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The Emergence of Papuan Tribal Governance:
A Case Study of Societal Knowledge Creation

by

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STATEMENT BY AUTHOR

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Getting Ph.D. however, is like getting any other success. It is only possible due to the contribution of many people, which numbers greatly exceed the allotted space for that purpose. For those whose names I do not mention here, please forgive me. For you also I would like to direct my sincere thank.

Finally, it is impossible to have my research done without my family's love and support, as well as my parent's encouragement. This dissertation is dedicated to them.

To all of you, thank you.

DEDICATION

This dissertation is a result of collective efforts from my family and parents. They often gave me valuable advice, reminders, and wisdom about life, when I had hard time understanding. However, they always give me room to explore and make mistakes.

This dissertation is dedicated to my family, who has to endure my constant absence, who have given their love, understanding and support, and who never give up their hope of togetherness. A special appreciation goes to Wita Purwasih, my beloved wife, who sometimes had to make long nights to deal with our two 'saru-sans', Adisti and Icha and households; who often anxiously reminded me of not working hard enough, who herself also a doctoral student with her own obligation. A combination of student and family life is hard, but never hard enough to her. I am indebted for her continued support, patient, friendship, caring and love.

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I truly thank all of them from the bottom of my heart.

ABSTRACT

The Emergence of Papuan Tribal Governance:
A Case Study of Societal Knowledge Creation

Key words: societal knowledge creation, social movement, institutional theory, self-governance, boundary spanner, knowledgeable outsider.

This case study of the emergence of Papuan tribal governance examines the process of production-and-reproduction of new institution through societal knowledge creation, thereby answering the major research question: "Why and how has the Papuan tribal governance emerged?"

Drawing on recent advances in the studies of social movements, self-governance, boundary spanner, and Papuan movements; the followings were found: (1) Papuan movements emerge as a reaction to the disagreement between civil society and social order, and aim at a social change. (2) There is no past research on the emergence of Papuan tribal governance as an entry to draw a model of societal knowledge creation.

The study presents a chronological analysis tracing the process of how the ideas and policies constructing the new reality came into being, including the key-roles played by *knowledgeable outsiders* as *boundary spanner*. Further, this study discusses issues of re-scaling resource and environmental politics in the region, and the extent to which challenges have been advancing from sub-national to national development agendas. The case analysis found the followings: (1) The Papuan's determination to revise their primordial concept of continuity with new worldview is the fundamental antecedent for change. (2) There are patterns of interdependencies between Identities, Social capital, and Sense of place. (3) The Papuan, being obedience to their sacred value system, has made reflection on their being, and decided to bring some adjustment to it through a process of self-knowledge creation. (4) There is evident of the involvement of *knowledgeable outsiders* in the preparation phase of the Special Autonomy Law. (5) Two important outcomes of the process of societal knowledge creation are the PDP or the Papua Presidium Council and the Law nr. 21/2001 on

Special Autonomy. (6) The Papuan tribal governance is characterized by better public involvement in policy process that has resulted in better accommodation of public initiatives. (7) There need not be 'identity behind the action', but that the 'identity' is variably constructed in and through the societal knowledge creation process.

As a theoretical implication, this study proposes a model of societal knowledge creation, which works as follows: (1) *Antecedents,* which is interconnected with *outcomes* (structure) and *identity,* which comprises of residual *sense of place,* and *social capital,* initiate a recursive process of *agenda setting, direction setting,* and *structuring.* (2) The *process* stage involves *agenda setting, direction setting* followed with *structuring,* whereby each are feedback-linked to the earlier step. This stage begins to work after receiving a hint from *antecedent,* while interconnected with *identity.* (3) The final end of *process,* the *structuring* stage produces *outcomes,* which is interconnected with *identity* and *antecedents*, implies formal processes of policymaking.

As practical implications, this study found that the Umbrella Institutions are a product of *societal knowledge creation,* and the Special Autonomy Law is a product of the Umbrella Institutions through a process of *societal knowledge creation.* Further, references toward multiculturalism are given as follows: (1) It is imperative to distinguish policies that promote tolerance for cultural pluralism from those which cause divisions. (2) Introduce a scheme of 'handicap' for a better equity, which aims to increase the number of minorities in mainstream. (3) A 'handicap' system offers grace period for minority group to deal with its backwardness and catch up with development. (4) An integrative policy should replace 'handicap' system to help minorities integrate into the mainstream after the 'handicap' system expired. (5) It is important to distinguish that in some cases, the absence of neutrality is unfair to ethnic minorities, while in other cases it is either perfectly fair or unavoidable.

This study suggests the following future research: (1) Baseline research on the key component of societal knowledge creation, which comprising of: (a) the identification of *acts needed to improve policy area,* which aim at improving indigenous peoples' life being; (b) Study on *the antecedents*; and (2) Evaluation of the success of societal knowledge processes in terms of their impacts on the well being of the people concerned.

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ABBREVIATIONS AND GLOSSARY

ABRI (Angkatan Bersenjata Republik Indonesia)	Indonesian Armed Forces
APBD (Anggaran Pendapatan dan Belanja Daerah)	Budget of the autonomous regions
APBN (Anggaran Pendapatan dan Belanja Nasional)	Central government budget
AR (Autonomous Regions)	The Law No. 5 (1974) formed AR on the level of the provinces (First Level Autonomous Region) and on the level of the regencies/ municipalities (Second Level Autonomous Region). AR have a certain jurisdiction of their own, own sources of revenue (like local taxes) and a Regional House of Representatives
ARG (Autonomous Regional Government)	The ARG consists of the *Kepala Daerah* or Regional Chief as highest representative of the regions, and the DPRD or Regional House of Representatives
BAPPEDA (Badan Perencanaan Pembangunan Daerah)	Regional Development Planning Board, regional equivalent of BAPPENAS, element of the regional administration
BAPPENAS (Badan Perancanaan Pembangunan Nasional)	National Development Planning Board. Non-departmental institution (LPND) in charge of preparing the annual development budget and the Five-Year Development Plan (Repelita)
Bhinneka Tunggal Ika	"Unity in Diversity". National motto that reflects the wish for national unity despite the huge cultural, religious, social and economic differences between the various ethnic groups and regions in Indonesia
BPS (Biro Pusat Statistik)	Central Bureau of Statistics. One of the LPND
BRIMOB (Brigade Mobil)	Police Mobile Brigade
Bupati	Head of a kabupaten, as such simultaneously head of the autonomous regional government (Kepala Daerah) and head of the wilayah administration. The bupati represents directly the President at the kabupaten level.
Camat	Head of the kecamatan administrative tier below the kabupaten level. Career civil servant. Official usage of the term kecamatan has declined in recent years and been replaced by the term *district*.
Daerah	Literally "region". In the terminology of the Indonesian public administration, *daerah* stands for two levels of the autonomous regions as defined in the Law No.5 (1974) on regional administration.
Daerah administrasi	Administrative apparatus of the daerah-government, consisting of technical agencies (dinas),

	implementation units (UPD, UPDT), regional enterprises (BUMD), and the regional BAPPEDA
Dati I (Daerah Tingkat I)	First Level Autonomous Region. Its territory is identical with the provinces
Dati II (Daerah Tingkat II)	Second level autonomous regions. Its territory is identical with the kabupaten or the kotamadya
Democracy Pancasila	Term used to describe the political system under the "New Order"-government of President Suharto. The government describes "demokrasi pancasila" as "government from the people, by the people and for the people"
Dep.; Dept.; (Departemen)	Department; Main institution of the central government
Depdagri (Departemen Dalam Negri)	Ministry of Home Affairs
Desa	Village, *Sub-district*
Dewan	Literally *board* or *council*
District	*Kecamatan.* This is the administrative and political unit below the kabupaten / municipal / regency / "Second Level Autonomous Region" (Pemda Tingkat II) level. In the past few years, this term has come to replace *kecamatan* in official discourse.
DOM (Daerah Operasi Militer)	Military Operational Zone
DPR (Dewan Perwakilan Rakyat)	House of Representatives. The working parliament of the Indonesian Republic and one of the lembaga tinggi negara - the State's High Institutions
DPRD I and II (Dewan Perwakilan Rakyat Daerah Tingkat I and II)	Regional House of Representatives. Representative body at the levels of the autonomous regions, which forms a constituent part of the regional government.
FORERI (Forum Rekonsiliasi untuk Rakyat Irian Jaya)	Forum for Reconciliation of the People of West Papua/Irian Jaya
FPKPB (Front Persiapan Kemerdekaan Papua Barat)	Independence Preparatory Front for West Papua
GBHN (Garis-Garis Besar Haluan Negara)	Broad Guideline of State Policy. The GBHN are approved by the MPR every five years at the beginning of the presidential term, and constitute the political program of the administration during these five years. The GBHN are the framework for the formulation of the Repelita and the annual budgets
GDP	Gross Domestic Product
GNP	Gross National Product
GOI	Government of Indonesia

Hankam (pertahanan keamanan)	Defense and security
INPRES (Instruksi Presiden)	Presidential Instruction. Administrative directive of the President
Kabupaten	*Regency*. Administrative and political unit below the provincial level / the "First Level Autonomous Region". *Kabupaten* is a Pemda Tingkat II or "Second Level Autonomous Region"
KANDEP (Kantor departemen)	Local office (vertical institution) of a central government department at the Dati II level
KANWIL (Kanwil, Kantor wilayah)	Provincial office (vertical institution) of a central government department
Kecamatan	*District,* Administrative level below the kabupaten. Part of the wilayah administration, and headed by the Camat Lit. "Big family". A concept to describe that the relationship between the staff of an institution or firm are not only functional, but like between members of one family. Official usage of the term kecamatan has declined in recent years and been replaced by the term *district*.
Kelurahan	Urban village, *Sub-district*
Kepala Daerah	Head of an autonomous region
Kepala desa	Village Head. Non-career civil servant like the Camat but elected by the population and then appointed by the Bupati.
KEPPRES (Keputusan Presiden)	Presidential Decision. Executive order from the President to the administration
Keputusan Tata Usaha Negara	Decision of the state administration which is based on public law, and which can be contested by a natural or legal person in the administrative court if the rights of that person are infringed by the keputusan.
KODIM (Komando Distrik Militer)	District Military Command
KOMNAS HAM	National Commission on Human Rights
KOPASSUS	Army's Special Force
KOREM (Komando Resort Militer)	Regional Military Command
Kota administratif	Lit. "*Administrative municipality*". A KA is still part of the kabupaten or the province, but has already received substantial responsibility for the implementation of governmental matters. Usually, the status of KA preludes the establishment as kotamadya

Kotamadya	*Municipality.* Like the kabupaten, the municipality constitutes the "Second Level Autonomous Region"
KPKPB (Komite Persiapan Kemerdekaan Papua Barat)	Preparatory Committee for the Independence of West Papua
LEMASA (Lembaga Musyawarah Adat Suku Amungme)	Traditional Consultation Council of the Amungme Tribe
LKMD (Lembaga Ketahanan Masyarakat Desa)	Village committee which discusses and approves proposals for village development projects
Local government	Autonomous regional government
LPND (Lembaga Pemerintah Non-Departemen)	Non-departmental, specialized agencies of the central government which often report directly to the President
Lurah	Head of the kelurahan. Non-career civil servant like the Camat but elected by the population and then appointed by the Bupati.
Mekanisme Kepemimpinan Nasional	National Leadership Mechanism. The NLM describes the five year cycle of 1. general election to the member of DPR, 2. the election of the President, 3. approval of the GBHN and its 4. annual implementation
MPR (Majelis Permusyarawatan Rakyat)	People's Consultative Assembly. The MPR is the highest state organ which elects the President and the Vice-President, and which determines the policies of the government in the form of the GBHN. The MPR consists of the members of the DPR, representatives of the provinces and delegates appointed by the president. It meets usually every five years at the beginning of the Mekanisme Kepemimpinan Nasional.
NICA	Netherlands Indies Colonial Administration
NLC	National Liberation Council of West Papua
OPM (Organisasi Papua Merdeka)	Free Papua Movement
OPSUS (Operasi Khusus)	Special Operations Section of Indonesian military.
Orba (Orde Baru)	New Order. Period since 1966 when Suharto replaced Sukarno as president until his demise in 1997.
Orla (Orde Lama)	Old Order. Term used for the political period before 1966 under Indonesia's first president, Sukarno, which in its last years was characterized by economic recession and political instability.
Otda (Otonomi daerah)	Regional autonomy. Describes those areas of government and administration which fall under the jurisdiction and competence of the Daerah-government
Otsus (Otonomi Khusus)	Special Autonomy. Denotes the special forms of

	autonomy granted to the provinces of Aceh and Papua (Irian Jaya).
PAD (Pendapatan Asli Daerah)	Locally raised revenue of the Daerah-governments
Pancasila	Official state ideology of Indonesia. Pancasila consists of five principles: 1) Belief in the One and Only God, 2) Just and civilized humanity, 3) The unity of Indonesia, 4) Democracy guided by the inner wisdom of deliberations of representatives, 5) Social justice for all the Indonesian people
PAPENAL (Pasukan Pembebasan Nasional)	National Liberation Army, The military wing of the PEMKA group, also called TEPENAL.
PBB (Pajak Bumi dam Bangunan)	Land and Building Tax. The PBB is collected by the central government and redistributed to the autonomous regions as their own funds. The PBB is the most important element of the PAD
PDP (Presidium Dewan Papua)	Papua Presidium Council
Pejabat negara	Politically elected or appointed functionary. Examples are the president, the ministers, the members of the MPR and the DPR, and the Kepala Daerah
PELITA	Pembangunan Lima Tahun (Five Years Development)
Pemda Tingkat I (Pemerintah Daerah Tk. I)	Government of the First Level Autonomous Region. Formally the p. consists of the Kepala Daerah and the DPRD I
Pemda Tingkat II (Pemerintah Daerah Tk. II)	Government of the Second Level Autonomous Region. Formally the p. consists of the Kepala Daerah and the DPRD II
Pemerintah Daerah	Government of an autonomous region. It consists of the DPRD and the Kepala Daerah
Pemerintah Daerah	Regional government
Pemerintah pusat	Central (national) government
PEPERA (Penentuan Pendapat Rakyat)	Decision of Public Opinion
Perda (Peraturan Daerah)	Regional Regulation. Legal instrument of the daerah-government.
PNS (Pegawai negeri sipil)	Civil servant
PNS Daerah	Civil servant of the government of an autonomous region
PNS Pusat	Civil servant of the central government
PP (Peraturan Pemerintah)	Government Regulation. Legal instrument, which is one level below a law (UU/undang-undang). Usually the law authorizes the government to detail legislation in the form of a PP.

Propinsi, provinsi	Province
PT (Perseroan Terbatas)	Public limited company
PT. FMI	Freeport McMoran Indonesia Company
PTTN (Pengadilan Tinggi Tata Negara)	High State Administrative Court. Second level of the administrative court system.
PTUN (Pengadilan Tata Usaha Negara)	State Administrative Court. First level of the administrative court system
PTUN (Peradilan Tata Usaha Negara)	Court of the administrative law
PVK (Papua Vrijwilligers Korps)	Papua Volunteer Corps. Military force of around 450 West Papuans formed and led by the Dutch in 1960. Disbanded by Indonesia when it took control of West New Guinea
Regional autonomy	R.A. is defined in the Law No. 5 (1974) on regional administration as "the right, the authority and the obligation to manage the region according to the existing statutes".
Regional government	*Pemerintah Daerah* (Pemda). Formally the RG consisted of the Kepala Daerah and the DPRD
Repelita (Rencana Pembangunan Lima Tahun)	Five-year Development Plan
Repelitada (Rencana Pembangunan Lima Tahun Daerah)	Five-year development plan of the autonomous region
RMCOPM	Revolutionary Military Council of the OPM
RPGWP	Revolutionary Provisional Government of West Papua
SK Menteri (Surat Keputusan Menteri)	Ministerial decision
SKB (Surat Keputusan Bersama)	Joint ministerial decision between two or more ministers
Sub-district	Administrative and political unit below the district (kecamatan). This term replaces the official usage of kampung.
TNI	Indonesian Armed Forces
TPN	Tentara Pembebasan Nasional (National Liberation Forces)
UNMO	United Nations Military Observers. Deployed in West New Guinea August to September 1962.
UNRWI	United Nations Representative in West Irian. Position held by Ortiz Sanz during the Act of Free Choice.

UNSF	United Nations Security Force in West New Guinea during UNTEA
UNTEA	United Nations Temporary Executive Authority. Administered West New Guinea 1 October 1962 to 1 May 1963.
UU (Undang-undang)	Law, passed by the DPR
UUD 1945 (Undang-Undang Dasar 1945)	Indonesian State Constitution from 1945
Wilayah	Territorial sub-division of the state administration. Its territorial boundaries are identical with the provinces as "first level autonomous regions"
Wilayah-administration	Administrative apparatus of the wilayah, consisting of the instansi vertikal, implementation units (UPW), the regional inspectorate and the BKPMD
WPNC	West Papua National Council

Chapter One

INTRODUCTION

Located to the north of Australia, Papua province of Indonesia makes up the western half of the world's second largest island, New Guinea (see Figure 1. 1). The Papuan Society is changing. It changes along with the major changes that affect the position and role of the Indonesian state, market and civil society, and the interrelations between them. Traditional distinctions and boundaries between these three sectors are questioned. These societal changes are extensively reported in national and international mass media recently.

How can indigenous Papuan communities manage these changes? And how can they survive these persistent phenomena? Yet, the future of these communities depends not only on 'development', but also on the extent to which people are able to deal with problems and anticipate change. Social and economic shifts have increased pressure on the ability of local people to communicate their aspirations widely, think strategically and decide upon them.
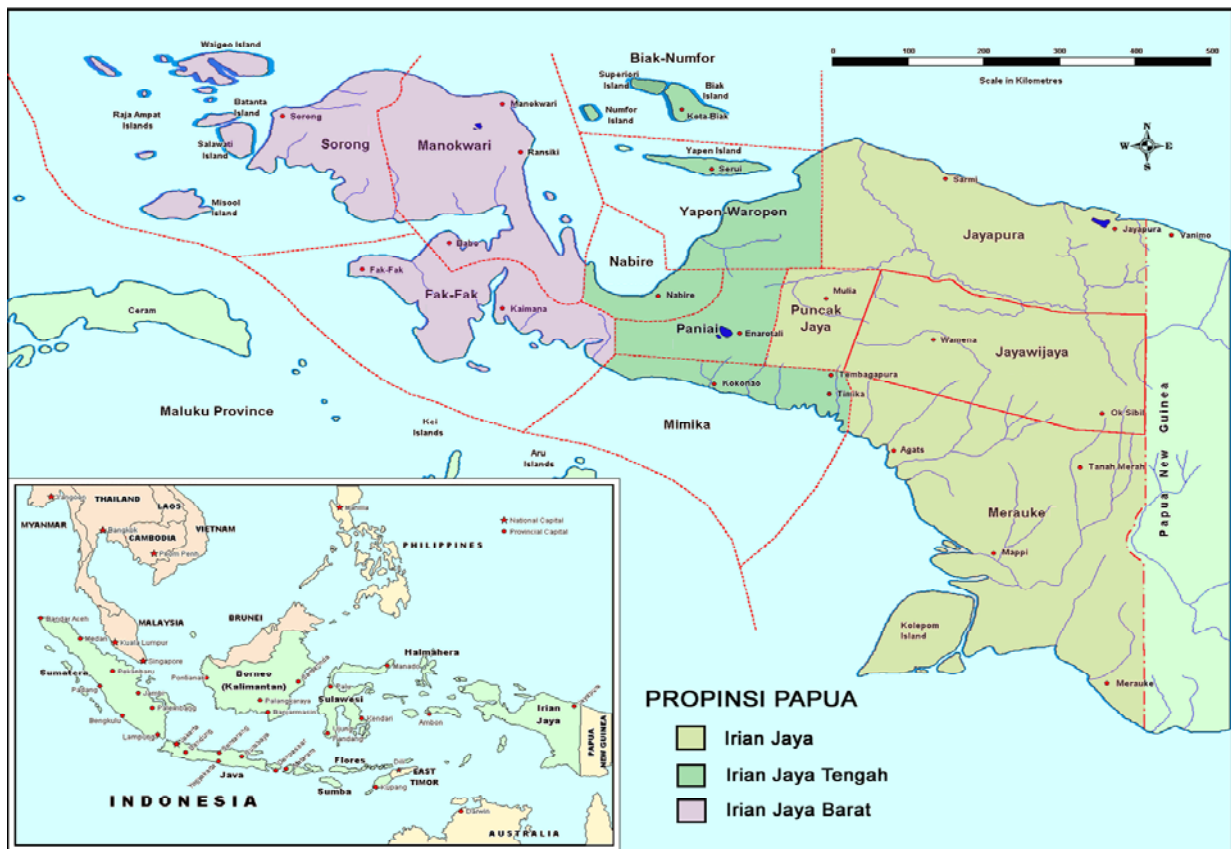
Figure 1. 1. Map of Papua Province

This ability depends on the community's capability to 'create knowledge'. With *knowledge* is justified true belief that increases an entity's capacity for effective action (Nonaka, 2000), *knowledge creation* is defined as the extent of a process of reconstructing existing perspectives, frameworks, or premises that results in new knowledge.

This case study attempts to explain *why and how has the Papuan tribal governance emerged,* by examining the underlying factors of learning and adaptation, the role played by its actors, the influence of the rapid changing environment as a result of globalization, and the social movement that comes forth as a result of the interplay between all these factors.

This section will describe the significance of this study in terms of what is believed to be the gap of current literature on knowledge creation aspect of social movement in Indonesia, with focus on Papuan movement. These will lead to specific purposes for doing this research. Next, this section will present the conceptual framework used in this case study. Based on what is perceived to be the weaknesses of present Indonesian NGO literature, and in reference to the previously mentioned framework, this section will present the research scope and the main research questions, which helped limit the exploration in order to better contain the stated problem. Finally, this section will present the research design, which was of an explorative and emergent nature.

1. 1. A General Overview of the Study Area

Geography

Consisting of ca. 419,580 sq km of land area and a number of offshore islands, Papua (formerly Irian Jaya) is Indonesia's largest province. The capital is Jayapura or Port Numbay. Papua is a rugged, densely forested region, with snow-capped mountains rising to over 5,000 m.

Papua possesses remarkable geological and biological characteristics with ecosystems ranging from coral reefs and lowland swamps to high altitude mountain rainforests and tropical glaciers rising, make it a highly praised centre of biodiversity.

