



TAPOL Briefing

Entrenched militarism, the ‘prosperity’ approach and governance by exception in West Papua

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Introduction

Since the fall of the New Order regime (1966-1998), with one brief period of exception between 1998-2001, the power and authority of the Indonesian security forces in the region of West Papua have remained largely undiminished. We attribute this to two reasons, both of which stem from a failure to implement genuine political reform in West Papua and Indonesia more broadly.

First, the power of the military and police in West Papua has remained unchecked by institutions created by the Special Autonomy Law of 2001. Many parts of the law, which expires in 2021, remain unimplemented, and West Papua’s legislatures, created by the law, have no effective powers to check militarism. We will expand on aspects of the Special Autonomy Law (*UU Otsus* or *Otonomi Khusus*) in a forthcoming separate piece.

Second, an important cause of this failure is the lack of a coherent strategy of a so-called ‘prosperity approach’ by the Government towards the region, which was purported to supersede the ‘security approach’ associated with the New Order period, but which has in fact seen the military benefit from direct involvement in development and extraction projects while receiving on- and off-budget funds. ‘Prosperity’ in West Papua has been narrowly conceived of by the central Government in Jakarta in terms of funding projects for which funding is allocated not on a needs-based analysis but is subject to widespread corrupt allocation, and often focused on roads. This has increased the security forces’ presence in the Central Highlands area, inflaming tensions, and leading to human rights abuses. The economic interests of the military in particular have remained protected and have helped it to preserve its territorial structure - in place since before the New Order period; and this has allowed it to maintain a presence in all provinces of Indonesia and West Papua. Militarization has increased due to its relationship with a system of governance through exceptions, meaning that the Government cannot govern West Papua without resorting to making exceptions to national policies. We outline some of these exceptions at the end of this briefing note. Throughout we use the term ‘West Papua’ to refer to the territory which is made up of two provinces - Papua and West Papua.

'Prosperity' and 'security' as two sides of the same coin

During the period of New Order rule, West Papua was subject to large-scale and repressive military campaigns, especially in 1977 and 1984, and was later placed under martial law (DOM *Daerah Operasi Militer*, military operations area) in 1989. The end of DOM in West Papua in 1998 was prompted by the fall of the New Order and saw significant reductions in troop numbers¹ but not comprehensive demilitarisation. Indeed, on the contrary there has remained a pervasive culture of militarism.² For example, in the decade or so following the implementation of the special autonomy law in 2001, numbers of security personnel in West Papua doubled.³ Furthermore, these numbers have been added to by extra police and military personnel who are regularly drafted in from outside the territory (known as 'non-organic'). Many such troops are paramilitary 'mobile brigade' police units (*Brimob*). Formally, the police are responsible for security in West Papua but Brimob retains a "strong militaristic culture"⁴ and conducts joint operations with the military.

The failure to check the power of the security forces is partly connected with the closing down of the 'Papuan Spring'. This period of political openness from 1998-2001 saw West Papuan political leaders advocate for either a referendum for self-determination or special autonomy, open discussions about West Papuan self-determination, and the raising of the Morning Star flag on West Papua's National Day (1 December) in 1999. In February 2000, a broad spectrum of West Papuan political activists organised a 'Big Consultation' (*Musyawah Besar*) and then a Second Papuan People's Congress of May-June 2000.⁵ Yet, even as this relatively modest liberal atmosphere was increasing in West Papua itself, in August of the same year elected representatives in the MPR (*Majelis Perwakilan Rakyat*, People's Consultative Assembly) in Indonesia's capital, Jakarta, publicly voiced criticism of the Papuan Spring. The Interior Ministry mounted a covert campaign to undermine 'separatism'⁶ while then Security Minister, Gen (ret.) Susilo Bambang Yudhoyono, later to be elected President, was given the task of "closing down" the Papuan Spring.⁷

This marked a return of the 'security approach' in which the security forces prevented open political expression by stopping demonstrations, harassing and intimidating activists, and perpetrating other human rights abuses. Meanwhile, a special autonomy law was negotiated by West Papuan elites which was accepted by some West Papuans in the good faith that it would provide self-government, increased health, education and infrastructure expenditure, more revenues from resource exploitation, and a truth commission to address past crimes.

In contrast and as suggested by the return of security force repression in 2001, the Central Government in Jakarta began to reassert its authority over West Papua. President Megawati

¹ J. Honna, *Military Politics and Democratization in Indonesia*, Routledge, 2003, p. 165.

