

NC, *Les Nouvelles-Calédoniennes*. Daily. Noumea.

PIR, *Pacific Islands Report*. <<http://pidp.eastwestcenter.org/pireport>>

T-P, *Tahiti-Press*. French Polynesia Web site <<http://www.tahitipresse.pf>>

PAPUA

Again this year, the indecisive policies of Jakarta were met with disillusionment in Papua, albeit amid hopes of change after President Megawati Sukarnoputri was ousted in the national parliamentary elections. Before a devastating tsunami hit coastal stretches of Asia and Southeast Asia including the province of Aceh and west-coastal stretches of North Sumatra on 26 December 2004, the year in Indonesia looked likely to be remembered as one in which a major step was made toward the consolidation of democracy. Elections held in April, July, and September resulted in a new parliament and new regional legislators. Susilo Bambang Yudhoyono (popularly known as SBY), a former army general, defeated Sukarnoputri on charisma, a purported no-nonsense approach to stagnating reform and growing corruption, and the promise to peacefully resolve the tensions in Papua and Aceh.

Fear that concessions to Papua would encourage separatists remained widespread among officials in the central government. On 5 January, the Indonesian Army chief of staff, General Ryamizard Ryacudu, reminded the nation that it might lose Papua and Aceh because of threats from

“modern warfare.” He suggested that rampant human rights allegations made by foreign parties against the military were part of a conspiracy to separate the provinces. Ryacudu claimed that the conspirators had enlisted several nongovernmental organizations to meet their goals, not least the United Nations.

Out of fear that Papua might become a second East Timor, the majority of Indonesian policymakers continued to respond ambiguously to demands for justice and equal sharing from Papua. Support continued for weakening institutions that could foster Papuan nationalism, and new ill-prepared provincial and district governments were allowed to assume responsibility over large amounts of funds and to face the huge challenges associated with bringing services and enhanced economic and educational opportunities to the people. While most Papuan leaders demanded recognition of the myriad problems faced by the people, certain parties in Jakarta as well as elements of the Papuan elite continued to support the establishment of the province of West Irian Jaya. In an atmosphere of confusion and distrust of the central government, the people of Papua embraced the possibility of casting votes for political change.

The first polling took place on 5 April and led to the election of members for a 550-seat parliament, the council of regional representatives, provincial legislatures, and regent/municipal legislatures. Overall, the election reflected clear nationwide aspirations for a democratic solution to feelings of marginalization and grievance over the poor delivery of

services. Unlike during the national election in June 1999, no boycotts, no demonstrations, and no major frauds occurred. Violent conflict in areas of Papua renowned for ethnic discord, such as Mimika, Wamena, and Sorong, did not eventuate. Well before the election, the Provincial Elections Commission in Jayapura became worried about shortage of funds to finance the complicated logistics. In early March, the governor of Papua indicated that of twenty regencies in the province (excluding West Irian Jaya), nine had not yet received any materials for the legislative elections. The General Elections Committee in Jakarta responded that they had asked the National Military Forces (TNI) to help distribute the materials in the case of an emergency. However, a few days after the elections, the highlands district of Pegunungan Bintang and the subdistrict of Okaba (Merauke) reported that they had yet to hold polls due to the late arrival of election materials from the General Elections Committee.

During the months preceding the April polls, tensions developed between the provincial administration and the elections committee. The friction had to do with the lingering controversy over the division of the province. Papuan bureaucrats accused the committee of being contaminated by government interests, as the new province was not mentioned in the Election Law while West Irian Jaya's acting governor, Abraham Atururi, had required all legislative candidates to accept the new province's existence. In mid-January, Bambang Widjoyanto, the head of the Papua Special Autonomy Defence Team that filed a

law suit against the division of the province, stated that Law No. 45/1999 for that division was orchestrated by the Sukarnoputri-led Indonesian Democratic Party of Struggle (PDI-P) to weaken the dominant Golkar Party in the region. He suggested that the PDI-P had economic interests in Bintuni Bay where British Petroleum and Pertamina are establishing the Tangguh natural gas plant. Widjoyanto added that both the military and the National Intelligence Agency (BIN) would also lose out if the law were dropped because the two institutions have economic interests in maintaining a high level of TNI presence in the region. Furthermore, Widjoyanto sent two warnings to the General Elections Committee to annul its decision on the establishment of West Irian Jaya electoral districts. Speaking on behalf of the Speaker of the Papua Provincial Legislative Council, John Ibo, he said that his legal team also objected to the seat allocation for the West Irian Jaya Provincial Legislative Council and Regencies Legislative Council. The allotted 44 seats to the new province exceeded the 35 that would legally be allocated for the population of 567,894 recorded in the latest census.

