in Chief General Andika Perkasa announced a change of policy toward Papua ([Tempo 2022](#)). The TNI would no longer rely on a security approach but would instead focus on a territorial-social approach, meaning the TNI operation would be integrated into the territorial command of the TNI as it



applies to all other provinces in Indonesia ([CNN Indonesia 2022](#)). The change was driven by Presidential Decree No 29/2020 regarding the acceleration of development of the provinces of Papua and West Papua.

Nevertheless, the operation of the Indonesian armed forces in Nduga continues. The operation has not only displaced some ten thousand residents but also disrupted the function of the local government and people's livelihoods. In early January 2022, the Nemangkawi task force of the police changed its name to Damai Cartenz. The head of the Communication Bureau, Brigadier Ahmad Dahlan, explained that the task force had also changed its approach to welfare and sought to be "more preventive and persuasive" ([Rahmawaty 2022](#)), although it is not entirely clear what this means. In reality, the task force does not specifically target armed groups but most frequently curbs student protests in major cities of Papua.

A number of key incidents illustrated the level of brutality of the Indonesian forces. In February 2022, a group of Battalion 521 soldiers arrested seven children (all male and in grades 4–6 in elementary school) in Sinak, Puncak Regency, and accused them of stealing weapons from the army in the Sinak guard post ([Purba 2022](#)). The children were beaten by the army using cables and steel sticks for two days (23–24 February 2022), which caused the death of Makilon Tabuni (grade 6) and serious injury to five of the other children. Following a Komnas HAM investigation, this national rights state body found that the children were innocent.

Komnas HAM emphasized, "It was the fault of the soldiers of not protecting their weapons in the guard post of the construction company 'Modern.' The children were only watching TV with the soldiers" ([Purba 2022](#)).

Komnas HAM insisted that the army has no authority to conduct criminal investigations and should have delivered the case to the police. They also appealed to TNI Commander in Chief Perkasa to take over the case and to investigate the commander and all soldiers involved and bring them to justice ([Purba 2022](#)). Makilon Tabuni's family cremated his body in front of the Sinak Police Station to traditionally mark that his death was not natural and was unacceptable.

Another incident was the mutilation of four civilians by six members of the TNI in Timika in August 2022 ([Lokbere and others 2022](#)). The victims were deceived by these soldiers, who offered them guns and ammunition for 250 million Indonesian rupiahs (IDR) (approximately US\$16,000) ([Saptohutomo 2022](#)). When the victims arrived in the agreed location, they were killed, and the crime scene was disguised to make it look like the victims had been attacked by the Papuan armed group. Major Helmanto Fransiskus Dakhi, the commandant, was found guilty and sentenced to life imprisonment in January 2023. In February, two of the soldiers were sentenced to life imprisonment, while the third received a prison sentence of twenty years and the fourth received a sentence of fifteen years ([Al Jazeera 2023](#)). The sixth soldier had died of illness before the trial began.

Meanwhile, the TPNPB reportedly did not reduce their operations. On

the contrary, they became much more capable in launching attacks on both military and civilian targets (ACLED 2022). The TPNPB group led by Bocor Sobolim deliberately publicized footage of where they were displaying the head of artisanal miner Adis Haryadi in Pegunungan Bintang after they beheaded him. The TPNPB claimed that he was a spy of the TNI, but TNI Commander of Jayapura City (Danrem 172/PWY) Brigadier General J O Sembiring denied the claim, insisting that the victim was a civilian (Kumparan 2022).

In a similar vein, another incident was the killing of three ojek (motor taxi) drivers in Pegunungan Bintang in December 2022. There was nothing new about the TPNPB's attack on ojek drivers because they were accused of working as spies. The novelty lay in the way that the TPNPB publicized the attack on social media by deliberately distributing footage of the actual killing of the ojek driver to the public. This targeted a broader audience and infused terror in the public mind. It remains unclear whether the TPNPB had adopted the logic of a spectacle of terror, which was largely used by the state, but the impact was effective (Hernawan 2018).