² R. Chauvel, 'Policy failure and political impasse: Papua and Jakarta a decade after the 'Papuan Spring' in P. King, J. Elmslie & C. Webb-Gannon, *Comprehending West Papua*, Centre for Peace and Conflict Studies, University of Sydney, 2011; Elsam, 'De-sekritisasi Papua, Upaya Memutus Rantai kekerasan', 2015.

³ A.M.T. Supriatma, 'TNI/Polri In West Papua: How Security Reforms Work In The Conflict Region', *Indonesia* 95, April 2013, p.96.

⁴ M. Clark, *Politics and Governance in Indonesia. The police in the era of Reformasi*, Routledge, 2014, chapter four.

⁵ Under the banner of the Presidium Dewan Papua (PDP, Papuan Presidium Council).

⁶ R. Chauvel, & I.N. Bhakti, *The Papua Conflict: Jakarta's Perceptions and Policies*, East West Centre, 2004, p.33.

⁷ R. Chauvel, 2011, op. cit., p.114.

Sukarnoputri (in office 2001-2004) treated special autonomy with suspicion and temporarily dispensed with it when declaring martial law in the province of Aceh in northern Sumatra.⁸ In 2003, Megawati passed a decree creating new provinces, districts and municipalities (*pemekaran*) in West Papua. Formally, the declared intention of this reorganization was to devolve authority over budgets and other decision-making powers to the local level. But informally, this move was intended, through a process of divide and rule, to stop West Papuan nationalists making common cause.⁹ Furthermore, *pemekaran* had other impacts. For example, the military pushed to create new provinces and districts, which some argue allowed its officers to benefit from business opportunities at the local level¹⁰, as it had done in Aceh.¹¹ Another consequence was that *pemekaran* presented challenges in terms of staffing and providing resources for newly-created low-level administrative posts.¹² In remote areas with understaffed and underfunded civilian bureaucracies, military units are in many cases better staffed and equipped than civilian local governments. Where this happens, it is because of an unreformed territorial structure, with the military maintaining a presence at provincial or district levels and even at village levels which makes further expansion of its power and influence (and intelligence gathering) easier.

In the year following President Megawati Sukarnoputri's instruction to divide West Papua into two provinces, Papua and West Papua provinces, a law governing the military was passed, making no provisions for military officers to face justice in civilian courts nor for the dismantlement of the military's territorial structure.¹³ The law did contain provisions compelling the military to surrender its businesses by 2009 but this was not followed through and its continuing economic power has provided a way for the military to maintain influence. This enhanced its presence in West Papua through *pemekaran*, which depended on central Government support, providing an important basis for it to consequently "claw back power", as it had also attempted to do in Aceh after 2001.¹⁴

President Yudhoyono (in office 2004-2014) held two broad policies on West Papua. The first was to attempt to re-model the special autonomy law. Apart from his attempts to manipulate and remodel Otsus, Yudhoyono's other policy was centred on an attempt to revive the so-called 'prosperity' approach.¹⁵ This was embodied in three decree laws, which were intended to "support special autonomy".¹⁶ The timing was significant in that they were passed in the year following

⁸ J. Bertrand, 'Papuan and Indonesian nationalisms: can they be reconciled?' in Hedman, E-L, E. 'Dynamics of Conflict and Displacement in Papua, Indonesia. RSC Working Paper, No. 42, September 2007.

⁹ D. Tomsa, *Party Politics and Democratization. Golkar in the post-Suharto era*. Routledge, 2008, pp.78-79.

¹⁰ J. Timmer, 'Erring decentralization and elite politics in Papua', in H. Schulte-Nordholt and G. Van Klinken, *Renegotiating Boundaries: Local Politics in Post-Suharto Indonesia*, Brill, 2007, p.469. New units of the military corresponded to local government administrative designations: Regencies/*Kabupaten* (Military Resort Command, *Komando Resor Militer*, Korem); Districts/*Kecamatan* (District Military Commands, *Komando Distrik Militer*, Kodim).

¹¹ M.N. Davies, *Indonesia's war over Aceh. Last stand on Mecca's porch*, Routledge, 2006, p.45.

¹² A. Sumule, 'Evaluasi Otsus Papua 2001-2018: Bab per Bab', 2018.

¹³ TAPOL, 'Officers in Office: The proposed reinsertion of serving military officers into civilian government posts', March 2020.

