

Political Reviews

The Region in Review: International Issues and Events, 2016

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Melanesia in Review: Issues and Events, 2016

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The Contemporary Pacific, Volume 29, Number 2, 321-373
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PAPUA

At the end of 2014, thanks to the strong commitment of Vanuatu's elders, Papuan leaders signed the Saralana Declaration that served as the basis to establish the United Liberation Movement for West Papua (ULMWP) in Vanuatu. This step symbolized the unification of Papuan leadership, which includes the Federal Republic of West Papua (FRWP), the West Papua National Coalition of Liberation (WPNCL), and the National Parliament for West Papua (NPWP). Since then, the umbrella organization has become the rising star in representing the Papuan resistance movements at international fora, especially in the Pacific region.

Five Papuan leaders from different generations and time zones were unanimously appointed to run the secretariat: Octo Mote, Benny Wenda, Leonie Tanggahma, Rex Rumakiek, and Jacob Rumbiak. Despite an ongoing struggle within the organization over leadership, challenges are not being lodged against these individuals personally. Rather, the leader of the FRWP, Forkorus Yaboisebut,

questions the legitimacy of the ULMWP to represent Papua as a nation, even though his organization signed the declaration. He claims that only the FRWP holds the status of a state and thus has the legitimacy to deal with Indonesia as an equal.

While the claim remains unresolved, it does not hinder the operations of ULMWP in representing Papua at international fora. In 2015, the ULMWP gained further historic momentum when it was granted observer status at the Melanesian Spearhead Group (MSG), a subregional diplomatic forum. This status signifies the first international recognition of Papua as a political entity and has galvanized grassroots support both inside and outside Papua.

Developments in the Pacific have profoundly reshaped relations not only between Indonesia and the Pacific but, more broadly, between the Pacific and the rest of the world. Pacific nations have become much more assertive in expressing their identities and interests. They are aware of their potential as key players in the region and are able to negotiate with major regional and global players, such as Australia, China, and the United States, to promote their own national interest. For instance, despite its exclusion from the Pacific Island Forum by Australia and New Zealand, Fiji managed to surmount its isolation and secure a presence at one of the most prestigious United Nations (UN) fora by chairing the G-77 (Group of Seventy-Seven Developing Countries) in 2013 (regarding Fiji's more recent international leadership roles, see Nic Maclellan's review of issues and events in the region, this issue).

Within the MSG, New Caledonia and Bougainville have raised agenda items concerning their rights to self-determination in relation to France and Papua New Guinea, respectively. In 2018 New Caledonia will hold a referendum on self-determination, with two other votes possible up to 2022 (MacLellan 2016, 278–279), and in 2019 Bougainville will decide whether to separate from or remain with Papua New Guinea (ABC 2016). Thus the geopolitics of the Pacific may become more dynamic over the next five years as national boundaries are possibly redrawn.

This context is necessary to understand developments in Papua over the last two years. The rise of the Papua issue is not a single and isolated event. Rather, it is rooted in a broader trend of emerging power on the part of Pacific nations as well as the dynamics of Indonesia's democracy.

If ULMWP is Papua's rising star on the international scene, the Komite Nasional Papua Barat (KNPB, the West Papua National Committee) and the Aliansi Mahasiswa Papua (Papua Students Alliance) are the two game changers at the domestic level. These two Papuan youth organizations share the common agenda of self-determination for Papua. Misinterpreted by Brussels-based think tank International Crisis Groups as "radical" (Hernawan 2010), KNPB takes the lead in mobilizing the Papuan grass roots to take to the streets expressing their support for the ULMWP. Inside Papua, KNPB organizes peaceful rallies in Jayapura, Wamena, and Dekay. Outside Papua, the major Indonesian cities of Jakarta, Yogyakarta, Manado,

Semarang, and Denpasar have become hubs for their rallies.

In contrast to other mass demonstrations such as the self-proclaimed "Defending Islam" marches in Jakarta, the police have exhibited zero tolerance for Papuan rallies. Despite Indonesia's constitutional guarantees of freedom of assembly, association, and expression of opinion for all citizens and residents, authorities have not hesitated to resort to excessive force to disperse, arbitrarily arrest, and detain Papuan demonstrators. The Jakarta Legal Aid Institute has documented that more than 4,500 Papuan men and women were arbitrarily arrested and detained for less than twenty-four hours between January and August 2016 for taking to the streets to express their political views in thirteen cities across the country (LBH Jakarta 2016). As the police acted simultaneously in those cities, we can conclude that such massive and simultaneous police deployment involving massive resources and personnel across jurisdictions would have not been possible without orders from the top.

