

tion of close ties to churches and to traditional custom. Repeated efforts (notably by the Polynesian party in the independence front) to reconcile Palika and the UC within the FLNKS have resulted only in a vague goal of electing a new coalition president (absent since 2001) sometime next year (NC, 6 Dec 2010). In the meantime, local nation-builders on various sides are beginning to study the forms of self-government that other former colonies in Oceania have adopted, including free association (NC, 21 Oct 2010). Double legitimacy plus common destiny may yet produce dignity for all.

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PAPUA

During the year 2010, the provinces of Papua and West Papua routinely witnessed political events like those of the previous year. Very low level armed encounters between Indonesian military/police and the pro-independence armed group TPN/OPM occurred more frequently than in 2009. As in 2005, several demonstrations over the people's desire to hand back the Special Autonomy Law of 2001 (popularly called Otsus) to the national government involved not only civil society groups but also state institutions such as the Papua People's Assembly (MRP). In addition to political pressure from within Papua, growing international pressure was noteworthy, especially from the United States Congress and the Vanuatu government. Pressure on Indonesia increased especially after the Asian Human Rights Commission (AHRC) uploaded to the YouTube website videos of torture committed by soldiers of the TNI (Tentara Nasional Indonesia, or the Indonesian military). This exposure confirmed to the national and international public that the many allegations of Indonesian security forces committing human rights abuses in Papua were true.

Despite these facts, some positive signs also emerged in 2010. Campaigning and advocacy for more dialogue between Jakarta and Papua made some progress. At the beginning of the year, the Papua Peace Network (PPN) was established under the leadership of Father Neles Tebay and Muridan S Widjojo of the Lembaga Ilmu Pengetahuan Indonesia (LIPI) or Indonesian Institute of Sciences. Facilitation and mediation by the PPN and

the LIPI team in Jakarta did encourage the central government to improve its policy in Papua. A Papua Road Map proposal emphasizing peace talks was presented to Indonesian Vice President Boediono and seven government ministers on 23 November 2010; in general, the response was encouraging. The government is now committed to establishing a new body whose main task is to smooth the implementation of the Otsus law. Similar progress also took place on the part of the Papuans. In Papua, the PPN has successfully conducted public consultations in nine districts with grassroots leaders including representatives of the TPN/OPM during February and July 2010. Moreover, the PPN has encouraged various pro-independence factions to overcome their fragmentation and improve cooperation in order to prepare for dialogue. In Port Moresby, the PPN managed to organize a “West Papua Leaders Summit,” which was attended by exiled pro-independence Papuans, including envoys from the armed wing.

In Jakarta, there were some clearly positive political signals. First, the government was more responsive to the report of rights abuses. For example, the release of the torture video resulted in a military court giving a number of Indonesian soldiers jail sentences of five to seven months. Second, the government strove to improve the implementation of the Otsus law and was willing to build political communication with Papuan opposition leaders. Moreover, open-minded and progressive high officials were given more roles in designing the resolution policy. In his state address on 16 August 2010, President

Susilo Bambang Yudhoyono promised constructive political communication with Papuan leaders. This promise was manifested on 1 December by the president’s determination to appoint two special envoys to Papua tasked with building preliminary trust and encouraging clear Papuan representation in the coming dialogue.

As in 2009, the TPN/OPM, led by Goliath Tabuni, continued its campaign on Puncak Jaya. On 27 February a boxcar was shot at from a hill near a bridge over the Kurage River, and a civilian was wounded on his upper cheek. As a consequence, a military/police unit chased the perpetrators. According to a Papuan activist’s report, on 17 March in the village of Kalome, subdistrict of Tingginambut, two local pastoral functionaries of GIDI (the Evangelical Church of Indonesia) named Kindeman Gire and Pitinus Kogoya were tortured and shot. As they waited for a car coming from Wamena with their goods, they happened to meet TNI soldiers, who suddenly began to torture and interrogate them regarding the whereabouts of confiscated police guns. Kogoya, who managed to flee, heard gunshots. Gire is believed to have been shot, but his body was never found, and local authorities have provided no clarification about the case. On 18 March, TNI soldiers also attacked a compound in Lumbuk village, where they detained and allegedly tortured thirteen inhabitants, all of whom have been identified by name. Again, no reaction or clarification has come from the authorities to date.