¹⁴ M.A. Miller, 'Self-Governance as a framework for Conflict Resolution in Aceh', in M.A. Miller, *Autonomy and Armed Separatism in South and Southeast Asia*, ISEAS, 2012, p.39.

¹⁵ Ruhyanto, 'The Perils of prosperity approach', *Peace Review. A journal of social justice*, 2011, p.28.

¹⁶ Peraturan Presiden Republik Indonesia Nomor 65 Tahun 2011 tentang Percepatan Pembangunan Provinsi Papua dan Provinsi Papua Barat (P4B)', 3 (g).

demonstrations in Jayapura that rejected special autonomy.¹⁷ The approach that Yudhoyono chose was narrowly focussed on economic development rather than more broadly addressing continuing human rights abuses, inadequate health and education provision, the dominance of settlers from other parts of Indonesia over the economy, and institutions which had failed to be legitimate and representative in the eyes of West Papuans.¹⁸

The decrees established a 'Program for the Rapid Development of Papua and West Papua' (*Program Percepatan Pembangunan Papua dan Papua Barat* (P4) and a Unit (UP4B) to implement the Programme with the same formal standing as a government Ministry. They set out a "regional approach" in which isolated areas, mainly in the Central Highlands, were to be connected to "regional development centres" (urban areas) via improved roads.¹⁹ In 2013, Yudhoyono gave the military a primary role in UP4B, in particular through construction of the Trans-Papua Highway, running through the Central Highlands. This was justified because of the need to develop "isolated regions" which had "difficult geography".²⁰ The military had almost complete authority over planning, construction and operational oversight, with funds allocated directly from the national budget to the Ministry of Defence.²¹ The Ministry of Public Works was enlisted only in an advisory and technical capacity.²² Not only was UP4B directed by figures from Jakarta (except for the Governors of Papua and West Papua provinces), but the military also sourced funds directly from the national budget.

Militarization under President Widodo

Since the election of President Joko Widodo in late-2014, the military has been allowed to accumulate yet more power and funds by perpetuating the territorial command structure which permits it access to resources - whether legally or illegally.²³ The military has long been engaged in illegal economic activities in West Papua, including logging and providing private security to corporate mining and plantation interests, which has also involved evicting West Papuans people from their land.²⁴ It is also the recipient of large allocations of special autonomy funds, which constitute two per cent of Indonesia's national budget, as well as development funds and infrastructure funds. Elected Regents (*Bupati*) have funding provided to which they have access for military operations against alleged insurgent threats in West Papua. However, despite their high costs, these operations are sometimes reported to have been conducted inefficiently and ineffectually.²⁵ This raises questions as to whether military counter-insurgency operations funded in

¹⁷ J. MacLeod, *Merdeka and the Morning Star. Civil Resistance in West Papua*. University of Queensland Press, 2016, pp.153-154.

¹⁸ Haryanto, et al. 'Asymmetrical Decentralization, Representation, and Legitimacy in Indonesia. A Case Study of the Majelis Rakyat Papua', *Asian Survey*, 58:2, pp.365-386

¹⁹ Peraturan Presiden Republik Indonesia Nomor 66 Tahun 2011 tentang Unit Percepatan Pembangunan Provinsi Papua dan Provinsi Papua Barat (UP4B)', 6,1 (f).

²⁰ Peraturan Presiden Republik Indonesia Nomor 40 Tahun 2013 Tentang Pembangunan Jalan Dalam Rangka Percepatan Pembangunan Provinsi Papua Dan Provinsi Papua Barat, 3,1.

²¹ PP 40 2013, op. cit. 4, 1-2.

²² PP 40 2013, op. cit. 7,2.

²³ J. Honna 'The politics of protecting Khaki capitalism in democratizing Indonesia', in P. Chambers and N. Waitookiat, *Khaki Capital: The political economy of the military in Southeast Asia*, NIAS Press, 2017, p.324.

²⁴ A.J. Marshall and B.M. Beehler, *The Ecology of Papua. Part Two*, Periplus, 2007, p.883; J. Honna 2017, op. cit.

²⁵ Supriatma, op.cit. pp.115-117

this way are actually intended to fulfil their stated aim or are no more than another revenue stream for the military.