The increase in the TPNPB's military capacity should not be separated from the increase in illegal arms deals between Java, Maluku, the Southern Philippines, North Sulawesi, and Papua, as revealed by a report released by the Jayapura-based human rights nongovernmental organization Aliansi Demokrasi untuk Papua (ALDP, Alliance of Democracy for Papua) entitled *Jejak Perdagangan Senjata Api dan Amunisi Ilegal di*

*Tanah Papua* (Traces of Illegal Trade of Firearms and Ammunition in Papua). Covering the period from 2011 to 2020 and based on interviews with arms dealers and analyses of court proceedings regarding the illegal arms trade, the report identifies four types of illegal arms trade in Papua. In the first type, the supplier is TNI or police, whereas the broker is civilian. The ALDP reported that during the period from 2011 to 2020, many illegal arms trade court cases involved rogue elements of both military and police. More importantly, the police recorded that transactions of this type totaled IDR1.3 billion (approximately US\$85 million) between 2017 and 2020 (ALDP 2022, 45).

The second type is run by civilian dealers who distribute firearms from the Southern Philippines through Sangihe Talaud (North Sulawesi) to Papua (ALDP 2022, 46). The most recent case of this type was the deal between Anton Gobay, a Papuan pilot working in the Philippines, and two Filipinos, all of whom were arrested by Philippines authorities and charged with illegal arms trade (Sarmiento and Fernandez 2023).

The third type is between the TPNPB and their supporters in Papua New Guinea through the TPNPB's own network there. This type was revealed during a court hearing of TPNPB supporters from Pegunungan Bintang, where the TPNPB spent IDR850 million (approximately US\$55,600) to buy weapons from Bougainville Island in Papua New Guinea with Jefri Bomanak, the Organisasi Papua Merdeka (Free Papua Movement) leader in Port Moresby, as the broker (ALDP 2022, 46).



The last type of deal is directly between TNI or police and the TPNPB. This type applies when group members of either side have direct and close contact with the other side and make a deal. However, the ALDP report notes that this type of transaction mostly ends with a setup for the two sides to ambush each other, so it does not last very long (ALDP 2022, 46).

The report further depicts some more problematic elements that have been largely overlooked. First, the court hearings only deal with field operators and are unable to identify the masterminds behind the arms deals, so the bigger network remains untouchable. Second, media coverage only reports a single narrative, blaming the TPNPB and ignoring the involvement of the TNI, police, or both. Third, the Indonesian authorities have acknowledged that they remain unable to cover the weakest spot, namely control over the arsenals within the military and police stations. Therefore, the report concludes that the police are only able to disclose 30–50 percent of the illegal arms deal whereas the larger part remains impenetrable (ALDP 2022, 17). This status illustrates the gravity of the problem, which the report argues has been making a direct contribution to the perpetuation of the armed conflict in Papua.

Apart from the illegal arms trade, a report by the Institute for Policy Analysis of Conflict highlights that civilians became more frequent targets in 2022 (IPAC 2022). During the period from 2010 to 2017, the average of violent incidents was eleven per year, which increased to fifty-two per

year in 2018–2021. The number of casualties increased dramatically: from 32 to 211 between 2010 and 2021 (an increase of 66 percent). The report records the following fatalities in 2018–2021: fifty-two from the TNI and police and thirty-four from the TPNPB. When it comes to civilian fatalities, the record becomes worrying since it dramatically rose from 52 to 125. This dramatic increase indicates the surge of intensity of armed violence across Papua, which was a major consideration of the proposed humanitarian pause.

Another report from the Human Rights Monitor compares the number of civilians killed by the state armed forces and the TPNPB—five and thirty-eight, respectively—and the number of civilians injured by each party—two and nine, respectively (Human Rights Monitor 2023). These comparisons not only concur with the Institute for Policy Analysis of Conflict's findings but also, more importantly, demonstrate the deteriorating situation in Papua, which is further confirmed by the number of IDPs (60,642) from six separate regencies. For comparison, the number of IDPs in South Shan in Myanmar is 60,800 (UNHCR RBAP 2023). While the total number of IDPs across Myanmar is 1,254,000 (UNHCR RBAP 2023), Myanmar is much larger than Papua, and the high number of Papuan IDPs is a sign that the gravity of armed conflict is so intolerable that civilians decide to move away from the conflict zone for their safety. This comparison also indicates that the threat to civilians in Papua might not be less than that in Myanmar.