On 23 March, shots were exchanged in the vicinity of Wulundan River between TPN/OPM gueril-

las and soldiers of the Yonif 753 unit stationed at Puncak Senyum in Mulia district. Following the shooting, the soldiers swept the area from near Mulia town to the working area of PT Modern Widya Technical. The inhabitants of Mulia were in a panic while the inhabitants of Puncak Senyum and those residing around the Wondenggobak church escaped to the forest. During the sweep, a Papuan woman was shot in the knee and then transported to Jayapura. According to Puncak Jaya Police Chief Alex Korwa, none of the civilian inhabitants was victimized.

On 13 April, the TPN/OPM shot to death three employees of PT Modern while they were working in Mulia. A witness, Sony Timbuat, explained that the shooting took place when the employees were riding to the bridge project site in Mewulok village. Their car was stopped and the three passengers were shot dead. Responding to this, on 21 April the district head of Puncak Jaya, Lukas Enembe, said that the TPN/OPM had already created unrest among the inhabitants. He claimed that nonviolent approaches had been made but that these were in vain, and he estimated that TPN/OPM had three hundred guerilla soldiers, twenty-six modern guns (MI6, China AK, and SSI), and the support of national and international nongovernmental organizations. The TPN/OPM in Puncak Jaya consisted of three groups under Goliath Tabuni, assisted by Werius Telenggen and Hengky Wonda. At the time, the district head expressed hope that the provincial government and the security forces could end this cycle of violence soon.

On 24 April, one of the TPN/OPM commanders, Telenggen, led an attack

during which hundreds of inhabitants of subdistricts of Mewoluk and Tingginambut took refuge in Mulia and the nearest churches. Five schools were burned down. The village head of Purleme village stated, "Now the people are prepared for war." They formed eight groups in anticipation of another TPN/OPM attack. On 17 May, Telenggen was shot to death by joint security forces in Goburuk village. One gun and many rounds of ammunition were confiscated. Telenggen was one of the important targets who had been responsible for a number of attacks, including the death of the three employees of PT Modern. In revenge, on the evening of 23 May, the TPN/OPM attacked a TNI post at Yambi, seventy-five kilometers from Mulia. A platoon commander second lieutenant was wounded in his hand. Two days later, in the middle of heavy rain, another attack took place during which two TNI soldiers were shot and wounded.

During the year in review, many problems continued in Papua prisons, including poor conditions, lack of adequate staffing, officials being drunk on the job, and lack of discipline. On 15 March, 16 napi (sentenced prisoners) and 2 other detainees, including some serving life sentences, escaped from Apebura Prison. On Saturday, 5 June, an additional 26 detainees and prisoners escaped from Apebura after climbing a six-foot-high wall. On the day of the June escape, the prison held 338 detainees and prisoners; they were being guarded by only three people when there should have been seven on duty. On 5 July, 3 prisoners accused of rape, abuse, and theft escaped from the same prison. Again, only

two guards were on duty when there should have been six.

On 3 December, six prisoners (John Wandik, Urban Mabel, Marnus Togodi, Paro Kosay, John Elopere, and Miron Wetipo) escaped from Apebura Prison and entered a house in the BTN Puskopad Abepura area. While being pursued by joint forces, the escapees fought with *jubi* (a kind of smaller, shorter spear, used for catching fish) and arrows, according to police. Finally, prisoner Miron Wetipo was shot to death by members of the TNI. As a result of this shooting, Abepura Prison descended into chaos. Prisoners claimed that there was no reason for Wetipo to be killed and that soldiers should have used warning shots instead of lethal force. After dozens of members of the Mobile Brigade (police special operations force) took over the prison, the situation was brought under control.