People

The indigenous population is of Melanesian descent, markedly different from the Malay inhabitants of the neighboring Indonesian archipelago. The present population of about a million indigenous peoples is distributed in small communities largely isolated from one another by the rugged terrain. While traditional trade has established weak links

between these groups, their relative isolation has given rise to 312 (see Figure 1. 2) mutually unintelligible languages and more than 600 dialects; 15% of the world's languages are spoken here by just 0.01% of the world's population (Silzer and Clouse, 1991).

Papua province counts about 30% of its population new settlers from other areas in Indonesia who come over mostly under the Government's sponsored *transmigration program*. The island's indigenous inhabitants, the Papuans, are hunters - foragers that practice low intensity farming.
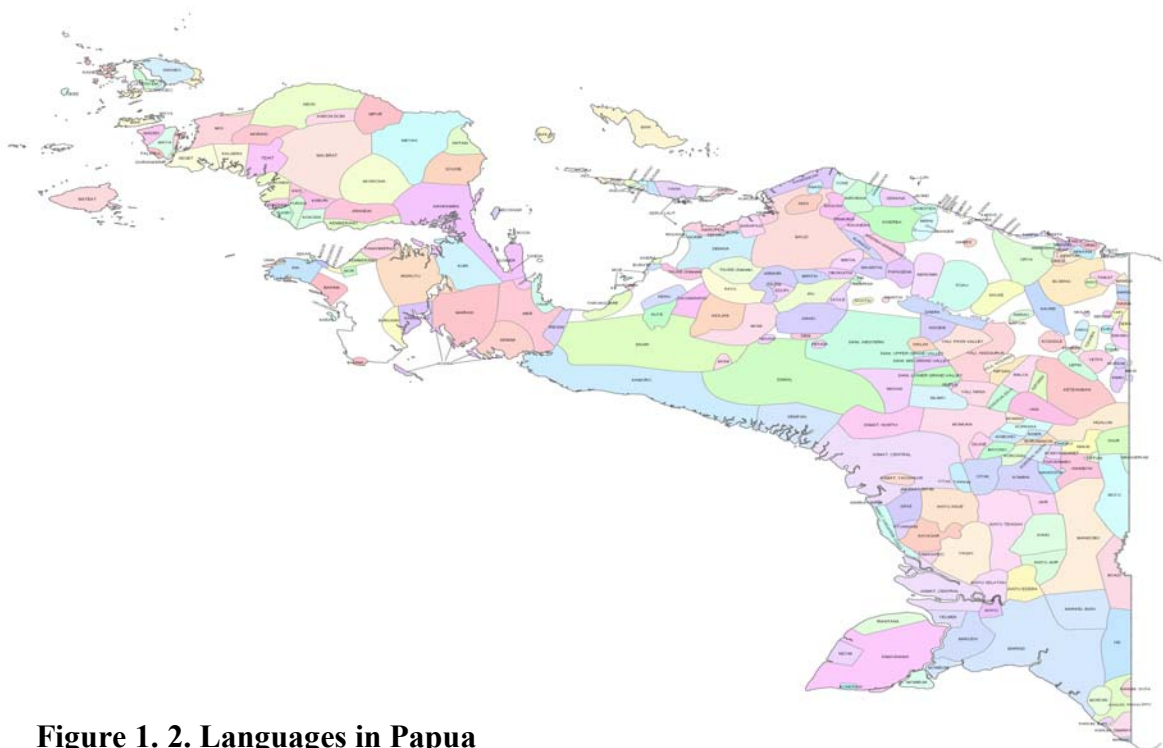
Figure 1. 2. Languages in Papua
Source: Summer Institute of Linguistic International (2003)

History

The arrival of the first people on the island dates back thousands of years to the time when the whole Pacific region was ethnically Negrito (Giay, 2000). Contacts were established with Javanese seafarers long before the first voyages of discovery by Europeans in the 16th century (see Appendix I). In 1828, the Dutch were the first to make permanent outposts in West Papua, the former name of Papua province. In 1848 the 141st meridian, the markedly straight line dividing the West and East Papua, was established as the border between Dutch and British territorial claims.

3

The Japanese invasion in 1942 brought many Papuans to think that they would be liberated from the Dutch. However, massive repression by the Japanese forces soon convinced them otherwise.

At the end of the Second World War, mounting resistance to the Dutch led to the creation of an independent Indonesian Territory. The challenge to their commercial interests by a newly independent Indonesia led the Dutch government to secure the creation of an independent West Papuan state in order to preserve control and access to the mineral wealth of the region. From the time of independence in 1945, Jakarta resisted this initiative and claimed sovereignty over West Papua.

The dispute ended in 1962 when the U.S. administration exercised pressure on the Dutch, fearing the rise of communism in the region. The resulting New York agreement obliged the Dutch to transfer their control (via the United Nations) to Indonesia.

Economy

The local economy has been subsistence-based. Early Javanese traders came to the region mostly for exotic items such as birds of paradise. However, the actual economic revolution did not take place until the discovery of the vast wealth of minerals on the island, which began with Dutch geological exploration in 1907. Among the many minerals found, copper has been the most heavily exploited; with Freeport McMoran running the world's largest copper mine in Timika.

1. 2. Significance of the Study

The societal transformation that brings about changes to Indonesian society did serve good impact to certain communities; mainly the communities with the proximity to the center of power, political or economic. Unfortunately, the same transformation does serve anything but good to the indigenous communities in the peri-areas that includes the Papuan. Against these setting, a study on indigenous Papuan movements is important for it is an *extreme case*.

Feagin (1991, p. 232) states, "…social theorists have examined *extreme case* in order to inform normal case." Now, as societies invariably move towards the creation of multicultural society, the adoption of multiculturalism is becoming inevitable. For that purpose, the extremely fragmented Papuan society of more than 312 distinct language user

communities is chosen for it can serve as living laboratory. The society's dynamic offers lessons to learn.

1. 3. Problem Statements

Social movement initiatives are expanding across geographical and cultural boundaries of Papua (Human Rights Watch, July 2001). Recent analyses of such initiatives have highlighted the fact that only a number of these initiatives can be considered successful. Examples for these were reported by the Government in her official documents; by Sumule (2001) on processes leading to the issuance of Special Autonomy Law; and by YPMD - a local NGO in Jayapura in its project reports. Against all expectations however, a July 2001 issue of Human Rights Watch (HRW) and an Online Harvard E-Conference had reported the horror side of such a movement.

With many publications wrote on failures, and only few reported the best practices, Osborne (2001, p. 405-410) once mentioned, "…seemingly the Papuan learns more from their failures rather than from successes" and "…couldn't a collection of worst practices be as useful as best practices?". Project reports and most studies on Papua looking for causes of civil movement initiatives failure indicate similar finding in that: "…self-organizational culture and the eroding trust between local communities are the main barrier to success. So, it is imperative to address this issue as important precondition."[1]

In the preliminary assessment it was found that there is yet little attempt done to explain "Why most of the Papuan movements ended up in failure?" from the perspective of knowledge creation. Moreover, issue on social cognition in Papua seems to remain remote from the mainstream study and research. Having this backdrop, it is thus imperative to derive explanatory study to the above assessment from empirical assessment on the state of the art of the phenomena of Papuan movement.

1. 4. Scope of the Study

This study will *not* examine the horizontal conflict in Papua in such a detailed fashion. Instead, it focuses on occurrences and some highlights, which show traces of knowledge creation in Papuan society. For this effort, much emphasis will be put on grassroots movements and the role of boundary spanner for two reasons: firstly, there are already a

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[1] PARUL Sorong project report, 2001 and DP-KTI Interim Report on Progress of KAPET Biak and KAPET Timika, 1999.

number of studies on Papuan movements focused on elites, in which most of them share the tendency in reducing much the importance of the activity of civil society to the margins. In this attempt, with a believe that ordinary people do make difference and that most of their approach for problem-solving can be related with *knowledge creation*, we are interested in the idea of the participation of ordinary people to be the agents of change. Secondly, because of the intermingled vested interests and the incapability of the state and her institutions to address intra-state movements of discontented Papuan communities, it is unlikely that the stance of state elites concerning Papua will be altered to support drastic policy change leading to significant societal change of Papua by high-level discussion or lobbying alone.

This study will examine societal knowledge creation process in Papua as occurred mainly within the timespan between 1961 to today. However, due to the limited resource and the constraints of time for primary data collection, this study will not attempt a detailed discussion of the various components of the Papuan people movements including: strategy, organization, leadership, communication, program, etc. Important to note that although some of these topics may be briefly mentioned, a detailed exploration of each of these vitally important elements in relation to the Papuan movements is beyond the scope of this study.

What this study *does* discuss is *how grassroots action inside and outside Papua can make difference*. More precisely, this study assesses the knowledge creation process of how ordinary Papuan tribesmen have been able to quickly adapting themselves to the ever-changing local and national political constellation, dictate their agenda, and achieve measurable advancement. For this purpose, this study lays out a strategic framework that could guide analysis and approach the stated problem from various realities. This study argues that a comprehensive *societal knowledge creation* may dramatically maximize the effectiveness of the movements in Papua.

1. 5. Research Questions

This study poses one major research question: *Why and how has the Papuan tribal governance emerged?* and the following subsidiary questions:

1) What are the antecedents of Papuan tribal governance?
2) Who are the agents of the movements that lead to the tribal governance, and what are their roles?

3) What kind of the learning process occurres in the movements and what are the mechanisms?
4) How has the current context of the movements evolved?

1. 6. Research Objectives

The purpose of this study is to examine and assess one type of knowledge creation process as shown in the phenomena of tribal governance in Indonesian province of Papua.

1. 7. Research Methods

This study's primarily concern is to provide answer to *why* and *how* of the research questions posed in section 1. 5. According to Yin (2003, p. 5), case study method suits well for the above purpose. Motivated by this suggestion, this study adopts *case study research methodology* in combination with *historical analysis*. A case study is an empirical inquiry that investigates contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident. A case study can deal with technically distinctive situation by inquiring on events of interest and their context and referring to multiple sources of evidence, such as documents, interviews, observations, and artifacts; with data needing to converge through data triangulation. Gillham (2000) suggested that since context determines human behavior, thoughts, feeling and meaning, "if we want to understand the people in real life, we have to study them in their context - in the real setting in the way they operate…"(Ibid, p.11). Mazumdar and Geis in Barnartt, e.a (2001, p. 255-275) state that case studies are strong in richness of data, in-depth understanding, depicting the complexity and considering the context. Moreover, they assert, "Case studies often provide a history or a sense of the historical development of the phenomenon being studied… Such histories can lead to a better understanding why things are the way they currently are…" (Ibid, p. 264).

Gomm (2000) has classified case studies into the following three types: (1) *Intrinsic* - when the researcher has an interest in the case; (2) *Instrumental* - when the case is used to understand more than what is obvious to the observer; and (3) *Collective* - when a group of cases is studied. Yin (2003) presented another classification, i.e., *Exploratory, Descriptive,* and *Explanatory*. Based on these classifications, this case study can be regarded as both *explanatory* as it aims at shedding more light on social phenomena and *instrumental* for it attempts to understand detailed processes in the social phenomena.

A strength of case study as a research strategy is triangulation, which can corroborate a fact with more than two sources of evidence. In the early stage of data collection for this study, relevant published documents from secondary sources in the forms of books, newspaper and journal articles were collected first and then followed with collecting unpublished materials such as governmental, corporate, or NGO documents through personal correspondences and through the Internet, and relevant information from several mailing lists regarding Papuan movements.

During the stage of data collection, this study assessed the validity of each data by questioning such questions as: Is the document relevant? Are data consistent with those from other sources? How well do the contents cover areas of interests?, etc. While doing this, this study found that document research bore some weaknesses i.e. incomplete, irrelevant, biased, or even falsified. At that point of research, we decided to take more assertive stands, for instance: from initially being a passive member of online discussion group, we change our stance to become a more active member of the list. Information that was collected through document research and the contacts that were made from active participation in online discussion groups proved to be efficient in shaping understanding about the background information and the processes going on in the study area. These also helped to proceed with the second data collection approach: *interview.*

This study adopted *open ended* or *semi-structured interview* approach in which topics to be covered were specified in advance but actual ordering and phrasing of questions were improvised on the spot during interview. Itemized questionnaire was prepared but it served merely as checklist for the interviewer to make sure that all relevant topics were covered. Topics of interviews are the same for all interviewees. The interview aims at uncovering information on issues related to: place; natural resource; modus to collaboration; information sources; history and community. On the latter, we put much emphasize to accumulate more detailed information on: perspectives, situations, base values, strategies, outcomes and effects.

Interviewees include: NGO representatives, religious serviceman, bureaucrats, academics, tribal leaders and tribal members, political dissidents, and business corporation representatives. Out of the interviewees, some bureaucrats and NGO representatives wished to remain anonymous. We have been able to identify and short-list the prominent resource persons for interview purposes through the earlier document research.

Validity of an interview is the extent to which it conforms to the evidence from other interview and/or to the evidence from other sources. In attempt to increase validity, efforts were made to cross-check questionable evidence by comparing the results of individual interview with that of others. In some cases, providing contradictory introduction tailored to different interviewees proved to be efficient to quicken the responses to converge.

After summarizing and synthesizing evidence from multiple sources into well-structured and concise accounts of key events, their nature, relationships, and sequences; we analyzed them to find the overall patterns; and only by then we were in a better position to draw the model of *societal knowledge creation*.

1. 8. Organization of the Study

Chapter 2 provides a review of literature relevant to the current study. It begins with reviews on theories and models of social movement, followed with assessment on sources of social movement. Next, this chapter discusses about learning dimension of social movement, governance, boundary spanner and closes with review on Papuan social movement.

Chapter 3 illustrates the historical background of this study. This chapter begins by describing the social system in the study area with the aim of clarifying for the reader the particular cultural distinctiveness of the indigenous inhabitants. This is followed with description about history, social system, demographics, local politics and culture of the indigenous Papuan.

Chapter 4 analyses and discusses categorical findings and contrasts from interviews with respondents in three observation sites i.e. Jayapura, Biak and Manokwari. This chapter also compiles the main categorical features to draw conclusions and to identify the implications of the movements.

Chapter 5 concludes the main findings in the three observation sites. The results are related to the theorizations presented in Chapter 2, and implications are outlined in terms of *societal knowledge creation*. Some limitations of the study are presented and suggestions for further research are detailed.

Chapter Two

LITERATURE REVIEW

2. 1. Introduction

This chapter reviews two strands of literature, about the *social movement* in general, and the *emergence of tribal governance in the Indonesian province of Papua* in particular. Specifically, this chapter reviews literature on: theories and models of social movement, sources of social movement, learning dimension of social movement, governance, boundary spanner and Papuan movement.

2. 2. Theories and Models of Social Movement

The incidents of social movements are closely connected with the general problems of a society's development (Blumer, 1969 in Johnston and Klandermans, 1995, p. 180). In which he says,

> Social movements can be viewed as collective enterprises seeking to establish a new order of life. They have their inception in a condition of unrest, and derive their motive power on one hand from dissatisfaction with the current form of life, and on the other hand, from wishes and hopes for a new system of living…

On the same issue Blumer adds,

> As a social movement develops, it takes on the character of a society. It acquires organization and form, a body of customs and traditions, established leadership, an enduring division of labor, social rules and social values - in short, a culture, a social organization, and a new scheme of life. The career of a social movement depicts the emergence of a new order of life.

Social movements, according to Eyerman and Jamison (1991, p. 10), is a form of acting in public, a political performance that involves representation in dramatic form, as movements engage emotions attempting to communicate their messages. Social movements were conceptualized as potentially dangerous forms of non-institutionalized collective political behavior, which if left unattended, threatened the stability of established social system, "Social movements are … best conceived of as temporary public spaces, as moments of collective creation that provide societies with ideas, identities, and even ideals"

(Ibid, p. 4). Such performance is always public, as it requires an audience, which is addressed and must be moved.

Johnston & Klandermans (1995) suggest that in analyzing how movement is performed and what movement means, it is necessary to distinguish three distinct, yet interrelated social spaces in which opposition is performed: an *emerging social movement*, *its opponents* and, finally, *the general public*. In their perspectives, a social movement emerges when groups of distinct individuals sense they are united and moving in the same direction. To achieve this, it is required that collective identity and solidarity must be forged, a process which involves marking off those inside from those outside of the group.

Social movements move by transforming identities and emotions, by focusing attention and by directing and coordinating actions (Swidler, 1995). In the perspective of social learning, movements are often driven into existence by *cognitively framed emotions*, which move individuals and groups to protest, to publicly express and display discontent, engaging in what Tilly (1978, 1997) call 'contentious' actions. If sufficient numbers turn out, one may call this a 'protest event'. Such an occurrence may contain and collect enough energy and coherence to generate similar events in the future, as well as recall the memory of those in the past. This sequence of events can set in motion a process of *collective will formation* whereby individual identities are fused into collective identities characterized by feelings of group belongingness, solidarity, common purpose, and shared memory. A 'movement' is thus, once in motion, has both *situational* (manifest) and *long-lasting* (latent) affects (Eyerman and Jamison, 1991, p. 45-65).

In the structuralists point of view, there is a set of requirements need to be met for a social movement to begin. These are,"…informal networks based on shared beliefs and solidarity, which mobilize about conflictual issues, through the frequent use of various forms of protest."[2] Social movements are characterized by a low degree of institutionalization, high heterogeneity, a lack of clearly defined boundaries and decision making structures, a volatility matched by few other social phenomena (Acton in Bedou, 1988, p. 15-27).

To analyze social movements separately in abstraction from the aggregate social structure is thus not fruitful, as it does not provide a better insight about the nature of social movements. For that reason all the theories of social movements are based on general approaches to the principles of society development.

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[2] http://www.wsu.edu/~amerstu/smc/apa.html

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<u>External Efforts to Damage or Facilitate Social Movements</u>

Eyerman (1991) and Zald (1990) indicate that external factors can influence social movements in two ways, either facilitating or damaging. An example for this is about how an outside group such as the government exerts their power to damage or facilitate a movement. A review of Eyerman's and Zald's works suggests a number of broad strategies and specific tactics that have been undertaken to achieve the desired goal. Many of the actions taken with the aim of damaging a movement are the reverse of those taken to enhance a movement. These can be characterized in terms of opposing organizational, tactical, and resource mobilization tasks. The actions of those seeking to further the cause of the social movement lay on the left side of Table 2. 2, and those seeking to damage the movement lay on the right side.

Table 2. 1. General Strategies to Facilitate or Inhibit a Social Movement

To Facilitate the Movement	To Inhibit the Movement
Facilitate capacity for corporate action	Inhibit capacity for corporate action
Make it possible for energies of movement to go toward pursuit of broader social change goals, as well as maintenance needs	Direct energies of movement of defensive maintenance needs and away from pursuit of broader social goals
Create favorable public image; develop and support ideology	Create unfavorable public image and counter-ideology
Give information to movement	Gather information on movement
Facilitate supply of money and facilities	Inhibit supply of money and facilities
Facilitate freedom of movement, expression, and action; offer legal immunity	Inhibit freedom of movement, expression, and action; create myth and fact of surveillance and repression; apply legal sanctions
Build and sustain morale	Damage morale
Recruit supporters	Derecruitment
Build leaders	Destroy or displace leaders
Encourage internal solidarity	Encourage internal conflict
Encourage external coalitions with potential allies and neutral relations (or conflict only insofar as it is functional) with potential opponents	Encourage external conflict with potential allies and opponents
Facilitate particular actions	Inhibit or sabotage particular actions

Adapted from Eyerman (1991) and Zald (1990)

2. 3. Sources of Social Movement

2. 3. 1. Social Change

The term 'social change' applies to modifications in social relationships or culture (Johnson, 2000). The same phenomena are called 'cultural change' from the perspective of anthropology. However, since society and culture are interdependent, Preston (2000) proposed a new term, which is a combination of the earlier terms, 'socio-cultural change'.

Checkland (1999) emphasizes in a discussion about the difference of Hard - and Soft System Methodologies that a study of socio-cultural change is a systematic study of variation in social and cultural 'systems', as there are inherent methodological problems of identification and measurement of change. Checkland also implies that in social and cultural systems, there rarely does one cause produce one effect.

All societies are involved in a kind of process of social change; however, this change might have been so evolutionary incremental that the members of the society are hardly aware of it (Geertz, 1973). Individuals living in traditional societies would be in this category (Vygotsky in Cole, 2000; Vygotsky, 1978). Societies are characterized by change: the rate of change, the processes of change, and the directions of change.

The actions of individuals, groups, organizations and social movements will have an impact on society and may become the impetus for social change (Arendt, 1968, 1976; Bedou, 1988; Carter, 1990; Eyerman and Jamison, 1991, Gergen and Gergen, 2003; Giddens, 1984). The actions of individuals, however, occur within the context of culture, institutions and power structures inherited from the past. And usually, the society itself is not ready for change for these individuals to effect dramatic social change, (Douglas, 1986; Haferkamp and Smelser, 1992; Johnston and Klandermans, 1995; Melucci, 1996).

Properties of development often alter social trends as in the shifts of demographic variables, industrialization, politics and public administration. These shifts can lead to significant social change. In the past, this has been associated with modernization, the process whereby a society moves from traditional, less developed modes of production to technologically advanced industrial modes of production (Malecky, 1997; Rostow, 1990; Sen, 1999). Trends like population growth and urbanization have a significant impact on other aspects of society, like social structure, institutions and culture (Douglass, 1990).

Because social change is a continual process, *social continuity* cannot simply be defined as the absence of social change. Although, nothing "remains the same" in the society, within societies there are structures, which are essentially resistant to change, and

in this sense, we can illustrate them as being the proponents of social continuities (Watzlawick, 1974). Individuals within societies need social continuities to a lesser or greater extent, depending on how significant is their vested interest. Even institutions like the family, the law, and religions are subject to change, even though they represent social continuity (Cole and Wertsch, 2000; Vygotsky, 1978).