On 5 July, people voted for president and vice president for the first time ever. These elections proceeded without major disturbances throughout the archipelago and selected two presidential candidates out of five. In Papua, voter turnout was high again with fervent complaints in those regions where ballot boxes did not arrive in time or where the voting forms were not in order. One of the main reasons for the widespread par-

ticipation in the elections was the disappointment felt by many toward the ineffectual Sukarnoputri government. Disillusionment grew when people saw President Sukarnoputri's lack of commitment to Papua, reminding them that they live in a part of Indonesia not likely to receive just governance if business and military interests in Jakarta prevail. Since SBY (Susilo Bambang Yudhoyono) advocated support for Special Autonomy (commonly referred to as Otsus) and promised to foster democracy, most considered a future under him as more promising. The final round of the presidential elections ended in a victory for SBY and his vice presidential candidate, Jusuf Kalla, who received 61 percent of the votes. In Papua, SBY defeated Megawati Sukarnoputri with 67 percent of the votes compared to 33 percent, while in West Irian Jaya SBY received 58 percent of the votes.

The nation's composure during the long electoral season came as a surprise to observers who had forecast violence. In some out-of-the-way regions of Papua, incompetence, poor logistics, and a shortage of funding delayed delivery of often-inaccurate voter-identification cards, thus hampering the elections. This further alienated people from the political process. Political apathy, caused by the commonly held perception that it does not make much difference who gets elected in an intrinsically corrupt system, and a gradual loss of hope in *reformasi* (the movement for democratic reform) may have caused the elections to proceed without disruption. However, high voter turnout clearly demonstrated the general sup-

port for civilian-led government and democratic rule in Indonesia.

On 6 February, an earthquake measuring 6.9 on the Richter scale damaged buildings, houses, and infrastructure in Nabire, with outlying areas also severely affected. Thirty-seven people died, hundreds were injured, and thousands were forced to seek shelter. A second major quake registering 7.1 struck close to the city the next day and aftershocks were felt until mid-February. Minister of Welfare Jusuf Kalla visited the region and promised US\$178,000 for relief and reconstruction work, and the United Nations launched an aid effort. Amounts ranging from US\$50,000–170,000 were donated by a number of foreign governments and international aid organizations. However, aid was slowly provided, poorly distributed, and limited in amount. As part of her election campaign, President Sukarnoputri visited the victims a month later, promising houses, schools, and hospitals.

One and a half weeks after the first major earthquake, reports about outbreaks of dysentery and a surge in malarial infections emerged from the region. Over 2,000 people, mostly traders and shopkeepers, left the region to assume life elsewhere in Papua or returned to South Sulawesi. On 26 November, the region was hit by another quake that measured 6.4 on the Richter scale and a long series of aftershocks. Over thirty people were killed and again significant material damage was caused, largely in and around the town of Nabire. Two weeks later, health workers sounded the alarm over the need for more medical supplies to deal with

disease outbreaks. Jusuf Kalla visited the stricken region again but this time in the capacity of vice president. On 30 November he handed over a cheque worth US\$110,000 to Nabire Regent A P Youw in a ceremony that was witnessed by Papua Governor Jaap Solossa, and asked that the money be used wisely to meet the needs of the victims. President SBY spent a night with the victims in a tent during his Christmas tour of Papua.

The visits of officials from the central government to Nabire were laudable developments, but critics quickly pointed out that the government should also deal with issues that are equally or more pressing. Besides rampant illegal logging, illegal fishing, and a growing spread of HIV/AIDS throughout the region, ongoing counterinsurgency by the TNI and the police in the highlands lead to numerous deaths. Thousands of refugees and many others lived in fear.