The use of excessive force caused serious casualties among Papuan students in Jakarta and Yogyakarta, as documented by the Jakarta and Yogyakarta Legal Aid Institutes, respectively (LBH Jakarta 2016; LBH Yogyakarta 2016). However, police repression has not deterred Papuan youth from continuing to express their political views in the public arena; on the contrary, it seems to only fuel the militancy of the Papuan youth and their supporters across Indonesia.

Police brutality, on the other hand, continues with impunity. No police officer has been held accountable

for alleged human rights abuses that caused serious injury to students, as the National Commission on Human Rights (Komnas HAM) publicly stated (Satuharapan.com 2016). The reality is unchecked police repression in the name of protecting public order.

The ULMWP, however, is not the only game in town. Indigenous Papuans have also confronted the encroaching operations of extractive industries in many parts of Papua. For instance, Southern Papua struggles with Merauke Integrated Food and Energy Estate, Paniai with artisanal gold mine and palm-oil projects that threaten the environment, Keerom with palm-oil plantations, Bintuni Bay with hosting Tangguh liquid natural gas project, and, last but not least, Mimika continues to confront the five-decade-old problem of Freeport mine operations that destroy the Mimika landscape.

The Pusaka Foundation, a Jakarta-based nongovernmental organization, has documented the ongoing disputes over land between the local communities and three major palm-oil companies in Southern Papua: the South Korean corporation Korindo Group, the Menara Group, and the Malaysian corporation Tadmax Group. These corporations control 6,503 square kilometers of land combined, which is nearly ten times larger than the land area of Jakarta (661.52 square kilometers). The size of the land clearly represents the enormous power of the investors because it covers one-fourth of the Boven Digoel regency. Korindo alone secured the lease for over 1,596 square kilometers of land from the Indonesian Ministry of Forestry.

Based on its lease, Korindo has

not hesitated to clear the ground by burning the tropical forest not only of Papua but also of North Maluku. In 2016 the Pusaka Foundation and its partners documented that the company contributed to Indonesia's haze disaster, although the company denied this charge (Mighty and others 2016). In total, Korindo contributed to the deforestation of five hundred square kilometers of primary forest (more than twice the size of Sydney, for instance). We can imagine the immediate and long-term impacts of this extensive palm-oil operation on Papuan livelihoods, communities, and ecologies.

While I was conducting research in the area in November 2016, a landowner expressed his feelings to me: "I don't want to accept [compensation] because the forest has gone and so too have animals, wood, and rattan. The climate has changed. We can't use creeks anymore. The air is dirty." Korindo activities have dramatically degraded the environment, which is now inaccessible to the locals. The company also caused factions within the affected community as some clans agreed to accept compensation money whereas others strongly oppose it.

On a smaller scale, the expansion of the palm-oil plantation of the Nabire Baru company has given rise to a similar dispute in Nabire where the Yeresiam Gua people, the traditional landowners, opposed the plan to build a palm-oil refinery on their sacred site. The company insisted that they had obtained legal documentation of the compensation that they paid to the traditional landowners. As the dispute remained unresolved, the tribe filed a

lawsuit in the Jayapura Administrative Court to challenge the company, but they lost the case in both the administrative and the appeal courts.

The legal defeat of the Yeresiam Gua people is not unique. Rather, it exemplifies a common pattern of the power relations between corporations and indigenous Papuans in that the corporations act through formal procedures to secure their leases before they grab land from the locals through so-called public consultation. “It is called land grabbing because consultation is not done in a transparent, well-informed, and participative manner,” stated Pusaka Foundation Executive Director Franky Samperante (pers comm, March 2017). In many cases, landowners are invited to attend a consultation with a corporation to discuss things such as general information about a project plan including benefit schemes that the locals can participate in. During this meeting, however, specific questions concerning locals’ agreement or disagreement with the project plan are rarely heard. Instead, the locals are only asked to sign a list of attendance, which the corporation then uses to prove that it has fulfilled its legal obligation to hold a public consultation. Corporations often claim that such proof of landowner attendance at a public meeting signifies consent and indicates that their land acquisition has been approved by affected community leaders.