However, it is surprising that the national government has not

mobilized its resources to address the humanitarian crisis since the provincial governments of Papua and West Papua provinces seem not to have sufficient capacity to meet the needs of IDPs and guarantee their safety. Cahyo Pamungkas, a research professor at Badan Riset dan Inovasi Nasional (Research and Innovation National Body), commented that a dozen visits by President Joko Widodo to Papua have not solved any of Papua's problems. It is just a "lighthouse and celebration" ([BBC Indonesia 2022](#)).

While the armed violence continues, both national and provincial governments seem to have failed to manage the two Papua provinces properly. Conflicting and overlapping government policies continue while the level of corruption remains largely untouchable. On 14 September 2022, for instance, the Komisi Pemberantasan Korupsi (KPK, the National Anti-Corruption Commission) charged the governor of Papua, Lukas Enembe, with corruption for misusing IDR560 billion (approximately US \$36.8 million) and summoned him to surrender to the KPK (Shafarina 2022). Instead of complying with the legal procedure, his legal team claimed that Enembe needed urgent medical treatment in Singapore so he was not fit for an interview with the KPK. In parallel, Enembe's supporters blocked the KPK's effort to arrest him in Jayapura by forming a human shield surrounding his residence armed with bows and arrows. It took five months before the Mobile Police Brigade (Brimob) arrested and transferred the Governor of Papua to the KPK's custody in Jakarta ([DetikNews 2023](#)).

This corruption case is not unique. It only suggests the tip of the iceberg of a larger problem of mismanagement of Papua. Three days after Enembe's indictment, the KPK charged two regents with corruption, namely Regent of Mimika Eltinus Omaleng for the corruption of building the Kingmi Church in Timika and Regent of Mamberamo Tengah Ricky Ham Pagawak for bribing ([BBC Indonesia 2022](#)).

The previous governor of Papua, Barnabas Suebu was also sentenced to eight years of imprisonment for corruption ([Saputra 2017](#)). Unlike Suebu's indictment, Enembe's immediately mobilized many Papuans to take to the streets to defend him. They believed that Enembe was innocent and claimed that the KPK's indictment was simply a criminalization of Enembe.

Sahel Alhabsyi, researcher for Transparency International Indonesia, argued, "Corruption constitutes a major obstacle of development for Papua. According to the KPK's index of prevention of corruption, Papua only reached 9% whereas the national standard is 46%. This suggests the local governance in Papua is very low in preventing corruption" ([BBC Indonesia 2022](#)).

The other example of mismanagement can be observed in the conflicting policies over special autonomy for Papua. While the spirit of special autonomy is to empower the local administration to govern itself, the Indonesian Central Government and the National Parliament decided to create new laws and new administrations, which is contradictory to the spirit and legal procedures of special autonomy.

The plan met strong criticism from the Papuan community at large, and even a state body such as MRP joined the crowd. The Papuans organized a number of peaceful demonstrations across Papua to express their rejection and disappointment to Jakarta. The main argument was that the whole plan was not based on proper consultation with the Papuans and proper research and analysis as legally required. Deputy Spokesperson of the MRP Yoel Luiz Mulait Yoel explained, “the demonstrations in Wamena, Mapaho and Jayapura represent the majority of people who opposed [the plan]. Those who opposed were not the ones who ask for independence. They opposed because they did not agree with the inconsistency of the implementation of the Special Autonomy” (MRP 2022b).

The Speaker of the MRP, Timotius Murip, reiterated the assembly’s official position to Commission I of the National Parliament on 13 June 2022 that the plan must be postponed. “Implementation of the Central Government’s policy uses Article 76(2) in declaring three new provinces of Papua. This decision has caused very strong reactions which led to demonstrations in many regencies across Papua including Jayapura, Jayawijaya, Lanny Jaya, Mamberamo Tengah, Yahukimo, Dogiyai, Deiyai, Paniai, Nabire, Mimika, Biak Numfor, Yapen Archipelago, Sorong, Kaimana, and Manokwari. Even in Yahukimo around March 2022, a number of protestors got injured and two were killed during the demonstration. Outside Papua, demonstration was also organized in Jakarta, Kupang, Ambon, Makassar, Bali,

Surabaya, Malang, Semarang and Yogyakarta” (MRP 2022a).