The rampant spread of HIV/AIDS is partly connected to the TNI involvement in resource exploitation, in particular illegal logging and *gaharu* (eaglewood) gathering, as well as trade in remote places. Prostitution centers established and run by the TNI to service local and migrant workers is a principal source of infection. Estimates suggest that the number of HIV-infected people in Papua stands at approximately 15,000 at present. Meanwhile, the Indonesian media reported in mid-August that the TNI has deployed an additional 1,800 troops to Papua, allegedly to address difficulties with Papua New Guinea villagers who

have made traditional claims along the largely undemarcated and unpatrolled border.

In November 2003, Kopassus (TNI Special Forces) killed ten people while they slept in Yalengga village, in the Jayawijaya district. The night before he was killed, Yustinus Murib, local leader of the Free Papua Movement (OPM), broadcast a message of peace and reconciliation on Australian television in which he called for UN intervention and peaceful dialogue between Jakarta and Papua. A published photo of soldiers displaying Murib's dead body like a game trophy sparked heated criticism of the military's brutality. The attack on Yalengga was part of a TNI offensive in the highlands that led to the burning of villages and displaced thousands. The campaign entailed extrajudicial killings, torture, rape, and assaults on health clinics, churches, schools, and gardens. Compounding the suffering of the civilians, the TNI has prevented humanitarian assistance workers, including Papuan church leaders, from accessing these areas, thereby preventing the supply of food and medicine to hundreds of villagers still hiding in the forests. Church leaders report that scores have died of starvation and disease as a consequence.

In mid-October, Kopassus and the Police Mobile Brigade (Brimob) launched a series of inept operations in and around Mulia, in the Puncak Jaya district, apparently in retaliation to an attack on non-Papuan workers on the Trans Wamena road on 12 October. The perpetrators may have been disgruntled Papuan workers but the military quickly pointed at OPM

leader Goliat Tabuni. On 21 October, bullets fired from a TNI helicopter killed a priest and a number of other people. Scared by the air assault, hundreds of people sought refuge in the mountains. In response to the incident two members of the council of regional representatives, Ferdinanda Ibo Yatipae and Protestant minister Max Demetouw, called on President SBY to do all he could to prevent such undisciplined and unnecessary military operations in the region. Outraged by the events, they also asked the government to take responsibility for the growing amount of refugees in the region. Furthermore, they demanded a clear focus in policies, including a well-thought-out plan for dealing with the OPM that would not include the terrorizing of innocent people, and the immediate implementation of Otsus as promised by SBY and Jusuf Kalla during the election campaign.

The terror campaign also forced most Baptist churches in the region to close, and Pastor Elisa Tabuni was killed by Kopassus during interrogations regarding the whereabouts of Goliat Tabuni. President of the Fellowship of Baptist Churches in Papua, Socrates Yoman, noted that local people are suspicious that the culprits in the killings were not those serving under Tabuni but rather were from one of two local militia groups organized by the TNI. Also, according to Yoman, the TNI had demanded substantial financial support from local officials to underwrite the military operation. In the course of the military operation, the national and international media began to speculate that the atrocities were organized

to forestall a promise by President SBY to peaceably resolve tensions in both Papua and Aceh within the first one hundred days of the new administration. Such a reduction of tensions in Papua would undermine the security pretext for the TNI's lucrative deployment in Papua. Fearing too much attention to the operations in the highlands, the police refused to permit a major gathering of three Papuan religious organizations.

On 25 November, the provincial authorities issued a warning to people not to raise Papua's Morning Star flag or gather to commemorate the 1 December anniversary. Despite the warning, the flag was hoisted at a number of locations, including the Trikora field in Abepura, where, reportedly, around two hundred people gathered. After the flag flew at Trikora for about one hour, the police demanded that it be lowered. The police forcefully seized the flagpole but it was quickly seized back by the group of demonstrators. Police then fired warning shots and unsuccessfully tried to disperse the group. Outnumbered, the police retreated, resulting in a one-hour standoff during which the flag continued to fly. When dozens of police reinforcements arrived at the scene, the demonstrators retreated. A number of people were arrested, including Filep Karma and Yusak Pakage, who have since then been indicted for rebellion against the state. They face penalties up to life sentences.