President Widodo has permitted the military to expand its territorial structure by agreeing to let it build two new Kodam (*Komando Daerah Militer* or Regional Territorial Command), one of which was in West Papua.²⁶ The military claims that this is necessary to counter the West Papuan resistance movement, the National Liberation Army of West Papua (TPNPB, *Tentara Pembebasan Nasional Papua Barat*). However, the TPNPB is not present in significant numbers in West Papua province.²⁷ It is more likely that the military is attempting to justify the territorial structure which allows it to perpetuate its business interests.

Widodo has also allowed the military to continue Yudhoyono's plans to construct the Trans-Papua Highway. Widodo reportedly became convinced of the necessity of completing it having witnessed the difficulties of accessing Nduga during a visit in 2015, a Regency newly created in 2008 and one of the most deprived areas in West Papua.²⁸ The Ministry of Defence provides funding for this project as part of its allocation from Indonesia's national budget (*Anggaran Pendapatan dan Belanja Negara*, APBN). The infantry's Engineering Corps (Pusziad, or Zeni) has been working on construction of the remaining 10 per cent of the 4320 km highway.²⁹ Some justify this road as reducing transport costs to the central highlands³⁰, but roads have also facilitated a heavy military presence in the Central Highlands and brought non-West Papuan settlers to the area who dominate the economy of small towns such as Wamena. These roads furthermore allow the military to impose restrictions on civilians' freedom of movement through setting up military checkpoints.³¹

The Trans-Papua Highway has correspondingly been the focus of attacks by the TPNPB.³² In December 2018, the TPNPB killed 18 road workers employed by Zeni in Nduga to construct the

²⁶ Widodo agreed to this in late-2014 following a meeting with the head of the TNI (Tentara Nasional Indonesia, the Indonesian military), General Moeldoko, who Widodo later appointed as his Chief of Staff. Widodo has also given the military the green light to go ahead with a new regional structure, the third Joint Defence Regional Command (*Kogabwilhan III, Komando Gabungan Wilayah Pertahanan*), headquartered in Biak, West Papua province, which aims to integrate the infantry, navy and airforce under a single structure. Elsam, 'De-sekritisasi Papua', 2015, p.1. A planning document from 2013, despite calling for a level of 'minimum essential force' for the military to keep up with other countries in the region, reiterated a fundamentally 'internal' role for the military in which it should not become involved in a regional "arms race".

²⁷ The Kodam has spawned new sub-provincial military structures which have allowed the military to appropriate large expanses of land from local communities, for example in Tambrau and Kwoor. International Coalition for Papua (ICP) <https://humanrightspapua.org/news/32-2020/573-residents-reject-construction-of-military-base-in-scholar>

²⁸ R. Chauvel, 'Governance and the Cycle of Violence in Papua: The Nduga Crisis', *Asia-Pacific Journal: Japan Focus*, 17:2 no. 4, January 15, 2019, p.3.

²⁹ 'TNI Bangun Trans Papua Sepanjang 4.325 Km', 19 June 2017. <https://tni.mil.id/view-114827-tni-bangun-trans-papua-sepanjang-4325-km.html>

³⁰ Ruhyanto, op.cit., pp. 492-494.

³¹ M. Haluk, *Mati atau Hidup. Hilangnya Harapan Hidup dan Hak Asasi Manusia di Papua*, Deiyai, 2013, p.227. Civilians may be arbitrarily detained and questioned at military checkpoints, and in Indonesian, a language which many West Papuans do not understand.

³² In Puncak Regency in 2004, for example, in retaliation for the killing of civilians by Infantry special forces, Kopassus, TPNPB leader Goliat Tabuni sabotaged a bridge. M. Haluk, *Mati atau Hidup. Hilangnya Harapan Hidup dan Hak Asasi Manusia di Papua*, Deiyai, 2013, p.223; see also Chauvel, R. 'Refuge, displacement and dispossession: Responses to Indonesian rule and conflict in Papua', pp.44-46, in E.E. Hedman, 'Dynamics of Conflict and Displacement in Papua, Indonesia', RSC (Refugee Studies Centre) Working Paper, No. 42, September 2007.