On 31 May, Papua Police Chief Bekto Suprpto decided to deploy more Mobile Brigade police to Puncak Jaya to try to control the situation. The chief acknowledged difficulties in operating in the area due to challenging geography, low temperatures, and thin oxygen, which made soldiers tire very quickly. The resilience of TPN/OPM and their mastery of the difficult terrain made things worse for the police. Moreover, the TPN/OPM used satellite phones and remained mobile in the jungle, making them very difficult to trace. On 5 June, inhabitants of Puncak Jaya—represented by KontraS (the Commission for “the Disappeared” and Victims of Violence)—complained to a representative of the National Human Rights Commission in Jayapura about the

disturbances by the TPN/OPM. They said their lives were in danger and noted that although the disturbances had started in 2004, the government has so far failed to terminate the cycles of violence.

On 15 June, Brigadier Agus Suhendra, who was on patrol at Yambi Mulia, died after he was shot in his head and foot by the TPN/OPM. When troops tried to evacuate Suhendra’s body, they were also attacked. Brigadier Saumileka was wounded on his foot. Puncak Jaya district head Lukas Enembe declared 28 June 2010 as the deadline for a “non-security approach” to the violence; after that, if the TPN/OPM did not surrender, he said he would order the security forces to use all means to eradicate them. In response to this ultimatum, on 31 June the secretary of the TPN/OPM, Commander Anton Tabuni, sent a video clip challenging the Indonesian government to wage war and invited all the people of Papua to fight against the government of Indonesia.

On 21 October, the spokesperson of Papua Customary Council (DAP), Forkorus Yaboisembut, stated that the TNI and the police were responsible for burning down a number of houses and churches in Puncak Jaya between June and October 2010. An arson attack took place in the village of Bigiragi in the subdistrict of Tingginambut on 11 October. Seventeen inhabitants lost their houses and their belongings (including their Bibles), and they had to flee to their relatives’ houses or hide in the jungle. The district police chief of Puncak Jaya, Alex Korwa, denied this allegation. The spokesperson of Commis-

sion A Dewan Perwakilan Rakyat Papua (DPRP, the Papuan Provincial Legislature), Ruben Magai, promised to investigate this case, while Agustina Basik-basik, a Papuan who is a member of Indonesia's Parliament, saw the allegation as TPN/OPM's scapegoating the authorities in order to justify the continued violence.

While the public remained concerned and highly puzzled by the situation in Puncak Jaya, in October 2010, a video clip showing the torture of Tingginambut Papuans was uploaded to YouTube by the Asian Human Rights Commission (AHRC). In the video, what appear to be a number of soldiers with TNI uniforms and guns are seen interrogating highland Papuans, hitting them repeatedly with a helmet. The torture continues with the soldiers using burning wood to force the victims to inform them where the guns were hidden. The video instantly attracted international attention. On 22 October 2010, the coordinating minister, Djoko Suyanto, admitted that the perpetrators were Indonesian military members.

On 1 November, President Yudhoyono stated, "The government of Indonesia will conduct an investigation, not because of pressure but because we have to." Immediately, the president ordered the coordinating minister Djoko Suyanto, Defence Minister Purnomo Yusgiantoro, and TNI Commander Admiral Agus Suhartono to conduct an investigation into the case. One day later, the spokesperson of Kodam Trikora/Cenderawasih Papua announced that the TNI headquarters had formed an investigation team consisting of ten officials. As a result of the investigation, five

suspects were detained and brought before a military court.

The deputy chairman of Komnas HAM (the Indonesian Human Rights Commission) in Papua, Matius Murib, demanded that the perpetrators be tried in a human rights court. He reasoned, "There is an element of systematic and extended acts: deaths, material costs, and civilian refugees." A number of rights activists from nongovernmental organizations insisted that according to article 5 of Law 26/2000 regarding the human rights court, an interrogation that is followed by torture is a crime against humanity. Military law did not accommodate torture and excluded monitoring and participation of victims. On 5 November 2010, one of the torture victims shown in the released video, Anggen Pugokiwo, represented by KontraS, testified before the Komnas HAM. In a KontraS video clip of his testimony, Pugokiwo spoke about the torture and how he managed to flee. KontraS underlined that this was only one of many instances of abuse by TNI/police.