Social and cultural continuities found evidence in individuals' habits, in the comfortable patterns of behavior that give individuals a sense of security and personal control over the changing environment (Vygotsky, 1978). There is a high correlation between the rate of social and cultural change and resistance to that change (Cole and Wertsch, 2000; Vobruda, 2000; Watzlawick, 1974). In times when members of a society feel that change tends to be 'out of control', it is likely that the desire for continuity becomes more extreme, resulting in backward-looking idealizations of the past (Watzlawick, 1974). While social change itself evolves in continuity, certain periods of human history have created *great transformations* (Polanyi, 1973), which characterized by:

- the rise of capitalistic economy and growth in production and wealth,
- new ways of thinking about causation, moving from religious to secular,
- population growth, immigration and urbanization,
- a political move to 'nation', which involved governments expanding their control to social, economic and cultural life, followed by the extension of that control to other, "less advanced" territory either through military conquest or trade conquest and today, perhaps, characterized by conquest through semiotics and communication.

Varshney (2003), on the prime mover behind social changes asserts,

> A key sign of the magnitude of the social changes is found in the ways people continued talking about the experience of loss, 'the world we have lost'. Phrases like 'the death of God', 'demise of the family', and the 'loss of community' reflect the long-standing feelings of mourning and loss that accompanied the modernizing experience.

2. 3. 2. Domination in the Society

On how society is structured, Bordieu says that the dominant class is, "…an autonomous space whose structure is defined by the distribution of economic and cultural capital among its members." There are fractions within each class that correspond to different lifestyles through the *habitus*. The *habitus* is a system of choices that are influenced by inherited asset structures.

All knowledge of the social world is an act of cognition process involving construction and implementing schemes of thought and expression (Korsgaard, 2002; Smelser and Haferkamp, 1992). Between the conditions of *'struggles for existence'*, there intervenes the structuring activity of the agents who respond to the changing environment whose meaning they have helped to produce *(habitus)*. The principle of this structuring activity is not a system of universal categories but a system of internalized schemes that have been constituted locally, collectively and historically, which are acquired in the course of individuals' practical lives (Eyerman and Jamison, 1991).

What is at stake in the *struggle* about the meaning of the social world is power over the presumed schemes and systems which are the basis of the representations of groups and therefore of their mobilization. Only in and through struggle do the internalized limits become boundaries and barriers that have then to be moved.

Just as the dominated and dominant classes oppose each other[3], each competing group tries to impose the legitimate principle of domination. The dominant class can only ensure its perpetuation if it can overcome crises that arise from factions competing to impose the dominant principle. Each fraction within the said society or within the dominant class has its own worldviews, mode of living, different interests, and habitus. Their conflicts represent attempts to impose the dominant principle of domination, as well as secure the *conversion rate* for the type of capital with which each group is provided the best.

The dominated are not only dominated in their heads, but they unconsciously reproduce the structures of domination (Bourdieu, 1986, p. 52). Domination (and submission) therefore forms more than a one-way process since cultural, linguistic and other forms of symbolic domination are exerted "not in the pure logic of knowing consciousness but in the obscurity of the dispositions of habitus."

It is the absence of any real sense either of what drives the system to reproduce itself, besides the mechanical process of reproduction itself, which makes the otherwise fruitful concept of habitus appear trapped in a recursive process, as Bourdieu (Ibid, p. 54) put it, "Habitus is thus at the basis of strategies of reproduction that tend to maintain separations, distances, and relations of order, hence concurring in practice in reproducing the entire system of differences constitutive of the social order."

Through the same pattern, the core values of the *dominant culture* of *totalitarianism* and *hegemony* is transferred and preserved (Arendt, 1976), and also purposively managed

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[3] Fractions within the dominant classes oppose each other as well.

to become inscribed in the apparently insignificant details of daily lives of the people (Gramsci, 1971 and Strinati, 1995).

2. 3. 3. Ethnic Identity and Citizenship

<u>Theory of Ethnicity</u>

Developing a sense of self is an essential part of every individual. Each person's self-conception is a unique subject of various kinds of identifications. Although self-identity seems to coincide with a particular human being, identities are actually much wider than that. They are also collective identities extend to ethnic communities and countries. These identities are constructed on the basis of various traits and experiences (Anderson, 1991).

To add to his explanation on the emerging phenomena of ethnicity, Anderson identified the importance of 'sense of place' as a building brick for ethnic identity. 'Sense of place' is according to Anderson, "…the collection of meanings, beliefs, symbols, values, and feelings that individuals or groups associate with a particular locality."

Some analysts see ethnicity as a primordial phenomenon, which is relatively ancient and static, while other analysts stress that ethnicity is socially constructed, with people choosing a history and common ancestry and creating, as much as discovering, differences from others. Johnson (2000), stresses that what was meant with 'ethnicity' is a concept referring to a shared culture or way of life. The importance of the concept of ethnicity is because it is often a major source of social cohesion and social conflict (Ibid, 109; Anderson, 1991).

Despite the wide use of the term 'ethnic identity' in anthropological literature, it is very difficult to distinguish it in this context from other related concepts, and often it is simply used as a synonym for 'ethnicity'. Indeed, identity is often taken for granted as a term which does not need to be defined, and is, used to define ethnicity, as in Berger's (1971) definition: "Ethnicity is a set of conscious or unconscious beliefs or assumption about one's own or another's identity, as derived from membership in a particular type of group or category."

Ethnic identity will thus be treated as a conceptualization of one's membership of an ethnic group. Explanations of ethnic phenomena within sociology can be divided into two categories, which were *primordialism* and *structuralism* (Liebkind, 1989). The former views ethnicity irrational, deep-seated loyalties and attachments to kin, territory or religion. The latter, on the contrary, considers ethnicity more or less as *false consciousness*, or

ideology, which is rationally manipulated or consciously adopted as a strategy for pursuing the political and economic goals of ethnic groups. The instrumental, pragmatic and changeable aspects of ethnicity are emphasized, and ethnic identity is viewed as a rational reaction to social pressure. For the purpose of this study, we consider ethnicity to be largely socially constructed, and that some traits of ethnicity are not easily modified by social processes.

Although there are a number of different approaches, which consider ethnic identity from the psychological point of view, it is possible to distinguish some general features. The main feature that we can also find in the anthropological and sociological approaches discussed above is the dualistic character of ethnic identity: from the point of view of the ethnic group as a whole (group ethnic identity) and from the point of view of individual actors (individual ethnic identity). These two levels do not exist in isolation one from another but they influence each other and overlap. The formation of individual and collective consciousness is always interrelated and provides another dynamic underlying the process of ethnic consciousness (Berger, 1971). Individuals differ in the extent to which they behave in terms of group memberships. In reality, however, it is impossible to act in terms of group membership only, just as social identities always play a role even in the most personal relationships.

Theories about identity are always embedded in a more general interpretation of reality: they are built into the symbolic universe, and the theoretical legitimations vary within the character of symbolic universe. Any theorizing about identity therefore, must occur within the framework context of the theoretical interpretation within which they are located (Niezen, 2003, p. 200-202).

The socio-historical context becomes the major component of the ethnic identity of a particular ethnic group or subgroup. It is important to be aware that ethnic identity is not an entity, but a series of complex processes in time in which people construct from 'historical' facts (Melucci, 1996, p. 68-86). For Melucci, the concept of collective identity… cannot be separated from the production of meaning in collective action (1996, p. 69). Melucci explores how social actors form a collectivity and recognize themselves as being part of it or not. Melucci also argues that a focus on collective identity is essential to breaking down the status quo of apparent empirical unity of a society (Melucci, 1996, p. 68).

Arendt (1966) and Niezen (2003) make important assessment on the formation of *tribal nationalism*, with a focus on pan-movements. In their respective assessments,

tribalism - a manifestation of ethnicity -appeared as the nationalism of those people who had not participated in national emancipation and had not achieved the sovereignty of a nation-state. Unlike the nationalism developed in the Western nation-states, which was come into being by the utilization of the state by the nation, tribal nationalism started among those who lack the sense of patriotism, or of the unification of people, state, and territory. The tribes' rootlessness can be explained by their condition that their pan-movements transcend the boundaries of a national community that would remain a political factor even if its members are dispersed all over the earth (Ibid, p. 29-94).

Social capital is an advanced concept that emerges once shared identity is in place. In Putnam's (1995) conception social capital is, "…features of social organization such as human networks, norms and trust that facilitate coordination and cooperation for mutual benefit." Social capital consists of the stock of active connections among people; the mutual understanding, trust, and shared values and behaviors that bind the members of human networks and communities and make cooperative action possible. Social capital is also defined as "…the web of relationships that give a sense of connection, belonging, and community and helps people work together" (New Hampshire Center of Social Capital Research)[4]. While according to Francis Fukuyama, social capital is, "… an instantiated informal norm that promotes cooperation between two or more individuals." (Francis Fukuyama, Social Capital and Civil Society)[5]

Theory of Citizenship

There is no single plausible definition of what a citizen is, or what a good citizen does, according to Turner (2001). There are however, two main conceptions of citizenship: one focuses on legal status and the other focuses on citizenship as a practice, as active participation in affairs of the state for the good of the wider community.[6] The active participation interpretation of citizenship involves participation to the political sphere or includes also participation in the civil society - that is the realm of voluntary associations and informal networks in which people engage for personal and social as well as political purposes.

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[4] http://www.bettertogethernh.org/amazing.htm Accessed on October 24, 2004
[5] http://www.imf.org/external/pubs/ft/seminar/1999/reforms/fukuyama.htm#I Accessed on October 24, 2004
[6] T.H. Marshall first characterized these rights as in three areas: legal, political and social (*Citizenship and Social Class*, 1950). Bryan S. Turner expands these rights to include global rights, in particular environmental, cultural and aboriginal (Turner, 2001).

For the purpose of this thesis we take citizenship to be not simply a legal status, which is a passive set of rights and responsibilities; but is also an active practice. Citizenship as practice assumes the existence of legal rights and responsibilities. It forces us to look not just at citizen action but also at the responsibility of the state to facilitate citizen action. Ruth Lister suggests the need for a synthesis of the two strands of thought about citizenship i.e. 'to be' a citizen and 'to act as' a citizen:

> Citizenship as participation can be seen as representing an expression of human agency in the political arena, broadly defined; citizenship as rights enables people to act as agents. … I want, however, to draw a distinction between two formulations - to be a citizen and to act as a citizen. To be a citizen means to enjoy the rights necessary for agency and social and political participation. To act as a citizen involves fulfilling the full potential of the status. Those who do not fulfill that potential do not cease to be citizens (Lister, 1998, p. 228-229).

The actions of citizens in a democracy are not confined merely to voting. Instead, citizenship should be viewed as taking part in decisions that affect people's lives.

The *Citizens and Governance* research by the Commonwealth Foundation[7] found association and participation to be key needs expressed by citizens once basic survival needs have been met, "Citizens say that the spirit of a good society is embodied in caring and sharing." But beyond helping one another, people want to see a society in which they can participate, first in terms of equal rights and justice, and second in responsive and inclusive governance.

> Citizens believe that a good society is one in which they can participate in public spheres to make their own contribution toward the public good … They want to be heard and consulted on a regular and continuing basis, not merely at the time of an election. They want more than a vote. They are asking for participation and inclusion in the decisions taken and policies made by public agencies and officials (Commonwealth Foundation).

Citizen attributes can be derived from the earlier handled understanding. If citizenships were primarily a legal status, then citizen attributes would most likely be knowledge of one's rights and perhaps the attitude to take those rights seriously. If citizenship is participation in a community then attributes might include those required for association, communication and collaboration. Citizenship as political engagement would focus more on knowledge of the political structure and appropriate skills related to that.

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[7] Commonwealth Foundation http://www.commonwealthfoundation.com/programmes/programme.cfm?id=46

2. 3. 4. Toward Multicultural society

Multiculturalism, as a set of political ideals, aims at advancing equality in diverse societies by ensuring that membership in an ethnic minority is not a source of social, political or economic disadvantage for any citizen (Johnston, e. a. 1999; Steinmetz, 1999; and Young, 1998). The policies that advance these ideals include for instance: anti-discrimination legislation, employment equity, aculturation, education, and in more specific cases, special rights and special recognition for minority groups.

An important objection to multiculturalism is that by recognizing distinctive groups and by distributing resources to groups for the purpose of strengthening ethnic communities and organizations, multiculturalism could erode social solidarity and fragment communities. This objection has been recently developed in a way that highlights the connections between trust and community in one hand, and community and equality in the other. The suggestion is that multiculturalism could exacerbate the community in a way that it is antagonistic to the sort of trust that exists between members of society (Johnston, e. a. 1999 and Mervola, 2003).

The suggestion that multiculturalism might jeopardize social trust has been linked to arguments, which imply that in the absence of trust, inequality and social injustice are more likely to prevail. The irony of this conclusion is that multiculturalism is meant to enhance social equality, and in doing so, it would seem to enhance the conditions upon which trust depends. But according to many critics of multiculturalism and many social capital theorists who analyses and measure social trust, multiculturalism is conceptually related and empirically correlated to the absence of trust, not its presence (Wentzell, 2003).

Nevertheless, multiculturalism as a political ideal might plausibly affect trust by amplifying the importance of ethnic identities. But whether it thereby diminishes trust largely depends on how ethnic identities are treated in the absence of multicultural policies employed by public institutions (Eisenberg, 2002 and Rostboll, 2003).

2. 4. Learning Dimension of Social Movement

2. 4. 1. Modus of action

On 'why human acts?', Korsgaard (2002) defines that action is a process of production, and accordingly its function is to bring something about. Whether an action is good depends on whether what it brings about is good. The very act of human agent to

choose the most significant out of an array of alternatives for his own sake is in fact an incident of self-constitution.

In an attempt to explain the interconnectedness between individual aspiration, enabler for movement, and context, Bourdieu (1984) comes with his conception of *practice,* in which *practice* indicates that the social world is equal with the total sum of embodied, sensuous, meaningful, purposely, intelligent human actions or practices. To study the social world in terms of practice, is thus to study what human beings do as active agents. Given is the assumption that human beings understand their world and act in that world in accordance with the understanding they have of it.

Bourdieu formulates the relationship between the key concepts leading to a model of human action in the following way:

[(Habitus) (Capital)] + Field = Practice   (Ibid, p. 101)

This formulation suggests that *practice* is the result of various *habitual* schemas and *dispositions (habitus, nature, or character)*, combined with *resources (capital)*, being activated by certain *structured social conditions (field)* that they, in turn, belong to and variously reproduce and modify.

Habitus is used to coin the idea of 'social game' attributed to individuals in their role as agents. As individuals incorporate the possibilities and constraints of social action, their 'feel for the game' become ingrained as second nature. *Habitus* thus refers to the way in which an individual's instinctive sense of what might be achieved is structured into a pattern of behavior. In Bourdieu's own words, "… an acquired system of generative schemes objectively adjusted to the particular conditions in which it is constituted."

The modes of behavior, or disposition, produced by the *habitus*, are passed on through the generations from an early age and socially reinforced through education, upbringing, and culture. "...the habitus, the product of history, produces individual and collective practices, and hence history, in accordance with the schemas produced by history." (Ibid, p. 82)

An agent's habitus is thus an active residue or sediment of their past which functions within their present, shaping their perception, thought and action and thereby shaping every aspect of human interaction with the world in a regular way. It consists of dispositions, schemas, forms of knowledge and competence, all of which function below the threshold of consciousness, "…the schemes of the habitus, the primary forms of classification, owe their

specific efficacy to the fact that they function below the level of consciousness and language, beyond the reach of introspective scrutiny or control by the will." (Ibid, p. 95)

Social agents, like players in a game, are actively pursuing their ends with skill and competence, but always doing so within the boundaries of the game. *Habitus* prompts agents to act in particular ways without reducing them to 'cultural actors' or inhibiting their strategic capacities. Like game playing skills, the structures of the *habitus* facilitate the competent pursuit of specified goals.

Each individual agent's *habitus* will be different to some degree, as no two individuals follow the exact trajectory in their journey of life. Notwithstanding, individual histories are but strands in a collective history. The individual belongs to a group or variety of groups and develops their habits therein. Thus the individual *habitus* are but variants of a collective root:

> Since the history of the individual is never anything other than a certain specification of the collective history of his class or group, each individual system of dispositions may be seen as a structural variant of all other group or class habitus, expressing the difference between the trajectories and positions inside or outside the class. 'Personal' style, the particular stamp marking all products of the same habitus, whether practices or works, is never more than a deviation in relation to the style of a period or class (Bourdieu 1986, p. 86).

In *Distinction* (1986), Bourdieu identifies differences in the aesthetic dispositions (habitus) of different classes. Different classes have different tastes and the formal aesthetic disposition is revealed to be specific to the class members. Furthermore, Bourdieu identifies the relations of symbolic power that effectively place these different aesthetic dispositions in a hierarchical structure of stratification, such that they seem to legitimate the differences/ inequalities upon which the structures are founded. Differences that are the effect of class are 'misrecognised' as natural causes of class and inequality and thus function to legitimate the very class structure that produces them.

By *capital* Bourdieu, and also Giddens (1990) mean the resources distributed throughout the social body that have an exchange value in one or more of the various 'fields' constituting the social world. By that, they do not only mean 'economic capital' as it reaches out to the notion of 'social capital and cultural capital'; that is, the exchange value which accumulated forms of inter-relation within the social world.

Capitals can assume a fairly 'field specific' form; and their value, as such, may be tied to specific social 'worlds'. Agents can transform their various forms of capital into other

forms, in relation to other fields. Furthermore, the respective amounts of the various forms of capital that individuals possess indicate another central concept of *social class.*

This account of *capital* and *class* interweaves with the notion of *habitus* in a number of respects. Firstly, *capital,* because of its exchange value, is a factor, alongside *habitus,* shaping an agent's possibilities for action in any given situation. *"An agent can only do what they can afford to do".* Secondly, class position, which is defined by one's capital assets, shapes the context within which one's habitus is formed. Thirdly, forms of capital depend upon recognition or 'misrecognition' for their value. They are valuable to the extent that we agree that they are valuable. Habitus are important in this respect as they simultaneously effect and disguise these agreements.

Capital and class constitute a vertical differentiation of society, but society is equally fragmented along a horizontal axis. The concept of a *field* conceptualizes these horizontally fragmented social spaces, as they are intersected by vertical differentiation. A field is a distinct social space consisting of interrelated and vertically fragmented positions, a *"network, or configuration of objective relations between positions"* (Bourdieu, 1986). These positions may be occupied by either agents or institutions behaving as agents, which are positioned by their concentration or possession of specific kind of capital, power, or simply vested interest. Similar but unidentical to Bourdieu's *field* is Nonaka's (1995) concept of *ba.* In Nonaka's view, *'ba'* is the world where individuals share feelings, emotions, experiences and mental model. An individual sympathizes or further empathizes with others, removing the barriers between the self and others. It is a context, which harbors meaning. Thus, *'ba'* can be considered as a shared space that serves as a foundation for knowledge creation. While *'field'* conceptualizes horizontal differentiation of a society, *'ba'* knows no limitation in terms of space or direction."

Fields are like games within which agents play. Although, in contrast to games, agents are not generally recognized as in the capacity 'to play' them:

> …in the social fields, which are the products of a long, slow process of autonomization, and are therefore, so to speak, games 'in themselves' and not 'for themselves', one does not embark upon the game by a conscious act, one is born into the game, with the game (Bourdieu 1984, p. 66).

Each field, like a game, has its own norms and logic, which players must incorporate within their physical schema if they are to play. To liken fields to games is to explore and discover the unique configuration of norms, patterns and logic that comprise each one.

The game metaphor also has the additional advantage that it brings to light the interdependency of capital and field. Fields may consist of specific distributions of capital and/or power, but those forms of capital and power are themselves relative to and dependent upon the game.

This account of fields relates to the concept of *habitus* in a number of ways. On one hand we need to combine our consideration of an agent's habitus, and their capital, with the idea upon the state of play of the game and their location in field, to fully understand and explain their action. Agent's actions are shaped by their habitus, their capital, and by the need and logic of *the game* as it proceeds. At a deeper level, however, it is because of their habitus and the way in which this shapes their perceptions, motivation and action, that the player is disposed to recognize and play the field in the first place. Or in another word, field and habitus are locked in a circular relationship. Involvement in a field shapes the habitus, which in turn, shapes the actions, which reproduce the field.

2. 4. 2. Model of Human Action

A model of human action by Wibowo (2003) (see figure 2.1) is particularly useful in providing answer on a question such as why fragmented actors do not share the same worldview, etc.
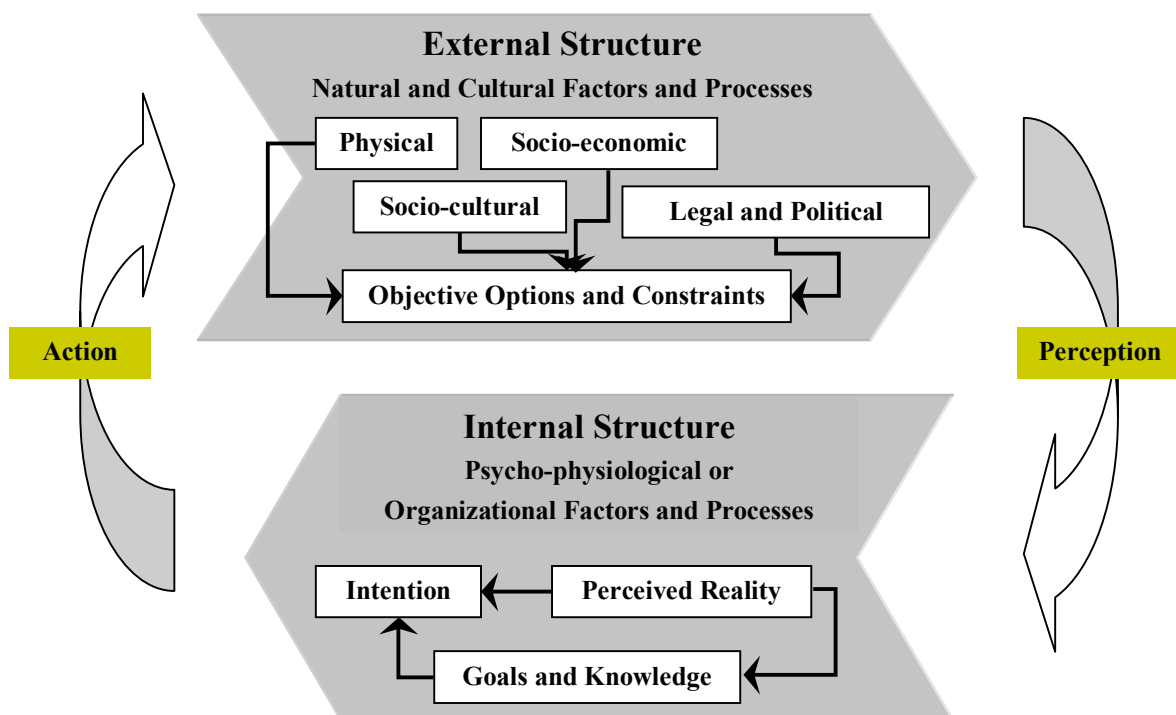
Figure 2. 1. A Model of Human Action
Source: Wibowo (2003)

Both the internal and external structures evolve dynamically as a combined result of inherent processes of self-organization and of interactions between the actor and the actor's environment. In this perspective, the intention to perform a specific action emerges within the actor as a result of individual goals and knowledge and perception, interpretation, and appraisal of the actual situation, which is the reality as perceived by actor. When the actor actually carries out the intended *action*, its exact course and outcome - its success - depend not only on the actor's skill, but also on the objective situation. Actors constantly monitor the situation and adjust their behavior accordingly. The external structure can also be regarded from an institutional perspective. The outcome or result of actions is on the one hand *perceived* by the actors and appraised with respect to their goals, and it thus affects their internal structure, the actors' (and other people's) surroundings.