Toward the end of July, activists all over Indonesia, including Papua, began to criticize a revised bill concerning the TNI. They argued that the

amended law represented a setback for democracy because, if enacted, it would retain the military's territorial presence. The late Munir of the National Commission on Missing Persons and Victims of Violence (Kontras) said the bill scrapped presidential authority to approve deployment for other purposes, including territorial security. He said Article 8(2) of the bill contradicted the People's Consultative Assembly Decrees on the separation and different duties of the police and the TNI. The article states that the TNI had three key roles in maintaining state sovereignty and integrity: to launch war against the enemy, to launch military operations other than war, and to maintain territorial supervision. He also criticized the proposed Article 59, which reaffirmed the existence of the military court authorized to grant impunity to its soldiers. After extensive rephrasing and deliberation, the preservation of the TNI's territorial role was approved on 30 September by the House of Representatives, shortly before the end of their mandate.

After much delay, the trials of the senior police officers accused of crimes against humanity committed in Abepura in December 2000 began in the newly established Permanent Human Rights Court in Makassar, South Sulawesi, on 1 April. Brigadier General Johnny Wainal Usman and former Municipal Police chief (and still head of the Papua Police Information Office) Adjutant Senior Commander Daud Sihombing are accused of the murder, arbitrary detention, and torture of Papuan students following an attack on the local police station. After the attack, the Abepura Police,

assisted by the Jayapura Brimob, began a hunt for the perpetrators by scouring nearby residential areas, including a student residence. During the searches, police arrested and assaulted over one hundred people, and three were tortured to death. At the trial Sihombing chose to read his own defense, titled "Don't be misled with the deception of the traitors of the state in such a way that an innocent patriot was trapped with a scarf of his motherland to which he has put his life." During the legal proceedings, on 7 June, the panel of judges dismissed a class-action claim of compensation by the victims of the families, who have received no redress from the government. The judges argued that within the framework of Law No. 26/2000 on human rights violations there is no mechanism for a class-action claim, while in fact Article 35 of the law states such procedures. The trial of the two suspects is continuing.

Uncertainty continued to surround the 31 August 2002 ambush on Freeport's mining road in which three schoolteachers (two of whom were US citizens) were killed. From the outset of the investigations, the TNI have tried to overrule initial conclusions drawn by the police and human rights organizations, which implicated the involvement of Indonesian troops. One of the survivors, Patsy Spier, whose husband was killed in the attack, continued lobbying the US Congress to adhere to the ban on International Military Education and Training (IMET) and weapons sales to Indonesia. Since 2003 the FBI has attempted to investigate the 2002 ambush, but with little success. The

Consolidated Appropriations Bill for fiscal year 2004 bans IMET until the US State Department determines that the TNI and government are cooperating with the FBI investigation and a range of conditions are met, including extradition of those indicted by the joint UN–East Timor Serious Crimes Unit, a public audit of TNI funds, and prosecution of TNI members who have been credibly alleged to have committed gross violations of human rights.

US Attorney General John Ashcroft's labeling of Anthon Wamang as a "terrorist" and the suggestion that he was acting as a member of the Free Papua Movement (OPM) when his group carried out the attack at Freeport had immense ramifications. It provided the Indonesian military with *carte blanche* to pursue Papuan dissidents. In early August, ELSHAM, LEMASA, and YAHAMAK (the human rights groups in West Papua that assisted the FBI in its investigation of the killing of two Americans at the Freeport mine in August 2002) expressed their grave concerns over Ashcroft's actions, and called for the US Congress to facilitate a full and impartial investigation. Although it is still not clear exactly who was the overall mastermind of this attack, an unprejudiced reading of the facts points as much to the military as to the OPM. Though identified as an OPM field commander, Anthon in fact lived in the city of Timika where he was a business partner of Kopassus. Anthon told the three human rights organizations as well as FBI agents that he was in the *gaharu* (eaglewood) and gold business with Kopassus.

Though Anthon had been in the field at various times with the OPM over the past two decades, at the time of the attack he was living and working alongside Kopassus, not the OPM.

The freedom of movement of civil society organizations remained difficult. In April, TNI sued the human rights organization ELSHAM in relation to its public release of the results of an investigation into the August 2002 ambush at the Freeport mine. The judge presiding over the US\$5.5 million libel suit refused requests by the ELSHAM defense team to recall witness Decky Murib to the stand on April 14. Under pressure of the military, a month earlier, when military prosecutors brought Murib to the stand as a witness, he changed his testimony and alleged that ELSHAM investigators coerced him into giving false information about military involvement in the attack. The Indonesian military commander in Papua, Major General Nurdin Zainal, called it a victory for the TNI, but the media reiterated that Murib had worked as an informer for Kopassus personnel in the Freeport mining area for a number of years.