Despite the protest and public criticism, in November 2022, the National Parliament passed the Daerah Otonomi Baru (DOB, New Autonomous Regency) law in Papua, which created four new provinces of Papua—Papua Tengah (Central Papua), Papua Selatan (Southern Papua), Papua Pegunungan (Papua Highlands), and Papua Barat Daya (Southwest Papua) (Kompas 2022)—while the lawsuit against the revision of Otsus was still pending at the Indonesian Constitutional Court. This decision not only reflected the national politicians’ disrespect of the court, which is the highest legal authority in the country, but, more importantly, further confirmed the mismanagement of policy toward Papua.

The decision also confirmed the way the Jakarta politicians ignored the voices of the Papuans and the wider community of Indonesians standing in solidarity with them, who resisted the plan to create any new administration in the land of Papua. The argument in support of the law was that by creating new administrations (pemekaran), both national and local governments would be more capable of meeting the needs of the people and to increase their welfare status. The law, however, does not state anything about addressing the ongoing conflict, so it fails to recognize the current state of Papua, which is deeply affected by armed violence.

In the area of development, the rights of Indigenous Papuans over their resources remain fragile and unprotected. The 2022 annual report

of the Pusaka Bentala Foundation (PBF) has documented the devastating pattern of deforestation in the whole of Papua, which in 2022 was as large as 19,426 hectares (PBF 2023, 21). The loss of forest has increased from 1,552 hectares in 2021 to 2,639 hectares in 2022. The report also identifies five plantation companies responsible for deforestation in 2022: Inti Kebun Sawit Company in Sorong District, responsible for an area as large as 1,675 hectares; Inti Kebun Sejahtera Company in Sorong District, 407 hectares; Permata Nusa Mandiri Company in Jayapura District, 190 hectares; Subur Karunia Raya Company in Teluk Bintuni District, 294 hectares; and Internusa Jaya Sejahtera Company in Merauke District as large as 73 hectares.

The report emphasizes the weakness of the local government to enforce the law that protects the right of the Indigenous Papuans who repeatedly reject the intrusion of these companies into their land. However, it does acknowledge the efforts of the Ministry of Environment and Forestry task force, which confiscated fifty-seven containers of illegally logged wood being transported from Papua to Surabaya on 3 December 2022. The report found a direct link between deforestation and the creation of new administrations since “the policy is not a solution for the problem of welfare and development and does not increase social proximity because the social system and unjust development policy have not protected the indigenous Papuans or a sustainable environment but rather tend to increase authoritarianism and undemocratic practices” (PBF 2023, 8).

The Papuans are very well aware of the situation. They are not silent. They expressed their disillusionment by resisting violence, which comes from different directions. The Pusaka Bentala Foundation mapped out two patterns of Papuan resistance toward land grabbing. The first pattern is to take legal action against logging companies, and the other is to put up blockages of concession areas (PBF 2023, 36). The Grime Nawa Valley tribe in Jayapura District and the Awyu tribe in Mappi District took legal actions against Permata Nusa Mandiri Company and Menara Group, respectively, which grab their lands and destroy their forests. In early 2022, the Grime Nawa Valley tribe opposed the concession of Permata Nusa Mandiri Company, and it took some months before the regent of Jayapura withdrew it in August 2022. The Ministry of Environment and Forestry recognized the concession area as *hutan adat* (tribal forest), which means it is a protected area, but this decision did not stop the company’s penetration. Similarly, when the regent of Jayapura issued three letters of reprimand, these actions were not able to stop the company because the letters were not translated into actions on the ground.

The second pattern of Papuan resistance occurs when the tribe sets up physical blockages to prevent concession companies from accessing the tribal land. The Pusaka Bentala Foundation recorded at least four major incidents of this kind. In May 2022, the Kuri Tribe in Bintuni District blocked the road to prevent Wijaya Sentosa Company from accessing their forest; meanwhile, the

Marind Tribe in Merauke blocked the operation of Plasma Nutfah Marind Company. In July 2022 and October 2022, the Moi Tribe in Sorong blocked the office and the factory of palm oil company Henrison Inti Persada, which led to legal and physical action. In August 2022, the Iwaro Tribe in Sorong blocked the road access of the palm oil company Permata Putra Mandiri. In October 2022, the Marind Tribe in Merauke blocked the operation of palm oil company Dongin Prabhawa Pada (PBF 2023, 36).