Many characteristics of the actors' internal structure as well as of the external structure constrain behavior in non-sustainable directions. This is true for individual actors as well for organizations. All actors have only limited possibilities to alter their framework of action, because they are determined by other actors' decisions. However, collective action or social practices stabilize and reproduce the mutual framework conditions or, alternatively, they contribute their change. Over time, there is a 'co-evolution' of individual and collective patterns of behavior and its framework.

History provides enough evident that major changes occur when many factors together become antecedent, create constellation and critical mass that strong enough to transgress the inertia of the existing systems. Such constellations can neither be planned entirely nor predicted exactly, because the social reality is too complex and is influenced simultaneously by a multitude of self-reflecting, creative agents.

2. 4. 3. Cognitive Aspect of Social Movements

Vygotsky (1978) asserts that *cognitive praxis* is the creative role of consciousness and cognition in human action, individual and collective. Cognitive praxis transforms individual or groups of individuals into a higher state of consciousness. The dimensions of cognitive praxis are the relations to "knowledge" that characterize particular social movements, the concept, ideas, and intellectual activities that give them their cognitive identity.

According to Watzlawick (1974), *knowledge* is the building brick that provides the basis for what Berger and Luckmann (1967) termed *the social construction of reality*. Society is constructed by recognition; by recurrent acts of knowing that endlessly go on all

the time (Eyerman and Jamison, 1991, p. 49). Knowledge in this perspective is not primarily the systematized, formalized knowledge. It is rather *cognitive praxis* that inherent in all social activity.

Social movement is value-laden act and purposive. It is a form of cognitive praxis, which is shaped by both external and internal political processes, a process within which individuals create new kinds of social identities. The collective articulation of movement identity in which movement organizations act as structuring forces, is opening a space in which creative interaction between individuals can take place. At a certain point in time, the interaction takes on a further dimension, transforming what began as interpersonal interests into collective concerns from individual into a wider social scope (Ibid, p. 55).

It is thus apparent that cognitive praxis does not come ready to use to a social movement, nor does it appear all at once. It emerges over time and is precisely in the creation, articulation, formulation of new thoughts and ideas - new knowledge - that a social movement defines itself in society (Ibid, p. 57).

With context in the society, social movements can be regarded as *social learning*, in which it indicates that the point of departure for learning is the living experience of everyday life. All social learning theory view learning as participation in social processes emphasizing both issues of knowing, and issues of being and becoming or self constitution (Korsgaard, 2002).

Learning is according to individual learning theory, identical to the enhancement of individuals' mental models. It happens when individuals acquire information and knowledge, which subsequently can guide their behavior. In individual learning theory, the learning content is *to become to know about practices*. In social learning theory, learning is a way of being and becoming part of the social worlds that comprise higher social settings, and in which the central issue of learning is *to become a practitioner*. According to Edgar Dunn (in Watts, 1981, p. vii), *social learning* is a process of evolutionary experimentation that constitutes individual and group self-analysis and self-transformation. In general, social learning theory explains human behavior in terms of continuous reciprocal interaction between cognitive, behavioral, an environmental influences.

On the relation between social movements and their knowledges, Waddel (2002, p. 12) asserts that social movements produce knowledges through their everyday practices of survival, resistance, organizing and solidarity. Progressive social movements produce new and distinct knowledges about the world as it is and as it might/should be, and how to

change it. Movement-based knowledge is largely tacit, practical and unsystematized. It is partial and situated, grounded in activist practice, fostered by concrete engagement in social struggle and embedded in specific time and places (Ibid, p. 18).

2. 4. 4. The Concept of Societal Learning

Friedmann (in Watts, 1981, p. vii) defines *societal learning* as the processes by which society gathers and internalizes knowledge about the changing conditions of both its internal and external environment. In addition to that, Donald Schön (Ibid, p. viii) states that *all learning systems* should be capable of bringing about their own continuing transformation.

The word *societal* that used in this study refers to a large collectivity, a society or a nation. This is to contrast to the word *social* as in *social learning* that implies a smaller collectivity, as a community or group.
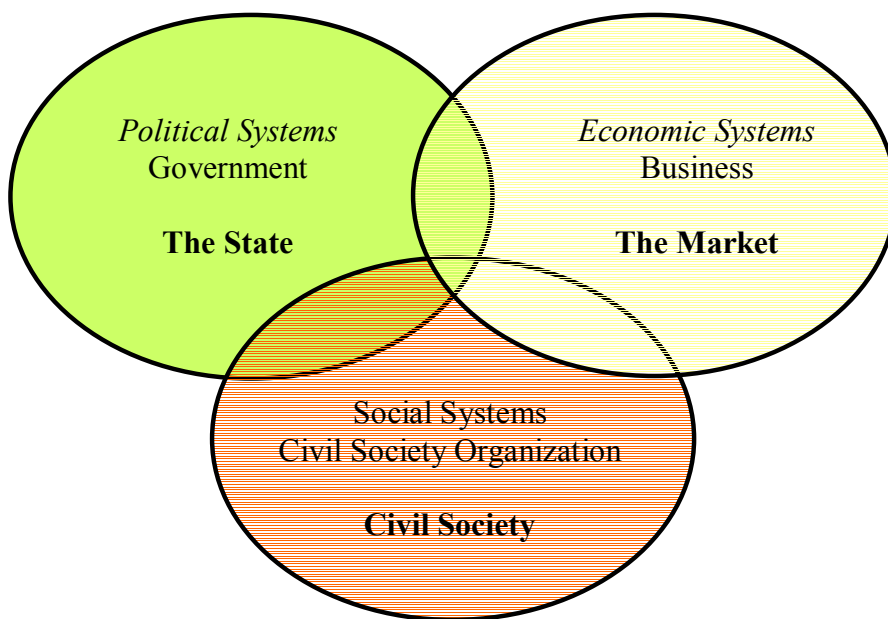
Figure 2. 2. Three Key Systems in the Society
Source: Waddel 2002, p. 35

According to Waddell (2002, p. 35), *societal learning* almost always involves the collaboration of three organizational sectors: government, business, and civil society organizations (See Figure 2.2.). These sectors represent the three key systems of society: political (government), economic (business), and social (civil society). All organizations can be categorized as being in one of the three organizational sectors, or as a hybrid of them.

Any business that wants to alter its operating environment, any government that seeks to undertake fundamental reform and any people who want to improve their life-being or even the world must collaborate with others from outside their sector (Conway, 2004, p. 35-55).

2. 4. 5. Institutionalization

Berger and Luckmann (1967, p. 53) emphasize that all human activity is subject to habitualization. Any action that is repeated frequently becomes cast into a pattern, which can be reproduced / performed again in the future in the same manner and with the same economical effort. These processes of habitualization precede any institutionalization.

Institutionalization occurs whenever there is reciprocal typification of habitualized actions by types of actors. The typifications of habitualized actions that constitute institutions are always shared ones, so that they are available to all members of the particular social group in case, and the institution itself typifies individual actors, as well as individual actions. An institutional world is then experienced as an objective reality.

Important to note that the objectivity of the institutional world, however massive it may appear to the individual, is a humanly produced, so is a constructed objectivity (Ibid, p. 61). Institutions are thus social vehicles that create and even control reality. Within institutions, objectivity is formed and diffused to individuals leaving no space for them to "think" independently. From this standpoint, Douglas (1986) explains social behavior as an aggregate of individuals' actions. In her work, Douglas elaborates how institutions act like a person and determine collective actions. For her, individuals just do not exist, despite the commonly held presumption that institutions are constituted by individuals (Ibid, p. 9-19).

In searching into the relation between minds and institutions and to clarify the extent to which thinking depends upon institutions, Douglas, borrowing Durkheim's argument that "cognition is the most socially conditioned activity of man and thus knowledge is the principal social creation", introduces four characteristics of institutions by which collective actions are triggered,

- institutions grant identity to individuals.
- institutions remember and forget through so-called public memory.
- institutions create classifications, and
- institutions influence major social decision-making processes.

As legitimized social groupings, every kind of institution needs a formula that founds its rightness in reason and in nature. The formula is arises "when all parties have a common

interest in there being a rule to insure coordination, no party has conflicting interest, and none will deviate in case the desired coordination is lost," (Ibid, p. 46).

Extending this definition, Douglas says that a parallel cognitive convention is necessary to sustain a legitimate social institution, which means that every individual in the social institution needs to develop a *common cognitive pattern*. Through this cognitive convention, institutions grant identity, which is marked by equality.

Besides granting an identity, Douglas believes that institutions have a sort of public memory that is the storage system for the social order. The implication of public memory is that institutions, like a person, do remember and forget. In public memory some patterns of public events get stored, while others get rejected (Ibid, p. 87).

According to Douglas institutions make classifications and we seem to loose some independence that we might possibly have otherwise had. To explain how institutions do the classifying, as she puts it, "…institutions survive by connecting all information processes to the task of establishing themselves…In marking its own boundaries it affects all lower level thinking, so that persons realize their own identities and classify each other through community affiliation," (Ibid, p. 112).

From this standpoint, the classification limits individual persons in making choices. Finally, institutions greatly influence major decisions in a collective action. This happens two ways. On one hand, *individuals tend to leave the important decisions to their institutions*. On the other hand, *any institution controls the memory of its members*. According to Douglas (Ibid, p. 120), this happens when "any institution start to control the memory of its members: it causes them to forget experiences incompatible with its righteous image and it brings to their minds events which sustain the view of nature that is complementary to itself."

As a result, although individuals really do share their thoughts and they do to some extent harmonize their preferences, they detach from the processes of making major decisions and rely on institutions they build.

2. 4. 6. Theory of Structuration

Giddens in his theory of Structuration (1984) emphasizes that, "…structuration is posited as a social process that involves the reciprocal interaction of human actors and structural features of organization. The theory of structuration recognizes that human

actions are enabled and constrained by structures, yet that these structures are the result of previous actions."

In Giddens' framework, structure is understood paradigmatically as a generic concept that is only manifested in the structural properties of social systems (Giddens, 1984). Structural properties consist of the rules and resources that human agents use in their everyday interaction. These rules and resources mediate human action; while at the same time they are reaffirmed through being used by human actors (see Figure 2. 3.).

"One of the main propositions in Giddens' (1984) structuration theory is that the rules and resources drawn upon in the production and reproduction of social action are at the same time the means of system reproduction (the duality of structure)".

Agency does not necessarily imply intentional acts, but it does require that "the person is intentional under some description".
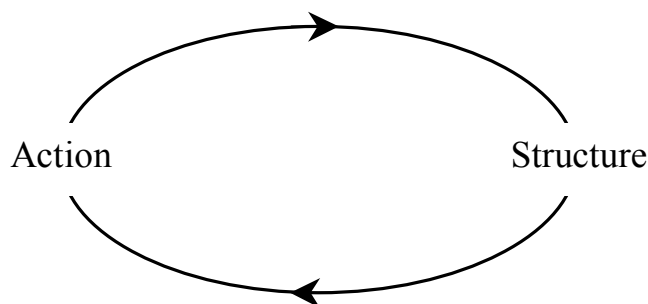
Figure 2. 3. Mechanism of Structuration

Structure refers, in social analysis, to the structuring properties allowing the 'binding' of time-space in social systems, the properties which make it possible for discernibly similar social practices to exist across varying time and space and which lend them 'systemic' form.

A structure, as Dankbaar (2003, p. 312-318) believes, must provide its constituents with a certain space of freedom for them to remain creative.

The Mechanism of knowledge creation in the Theory of Structuration

In this theory, the recognition that actors are knowledgeable and reflexive is a central premise. Giddens (1984) notes: "All social actors, all human beings are highly 'learned' in respect of knowledge which they possess and apply, in the production and reproduction of day-to-day social encounters."

Giddens distinguishes between *discursive* and *practical knowledge*, the former refers to knowledge the actors are able to articulate (what is said), and the latter refers to tacit knowledge, which actors are able to draw on in action but are unable to express (what is simply done). Reflexivity refers to the capacity of humans to routinely observe and understand what they are doing while they are doing it. It is not merely self-consciousness, but includes continuous monitoring of physical and social contexts, and activities (their own and others) (Giddens, 1984). Actors' knowledge and reflexivity, however, is always bounded to some extent by the situated nature of action, the difficulty of articulating tacit knowledge, unconscious sources of motivation, and unintended consequences of action (Giddens, 1979).

Through the regular action of knowledgeable and reflexive actors, patterns of interactions become established as standardized practices in organizations. Over time, habitual use of such practices eventually becomes institutionalized, forming the structural properties of organizations. These structural or institutionalized properties (structure) are drawn on by humans in their ongoing interactions (agency), even as such use, in turn, reinforces the institutionalized properties. In this formulation, known as the duality of structure, Giddens overcomes the dualism between objective, structural features of organizations and subjective, knowledgeable action of human agents.

When humans act in organizations, they create and recreate three fundamental elements of social interaction (Giddens, 1984; Wenger, 1998): *meaning, power and norms.* While these elements are highly interdependent and not separable in practice, for analytical purposes we can treat them as distinct, examining each from the perspective of human agency and institutionalized properties.

From an agency point of view, human interaction involves the constitution and communication of *meaning*. This is achieved via the interpretive schemes or stocks of knowledge that humans draw on in their ongoing interaction with the world, which "… form the core of mutual knowledge whereby an accountable universe of meaning is sustained through the process of interaction" (Giddens, 1979). The interpretive schemes, however, do more than merely enable shared meanings and hence mediate communication. From the perspective of institutionalized properties, interpretive schemes represent organizational *structures of signification*, which represent the organizational rules that inform and define interaction. Interpretive schemes are also reinforced or changed through social interaction, as the organizational rules are reaffirmed or challenged through their use

by human agents. Thus, in any interaction, shared knowledge is not merely part of the background, but is an integral part of the social encounter, in part organizing it, and in part being shaped by the interaction itself.

From an agency perspective, *power* enters into human interaction through providing organizational capabilities for humans to accomplish outcomes. Power is here understood as *transformative capability* - the power of human action to transform the social and material world. Its use in organizations is mediated via the organizational resources that participants bring to, and mobilize within interaction (Giddens, 1979). Two kinds of resources are recognized, authoritative (extending over persons) and allocative (extending over objects or material phenomena). While these facilities are the means through which power is exercised, from the perspective of institutional properties they constitute organizational *structures of domination*, which reflect the fact that all social systems are marked by an asymmetry of authoritative and allocative resources. However, there always remains the potential for agents to act to change a particular structure of domination, a potentiality referred to as the *dialectic of control* by Giddens (1984): "… all forms of dependence offer some resources whereby those who are subordinate can influence the activities of their superiors." When a given an asymmetry of resources is drawn on by human actors in interaction, the existing structure of domination is reaffirmed. It is only when the existing asymmetry of resources is changed, either through being explicitly altered or through being gradually and imperceptibly shifted, that the existing structure of domination may be modified or undermined.

From an agency perspective, norms are organizational conventions or rules governing *legitimate* or *appropriate* conduct. Interaction in organizations does not occur blindly but is guided by the application of *normative sanctions*, expressed through the cultural norms prevailing in an organization. From the perspective of institutional properties, however, norms constitute organizational *structures of legitimation*, whereby a moral order within an organization is articulated and sustained through rituals, socialization practices, and tradition (Ibid, p. 46).

The Duality of Social Action

Social action is a product of human action that at the same time assumes structural properties. Once the social action is developed and allows to finding its path in an organization, it becomes distanced from its developers and become institutionalized, and

thus becomes part of the structure of an organization. "Agency and structure are not independent. It's the ongoing action of human agents in habitually drawing on a social action that objectifies and institutionalizes it."

Actions by human agents have a direct effect on local conditions as well as indirect effects. These effects can be both intentional and unintentional. These effects may well cause changes in the environment of the organization.

In conclusion, the theory of structuration is an effort to overcome the dualism of structure - agency; and subject - object by reformulating the concepts of agency, structure, social practice and social interaction.

The Interpretative Flexibility of Social Action
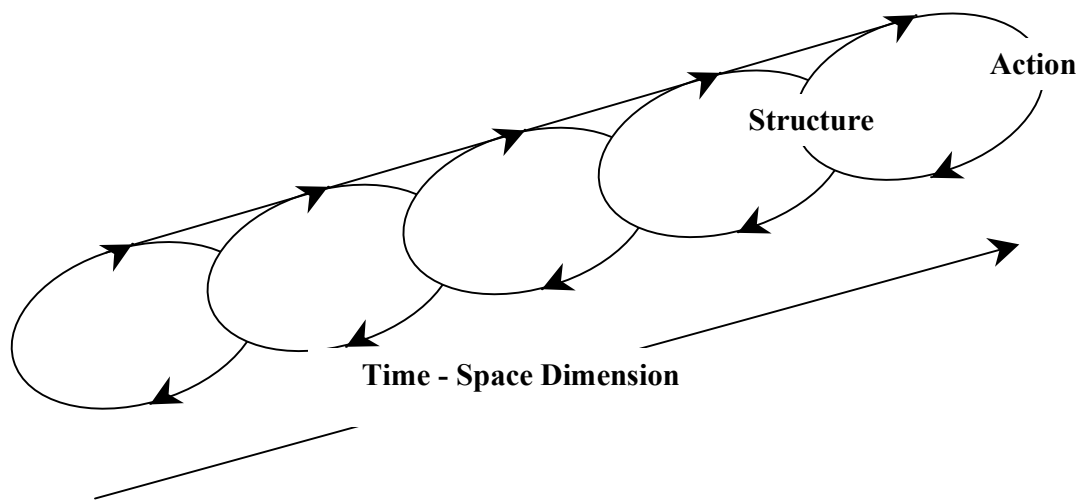
Figure 2. 4. Time - Space Dimension of the Process of Structuration
Adjusted from Nonaka's representation of recursive Innovation (1995).

The incident of social action and the use of social action to create structure are often separated by time and space. Because of this, these two stages are often seen disconnected in the lifecycle of a social action. With the structurational model of social action, it is possible to present the process of the artifacts modifies throughout their life cycle. The *Structure* and *Action* in Figure. 2. 4 also indicate *design mode* and *use mode.*

2. 4. 7. Theory of Knowledge Creation

The first scholar to pay attention to the idea of tacit knowledge was Polanyi. With the words, "We know more than we can tell" in his 1966 book *The Tacit Dimension*, Polanyi

emphasizes the existence of two types of knowledge, "explicit knowledge" and "tacit knowledge". Ikujiro Nonaka cites Polanyi's idea in his study on organizational knowledge creation (Nonaka and Takeuchi, 1995).

<u>Nonaka's SECI Model</u>

Nonaka describes that explicit knowledge can be expressed in words and numbers, and easily communicated and shared through hard data, scientific formula and codified procedures. It is transmittable in formal, systematic language. However, the proportion of knowledge that can be expressed in words and numbers is merely the tip of the iceberg of the entire body of knowledge.

Tacit knowledge on the contrary, is not readily visible or expressed. It is highly context-specific and hard to formalize and communicate, for example, subjective insights, intuitions, traditional knowledge, etc. This feature of tacit knowledge may make it difficult to share with others. Creativity is a kind of tacit knowledge, which is intangible and hard to transfer from one to another.

Nonaka et al. emphasize that the articulation of tacit mental models, in a kind of mobilization process, is a key factor in creating new knowledge. They believe that tacit knowledge and explicit knowledge are not totally separate, but rather are mutually complementary entities. These types of knowledge interact with each other and often merge into one another in the creative activities of human being. Nonaka's dynamic model of knowledge creation illustrates that human knowledge is created and expanded through the interaction between tacit knowledge and explicit knowledge. They call this interaction "knowledge conversion". Knowledge conversion is the key concept of the organizational Knowledge Creation Theory. There are four modes of knowledge conversion (see figure 2. 5). Each mode indicates a different dimension of knowledge conversion.

The first mode is *Socialization*, from tacit knowledge to tacit knowledge, wherein an individual can acquire tacit knowledge from others without using language by sharing the same experience. For example, an apprentice learns a theory and skills from a master, not through verbal communication but through observation, imitation and continuous practice. A master usually does not believe that he can teach craftsmanship through language because the skills depend on intuition cultivated through experience.

The second mode is *Externalization*, from tacit knowledge to explicit knowledge, wherein tacit knowledge is articulated into explicit concepts. This mode is the most

important and difficult dimension of knowledge conversion. When we attempt to express our thinking or feeling in dialogues or conversations, we often use metaphors, analogies, hypotheses or models. These expressions are sometimes improper, inconsistent and insufficient. However, such discrepancies and gaps between what we imagine and what we say in words cause reflection and interaction between people within a shared context.