The government, however, did not comply with the human rights law, and a military court heard the case very quickly. On 11 November 2010, after only a week, the military judge, Lieutenant Colonel CHK Majid in Jayapura, sentenced the commander to seven months and his subordinates to five months in jail. Komnas HAM commissioner Hesti Armiwulan commented that the sentence did not comply with the people's sense of justice. According to her, under civilian law, such a torture conviction would have brought at least a one-year sentence. Before the eyes of international com-

munities, Indonesia has been building its own bad image.

The Papua People's Assembly (Majelis Rakyat Papua, or MRP), as the state representative body for Papuans, has the responsibility to protect and empower indigenous Papuans within the spirit of the Special Autonomy Law. In the run-up to the twenty-six local elections in Papua and West Papua provinces, there were fears that the growing migrant population might have an impact on the outcome of the elections. At least in areas such as Jayapura, Merauke, Nabire, Sorong, and Manokwari, people are also concerned that the growing migrant population might reduce opportunities for Papuans to occupy strategic positions in politics and the economy. Within this context, in November 2009, the MRP issued decree number 14/2009, considered to be "positive discrimination" for indigenous Papuans. The decree declared that all candidates for regent, vice regent, and mayor must be indigenous Papuans. The decree became popular and gained support from diverse Papua civil society groups. While the MRP lobbied in Jakarta on 3 May 2010, the Forum Demokrasi Rakyat Papua Barat (FDRPB, or United Papuan People's Democracy Forum) put pressure on the provincial government of Papua to produce a bylaw that accommodated the MRP decree by organizing a rally to the governor's office, although the protestors did not manage to meet the governor. On 17 May, FDRPB again mobilized hundreds of Papuans to meet the governor and demand the same request, but to no avail.

The MRP decree created a legal limbo for some time. After a meeting

between the DPRP, the MRP, and the provincial election committee (KPUD), it was agreed to suspend preparations for local elections for sixty days. Meanwhile, the central election committee (KPU), the central government, and the "Papuan representative" agreed to request legal consideration of the decree from the Indonesian Supreme Court. Before the results of the consideration came out, Home Minister Gamawan Fauzi decided to reject the MRP decree and requested that the MRP withdraw it. According to the minister, the decree offended basic principles of the nation-state because it promoted discrimination. This decision angered various Papua civil society groups, but the KPUD decided to continue preparations for local elections under Law No 32/2004 on regional administration.

After two days of "grand consultation" in the MRP building on 9–10 June, the joint session between the MRP and civil society leaders decided to return the Otsus law to the central government. In doing so, they demanded an international dialogue between Jakarta and Papua, a referendum, and then Papuan sovereignty. On 18 June 2010, an estimated 2,500 Papuans were mobilized to march the 12.5 miles from Abepura to the DPRP office in Jayapura. This demonstration, under the leadership of MRP spokespersons Agus Alua and Hana Hikoyabi, was a joint event organized by the FDRPB, the Papua Customary Council (DAP), the Komite Nasional Papua Barat (KNPB, or West Papua National Committee), the Asosiasi Mahasiswa Pegunungan Tengah Papua Se-Indonesia (AMPTPI, or Alliance of Students of the Central Highlands

of Papua), and various other student groups. The objective of the march was to request a special plenary session of the DPRP in order to accommodate the handing back of the Otsus law and follow it up with Jakarta. Three weeks later, on 8–9 July, another demonstration took place at the DPRP building with participants making the same requests. But in the end, the DPRP refused to officially follow up the requests with Jakarta.