In March, the Constitutional Court began to review Law No. 45/1999 on the formation of West and Central Irian Jaya and a number of new regencies. Governor Solossa and Legislative Council Chairman John Ibo, assisted by the Papua Special Autonomy Defence Team, filed the request for the judicial review. Testifying before the court on 17 March, Bishop Leo Laba Ladar of Jayapura warned that if the government was reluctant to implement Otsus for Papua, intellec-

tuals and bureaucrats might join the people to form a freedom movement. On 11 November, the court judge ruled that the establishment of West Irian Jaya remained valid although Law No. 45/1999 was no longer effective. Eight of the nine judges argued that the Otsus Law took effect after the new province and regencies were formed, and that no state institution had been annulled by the law. The court ruling was seen as a victory for West Irian Jaya's acting governor, Abraham Atururi, and left many confused in Jayapura, Sorong, and elsewhere in Papua. For West Irian Jaya, the verdict requires a review of the province's status, specifically the application of Otsus. If Otsus is to be applied to West Irian Jaya, it will have to be mandated by a special autonomy law, which can only be passed after deliberation by the yet-to-be-established Papuan People's Assembly (MRP). While the media reported the decision as a win-win solution for all conflicting parties in Papua and Jakarta, John Ibo noted that it will lead to increasing chaos and growing loss of confidence in Jakarta's commitment to the problems in Papua.

During a meeting with Governor Solossa in early November, President SBY ordered the immediate establishment of the long-awaited MRP as required by the Otsus law for Papua, but underlined that the council would simply be a cultural representative rather than a political body. Clearly advised by security and intelligence, he criticized the conception of the MRP as a "super body," saying it could threaten the integrity of the

nation. Instead, the revised MRP will represent religious, customary, and female groups, without having any political rights. During an interview with the *Jakarta Post*, Solossa pointed out that what is special about the autonomy for Papua is the MRP, which according to the underlying law is the highest decision-making institution, representing all constituencies in the province. SBY also promised to set up a Papua desk at the presidential office to deal with matters related to Papua. During the meeting, Solossa invited the president to attend Christmas celebrations in Papua.

During his visit to Papua over Christmas, SBY tried to make up for the previous lack of commitment to Otsus in Papua with a "Christmas gift" comprising the establishment of the MRP. After SBY's visit, the news that spread about the imminent establishment of the MRP revived the discussion about whether Otsus is, as the popular rhetoric goes, for the people of Papua, or for "Indonesia" and those Papuans in the administration whose minds have become "Indonesian." The general suspicion is that Otsus is yet another promise of Jakarta to placate the people of Papua with some hollow policy that is not going to better Papua but instead divide its people even further. Frustrated with a protracted history of deferred promises and failing development programs, most people in Papua are suspicious of the purpose of Otsus and Jakarta politics. Successful elections, a new promising president, and the approval of MRP should augur well for the people of

Papua. However, this year the reality on the ground remained unsettling for most.

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VANUATU

National politics in Vanuatu in 2004 were again dominated by personalities rather than policies, with a number of changes of government throughout the year as personal alliances shifted. In November 2003 there had been a change of government, from a coalition between the Vanua'aku Pati (VP) and the United Moderate Party (UMP) to a coalition between VP, the National United Party (NUP), and the Alliance for the Development of Vanuatu (ADV)—which was itself a coalition made up of the Green Party, the Vanuatu Republic Party (VRP), and others. Then Prime Minister Edward Natapei had instigated the change in coalition to avoid a vote of no confidence, although as 2003 drew to a close, rumors of such a vote showed little sign of abating.

Early in the New Year, a reconciliation ceremony between NUP, UMP, and the Melanesian Progressive Party (MPP) was held (VDP, 3 Jan 2004). This strengthened rumors of a no-confidence motion, as a coalition of these three parties would have had sufficient numbers to carry such a motion. By the middle of January, Natapei was denying a counter-rumor that he was considering a further cabinet reshuffle in order to avoid a no-confidence motion (VDP, 15 Jan 2004). The fragility of the government became even more apparent when the ADV threatened to withdraw support from Natapei unless ADV members were given more portfolios and more places on various statutory boards (VDP, 24 Jan 2004). The prime minister's office initially refused to bow to