The third mode is *Combination*, from explicit knowledge to explicit knowledge, wherein concepts are systematized into a knowledge system that everybody can share and use. Individuals exchange and combine knowledge through such media as documents, physical models or electronic means. In this stage, IT can be a powerful tool for this mode to combine separated knowledge. The Internet allows us to combine and share explicit knowledge without the barriers of time and space differences.
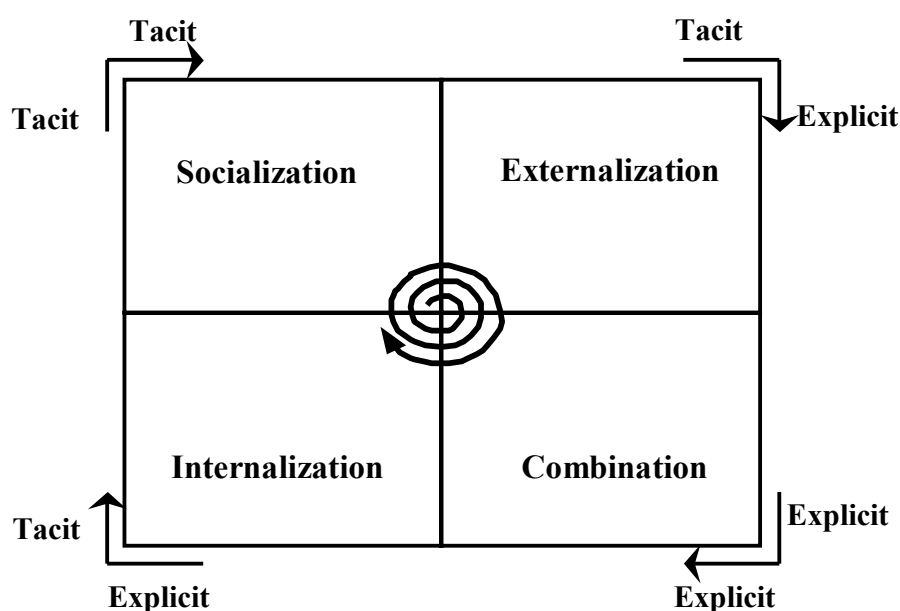
Figure 2. 5. Nonaka's SECI Model
Source: Nonaka (1995)

The last mode is *Internalization*, from explicit knowledge to tacit knowledge, wherein explicit knowledge is embodied into personal tacit knowledge. It is related to "knowing by action".

It is through this cycle of knowledge conversion that people acquire new forms of tacit knowledge such as shared mental models and ideas or technical know-how. These processes enrich both their tacit knowledge and explicit knowledge. *Knowledge creation* is thus, according to Nonaka (1995), a process of synthesizing new knowledge through

dynamic interaction between two types of knowledge, subjective tacit knowledge and objective explicit knowledge. Distinct from Nonaka's, Stacey (2001) develops his thesis on *knowledge creation* by drawing an analogy from *self-organization* in natural systems. He defines *knowledge creation* as a process of generating insight by extracting information from data. The concept, ideas, and intellectual activities of social conflicts and social movements give them their cognitive identity, in particular in that they transform groups or individuals into a higher state of consciousness. On this reason, Eyerman and Jamison (1991, p. 2) characterize social actions where as social conflicts and social movements, as a process of cognitive praxis, or a process of *knowledge creation* put it in Nonaka's words.

Umemoto's EASI Model of Knowledge Creation
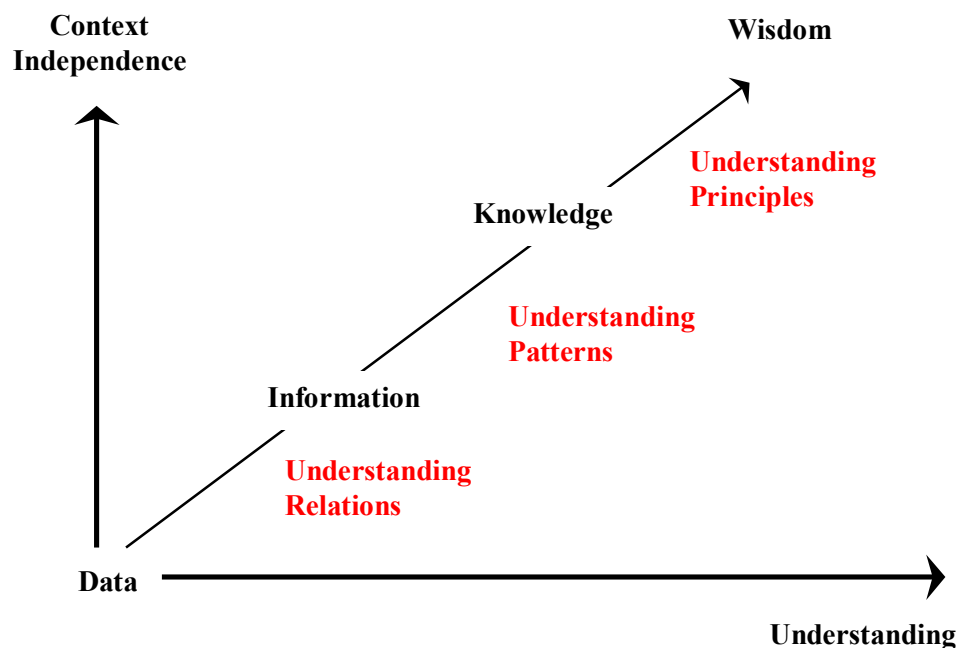
Figure 2. 6. Interconnectedness of *Context* and *Understanding*
Source: Bellinger (2004)

Inspired by Nonaka's SECI model and Bellinger's presentation of the interconnectedness of *context* and *understanding*[8] (see Figure 2.6), Umemoto (2004) draws his EASI model to generalize the process of creating new knowledge through interaction between tacit and explicit knowledge.

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[8] http://www.systems-thinking.org/kmgmt/kmgmt.htm#dac

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EASI stands for a set of Es in Experiencing, Encountering, Empathizing; a set of As from Articulating, Analyzing, Arguing; a set of Ss from Synthesizing, Systemizing, Shaping; and a set of Is derived from Implementing, Institutionalizing, and Internalizing.

Each of these actions represents tiny bits of cognition that altogether contribute into a transcendental shift towards higher level of episteme (see Figure 2. 7). Apparently, Umemoto's approach satisfies Bellinger's proposal in the way that in the right *context*, an increase in *understanding* can be regarded as a process of knowledge creation. However, differing from Nonaka's SECI model that relies so much on consensual agreement for an effective proceeding of knowledge creation, Umemoto's approach seems to necessitate more on mutual understanding that can be established through communication. In that light, Umemoto's model provides new insights in understanding and explaining the process of knowledge creation in the society.

Group → **Society**

Articulating Analyzing Arguing	Synthesizing Systemizing Shaping
Experiencing Encountering Empathizing	Implementing Institutionalizing Internalizing

Individual ← **Group**
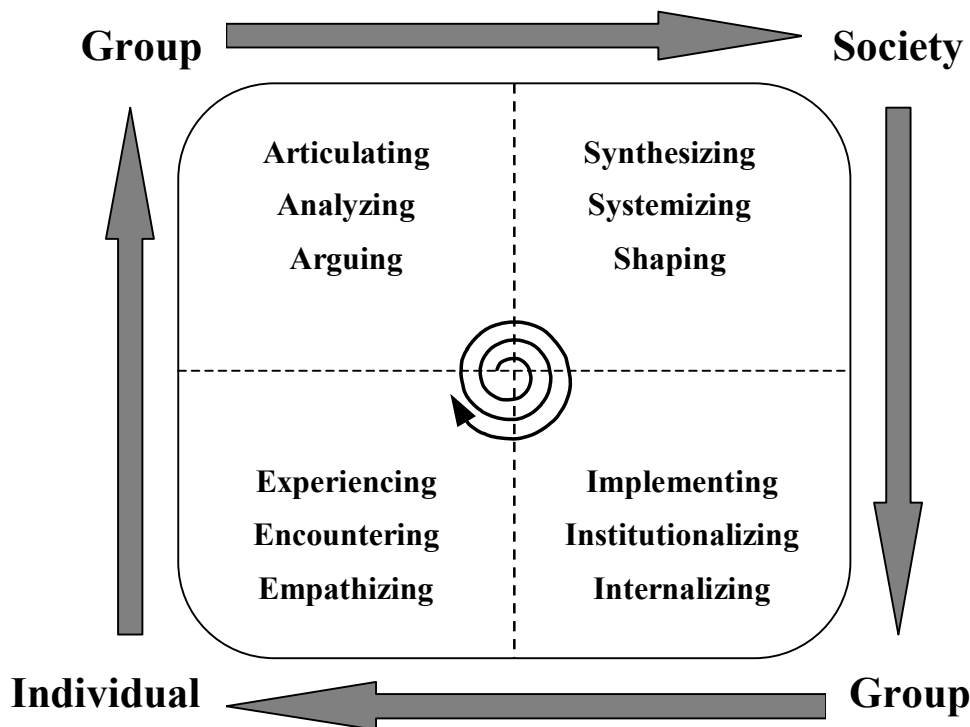
Figure 2. 7. Umemoto's EASI Model of Knowledge Creation
Source: Umemoto's presentation material for JAIST
FORUM 2004

The Concept of 'Ba'

Knowledge conversion takes place within 'ba'. It is the physical and/or mental space that enables the process of conversion (see Figure 2. 8). 'Ba' is a Japanese term, which literary means *space* or *place*. The concept of 'ba' was originally proposed by Kitaro

Nishida.[9] The concept of 'ba' concerns far more than physical elements; it includes perception throughout body and mind. Therefore 'ba' offers a *context*. In order to understand creativity as a tacit knowledge, we cannot ignore situated cognition and action. The relationship between an individual and his or her surroundings (resources) such as people, tools, context and environment should not be one-way; it has to be interactive and is co-created through interaction (Creplet, 2000).

Even if 'ba' is intangible and invisible, 'ba' connotes a dynamic process of sharing context among the participants in that specific 'ba'. As Merleau-ponty in Creplet (2000) said, "Space is not the setting (real or logical) in which things are arranged, but the means whereby the position of things becomes possible. It has to be thought of as a universal power enabling loose components to be connected."
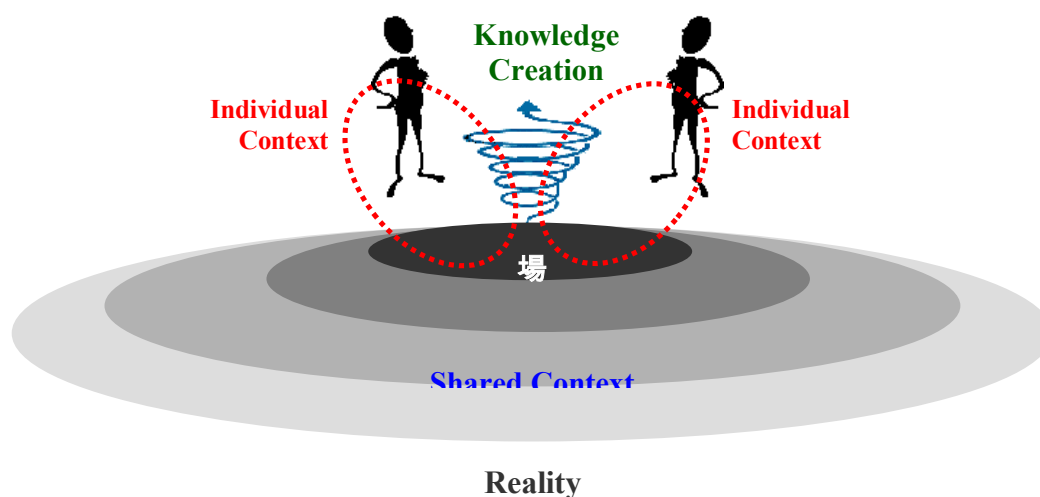
Figure 2. 8. 'Ba', the Shared Context
Adapted from Nonaka, Toyama, Konno (2000)

Merleau-ponty believes that space is not an empty, objective thing but the whole of our experience and the establishment of the subject in a setting and his inherence in a world. Therefore, even though the word used was 'space', we can comfortably assume that his understanding of 'space' was the similar to the very concept of 'ba'.

Nonaka has also discussed 'ba' in his article (Nonaka and Toyama 2000; Von Krogh, Ichijyo, Nonaka 2000). He recognizes 'ba', that is, creating the right context, as an indispensable element for knowledge creation. He defined 'ba' as a shared context within which knowledge is shared, created, and utilized. In other words, 'ba' is a 'shared context

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[9] Hypertext vs. KM. < http://www.cyberartsweb.org/cpace/ht/thonglipfei/ba_concept.html >

in cognition and action'. He added, in knowledge creation, generation and regeneration of 'ba' is the key, because 'ba' provides the energy, quality, and location to perform the individual conversions and to move along the knowledge spiral (Nonaka, Konno, and Toyama 1998).

'Ba' is thus the place for- and source of creativity. Since 'ba' transforms from one to another, it is pertinent to consider and follow its variation. As mentioned earlier, 'ba' is highly related to tacit knowledge. A specific 'ba' nurtures and generates specific tacit knowledge and that tacit knowledge creates the right 'ba'. The latter property of 'ba' lays a strong groundwork to link Nonaka's concept of knowledge creation with Giddens' theory of structuration, which is one of the purpose of this review.

2. 4. 8. Argyris and Schön's Theory on Learning

The ultimate goal of organizational inquiry is according to Argyris and Schön, to shift the organization's capacity to execute 'single-loop' learning to a new and more sophisticated capacity for 'double-loop' learning (see Figure 2. 9).
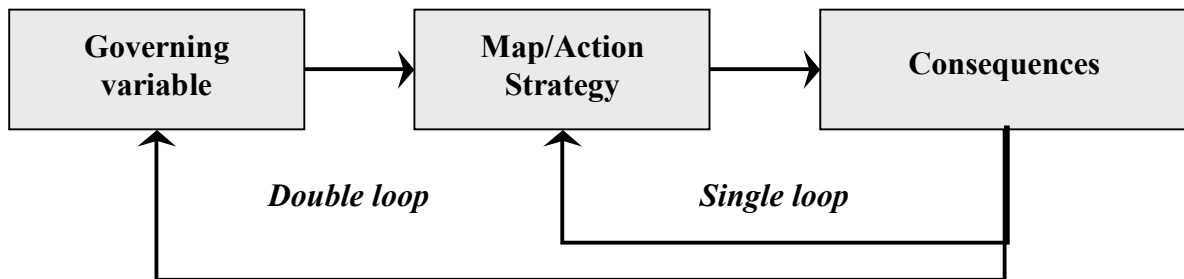
Figure 2. 9. Single and double-loop learning
Source: Argyris and Schon (1996)

Single-loop learning occurs when members of an organization learn to do what they have been doing as an organization in a better way, after reflecting upon mistakes and achievements in the past. In double-loop learning, members of an organization inquiry more deeply into the underlying assumptions and values which they base their operation, and after reviewing those assumptions and sets of values, create new sets of values upon which to base their new working strategies.

2. 5. Governance

From the many definitions we can select, there are at least three features, which all definitions share:

1. 'governance' highlights the processes and the functioning of policy making;
2. 'governance' implies that policy is not initiated solely by single actor;
3. 'governance' is about co-operative relationships between various actors.

In short, governance is a collection of policy practices and processes of policymaking whereby a number of actors are involved including various levels of formal institutions and various kinds of non-formal institutions, in which both parties are interrelated within a complex, but partly informal networks.

Stoker in Pratchett and Wilson (1996) and Goss (2001) explained that the desire for changes in the modes of governing of society is indicated by an increase in general societal concern to participate in deliberating the society's own future. For these phenomena, there are at least three arguments can be given:

1. by involving the knowledge and resources of various actors one attempts to build a consensus or at least support for better policies at the content level (a quality and content based argument);
2. by involving various actors at an early stage of policy making one hopes to increase the chances of acceptation and to build more support for the policy and thus avoid obstruction and resistance during implementation (an instrumental argument);
3. by involving various actors a more deliberative, consultative form of democracy is sought, combating criticism on government as non-democratic (a normative or democratic argument).

Object to govern

Ostrom (1983) suggested that object to govern includes natural resources. She warns, however, that governing over natural resources in a sustainable manner is not an easy task to do. In her assessments, there is no something like an isolated resources' attribute. Resources' attributes share with other resource systems that increase the complexities in the way to govern. To be able to deal with this issue, Ostrom proposed a new concept on object to govern in the concept of common-pool resources. Common-pool resources are characterized by difficulty of exclusion and generate finite quantities of resource units so that one person's use subtracts from the quantity of the resource available to others (McKean in Gibson, McKean, and Ostrom, 2000, p. 28).

Self-Governance

The notion 'self-governance' involves two sets attributes related respectively to the words, 'self', which implies a degree of freedom to act, or to govern in the context of this

study; and 'governance' or 'govern' or exercise authority over an object. The latter implies that 'there must be something to govern over'.

Stoker in Pratchett and Wilson (1996, p. 191) asserts that self-governance "…is built upon and has the capability to deal with the expression of and conflict among diverse views and values held by contending groups attempting to shape local government decisions to meet their ends….". Day to day practices, however, showed a skewed understanding on self-governance, which simplified as, "We, in our collective capacity, have the power to do whatever we will." Against this deep-seated understanding, Carter in *Analytical Anarchism* (1970) implies that,"… although implanted by God, self-governance did not imply freedom simply to live as one wishes, but rather is designed to enable people to fulfill their duties and responsibilities toward the community and toward the common good of the community."

The message put forward by Carter clearly shifts the understanding of 'self' in self-governance, from self-centered 'we' toward a more community oriented, in that 'we' must, "have personal moral responsibility for membership in a society."

A self-governed resource is thus one where actors, "who are the major users of the resource, are involved over time in making and adapting rules within collective-choice arenas regarding the inclusion or exclusion of participants, appropriation strategies, obligations of participants, monitoring and sanctioning, and conflict resolution" (Gibson, e. a., 2000, p. 28-30). In most modern political economies, it is rare to find any resource system that are governed entirely by participants without rules made by local, regional, national, and international authorities also affecting key decisions (Feeney, 1998). Thus, in a self-governed system, participants make many, but not all, rules that affect the sustainability of the resource system and its use.

According to McKean in Gibson, e. a. (2000, p. 27-51), the principle of self-governance takes account of:

- responsibility for the community.
- accountability for the choices.
- accountability for preventing actions from infringing or violating others' rights.
- responsibility for communication with others to reach shared understandings.
- responsibility for addressing situations and communicating concerns about issues that undermine community or individual rights, whether they be own or others.

For these principles of self-governance to work, they require support through:

- an administrative structure intentionally designed to challenge and support self-governance,
- a structure encouraging self-choice,
- a community committed to social consciousness and community involvement.

These supports, according to McKean, can be created through structuration processes as introduced by Giddens (please refer to Figure 2. 3 on p. 30).

2. 6. Boundary Spanner

The boundary spanner is a term usually used to describe individuals that establish new connections across boundaries (Scanlon, 2001). In this context, the term emphasizes not only the role of the individual in spanning or mediating or brokering across boundaries but also emphasizes the changing nature of these boundaries. Williams (2002, p. 107) argues that these boundaries are becoming increasingly liquid and fragmented and are increasingly seen as 'sites of intense activity', which 'continually reconstitute themselves in response to shifting patterns of interaction' (see Figure 2. 10).

In the arena of social movements, the boundary spanner is similarly charged with spanning increasingly fragmented boundaries between groups, community, and institutions. It is the boundary spanner who provides the participatory connection between separate and different communities (Wenger, 1998, p. 104). Williams (2002) argues that the boundary spanner operates both within and outside of organizations. 'They aim at altering, adapting, regulating, and sometimes controlling what kinds of resources, signals, information and ideas pass in and out of the semi permeable membranes that are the boundaries of the organization.' Wenger (1998, p. 108-109) similarly argues, that boundary spanning is a complex activity involving codification, translation, coordination and alignment between communities. Williams (2002, p. 117) suggests that the boundary spanner is an intermediary who literally and figuratively commutes between others alienated groups. Williams (p. 114-121) also suggests that these liaison positions require people who are knowledgeable and comfortable with the cultures of both institutions. That is individual who have legitimacy in both cultures, which move freely between them, interpret the language, understand the reward systems, and translate the ideas of those in one culture to those in another.

Wondolleck, Julia M., and Yaffee, Steven L. (2000, p. 6) argue that the traditional boundary spanning forces such as political parties, government decision-making processes,

religious and civic organizations have been ineffective at bridging the number and kinds of interests at play today due to the complexities of multiple fragmented interests. As blessing in disguise, these in turn, make place for individual boundary spanner to play pivotal role.

Ostrom (1983), on common management among fragmented tribal communities emphasized that,

> …bridging the cultures of fragmented tribal communities is not choosing one or the other, nor is it creating an artificial culture, which denies their diversity. Rather, it requires grasping and making real a whole which encompasses both, and which requires the contributions of both to achieve the goals of either.

Understanding what the boundary spanner does to bring about the desired goals is a critical step toward dealing with the diversity of conflict resolution processes. Boundary
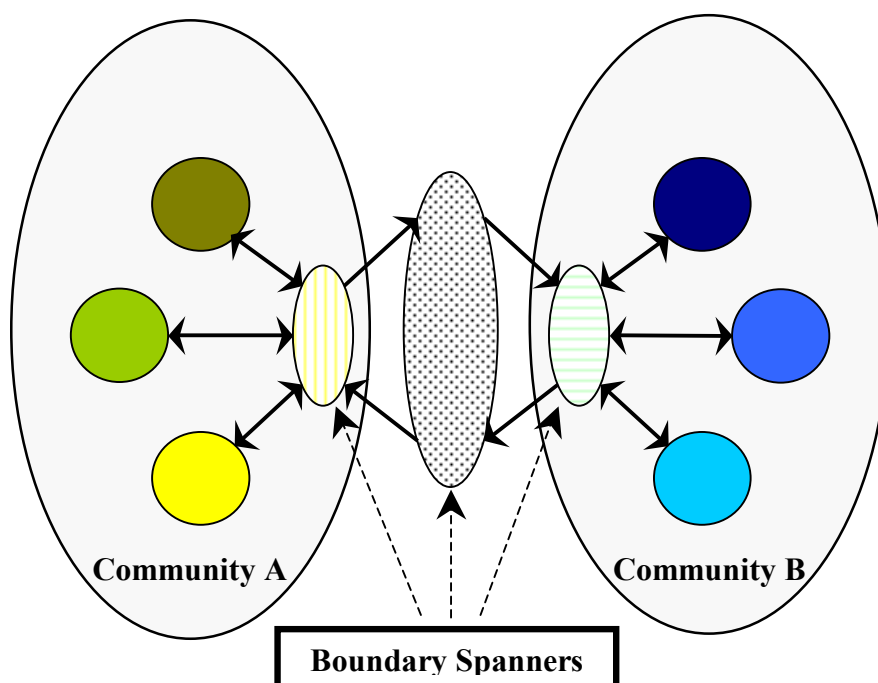
Figure 2. 10. The Nature of Boundary-Spanning Roles
Synthesized from Scanlon (2001) and Williams (2002)

spanner intervention has been an important topic of inquiry. Most generally stated, a boundary spanner is an individual or collective that is (often) external to a conflict and that tries to help the conflicting parties to reach an agreement. How this can be achieved depends largely on:

- the nature of the conflict,
- the issues at stake,
- the parties, and

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- the nature of their relationship.