In response to the political dynamics in Papua, President Yudhoyono sent three coordinating ministers to Papua on 29–30 September 2010. From the visit, it was expected that a reassessment and recommendation for a new policy would emerge. In Manokwari, the ministers met with the governor and the Parliament of West Papua Province. The deputy spokesperson of the Parliament, Jimmy Idji, stated that judging by the people's criticism and disappointment in the implementation of the Otsus, the policy had failed. His statement denounced a previous statement by Governor Abraham Ataruri that development in West Papua had been successful. Similar criticism emerged in Papua province. Papua Governor Barnabas "Bas" Suebu complained about problems and obstacles in development. The rector of Cenderawasih University raised the problem of transportation, and the regional police chief reminded the delegation of the poor welfare of indigenous Papuans. Responding to the criticism and suggestions, the coordinating minister of political law and security said that the government was prepared to establish a body tasked with helping implement the Otsus law. Many civil society lead-

ers were disappointed, as the delegation did not give them an opportunity to talk.

The government continued to show its concern over the Papua problem. During the celebration of Indonesia's Independence on 16 August 2010, President Yudhoyono made a state address in which he clearly mentioned Papua: "In our first ten years we have solved the Aceh conflict and are conducting political reform in Papua. The government has carefully studied political dynamics in Papua and will continue to knit constructive communication for the sake of better development in Papua. We also keep improving sustainable peace building in post-conflict regions." This is seen as significant, as in the previous year the Papua conflict was not mentioned at all.

Papua and West Papua conducted the Regional Head Elections in nineteen districts (kabupaten) and seven districts/cities (kota). Planning for the local elections occurred following the rejection of the MRP decree and in the middle of a controversy about the Special Autonomy Law (Otsus), which has effectively been rejected by the Papuan people and returned to the central government. In spite of these controversies, and the general assumption that elections in Papua are risky and prone to conflict, the facts proved otherwise. In spite of fears that migrants might dominate, data from local newspapers and Internet sources show that in the twenty-six districts of Papua almost all candidates nominated were Papuans. Additionally, according to several sources, the elections that took place between August and November 2010 were all peaceful

with no significant conflicts. The fact that local elections went peacefully and resulted in the expected candidates being elected has opened the public's eyes about how it is possible for democratic practices to take place in Papua. While there were a number of disputes regarding the procedures and results, these were all handled through the appropriate channels and turned over to the Constitutional Court for settlement. This is a good achievement for Papua, despite the ongoing conflict.

During the year, President Yudhoyono visited Papua twice. On 14 October, he visited Wasior, which had suffered from a flood. He met with displaced inhabitants during the two-hour visit—which attracted significant media coverage as the president used a navy ship to get there. The second visit was to Jayapura, where the president attended a nationwide conference of university students on 21 November. He also gave a briefing on regional financial administration before the Papua governor and his subordinates. The Papua Customary Council (DAP) requested a dialogue with Yudhoyono about the handing back of Otsus; the human rights organization KontraS wished that the president would express his concern over human rights; and several others had high expectations for the second visit. As it turned out, however, the visit was more symbolic than substantive.

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PAPUA NEW GUINEA

It was another year of political drama for Papua New Guinea. The year was dominated by shifts in political allegiances, changes in political camps,

swaps in ministerial portfolios, the replacement of two deputy prime ministers, and a constitutional blunder in the reelection of the governor-general. In spite of the political rollercoaster, the Somare government successfully thwarted numerous attempts by the Opposition to remove Sir Michael Somare as prime minister, thus making the government more confident than ever to assert its grip on power until the national elections in 2012. It was also a year of legal battles and protests on controversial constitutional amendments and environmental issues. The concerned public, landowner groups, and nongovernmental organizations have become a fortified mouthpiece of the people on issues of human rights, equality, environment, and the constitutionality of amendments to laws that seem to favor politicians and multinational companies over people's rights. Unlike in previous years, these interest groups showed the government and resource companies that they are a force to be reckoned with concerning the legality of laws and decisions made by the government that have the potential to affect the welfare of communities.

The event that galvanized the nation in the early part of the year was the prison "walkout" of the country's most-wanted bank robber, William Kapris, on 12 January from the maximum-security unit of the country's top prison, Bomana, outside of Port Moresby. Kapris was involved in a string of million-kina bank robberies in the Gulf and Madang provinces. (One kina equals approximately US\$0.39.) He was released by a woman pretending to be a human rights lawyer who entered the maxi-