Highway. This led to joint military and police operations against the TPNPB, which displaced more than 38,000 local people - who were not provided with any assistance by the state - and led to the deaths of 243 people by early February 2019. This is just one illustration of a long-standing 'cycle of violence' in a heavily militarised region. However, many of those who actually bear the brunt of military and police operations are not necessarily connected with the resistance movement but are rather subsistence farmers.³³

Detention by the security forces, often also involving torture, is a strategy to reinforce the militarised control of areas, some of which were created by *pemekaran*. In areas such as Nduga regency, the security forces are the most prominent arm of the Indonesian state, made even more so by inadequate coordination of civilian government agencies.³⁴ A strong military and police presence has created an atmosphere of fear among civilians. There is no simple way to measure the effects of military occupation. Incidents of violence, including torture, harassment and intimidation and other offenses cannot, for example, be accounted for by relying on mortality statistics alone: deaths are not always recorded because access to the central highlands is extremely difficult and often not possible or permitted without accompaniment by the security forces.³⁵ Government Ministers have also publicly denied the fact of civilian deaths caused by security force operations in the central highlands.

Militarization in a land of exceptions

The business interests of the security forces and access to funds feed militarization and drive conflict but are also strongly related to an undemocratic political system and unfree society. Some see a military strategy in the central highlands as failing because the security forces do not practice a 'hearts and minds' approach to winning over the local population.³⁶ Others suggest that conflict is made worse in that region because of an inadequate presence of the civilian state including its welfare services. However, the problem is more fundamental: in this region, as elsewhere in West Papua, the Indonesian Government lacks legitimacy in the eyes of the indigenous population. Partly this is because the governance of West Papua has been engineered to work through a series of exceptions to the Government's national laws for the rest of the country and even the special autonomy law. For example, the MRPs (*Majelis Rakyat Papua*) are the only provincial-level second chambers in Indonesia. To qualify to sit in these chambers in West Papua, members must be ethnically Papuan. But from the start of their existence, the authorities in Jakarta have been worried that the MRPs there will create and encourage 'separatist' sentiment. Membership depends on a vetting procedure by Kesbangpol, the Ministry of Home Affairs' intelligence agency, making critical voices far less likely.³⁷ The MRPs are also subordinate to the provincial-level first chambers and their effective power to legislate is confined to religious and cultural matters. Under

³³ B. Hernawan, 'Torture as a Mode of Governance: Reflections on the Phenomenon of Torture in Papua, Indonesia' in M. Slama and J. Munro, (eds), 'Stone-Age' to 'Real-Time': Exploring Papuan Temporalities, Mobilities and Religiosities, ANU Press, 2015, pp.201-202.

³⁴ A. Sumule, op. cit.

³⁵ TAPOL, '243 deaths in West Papua: The international community must call for an impartial investigation and an end to the security forces' operations', 12 February 2020.

³⁶ Here we note the important role of the paramilitary police, Brimob, which not only conducts joint operations with the military in the central highlands, but also increasingly engages in militarized policing of urban areas.

³⁷ Haryanto, et al, op. cit.

this arrangement members either cannot or are not inclined to hold the security forces accountable for their many abuses.



Nationally, there has been a moratorium on the creation of new provinces, in place since 2014. Yet President Widodo reportedly plans to permit an exception in the case of West Papua, by creating two new provinces. As we note above, the intent behind the creation of West Papua province in 2003 was to prevent unity among West Papuans, and the security forces want the creation of yet more new provinces.

Another area of exception is freedom of expression and association. In West Papua, open political expression is in practice forbidden, with numerous pre-emptive dispersals of demonstrations, arbitrary arrests and disruptions of legitimate meetings among civil society and political activist groups by state intelligence officials, police and military.³⁸ This situation has deteriorated since President Widodo assumed office. Also, foreigners are banned from travelling to West Papua without permission from the Ministry of Home Affairs in Jakarta. Promises by President Widodo to let the United Nations visit remain unfulfilled. Hence, foreign diplomats, journalists and aid workers cannot bear witness to the state of West Papua's governance by militarization and exception.

Recommendations

To the Government of Indonesia: We call on the Government to demilitarize the central highlands region of West Papua, by initially withdrawing troops for a period of two months beginning in December 2020. This should be a precursor to a phased, permanent, negotiated and internationally-observed demilitarization programme covering the central highlands and eventually the whole of West Papua.

To the United Nations Security Council: We draw to your attention the Council's crucial role in issuing Presidential Statements of Concern on pressing international security issues. However, the Council will not properly fulfil its role while presided over by Indonesia, which refuses to acknowledge the humanitarian crises or human rights abuses in West Papua under its rule. In this context, we would point out that the undertaking of the Indonesian Government to allow UN observers to visit West Papua has not been fulfilled. These failures by the Council with regard to West Papua need urgent addressing.

³⁸ TAPOL, 'West Papua 2019 Freedom of Expression and Freedom of Assembly Report', 12 August 2020.