Popular accounts of boundary-spanner's intervention often emphasize the variety of tasks and strategies intermediaries use to facilitate settlement. Some conceptualize boundary spanner activities in terms of roles, others in terms of strategies. Pruitt and Rubin (1986), as an example, offer a dichotomous set of roles a boundary spanner can play. They distinguish formal vs. informal roles, individual vs. representative roles, invited vs. non-invited roles, impartial vs. partial roles, advisory vs. directive roles, interpersonal vs. intergroup roles, and content-oriented vs. process-oriented goals. Zick (2000) lists the following as boundary spanner roles: catalyst, educator, translator, resource-expander, bearer of news, agent of reality, and scapegoat. Susskind e. a. (1999) introduce a more dynamic typology by relating the different roles of a boundary spanner to the various stages of the intervention process. Each role (e.g. representation, fact finding, inventing options, monitoring) has its place in the conflict cycle so that boundary spanners fulfill a range of roles during their engagement. Susskind's typology is more adept with boundary spanner practice. As conflicts change in terms of intensity, of the issues at stake and of the relationship among the parties, so do intervention roles, behavior and strategies.

Boundary spanners intervene on three levels of a given dispute (Glasbergen, 1995), on the level of *the relationships,* on the level of *the process*, and on the level of *the content* or outcome. The termination or resolution of a conflict is only one in a range of potential goals of conflict intervention. The improvement of the relationships among the disputants or the design of an effective and just dispute settlement process might be a more realistic goal of intervention than the resolution of the conflict itself. A boundary spanner will choose its approach according to the emphasis given to each of these three levels. The selection or design of a conflict management process depends not only on the goal(s) the boundary spanner wants to achieve but also on the nature of the conflict or on the stage the conflict is in.

2. 7. Papuan Movements in Context

A lot of efforts by indigenous citizens and civil society organizations have focused upon protection and advancement of their rights on the one hand, and solving problems of daily survival on the other. Civil society action for bringing about change and improvement in the lives of ordinary citizens has been the feature of many movements and struggles

throughout the world. This has been particularly so in the Papuan context where actions by citizens and their organizations have brought about many improvements in the lives of ordinary society members. Such actions have always required efforts to systematize existing knowledge and new initiatives to explore and access fresh knowledge. Knowledge creation by ordinary citizens has thus been at the base of much of civil society action (Eyerman and Jamison, 1991, p. 2-9).

Civil movements' initiatives are expanding across geographical and cultural boundaries of Papua (Human Rights Watch, July 2001). With some exceptions like the one reported by Sumule (2001), recent analyses of such initiatives highlight the fact that not all of them are necessarily successful. A July 2001 issue of Human Rights Watch (HRW) report dedicated to Papua wrote about harsh countermeasures that have been used by Indonesian military to curb the movements. Besides that, many studies and publications including the Jakarta Post articles noted that systematic legal measures in the endorsement of contradictory Laws[10] have been applied by the Central Government to disconnect social nexus between the Papuan nodes of movements.[11] This unpopular policy faces widespread rejections across Papua.

Papua province is the easternmost province of Indonesia, which throughout its history has witnessed intense social struggles to defend and improve economic, social, cultural and political rights. Social movements have shaped these struggles and have demonstrated capacity to provoke change - as has been the case in different historic movements: students, indigenous tribesmen, Churches, environmentalists, and 'freedom' movements. At the same time, there has been a continuous political struggle by local section of political parties, social organizations and movements that have sought a radical alternative to what the dominant classes have imposed by way of the traditional political practices.

Since the onset of armed rebellion by OPM (Free Papuan Movement) in 1977, the Indonesian State has engaged in a wide range covert war backed up by its military, economic, political and ideological force - which could be considered a legitimate response to this insurrection. However, in so doing, the State has engaged in an indiscriminate war against Papuans who favor changes in the economic, social and political structures of the

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[10] The Constitutional Court is still hearing a lawsuit filed by the Papua provincial legislature against the central government over the issuance of controversial Presidential Decree No. 1/2003, which enforced Law No. 45/1999 on the formation of West and Central Irian Jaya provinces. The decree has met with strong opposition in the natural resource-rich province as it is against the people's expectations in the smoothfunctioning of Law No. 21/2001 on special autonomy status for Papua province.
[11] http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20031128.@01 accessed on March 3, 2004

province. This has resulted in the denial of a fundamental principle of democracy, the right to promote change.

The Papuan People Congress II that took place in Jayapura, the capital city of Papua province, from May 29 to June 4, 2000 had been one of the most important events in the modern Papuan history. High turnout was possible because the gathering was organized in a more democratic circumstance after the fall of New Order Regime in 1998. More importantly, the Wahid's administration had been supportive and back up the meeting financially. With all Papuan community groups sent their representatives, the event was able to collect and reformulate the tribesmen's expectations about their future.

By design, the meeting was intended to connect with the spirit of the First Papuan People Congress held in 1961, at the time before Papua became a part of Indonesia. While the first Congress attempted to forge 'Papuan nationalism' among the geographically dispersed - and politically fragile Papuan tribesmen (Chauvel, 2001; Saltford, 2000, 2004) through the establishment of "Nieuw Guinea Raad" or Papuan People Representative, in the Second Congress, the Papuan demanded for 'to correct the course of Papuan history'. The history that the Papuan sought to correct was that of Papua's integration into Indonesia during the 1960s (Chauvel, 2001; Giay, 2000, 2001; Saltford, 2004). Their interpretation of it was summarized in the first three resolutions of the Congress[12]:

- The people of Papua have been sovereign as a nation and a state since 1 December 1961.
- The people of Papua, through the Second Congress, reject the 1962 New York Agreement on moral and legal grounds as the agreement was made without any Papuan representation.
- The people of Papua, through the Second Congress, reject the results of PEPERA (the Act of Free Choice) because it was conducted under coercion, intimidation, sadistic killings, military violence and immoral conduct contravening humanitarian principles. Accordingly, the people of Papua demand that the United Nations revoke resolution 2504, 19 November 1969.

Hadi (2004), the Director for Public Diplomacy and Head of the Working Group on Papua at the Department of Foreign Affairs, Republic of Indonesia, challenges the Papuan People Congress II claims. In Hadi's view, the claims hold no water, as too many details in history were deliberately left for they are not supportive for the claims. Hadi also emphasizes that the inclusion of Papua into Indonesia is a final case, based on the principle of *usi possidentis*, i.e. territorial claim over all territories that used to fall under the control

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[12] See Appendix 3: Resolution of Papuan People Congress II.

of the colonial power of the Netherlands East Indies (NEI), extending from Sabang (northern tip of Aceh) to Merauke (southeastern corner of Papua).

Papuan resistance to Indonesian authority emerged soon after the transfer of administrative control in 1962. The Organisasi Papua Merdeka, or OPM (Free Papua Organization), was formed in 1964 and became the principal institution to wage an armed resistance against the Indonesian government. The resistance was sporadic, ad hoc and local. It never threatened Indonesian control over Papua. However, although the OPM's military capacity was limited; its representation of Papuan identity and national aspirations at international stage was of much greater importance (Colombijn and Lindblad, 2002).

West Papuan independence is a precondition for the betterment of Papuans, and it is foreseeable, according to Giay (2000). In anticipation, he proposes an Action Agenda, which comprises the following ideas,

1. Rewriting Papuan History
2. Reconciliation and solidarity building
3. Socializing the idea of New Papua
4. Protection Act
5. Papuanization Act
6. Internationalizing the issue of Papuan independence
7. Empowerment and improvement of quality of higher education in Papua.

Despite the fact that Giay's agenda is received with cynicism by Indonesian political establishment (Colombijn and Lindblad, 2002), all Giay's ideas - except point 1 and 6 - have been greatly adopted in the Law No 21/2001 on Special Autonomy, which enacted in 2002. Van de Broek (2003), being a serviceman attached to Jayapura Diocese himself, is more down to earth with his assessment. In his view, Papuan absolute issues (main interests) can be traced back to cases related with cultural transition, demographic issues, socio-economic welfare, and basic rights.

Further assessment of the Papuan timeline (see appendix 1) put Giay and van den Broek at the different ends of Papuan's absolute issues continuum respectively. This implies that from whichever of van den Broek's issues an act is started, considering the rigid social setting, it will end up with Giay's proposal for action. The other way around also proves valid. While van den Broek's is practical, Giay's conception is more challenging from the perspective of knowledge creation. An analysis of the Papuan timeline will thus help delineate Papuan absolute issues.

Boundary Spanner in Papuan context

Publication on the practice of boundary spanning in Papuan context is very limited. Among others, Erari (1999) reports that arbitration and mediation are typical in Papuan traditional conflict management. He states that the function of judgment and reconciliation is practiced by one or a collective of authority figures, represented by tribes' elders. Further Erari states "…the purpose is not to deliver a judgment in law but to reconcile the conflicting parties and reintegrate the offender in the community and its norms" (Erari, 1999, p. 70-99). Interview with Giay later confirms Erari's report.

2. 8. Conclusion

Modus of movement

A society cannot exist without explicit social structures, which guarantee social connections in civil society. With social order normally corresponds with civil society, and civil society and social order mutually affect each other, the main role civil society plays is as a foundation to this connection (see Figure 2. 11). For the fragmented Papuan society, the reality is just too short to satisfy requirements for a healthy society, i.e. a full correspondence between civil society and social order. Departing from this situation, the Papuan society produces new social interests, which are not incorporated by social order. And, on such bases, Papuan movements emerge. These movements are a reaction of Papuan society to the disagreement between civil society and social order. Papuan movements are not only a reaction, but are also an attempt to change social order in correspondence with Papuan civil society. Papuan social movements reflect the social interests, which are not sufficiently incorporated into the social order. It is clear that the main *social interests* in Papuan society depend on the characteristics of civil society and on the stage of its development. The hierarchy of interests at different stages of Papuan movements is also different. The knowledge of the ever-changing sequence of occurrences in subsequent era proves the value contributed by the social movements.

The radicalism of movements depends very much on the degree of disagreement between civil society and social order. When the disagreement is small enough, social movements try only to reform social structures and not try to destroy them or to exchange them for others because in this case social structures partly satisfy movements and their interests, which is the case of a *norm-oriented movement*. However, when the disagreement

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between civil society and social order is large enough, social movements try to destroy social structures and to change them for others, which is *value-oriented movement*.
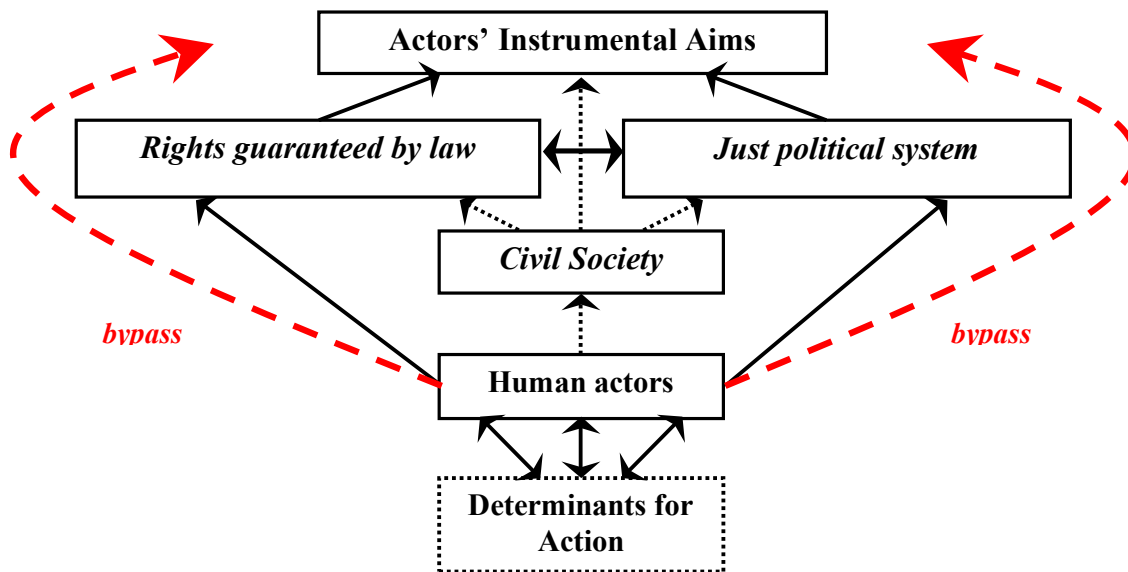
Figure 2. 11. Mechanism of Papuan Movement
Adjusted from Tocqueville

However, an attempt to destroy social structures can touch the interests of those who are satisfied with the existing social order. And, as an answer to the emergence of value-oriented movements, there emerge other value-oriented movements, which try to defend the existing social order.

There are thus three kinds of social movements, which are determined by the degree of disagreement between civil society and social order and by the direction of their activity, that is whether to destroy or to defend the existing social order,

1. Norm-oriented social movements;
2. Value-oriented social movements, directed to the creation of new social order and the destruction of existing social order;
3. Value-oriented social movements, directed to the defense of existing social order or counter-movements.

The case of Papuan tribal movement exhibits all characters attributed to the three kinds of social movements mentioned above. Detailed scrutiny on the movement reveals more interesting information on the process of learning and the process of institutionalization that follows. The creation of Dewan Adat Papua (DAP) or Papuan

Customary Council; the establishment of Presidium Dewan Papua (PDP) or Papuan Presidium Council, the transcending setting of movement, diverging local aspirations, etc. to mention some of the dynamics related with Papuan movements. While these institutions evolve to a better shape, focus will be directed toward the *umbrella-institution* of PDP. The PDP, since its establishment in 2000, has taken pivotal role in shaping Papuan movements. It has, for instance, shifted the setting of movements to enter the global world by benefiting from the existing network among Papuan Diasporas. Besides networking, the PDP has also been engaged in social learning efforts to advancing with the process of identity building.

Research on Papua

Many academics and social theorists on Papua, focused extensively on modernization, that they tended to present on oversimplified design of the contrast between traditional and modernization. In so doing, the possibility exists that they miss the chance to better value the authenticity of local aspirations, which frequently advance up to become agenda demanding for recognition (Kipp, 1996; Kivimäki, 2002; Knöbl, 1999, 2003; Malley, 1999).

Overwhelmed by the rigor of local phenomena in their proximity and perceived personal political aspirations, another group of local academics contrasting themselves from the first group, argues that, "social laws" as they saw them were very much "local-bounded" and operative effectively only in structurally similar societies. (Chauvel, 2001; Giay, 2000, 2001; Karoba, 2001; Nordholt, 2001; Osborne, 1985; Rumbiak, 2001). This group of academician tends to value 'all that not local' as of a lesser degree. This kind of barrier has been in the mode ever since local discontents found its way to evolve.

With most researchers focus their research on the effect of the introduction of modernity to Papuan primordial society, a study on the process of societal knowledge creation in the context of Papuan society is fairly unknown, thereby provides a supporting argument to conduct this research.

Chapter Three

HISTORICAL BACKGROUND

3. 1. Introduction

The Papuans live scattered over the Papua Island, in small communities largely isolated from one another by the rugged terrain of the area. It was reported that the Papuan are originated from Africa, and have been making home of this island since 8,000 to 30,000 years ago.

Located on the western part of the island of New Guinea, Papua province of Indonesia has been dominated by outside powers for nearly two centuries. The Dutch set up the first outpost in New Guinea in 1828 and formally took control of the island's western part under an 1848 agreement with British colonial power. The Japanese occupied the Dutch-controlled territory during the World War II and handed it back to the Ducth force after the war ended. The Dutch then handed over this territory to Indonesia in 1963 under a UN agreement calling for Jakarta to hold a referendum on self-determination by 1969 (see Appendix I).

Seeking an independent homeland, a group of tribesmen calling themselves the Free Papua Movement (OPM) begin waging a low-grade insurgency in the mid- 1960s. While the movement continues, Jakarta gains UN approval to formally take over West Papua in 1969 after holding a tightly controlled "Act of Free Choice". The 1,025 traditional leaders, who participated, had voted unanimously against independence. Indonesia in 1973 renamed the land, known locally as West Papua, Irian Jaya. This name however, has been changed back to Papua to refer to the old 'West Papua' after President Abdurrahman Wahid agreed on the name change in December 1999 (see Appendix 1).

This chapter provides background information to explain *why* Papuan tribal governance has emerged. This objective will be approached through 4 sections, respectively on: (1) the fragmented communities, (2) aspirations for independence, (3) institutional arrangement, and (4) brief history of Papuan movements. This chapter is closed with conclusion.

3. 2. The Fragmented Communities

3. 2. 1. The Papuan Realm

The people of West Papua are composed of various language groups. According to the Summer Institute of Linguistics (SIL) who carried out language research and mapping over the island since the 1970s, there are at least 312 languages spoken by the indigenous peoples. (Silzer, Peter and Clouse, 1991) This number reflects the isolation and small numbers of the language's user (see figure 1. 2). New tribes are expected to be discovered in West Papua in the short-coming future as research still ongoing. With its many hidden valleys and often rugged and inaccessible terrain, much of the interior of West Papua remains uncharted territory (SIL, 2001, 2002, 2003).

The interconnectedness of language and culture in a virtuous cycle of production provides better insights on how the recursive process of production reproduces new reality - new culture. This basic understanding implies that Papuan tribesmen are well adapted to suit their respective physical environment, as adaptability is precondition for survive. In the other hand, this basic understanding also implies the tribesmen's attachment with their immediate natural domain, which is very strong, even too strong, that it left only narrow space for new idea on modernization to evolve (Silzer, Peter and Clouse, 1991).

In general, each Papuan tribe lives a distinct life. The diverse natural setting provides each tribe living in it with distinct environmental backdrop, which in turn determines a rather idiosyncratic social construct leading to distinct tradition and culture, and with it different worldview. These stark distinctions obviously left trace in the distinct ways the indigenous communities perceived their existence.

3. 2. 2. The System of Belief[13]

The cargo cults of Melanesia date back before the first arrival of Europeans to the region (McDowell, 1994, p. 16). Although no documented accounts of these movements existed until the mid 1800's, there is evidence that great value was placed on items of foreign origin before there was any contact with the West, and that there existed the belief that shiploads of these valuables would be brought by a messianic type figure in the culture (Kamma 1972, in Giay, 1995).

Myths and legends form the basis of the cargo cult idealism and present an interesting view into the world of the indigenous Papuan. Secondary and Primary data

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[13] This section is derived from Wibowo (2004). *A Justification for Papuan Social Action*

finding - at later stadium - found similarity in the pattern of traditional mythologies among the Biak-Numfor tribes in Biak, the Arfak-Hatam tribe in Manokwari, and the Sentani tribe in Jayapura (Boelaars, 1992, p. 1-54; Erari, 1999). McDowell[14] (1994) reported that *Koreri*, the Biak cargo cult myth; *Ukut-kado*, the Arfak Hatam cargo cult myth; *Tigomang*, the Sougb cargo cult myth; and *Sawapacu-Ataphapkon*, the Sawi and Auyu cargo cult myth showed similarities in pattern of myth and mechanisms of how *messiah-like figures* will help materialize the tribal communities' dreams and expectation. The concept of *messiahs* however, as McDowells implies, differs from place to place depending on the communities' expectations (Ibid, p. 61-103).

The purpose of *cargoism* was to hasten the coming of an imaginary ship bringing back the spirits of the dead ancestors and large quantities of Western modern goods (Giay, 1995; McDowell, 1994). Essentially, cargo movements are:

1) *millenarian*, in the sense that they anticipate the coming of a *golden age* where sin, suffering, discontent and death have been removed and replaced with a utopian welfare society on this earth,

2) *messianic*, in that the anticipated millennium will be brought about by the coming of a messiah-like figure, usually an ancestor, who is able to supernaturally rescue the people from political-economic crisis in which they happen to be. This messiah-like figure will appear as white male and coming from the West.

These elements of a cargo cult could appear in various manifestations in local setting after it was coupled with culturally specific beliefs. If certain rituals are performed or certain mantras are uttered, the ancestors of that particular tribe or community will return from the world of the dead and accompany in the *golden age* (McDowell, 1994, p. 61).

Movements that have been known to occur in Papua were found related with the expectation of the believers to receive material goods. This is why these movements have been described as being *cargoism*. The term *cargo* as used in cargo cults comes from the Pidgin English[15] word *kago* and means material wealth from a Western origin (McDowell, 1992, p. 19; Oosterwal, 1967, p. 469 in Giay 1986). A more application-oriented definition of the word as practiced by the cultists themselves would more accurately define material wealth to include: food, clothing, valuable goods, economic development, money, technological advancements, political freedom, knowledge, peace, social justice or any and everything which is viewed as needful to live a happy life.

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[14] http://papuaweb.org/dlib Accessed on August 5, 2004
[15] The English used in Papua New Guinea

Although material goods are involved with most of these movements, cargo is by no means the only objective of the movement. Freerk Kamma - having done extensive research among the cargo cults of the Biak-Numfoor people - explained:

> Quite apart from the derogatory meaning it (cargo cult) has acquired the term is incorrect. There is no cult of Western goods. The cargo the ships are to bring is no more than part of the expectation, it is not the cargo but the ancestors that are worshipped (Kamma, 238, in Giay, 1995).

The key factor of the movements observed in Melanesia is the return of a messiah-like ancestor who will bring with him what the people desire. The desires of one tribe may differ with those of another, which would include either one, all or any combination of material goods, political freedom, economic freedom, moral renewal, tribal status and security. Members of the society, who claim to have received the way to attain their millennial rewards by some supernatural means, play upon the objective of the tribe to attain one or more of these merits. This emerging prophet conveys the requirements that must be followed or performed for attaining what is desired to the people who then must act upon them. If what the prophet promised does not occur, then the movement dies out and the people wait for the next prophet to emerge (McDowell, 1994, p. 61-109).

The response of missionaries to these cargo cult movements has varied greatly. The response to the mythical-magic religions and practices of the indigenous people of Papua has been generally negative (Ibid, p. 27-57). The practices were considered anomalous and the participants were condemned to hell unless they perceived Christianity and joined the Church (Ibid, p. 36-54).

3. 2. 3. The Papuan Worldview

The Papuan understanding of the universe is directly related to their mythology. Important questions of life, such as death and the hereafter are answered in the myth (Ibid, p. 103-109).