In a much larger setting, the experience of the Amungme and Kamoro people, who have dealt with Freeport McMoRan’s Grasberg Mine for the last fifty years, provides us with a similar situation. These traditional

landowners had never been consulted either by the company or the government prior to the beginnings of the Freeport operation in 1967, two years before Papua was officially incorporated into Indonesia. In 1997 the Amungme filed two civil lawsuits against Freeport in the US Federal Court and in the state of Louisiana, but the suits were unsuccessful. Since then, Freeport Indonesia, the Indonesian operation of Freeport McMoRan, operates with huge freedom under a renewable “Contract of Work” with the Indonesian government, which secures the company’s work for two to three decades at a time (McKenna 2016, 15, 94). At the time of this writing, Freeport Indonesia is in three legal disputes with the government of Indonesia regarding royalty payments, a share divestment obligation, and an obligation to build a smelter inside the country. The disputes remain unresolved, and both sides are willing to bring the case to international arbitration (Jensen and Asmarini 2017).

Given these patterns of political repression, environmental destruction, and land grabbing in Papua, we should ask what roles government and civil society organizations play in responding to such challenges. We might still remember the role of Jaringan Damai Papua (JDP, Papua Peace Network) in addressing Papua’s conflicts by promoting the concept of “dialogue” (Tebay 2009) as a framework to address these protracted issues in a comprehensive manner. Led by the Papuan Catholic Priest Neles Tebay and Lembaga Ilmu Pengetahuan Indonesia (LIPI, the Indonesian Institute for Sciences), JDP has actively persuaded Indonesian national

authorities, particularly President Joko Widodo, to be willing to engage in political dialogue with indigenous and nonindigenous Papuans.

JDP's achievement is significant. First, it successfully introduced and clarified the term "dialogue" for state authorities and the Papuan public so that both sides have common understandings and expectations. JDP organized at least thirteen public consultations in thirteen cities in Papua to discuss and clarify the essence of dialogue among the Papuans. The network also engages the nonindigenous Papuan community not only to disseminate similar information about the dialogue process but also to allow them to express their concerns over the issues (Siregar and others 2013). This nonindigenous community supports the Papuan call for dialogue. JDP also established an Indonesian academics forum for Papua that promotes dialogue and encourages Indonesian policy makers to take the Papua issue seriously.

Second, JDP managed to build a bridge between the highest level of Indonesian national authorities and Papuan civil society actors so that they were able to sit in the same room discussing various issues, including sensitive topics such as human rights violations and the political aspirations of Papuans. Since the JDP's inception in 2009, the network has organized at least seven rounds of discussion between Papuan civil society actors and state actors in closed-door sessions. Part of this achievement was the establishment of the special Unit for the Acceleration of Development in Papua and West Papua (UP4B), which was given the mandate to accel-

erate economic development in Papua from 2011 to 2014.

Despite the success of unpacking the heavily loaded term "dialogue," JDP and LIPI have not been able to convince the top national policy makers in Jakarta to take concrete steps toward dialogue with the Papuan people. The state agencies dealing with politics and security, such as the military, police, and national intelligence, remain reluctant to go any further than talking about dialogue. They distance themselves from actual dialogue once they perceive any discourse that would encourage or lead to a political negotiation with Papuans. As a result, dialogue remains confined to a conceptual level and is not yet translated into policy.

The reality is that the process of trust building between Jakarta and Papua goes very slowly (Elisabeth and others 2015). Adriana Elisabeth, one of the key proponents of the JPD-LIPI dialogue initiative, succinctly summarized this problem: "The roots remain the same: distrust remains because Indonesia was born to Papua with a violent face and this is not yet resolved" (pers comm, Oct 2015).

To respond to the ongoing violence in Papua on the one hand and increased international attention to Papua on the other, in the midst of 2016 the Presidential Advisory Council (Kantor Staf Presiden [KSP]) organized a consultation with civil society actors from Jakarta and Papua behind closed doors. The consultation resulted in three proposals to the president: appointing a special envoy for Papua, bringing three cases to the human rights court, and creating a new agency to coordinate the imple-

mentation of economic development under the Special Autonomy Law.

Inspired by the work of Jusuf Kalla, who initiated the peace process of Aceh in 2000, the special envoy for Papua is meant to advise the president in dealing with the international dimensions of Papua by discreetly engaging in dialogue with ULMWP leaders without making any commitments. The position will also engage the top policy makers in Jakarta in order to create synergy for political policy toward Papua.