The two patterns are interchangeable since both ways have been used by Indigenous communities to resist the penetration of land-grabbing companies. Unfortunately, the Pusaka Bentala Foundation noted that the Indigenous Papuan community must travel a long, winding road to push the state actors to protect their rights over natural resources. So far, the ongoing advocacy work among non-governmental organizations and the Indigenous community is still unable to penetrate the decision-making processes at the provincial and national levels, which is necessary for fundamental change to happen.

The promising sign of the regents of Sorong and Sorong Selatan revoking the permits of two palm oil companies in their territories because the companies violated the law evaporated quickly (Hernawan 2022). Both companies appealed and superior courts annulled the decisions of the regents and restored the legality of the companies' actions. PBF Director Franky Samperante remarked, "Yeah, both regents lost the cases. The Regent of Sorong Selatan is thinking

of fighting for the last legal appeal [*Peninjauan Kembali*] as the last resort at the Supreme Court, but I haven't heard about the Regent of Sorong's plan. If we look at the ruling of the Supreme Court, [it] is all 'about administration, not substance. So the Supreme Court does not take into account the voice' of the Indigenous Papuans. We also submitted our amicus curiae. But they just ignored it" (pers comm, Feb 2023).

In the context of land grabbing, in September 2022, TAPOL and awasMIFEE! published a joint report that investigates the confluence between the military and an agricultural estate in the nationwide food security project, which covers the area of 513,967 hectares in seven provinces of Indonesia. The targeted area in Southern Papua constitutes 179,211 hectares, or 34 percent of the total project area. The involvement of military in agribusiness in Papua is not novel, but this plan, in which the Ministry of Defense will take the lead, is. The plan targets Merauke as an agrobusiness estate of rice and casava and will involve the military and the ministry to run Badan Logistik Cadangan Nasional (National Strategic Logistics Reserve Agency). This joint intervention will largely override the authority of the provincial and regency governments and will contradict the Special Autonomy Law, which gives the ultimate power to the local governments of Papua when it comes to natural resources management.

In the cities, students and young Papuans take the lead in organizing public protests against government policies considered to undermine



Papua's integrity, especially the revision of special autonomy, the creation of new provinces, and the security approach to Papua. The well-known court case against Viktor Yeimo, the leader of the Komite Nasional Papua Barat (KNPB, the West Papua National Committee), illustrates how the law works against the Papuan voices. He was charged with treason after calling for a referendum for Papua during the massive demonstration against racism in Jayapura on 19 August 2019. Emanuel Gobay, his lawyer, argued that "the case against Victor Yeimo is criminalization since he is part of the Papuans who are victims of racist attacks. So when he raised his voice in a public speech in front of the governor's office, he was protected by Law 9/1998 on Freedom of Expression" (Suchyo 2023).

Papuans Behind Bars, a collaborative effort of local and international nongovernmental organizations, recorded that it is not the first time that Victor Yeimo has been criminalized. He has been targeted by the police several times for his involvement in the KNPB and peaceful demonstrations since 2013 (Papuans Behind Bars 2022). Unfortunately, he is not the only one. Four hundred and eighteen other Papuans have been criminalized and sentenced to imprisonment for treason because they were involved in public protests.

In controlling the Papuan civic space, the authorities not only curb the right to demonstrate but also shut down the Internet, especially when people organize demonstrations in Jayapura. While in 2019 the administrative court of Jakarta ruled that this kind of government action is unlawful

(see Hernawan 2020), such incidents continued in 2022, as the court ruling seems unable to stop the government from repeating its actions (EngageMedia 2022).

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## PAPUA NEW GUINEA

The year 2022 proved to be momentous for Papua New Guinea (PNG), which held its tenth national elections, considered by some as among the worst ever; grappled with a sluggish economy; and struggled to respond to health concerns and natural disasters. All of this in a country whose population might actually be almost double its usual estimate sets the stage for challenges, opportunities, and growth moving ahead.

The year began with the introduction of the Omicron variant of COVID-19 confirmed in country as a traveler tested positive after arrival (Togiba 2022c). However, fears of a