> Melanesians have usually explained their successes or failures in terms of a 're-tribute logic'; that is, each culture has a repertory of reasons to explain why a death has occurred, why sickness has struck, why one family is more prosperous than another, why trouble has arisen between two parties… (Trompf 1991, in Giay 1995).

The mythologies of Papuan presented here reflect the people's remarkable reproduction of the environment coupled with the supernatural forces, which affect and control it. Thus mountains, islands, rivers, ponds, savannas, beaches, gardens or any other

places and items in the environment can take on special supernatural meaning. The environment-consciousness of the Papuan stems from supranatural forces perceived to be embedded in it. The explanation as to why a place is considered significant or sacred or why certain rituals are practiced within the tribe is found within the myth (McDowell, 1994, p. 109).

This kind of perspectives, in the Indonesian development jargon has often been called *animism*. Even today, in Papua certain locations are considered sacred, like a stagnate pools of water or a particular place in the mountainside in the Anggi lakes region in Manokwari district. Certain foods like pork and pumpkin remain taboo for some within the Biak-Numfor tradition of Koreri. The myth still has an important role in the life of the tribes as they not only can trace the origin of their tribe through the myth but also relate current events to the myth and incorporate these events into it (Ibid, p. 103).

Although the Papuan share similar mythological pattern of system of belief, there are still traceable number of faultlines exist at practical level that hampering communication among tribes. Recent disputes on land-ownership in Biak-Numfor, Manokwari, and Jayapura for instance, showed that the similarity in mythological pattern of system of belief did not at all times lead to uniform conception about land. In land-related disputes, provisory settlements based on locally available alternatives of solutions usually found their way in problem solving (Giai, 2000).

Most of the faultlines, according to Giai (2000) and Erari (1999), were residu of unresolved conflicts in the past. With local languages were inadequate for smooth inter-cultural exchange among tribal communities to easily communicate their problems, problem remains and even passed onto younger generation as ancient legacy.

3. 3. Antecedents Leading to Aspiration for Independence

3. 3. 1. Event in History

The starting point is the year 1961, an instant in the Papuan timeline (see Appendix I) when the Dutch occupation power began organizing *Nieuw Guinea Raad*, or New Guinea Council as a part of a grand design to prepare West Irian for independence (Schoorl, 1997). Though condemned by Indonesia and its allies in the Association of Non-Allied Countries, this move had inspired well-educated young Papuans. In the course of the years that follow, the same young Papuans took more radical stance against Indonesia, especially after the disputed act of Free Choice in 1969. To avoid military repression, some of these young

Papuan started clandestine movements, while some others built international network after they got a status of political asylum in foreign country. Recently, some of these young leaders who remain stay in Indonesia - who are in fact not that young anymore - wage their luck by staging waves of ethno-nationalistic movements against the Central Government (Aditjondro, 2000, p. 3-36).

The recent feuds here and there in Papua can always be related to the ethno-nationalistic seeds sown by the Dutch in 1961. The seeds have apparently been growing bigger and stronger as they found fertile ground in the ever-growing lists of suffering as an impact of repressive practices by the Past Regime and the failure of the State to meet the demands of indigenous Papuan to improve their societal conditions.

The timeline spanned between the early acts of forging 'ethnic identity' in 1961 to today will be distinguished into four stages of development in the following section.

3. 3. 1. 1. Pre-condition phase 1961-1969

This phase is marked with *(i) denial of the right to participation* and *(ii) denial of the right to self-determination*.

Ad. 1. The Dutch Occupational Power began preparations for Papua to become an independent state by the 1970s. However, the Indonesian Government opposed this preparation. Papua then became a disputed object between the Governments of Indonesia and the Netherlands. The Indonesian Government claimed that Papua was an integral part of Indonesian territory. Meanwhile the Dutch Government rejected the Indonesian claim and was committed to the establishment of an independent state of Papua. Eventually, under the influence of the United States, on August 15, 1962, both Governments signed the New York Agreement. The Agreement contained several guiding principles to settle the Papua case through a so-called Act of Free Choice. The formal transfer of power over Papua was to take place on May 1, 1963. Indigenous Papuans, however, had not been involved in any of the discussions, neither during bilateral nor during international meetings, not even when the New York Agreement was signed. This means that the future of the Papuans was discussed without the involvement of any Papuan. The Papuans were ignored and entirely excluded from the entire decision-making process. This constituted a clear denial of the Papuans' rights to participation. In response to this, a group of Papuan people started an action on December 1, 1961 to oppose planned souvereignty transfer from Dutch to Indonesia. (Dimara, 1999) This vanguard group grew stronger and on declared the

establishment of OPM - Free Papua Movement on July 24, 1964. Though OPM was officially established in 1964, Papuans people prefer to commemorate December 1, 1961 as the start of movement.

Ad. 2. According to the New York Agreement, the Indonesian Government was obligated to hold the Act of Free Choice in Papua. Seeking to win the Act of Free Choice, the Indonesian Government began eradicating the Papuans' idea of independence through the destruction of artifacts connected with Papuan way of life. (Ibid, p. 3-36) The national anthem was prohibited from being sung and the Papuan national "Morning Star" flag was also prohibited from being raised. After having immediately dismissed the Papua Parliament, the *Nieuw Guinea Raad*, whose members had been elected by the Papuans through the general election in February 1961, the Government, established a new regional assembly that included none of the elected Papuan Parliamentarians. The Government prohibited the Papuans to express their rights, such as the right to freedom of expression, to freedom of movement and to freedom of assembly.

3. 3. 1. 2. Period 1970-1990: Learning process 1970-1990

This period notes *(i) repressions and harsh military actions, (ii) failures in development experimentation, and (iii) increasing support for movement initiatives.*

Ad 1. Papua was declared Daerah Operasi Militer (commonly referred to as DOM) or Military Operation Zone, which granted the Indonesian military full control over the territory of Papua and was upheld until 1998. Within that period, some regions in Papua were closed to the public. Any person who wanted to visit the regions needed a surat jalan or a written permission from the police or the security forces. In order to get a permission, purpose and duration of the visit needs to be clarified. In the name of maintaining territorial integrity through the eradication of separatist movement, the military conducted several operations. These included military operations in Jayawijaya regency (1977), Operation Clean-Sweep (Operasi Sapu Bersih) I and II (1981), Operation Reinforce (Operasi Galang) I and II (1982), Operation Clean-up (Operasi Tumpas, 1983-1984), Operation Clean–Sweep (1985) and another military operation in Mapenduma, Jayawijaya regency (1996) (Osborne, 2001, p. 1-87).

Any cultural expression by the Papuans was considered as a manifestation of a separatist movement.[16] The case of Arnold Ap for example, he is a Papuan musician and the curator of the Cendrawasih University Museum, was killed by the Indonesian military after having been detained. This period also noted that the Papuans were not allowed to call themselves Papuans or Melanesians. Those who openly professed their cultural identities were often labeled separatists or supporters of the separatist movement. As a substitute, the State required the Papuans to refer to themselves as 'Indonesians from the Province of Irian Jaya (former name of Papua province)' (Aditjondro, 2000, p. 61-105).

Ad 2. In former days, Papuans were the owners of the forests under *adat or* customary law. The forest had an economic as well as a religious meaning for the Papuans: It was considered as a source of food, a shelter in times of tribal wars and a place to communicate with ancestral spirits. To the Papuans, the meaning of the forest is embodied in their saying: "The forest is our mother." As the Papuans of the Amungme tribe express it: "The Mountain is the symbol of the head of our mother, the rivers are the symbols of mother's breast milk. So the exploitation of forest and mountain is an expression of sexual abuse against our mother earth" (Erari, 1999). However, under newly imposed rule, the Papuans were no longer the owners of their ancestral land. Papuans' ancestral rights was evicted under the pretext of national development, their forests were expropriated and given to new comers, who exploited the forests resources with greed, leaving trails of environmental disaster behind for the local people. As a renowned Indonesian human rights lawyer Todung Mulya Lubis notes: "The people have lost their lands and daily activities" (Lubis, 2000). When the native Papuans demand their rights of ownership of the forest, they are always accused of being supporters of the separatists, of being anti-Government or anti-development. All these labels give justification to the security forces to use violence in the name of development, national stability, national security, and national unity. Widjoyo (2000) recognizes that the Papuans have been suffering too much from intimidation, killings, discrimination and marginalization. Papuans have been enduring deep suffering and experiencing fears that render them helpless (Van den Broek, 2000). The rights abuses have wounded their hearts that are not easily to be healed. Their experiences of rights abuses have led the Papuans to a collective awareness of being colonized, exploited, discriminated, oppressed and left powerless.

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[16] Waruno Mahdi suggested that there is a conspiracy for this denial. http://w3.rz-berlin.mpg.de/~wm/PAP/index.html#SP

Ad 3. In 1973 there was a split in the OPM leadership into two main groups: the Revolutionary Progressive Government (RPG) remained led by Zeth Rumkorem and a breakaway faction called Defacto led by Jacob Prai. The Defacto faction established the same structure as the original OPM with both a military and political wing and both the RPG and Defacto factions continued fighting Indonesia for the same cause (Somar, 2003). There were clashes between the two factions both internally in West Papua and internationally with each faction establishing international representatives. (Ibid. p. 2) This period noted low activities in armed actions.

In the 1980s, West Papua young intellectuals and Melanesian intellectuals in University of PNG realized the need for a unity of OPM. They formed a group called OPM New Order on April 24, 1984 with the objectives to: (i) guard the existing OPM organization in its role towards West Papuan independence, (ii) formulate alternatives and create awareness between OPM factional leaders on the need of a united movement, and urge them to reconcile.

The two OPM factional groups were forced to start to reconcile under pressure from OPM New Order and on the 15th August 1985, the leaders of both factions came to sign a reconciliation agreement in Port Vila in the Republic of Vanuatu, which is known as the Port Vila Declaration.

3. 3. 1. 3. From 1991 until 1998: Consolidation & Adaptation

This period was marked with *peaceful actions*.

The settlement of umbrella organization of Papuan independent movements in 1985, sparked new hope among young Papuan, mainly students and civil organizations for better organized movements. In the years that followed, a number of OPM chapters were established. Papuan student chapters were established in the main cities of Indonesia where many Papuan students reside for study. Women chapters were established in all main cities of Papua. Papuan Diasporas in the Netherlands, Sweden, Australia, the USA, PNG, the UK, etc also established international chapters. This period also noted the mushrooming civil groups, some of them who then played important roles are: FORERI (Forum for Reconciliation of the People of Irian Jaya), and LEMASA (Traditional Consultation Council of the Amungme Tribe) (Osborne, 2001; Somar, 2003).

The fall of New Order Regime in 1997 brought about a little space for democracy. The Papuans used this space to express their demand for a genuine dialogue to settle the

Papua case. They began to express their demand for the right to self-determination in a peaceful manner, which is through peaceful demonstrations in the cities. In every demonstration they raised the West Papuan Morning Star flag. In each of the demonstrations, many Papuans took part. The demonstrations were held in Biak town (July 2-6, 1998), Wamena town (July 7, 1998), Jayapura (July 1, 1999), Sorong town (July 5, 1999) and Timika town (November 10 – December 2, 1999). On December 1, 1999, the Papuans jointly raised the Morning Star flag in 13 towns in Papua (Osborne, 2001).

3. 3. 1. 4. From 1999 until to day: Institutional Building

In a meeting with the third President of Indonesia, B.J. Habibie, on February 26, 1999, the Papuans expressed openly that they wanted to establish an independent state of West Papua. Their request was rejected, but the Papuans rejoiced nevertheless, because they were able to express their aspiration, honestly and peacefully.

One year after the meeting with President Habibie, the Papuans held a three-day convention (February 26-29, 2000) in Jayapura. In their final resolution, they publicly declared that the Papuans strongly rejected the process and the result of the undemocratic Act of Free Choice of 1969 because Papuans had not been involved in the entire process.[17]

The Papuans' demand for their right to self-determination was strongly confirmed and fully supported by the Papuans in the second Papuan Congress. The Congress was held in Jayapura from May 29 to June 4, 2000. Having stated the denial of their right to self-determination in 1969, the Congress firmly rejected the process and the exercise of the undemocratic Act of Free Choice. The Congress decided to continue fighting for their right to self-determination through peaceful and democratic ways with respect for human dignity and human rights, based on truth, dialogue, rectification of history and peace. The Congress established the *Presidium Dewan Papua* (PDP) or Papuan Presidium Council representing all tribes, religions and regions. The PDP was mandated to push for the right to self-determination peacefully through dialogue and negotiation.

3. 3. 2. Changes

Social and economics shifts have transformed rural communities demographically, socially, economically, and institutionally. How communities deal with their changes

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[17] Jakarta Post (1999).

depends on their adaptability, in which part social capital plays a greater role. Yet, these very shifts threaten the social capital of many rural communities.

3. 3. 2. 1. Social and Demographic Change: Transmigration

Over eight hundred thousands people have resettled in West Papua under the government's transmigration program (Adhiati and Bobsien, 2001; Aditjondro, 2000). This number makes about one third of Papua population of 2.3 million as of 2002 (CBS, 2003). The majority is from the islands of Java and Sulawesi, but any Indonesian citizen and his family are able to take part in the scheme and receive assistance for transportation and establishment. As either spontaneous or sponsored transmigrasi, most

Figure 3. 1. New Resettlement Site in Prafi, Manokwari

have been resettled in large settlements along the Indonesia / PNG border, near the large towns of Jayapura, Manokwari and Merauke, or in the forestry / mining areas of Sorong and Timika. The Trans-Irian Highway have opened up to transmigration the previously isolated rural, and more densely populated, central highlands, a region where a mining concession of over 3 million hectares has been issued by the Indonesian government for Freeport McMoran Indonesia Company (FMI), a multinational company operates in mining industry (Alatas, 1995).

The overall effect of the influx of immigrant unskilled and skilled labor has been to severely limit opportunities for employment of Papuanese in private sector activities. Unless positive employment policies in favor of the indigenous population are pursued, continued social conflict would appear to be unavoidable (Giay, 2000). In many regions of West Papua, the indigenous people, who are foragers and forest dwellers, are losing their traditional way of life not only to deforestation and mining projects but also to the recently revised transmigration policy. This policy encourages forest people to resettle in camps where they will be granted a small area of land to produce their everyday necessities (Adhiati and Bobsien, 2001). In the case of the Amungme, Dani and Mbua regions, this has involved the resettlement of people to lower altitudes, away from prospective mining zones, where resistance to disease such as malaria is low (Aditjondro, 2000).

Transmigration is part of the Indonesian government's stated policy of assimilating indigenous people with the goal of forging a single national identity. The Indonesian government has sought to alleviate the population pressure on Java by addressing the imbalance in population density with other so-called "outer" islands, such as West Papua, where the transmigration program is now concentrated (Adhiati and Bobsien, 2001).

It is projected that by the year 2010 the population of West Papua will have grown to between 2.6 and 3 million. This will largely be due to transmigration, both government funded and "spontaneous", and subsequent industrialization resulting from Jakarta's "Eastward Development Policy" of 1990.

Land confiscations were granted by law as clause 17 of Indonesia's Basic Forestry Act of 1967 stipulates, "The rights of traditional law communities may not be allowed to stand in the way of transmigration sites". And Article 2 of the Basic Agrarian Law of 1960 says that:

> ... it is not permissible ... for a community based on its traditional rights, to refuse to allow forest land to be cleared on a large and organized scale for the implementation of large-scale projects undertaken in the framework of plans to increase the production of foodstuffs and to shift the inhabitants (DTE, 2002).

Based on these laws, not only do the indigenous people have no right to resist appropriation of their land for transmigrants or industry, but also they are also likely to receive little or no compensation for it. For example, at Arso and other places in the vicinity of Jayapura, "the local people have received no compensation for any of the land which they have been obliged to relinquish. Furthermore, if they resist the demand for their land, they are labeled OPM, which means future military harassment and abuse". According to the Minister of Transmigration,

> …the surrender of land for the needs of transmigration is not accompanied by *ganti rugi* (compensation) but only by granting recognition, namely a certificate of recognition of right.... Recognition can take various forms, even the form of something with no economic value such as the holding of a traditional ceremony, the presentation of agricultural implements, a church or a mosque or other social facilities (Adhiati and Bobsien, 2001).

The stated goal of transmigration is, according to the former Minister, "to integrate all the ethnic groups into one nation ... the different ethnic groups will in the long run disappear because of integration ... and there will be one kind of man..." The official view is that the transmigration program is beneficial to the native inhabitants because it enables

them to "learn from the Javanese". It has been argued that the program must be hurried along as a means of transferring agricultural knowledge while integrating the indigenous Irianese into the mainstream of the nation. On the other hand, critics of the program argue that many of the Irianese people are not ready for, nor do they desire to enter into, an imported community of agriculturalists, forced without their consent to forego their traditional land rights and culture (Elmhirst, 1999).

Kompas daily newspaper Wednesday 6 Desember 2000 edition has reported that the regular inter-island transmigration program has been put on standstill as of August 2000. Eversince the Government only support local transmigration. This however, in the case of Papua does not really make any difference. People resettlements from Papua highland of Wamena to lowland Jayapura for instance deliver the same impact as in the case with Jawanese or Buginese settlers. The highlanders who are farmers by nature can easily adapt their lifestyle to the fertile alluvial environment of Sentani tribe's ancestral ground. The latter were fishers by nature.

3. 3. 2. 2. Environmental Change
Deforestation

Logging is one of the major causes of environmental destruction in West Papua. As Indonesia's own forest resources decline, it has turned its attention to West Papua. Indonesia's forest practices generally have little or no attention paid to the environmental impact of logging. Many of the indigenous people of West Papua are threatened as vast tracts of land have been granted as concessions to timber companies, a practice which is having severe social and physical consequences (Ascher, 1995; Sunderlin and Resosudarmo, 1996; Colfer and Resosudarmo, 2002).

The island of is one of the most biologically diverse in the world. Second only to the Amazon, the mainland of Papua has one of the largest tracts of tropical rainforest left in the world. West Papua's forests, rich in bio-diversity, account for approximately 34.6 million hectares or 24 per cent of Indonesia's total forested area of 143 million hectares. Over 27.6 million hectares of forest in West Papua have been designated as production forest (Sunderlin and Resosudarmo, 1996).

Indonesia has encouraged the development of a large timber-processing industry by banning the export of raw logs and has become one of the world's largest exporters of plywood. As Indonesia's own forest resources decline in Sumatra and Kalimantan (there is

an estimated rate of deforestation of about 1.6 million ha annually), the forestry industry has now targeted West Papua. This is also part of Indonesia's "Go East" development program. Four Jakarta-based timber tycoons have divided West Papua between them, this domination of the resource being achieved with support from the military government. To exploit the country's resources fully the government has given the construction of roads a high priority. These roads are being constructed in previously inaccessible areas (Colfer and Resosudarmo, 2002).

According to government regulations, logging in concessions is selective, but as in other tropical countries, in practice these regulations are rarely enforced. Logging roads are carelessly constructed, leading to substantial soil erosion and consequent silting of rivers and irregularity of river flow. Roads are routinely built over minor streams; the result is a roadside string of standing pools, which produce unusually high concentrations of mosquitoes and present the threat of malaria and other diseases. Logs are skidded out to the main road by heavy machinery, resulting in a dense network of bulldozer tracks. The heavy machinery destroys trees used by local people for food sources and traditional medicines (Ibid, p. 110-126; Firman, 1997).

These disruptions jeopardize the long-term recovery of the forests especially if we also take into account the large amount of illegal logging and the fact there seems to be little attempt to replant previously logged areas. The Transmigration program has also been responsible for the destruction of over 900,000 ha of rainforest and this destruction will continue as more land is cleared for settlements and agriculture. The danger is that if no action is taken to stop this destruction, West Papua could lose two thirds of its forests by the year 2010 (Lindayati, 2002; Sunderlin and Resosudarmo, 1996).

Mining

Some of the world's largest multi national mining corporations (MNCs) have been active in exploiting West Papua's oil and minerals, including Union Oil, Amoco, Agip, Conoco, Phillips, Esso, Texaco, Mobil, Shell, Petromer Trend Exploration, Atlantic Richfield, Sun Oil and Freeport (USA); Oppenheimer (South Africa); Total (France); Ingold (Canada); Marathon Oil, Kepala Burung (UK); Dominion Mining, Aneka Tambang, BHP, Cudgen RZ, and CRA (Australia) (Mealey, 1996). The international dispute over West Papua during the years after 1949 can thus be understood in light of the natural resources in the territory, which were far better known to the MNCs than general public.

Areas where mining concessions are situated, most notably in the Ertsberg and Grassberg mountains, the Paniai and Wissel Lakes region, Fakfak, the Baliem Valley, the "Bird's Head" western tip and the PNG border area, are where dislocation and suppression of the Papuan peoples has resulted in the most powerful uprisings and the most brutal reprisals by the Indonesian military (Aditjondro, 2000; Mealey, 1996).

Located in the Western Highlands is the massive Freeport Indonesia mining operation. Freeport's Mt. Ertsberg mine is the second largest copper mine in the world, and also contains the largest proven gold deposit in existence, valued in excess of $US 40 billion.[18] The latest estimate for the Mt Grasberg deposit is one billion tones of ore and it is expected to have a thirty-year life. The region around the mine is closed off to outsiders, as well as to the traditional landowners who have been dispossessed (Aditjondro, 2000).

Freeport Indonesia has concessions totaling 3.6 million hectares exploration area at Mt Carstenz Papua. The Company has led to the construction of the modern dormitory town of Tembagapura for its workforce. It has led to great disruption to the lives of the local people, the Amungme, who are prohibited from Tembagapura and are being relocated at Timika near the airport which serves the complex, and which is one of eight Transmigration settlements in the Freeport area. Freeport is building a $US500 million "new town" with an Indonesian partner near Timika on the flatlands near Grasberg, which will provide housing for up to 20,000 workers and their families (Ibid, p. 261).

In early 1990s Freeport moved 1,000 inhabitants of the village of lower-Waa to the coastal lowlands. In one month alone, 88 people died from malaria. 14,000 people are now settled; plans are for a total of between 25,000 and 40,000 people to be resettled. In February 1995 it was announced that 2000 people living in the vicinity of the Waa, Arwaa and Tsinga valleys were to be moved in March. This is the region from which was reports have filtered out of fighting in late 1994-early 1995 involving the deaths of about 40 civilians and the disappearances of up to 200 others (Ibid, p. 265).