The second proposal derives from the existing demand to bring dossiers of human rights cases to the Indonesian Permanent Human Rights Court. The proposal focuses on three cases—torture, rape, and extrajudicial killings of civilians in Wasior (in 2001) and Wamena (in 2003), and summary executions of students in Paniai (in 2014)—which have been investigated by Komnas HAM but have not yet been heard in court (Komnas HAM 2014; tempo.co 2016). While the Paniai dossier has been pending only for three years, the others have been delayed for more than a decade. Apart from the lack of political will on the part of Attorney General Muhammad Prasetyo to prosecute these cases, his office keeps arguing that Komnas HAM's investigation is not adequate and the evidence is not complete, whereas Komnas HAM argues to the contrary. As a result, the cases have gone nowhere.

The last proposal specifically aims at addressing the failure of the implementation of the Special Autonomy package, particularly in managing the Special Autonomy (OTSUS) Funds in an accountable and transparent

manner. The lack of clear guidance for power sharing and accountability between the local and central governments has contributed to the minimal level of achievement in terms of Papua's development. Unfortunately, the national authorities and the local governments of Papua have different opinions. Learning from the success story of Badan Rehabilitasi dan Rekonstruksi (Agency of Rehabilitation and Reconstruction) for Aceh and Nias, the Indonesian National Planning Agency (Bappenas) prepared a draft policy to centralize all authorities of OTSUS funds in its hands. If this happens, the decentralized approach of OTSUS will be seriously undermined, in the view of local governments.

As a senior staff member at the President's Office explained, "When these proposals were presented to the President, he paid serious attention to the first proposal. He even immediately asked for candidates and we gave them three names. But he was not so interested in other proposals" (pers comm, Sept 2016). As of the end of 2016, however, there had been no follow-up on any of the three proposals.

The reluctance of Jakarta policy makers to address the political question of Papua has led to a situation in the MSG and the Pacific more broadly that they cannot avoid, namely, the international recognition of Papua. During the 71st Session of the United Nations General Assembly (UNGA), seven UN member states raised the issue of Papua. "Nauru started the intervention by highlighting the issue of human rights violations in Papua, followed by a newcomer in the dis-

course on Papua: the Marshall Islands, Vanuatu, Tuvalu and the Solomon Islands followed suit and went one step further by specifically highlighting the issue of the right to self-determination for Papuans. Tonga emphasized the gravity of the problem, and Palau, another novice, called for constructive dialogue with Indonesia to solve the Papua issue” (Hernawan 2016). Unfortunately, the response from the Indonesian government during the UNGA session was only to reiterate the principles of state sovereignty and noninterference (Hernawan 2016).

In other words, the Indonesian representative to the UNGA was simply disengaged from any discussion on Papua, although domestically, different elements of the government struggle with finding a solution for protracted problems with Papua. This approach reflects the government’s sensitivity over the Papua issue for international audiences, as it would prefer to confine the issue to domestic and internal spheres.

On the domestic scene, public scrutiny has taken a new turn by the declaration of Front Rakyat Indonesia (FRI, Indonesian People’s Front) for West Papua. Pulling together six Indonesian people’s movements—Partai Pembebasan Rakyat (People’s Liberation Party), Pusat Perjuangan Rakyat Indonesia (The Centre for Indonesian People’s Struggle), Pembebasan (Student Struggle Center for National Liberation), Serikat Kebudayaan Masyarakat Indonesia (Society of Indonesian Culture), Lingkar Studi Sosialis (Socialist Study Group), and Perkumpulan Solidaritas Net (Solidarity Net Association)—FRI supports the right to self-determination for

Papuans, according to its statement released on 29 November 2016 (FRI 2016). This is an entirely new development because established human rights organizations in Indonesia have never taken such an explicit position. The immediate response from the Indonesian authorities was predictable. The FRI’s peaceful demonstration was dispersed by the police and their leaders were arbitrarily arrested. This continuing repressive treatment suggests that the Indonesian authorities remain unable to resolve their internal conflicting policies for dealing with Papua. The discrepancy between different elements within the government only perpetuates with impunity the cycle of violence against indigenous Papuans in various forms by both state and non-state actors.

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SOLOMON ISLANDS

Solomon Islands is vulnerable to natural catastrophes like cyclones, tsunamis, floods, and earthquakes as it is in the “Pacific Ring of Fire.” For instance, in 1976, a huge earthquake displaced many people, mostly from South Guadalcanal, who are now relocated to other parts of the island. Likewise, Cyclone Namu in 1996 saw the destruction of schools and homes and also resulted in the relocation of villages, schools, and infrastructure. Selwyn College, a senior secondary school in the country, was moved from the east of Honiara to West Guadalcanal as a result of the effects of Namu. In recent years, the frequency of natural disasters occurring is particu-