Freeport mines 78,000 tones of rough ore/day. The additional silt and tailing of this is dumped as mine waste into the rivers surrounding Freeport, making the water toxic and thick with silt, suffocating and killing all biota life along the previously fertile river banks. The Komoro people in the Koperapoke area have been ordered to stop consuming sago, their staple food. Freeport has distributed 78 drums to families to catch rainwater for drinking since the water has been contaminated. Plans to expand Freeport's operations

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[18] http://www.infomine.com/index/companies/PT_FREEPORT_INDONESIA_CO.html

within a recently granted additional 2.6 million hectare concession cause great concern for other communities and their environment (Van de Broek, 2000).

Areas within some mining concessions have questionably been designated "earthquake zones", requiring the mass resettlement of tribes such as the Hupla of the central highlands, an unnecessary and destructive practice. Communities are often coerced into moving to lower sites, where they are more prone to diseases such as malaria and where traditional mountain foods such as pandanus trees do not grow. An Indonesian group, Indonesian Forum for the Environment, (WALHI), has begun court proceedings against Freeport on environmental grounds.[19]

Health

According to statistics prepared by aid organizations working in West Papua, the province's overall health status is the lowest in Indonesia and the problems of access to and availability of services will mean that a high proportion of the population will remain under-served. Reports made by Indonesian Department of Health show that in the central highlands, populated by around 400,000 people, there is only one hospital with 70 beds, and 15 health centers with a doctor in the 13 sub districts covering an area of 53,000 square kilometers (CBS, 2003).

There are many remote, outlying villages, which have no access to health services, health centers, nor clinics. There appears to be a disproportionate emphasis placed on "family planning" rather than on hospital and medical services throughout the province. A local Indonesian health worker has stated that in one remote region of 40,000 inhabitants, 100 per cent of females of childbearing age are acceptors of family planning. Independent studies have been requested by concerned local women and men to monitor the effect on villages of the implementation of family planning, and the long-term effect of the drop in the birth rate. Cases have been reported of bribery of local women into becoming family planning acceptors, and "over- enthusiastic" amongst local officials involved in the administering of the government's national "two child" program. NGOs have noted the greater degree of family planning targeted at indigenous women over transmigrants (WATCH Project Report).

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[19] WALHI has been reporting Freeport Indonesia to the police for committing serious violations in relation to environment control. http://www.mpi.org.au/indon/eng_freeport_police.html Accessed on September 26, 2004

West Papua has the lowest population density in Indonesia, owing to its area, but the central highlands, soon to be connected to the capital by the Trans-Irian highway, is comparatively densely populated by tribal groups. The infant mortality rate in West Papua ranges between 70 and 200 per 1000. The maternal mortality is 4.5 per 1000 in rural districts, where the majority of the population lives, compared with a rate of 1.3 per 1000 in other parts of Indonesia (CBS, 2003; WATCH Project Report).

Specific data on AIDS in West Papua is limited, despite recording the highest number of carriers in Indonesia. This is a recent and frightening phenomenon. The official figures show the number of cases has tripled between 1995 to 2002. It is believed that transmission is likely to occur following the routes of small trading vessels, introduced by foreign workers, the growth in prostitution, and tourism. Cases have been discovered in the main towns and even in the highlands, including the Freeport mining community, where prostitution has increased in recent years (Papua AIDS report).[20]

3. 4. Institutional Arrangement,

Back to November 28, 2003, The Jakarta Post, a national newspaper reports that over 40 Papuans held for flying separatist flags in Manokwari[21] in a ceremonial flag rising to celebrate 'independence anniversary on Dec. 1'. This action of low-level secessionist group called the Free Papua Movement (OPM) marks the existing idea for independence for the resource-rich province since the 1960s. These calls for independence ebbed when Jakarta, in January 2002, introduced special autonomy that gave greater authority to the Papuan administration. However, as the Government of Indonesian (GOI) has failed to initiate any real change in the course of the implementation of Law No. 21/2001 on *Otonomi Khusus (otsus)* or Special Autonomy to date, resistance to the Government is again mounting.

Further, in its March 18, 2004 edition, the Jakarta Post also reports that 'Papua division may end with separatism'.[22] In their warning to the GOI of the hurdle in the implementation of Law No. 21/2001 that gives special autonomy to Papua, the Papuan religious leaders said that,

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[20] http://www.papuaweb.org/dlib/tema/hiv-aids/index.html Accessed on August 18, 2004
[21] http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20031128.@01 Accessed on August 19, 2004
[22] http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20040318.C03 Accessed on August 19, 2004

> … if the controversy around the implementation of Law No. 45/1999 on the partition of Papua into three provinces remains, The whole of Papua society could unite in a movement to secede from the Republic of Indonesia if the government insisted on splitting the province. If the government is reluctant to implement the special autonomy of Papua, intellectuals and bureaucrats may join with the people to form a freedom movement.

The following analysis of institutional arrangements will be divided into national and regional level analysis.[23]

3. 4. 1. Decentralization in Indonesia

Regional Autonomy

In Indonesia, regional autonomy (otonomi daerah, or "Otda") is a loose term used by government officials and the media usually to describe transfer of authority and functions from central to regional government, as set out in Law No 22/1999.

The main questions asked about regional autonomy are: what degree of local autonomy is central government offering? How will regional autonomy be implemented and if so, who will take the lead, who will control the process and what will the impact be?

The impact and progress of implementing regional autonomy cannot be separated from the economic and political uncertainties facing Indonesia. These will be crucial in determining the direction and chances of success for regional autonomy.

The Building blocks of the Decentralization Framework

The extra-ordinary session of Indonesia's highest decision-making body, the People's Consultative Assembly (MPR), in October 1998 initiated the revision of Law No. 5/1974 on the Principles of Regional Government by means of the MPR Decree No. XV/ MPR/ 1998. Based on the decree, the Ministry of Home Affairs put together a team of senior civil servants, academics and advisors to draft what would later become Law No. 22/ 1999. At the same time, a team in the Ministry of Finance started working on a revision of the system of governmental finance and formulated a draft for Law No. 25/1999. Both laws were pushed through parliament and approved in May 1999 that would come into effect in 1 January 2001 by means of the MPR Decree No. IV/MPR/2000.[24]

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[23] Wibowo, 2003, *Discourse Analysis on the Governing Policies in the Development of Indonesian Papua Province*).
[24] *The Asia Foundation. (2002). Second Report of Indonesia Rapid Decentralization Appraisal. Indonesia Rapid Decentralization Appraisal (IRDA). http://www.asiafoundation.org/pdf/IRDA_Report2_english.PDF*

The key features of Law 22/1999 are the devolution of a wide range of public service functions to the regions, and the strengthening of the elected regional councils, which received wide-ranging powers to supervise and control the regional administration.

Nearly all laws in Indonesia depend on subsequent 'operating regulations' and ministerial or presidential decisions to determine exactly how they are implemented. For Laws 22 and 25 the main operating regulation is No. 25/2000 on the Authority of the Government and the Authority of Provinces as Autonomous Areas, passed by the Wahid government in May 2000.

This regulation sets out the aspects of government that are to remain under the control of central government and the authority of the provinces. It does not give details of the authority of district level governments. According to the explanatory notes accompanying the regulation, the authority of the districts and municipalities are not included, because law 22/1999 "basically releases all authority of central government to the districts /municipalities" and the regulation just covers the exceptions.

Law No. 25 (1999) on Fiscal Balance between the Center and the Regions aims at empowering and raising regional economic capabilities, generating a financing system for the regions which is "just, proportional, rational, transparent, participatory, accountable and provides certainty", and at realizing a funding system that reflects the division of functions (between levels of government) and reduced regional funding gaps.

Prediction made at the time when the law was drafted expects that after full implementation of both laws, the regional share of general government spending will more than double to over 40 percent, and that some 60 percent of the development budget will be managed at sub-national levels (The Asia Foundation, 2003).

Outlook

At this time, Decentralization is firmly under way despite shortcomings of the regulatory framework. Major issues still to be handled include the following:

- Establishment of monitoring and evaluation system
- Finalizing key elements of the framework
- Improving the fiscal transfer system and regional financial management
- Capacity building on central and regional level

Table 3. 1. Key Changes in Indonesian Local Autonomy Laws From Law No 5 / 1974 to be Law No. 22 / 1999

Topic	Law No. 5/1974	Law No. 22/1999
Character	• Narrow • Non-Inclusive	• Broad • Inclusive
Status of Provincial Administration	• Autonomous area and administrative area • Decentralization and deconcentration	• Administrative area • Limited decentralization and deconcentration
Status of District Administration	• Administrative area • Decentralization and deconcentration	• Autonomous area • Decentralization • Focus of local autonomy
Relationship between Provincial and District Administration	Hierarchical structure	Non-hierarchical structure
Consideration on Autonomy	• Depending on delegated tasks • Autonomy as duty rather than right (Administrative duty)	• Broader authority except on 5 matters related to foreign policy, defense, court, fiscal & monetary, religion, etc • Autonomy as right

Source: Excerpted from prior discussion
See also Wibowo, Totok Hari. (2003). *Discourse Analysis…*

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3. 4. 2. Focus on Papua

The issuance of Inpres No. 1/2003 concerning the Acceleration of the Implementation of UU No. 45/1999 concerning the Formation of the Provinces of Irian Jaya Tengah (Central Irian Jaya) and Irian Jaya Barat (West Irian Jaya), Kabupaten Paniai, Mimika, Puncak Jaya and the City of Sorong, appears to have had a paradoxical response from the community in the local, as well as national context.

One part of the community has responded with enthusiasm and optimism to the presence of Inpres No. 1/2003, which orders a number of state officials to conduct the total agenda for implementing the formation of the Provinces of Irian Jaya Barat and Irian Jaya Tengah according to UU No. 45/1999, because it is judged to be a policy with strategic value for equitably raising services, empowering the community and accelerating development in Papua Province.

On the other hand another part of the community has responded with apathy and pessimism to this policy, because if this policy is enforced it will have negative implications for the implementation of Law No. 21/2001 on Special Autonomy (Otsus)[25], which will worsen the living conditions of the community and simultaneously justify the community's mistrust of the Government. It was afraid that this situation affects the dynamics of the community's life in Papua Province from this moment onwards.

Implementation and Implications

Legal Aspects

From the perspective of legal validity, UU No. 45/1999 was legally valid. This is because it was made by an authorized institution, through the formal procedure and mechanism for creating UU, and within the correct framework of the hierarchy system of statutory regulations. However, as a legal instrument, this UU was invalid as its target communities; backed up by the Decision of DPRD Irian Jaya Province rejected it. The rejection showed that, from the perspective of legal validity, the provisions of UU No. 45/1999 were not effective, so there was a loss of socio-legal capacity, although these provisions still possess valid juridical capacity.

Though hierarchically UU No. 21/2001 is equal with UU No. 45/1999, UU No. 21/2001 differs from UU No. 45/1999 as it possesses a special characteristic within the regulation of regional autonomy compared with UU No. 22/99 on Regional Autonomy and

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[25] More detailed information about Law No. 21/2001 can be found in Appendix 4

UU No. 25/99 on Financial Balance between the Centre and the Regions, and there is also a difference in the procedure for pemekaran of provinces compared with UU No. 45/1999 concerning the Formation of the Provinces of Irian Jaya Tengah and Irian Jaya Barat, the Kabupatens of Paniai, Mimika, Puncak Jaya and the City of Sorong. According to this special characteristic, the validity of a basic legal regulation, which is special, cancels out a regulation, which is general (*lex specialis derogat legi generali*).

UU No. 21/2001 also regulates the pemekaran of Papua Province to become more than 1 Province as it states that: "The pemekaran of Papua Province to become Provinces shall be conducted with the approval of the MRP and DPRP after giving close and serious attention to the social-cultural unity, readiness of human resources and economic capability and development in the future."

This is different from the regulation of pemekaran of the province according to the provisions of UU No. 45/1999 which directly stipulates the division of the area into 3 new Provincial areas. The regulation of the pemekaran of the province according to the provisions of UU No. 21/2001 does not stipulate the number of divisions of the provincial area, but for pemekaran of the provincial area into 2 or more areas, the following conditions must be fulfilled:

1) consideration of social-cultural unity;
2) readiness of human resources; and
3) future economic capability.

Furthermore, it is confirmed that the DPRP and MRP will constitute the competent political institutions to evaluate the fulfillment of the 3 elements as conditions of any pemekaran. However, both UU possess a similarity, that is, to regulate the pemekaran of Papua Province or Irian Jaya into 2 or more provinces. Thus, if the contents regulating the pemekaran of the Province from both UU are confronted with the legal principle which says that the later regulation nullifies the earlier regulation (*lex posterior derogat lex priori*) then the materials concerning "pemekaran provinsi" which must be given effect are those contained within Otsus, because it was issued more recently, that is, in 2001 as compared with UU No. 45/1999 which was issued in 1999. Therefore, INPRES No. 1/2003 has emerged from the contents of an UU that already does not possess legal validity.

Economic Aspects

The enactment of UU No. 21/2001 concerning Otsus for Papua Province changed the revenue structure. The sources of revenue, according to UU No. 21/2001, increased the Balance Funds wherein the Otsus allocation funds for 2002 amounted to Rp.1, 382,300,000,000. Therefore, with the existence of Otsus, the revenue side was increased by an amount of Rp.776,667,966,364 from 2001 to 2002. For revenue sources in 2002, it can be seen that the Otsus funds make a significant contribution that is equal to 70.57% of the total APBD revenue.

Social-Cultural Aspects

When UU No. 45/1999 was initially enacted, it was opposed and rejected by the wider community which took into account several principal reasons concerning: the development of the inhabitants; socio-cultural factors; socio-political factors; increased governmental bureaucracy; and because it would only advance particular Kabupatens in Irian Jaya Province, which was viewed by the community as unjustified.

On the other hand, the formation of the Province of Irian Jaya Barat, with Manokwari as capital city, was supported by a number of prominent central government, regional government, adat (tribal-ethnic), religious and political figures and by LSMs and community groups representative of the region.

Along with the growing support for the formation of the Province of Irian Jaya Barat, social support for the Otsus system of governance has declined. These differences have in some instances lead to open frictions between multi-stakeholders and community groups. If these differences and inconsistencies in the community are not properly accommodated and managed, there arises the possibility that more serious social conflict, concerning the system of governance in the region, will occur. A format to resolve social conflict, which is accepted by all parties, is required.

There are various community groups who are pro-Otsus, pro-pemekaran, groups rejecting both, groups demanding merdeka, and community groups, who are unclear about their attitude, do not understand the issues, or who are not interested. These configurations have contributed to the phenomena of social disobedience that has emerged in the form of:

- concern about formal leadership, and the acknowledgment that the leadership of particular prominent community figures has weakened;

- mistrust of the function and role of formal institutions;
- the weakening of community trust in the capability of the leadership to develop the community;
- the rejection of cooperation, coordination and participation in the process of regional development;
- the widespread student and community demonstrations; and
- the widespread disobedience of formal regulations.

Ongoing social conflict between pro-Otsus and pro-pemekaran community groups has caused the social condition within the Papua community to become more uncertain, less beneficial, less safe, and less comfortable. This has influenced events in other development sectors so that all relevant parties need to take concrete steps to exit from this situation.

The social conflict has provoked tendencies towards social, ethnic and tribal disintegration and regionalism within the Papua community, and has polarized the community according to different affiliations and social attitudes. The implementation of Otsus has further provoked primordial sentiments and regional affiliations within the regional government bureaucracy and the community. The implementation of Otsus has also been affected by the emergence of bureaucratic attitudes and behavior that contains aspects of KKN (corruption, collusion & nepotism) and this has reduced the level of community trust in Otsus itself. Only adherence to the rule of law will raise the level of community trust, loyalty and support in the credibility, accountability and transparency of this system of regional governance.

3. 4. 3. Summary of Institutional Arrangements

The policy of pemekaran of Irian Jaya Province can be understood as a strategic policy that is capable of raising services, empowering the community and accelerating development. It is also hoped that this policy can raise levels of ability in the management and utilization of the region's potential in order to support the administration of regional autonomy. Although the policy of pemekaran of Irian Jaya Province is viewed as one of the alternatives within the framework of achieving effectiveness and efficiency in governmental administration and the conduct of development, the momentum and format of the pemekaran as regulated in UU No. 45/1999, is regarded as imprecise and does not provide significant implications for raising services, empowering the community and accelerating development in the area of Irian Jaya. An analysis of the formulation process

and the contents of this UU indicate that there are a number of elements which can justify this statement, among other things are:

(1) the momentum for the enactment of this policy is less than precise. This policy was enacted during the culmination of political escalation in Irian Jaya Province, with several components of the Irian Jaya community conducting different efforts in struggling for the rights of the Papua community, even including the desire to separate themselves ('merdeka') from NKRI. Because of that, the pemekaran policy was merely viewed as an effort by the Government to divide the populace of Papua so that politically they would not have sufficient strength to influence the political bargaining process in struggling for the rights of the community of Papua;

(2) the process for the formulation of this policy was regarded as inappropriate because it did not involve the wider community (popular consultation) and, similarly, it did not accommodate community aspirations, particularly in the method of dividing the territory and;

(3) this division of the territory was regarded as inattentive to the resource potential, social-cultural aspects and accessibility between regions.

The presence of INPRES No. 1/2003 and subsequent actions, which rapidly strengthened the Province of Irian Jaya Barat, gave shape to the ideas and wishes of a particular bureaucratic and political elite, and the interests of certain individuals and groups, in this region. The centralization culture, which during this time became the general justification in the executive and legislative arena, forced this issue. The desires of certain individuals in these elite social arenas were regarded as benefiting people at the lower level or in village communities. However, these issues did not represent the aspirations of the urban and rural inhabitants, as they were not able to avoid the influence of political euphoria in these social arenas. The pemekaran of the Province of Irian Jaya Barat, which was rejected by the populace, results from these facts.

The social conflict between the pro and the contra pemekaran that consequently emerged substantially occurred at the level of the bureaucracy and the political elite. The majority of the Papua community merely became victims of the desires of the political elite. In enacting the pemekaran, the idea of the adat community, based on socio-cultural territorial units in Papua, was not respected. A number of considerations that formed the basis for making this UU were not publicly articulated, although some of the considerations of elite and bureaucratic groups, in making this UU, were rational and open. The question is then, why was the enacted pemekaran of the province rejected by the populace of Papua?

The debate about Otsus and the pemekaran of the province is irrelevant when that debate is merely directed towards a choice of one of the options (Otsus or Pemekaran). This

is because pemekaran is not considered taboo by Otsus (see Article 76 UU No. 21/2001). What must be debated are the formulation process and the format of the pemekaran, placed within the framework of Otsus. The development of the social-cultural sector according to the Otsus format has started to be appreciated as one of the best policies in this region and this needs to continue to be defended and expanded within the context of future regional and national development.

UU No. 21/2001 possesses legal, political, cultural and economic values that suit better for the populace of Papua. The process of making this UU was quite representative of the Papua adat social-cultural communities. However, by this time, Otsus has not yet become a priority issue for a number of regional government institutions, the DPRD and all components of the Papua community, although it has specific characteristics as follows:

(a) it explicitly and clearly assists the populace of Papua, through the establishment of the Papuan People's Assembly (MRP) within the system of governance in Papua Province;
(b) it is not indifferent to the culture of the Papua adat community;
(c) it acknowledges and protects the rights of the adat community and Human Rights in Papua;
(d) it acknowledges the existence of indigenous Papuans from the Melanesian Race within the diversity of ethnicities in Indonesia and;
(e) it acknowledges the distinctive features of indigenous Papuan culture as enabling Papua Province to have a special identity or symbol.

The coming into force of Otsus for Papua Province provides an increase on the revenue side and contributions from Otsus funds are dominant in this. On the contrary, the impact of the pemekaran in Papua will result in a gap in the distribution of income and economic growth.

There are three scenarios in monitoring the impact of the pemekaran. Firstly, using Otsus by proposing 'good governance'; secondly, using UU No. 45/1999, wherein the 'New Provinces' will use general regional autonomy; thirdly, using the pemekaran within the Otsus corridor, wherein the Otsus 2% funds will be divided amongst the 'New Provinces'. The development of the social-cultural sector according to the Otsus format is viewed as one of the best policies in this region and it needs to continue to be conducted, defended and expanded in the framework of the future national development of the NKRI in this region.

Community social support for the pemekaran policy in this region is based on UU No. 45/1999 and it continues to strengthen and increase and this requires to be accommodated

within the framework of finding a final format for the system of governance in this region. The accommodation of democratic values is considered to be the best solution for social conflict concerning the format of governance in this region.

Efforts are required to tackle and resolve social conflict concerning the future system of governance in this region and this must be conducted through the synchronization of these Undang-undang, reconciliation and consensus, and by involving the community. These efforts must be conducted non-violently and in accordance with valid NKRI law, democratic values and human rights.

The reactivation of UU No. 45/1999 through INPRES No. 1/2003 and the rapid strengthening of the Province of Irian Jaya Barat can be viewed as the materialization of a political idea, wish and desire of a particular political and bureaucratic elite in the centre and in this region and as a result of a conflict of social-political interests concerning the development of this region.

The social conflict that has emerged between pro and contra the pemekaran of the province, substantially originates in bureaucratic ranks and in the political elite of the centre and this region. This condition has arisen because of various self-interested groups in this region. The majority of the Papua community, which has little or no understanding of socio-political issues in the region in general, has merely become the victims of the desires of several political elite groups.

UU No. 21/2001 is viewed as not having been implemented honestly and responsibly by the executive, the DPRD and components of Indonesian society. This UU is more inclined towards the Papua community, giving attentiveness to the culture of the Papua adat community, acknowledging and protecting the rights of the adapt community and Human Rights in Papua, acknowledging the existence of indigenous Papuans from the Melanesian Race within the diversity of the ethnicities of Indonesia, and acknowledging the distinctive features of indigenous Papuan culture as enabling Papua Province to have a particular identity or symbol.

UU No. 21/2001 provides the space and position for increasing the prosperity of Papuans and this UU must be comprehensively socialized to the rural community because, at the moment, the majority does not understand contemporary political issues and they have developed an attitude of indifference or they feel that they do not have an interest. If this matter is not thoroughly attended to the community may, by itself, choose options outside of Otsus and the pemekaran policy.

Table 3. 2. COMPARISON of UU No 45/1999 and UU No. 21/2001

Category	UU No 45/1999 on Pemekaran	UU No. 21/2001 on Special Autonomy
Background	• Chaotic initial stage of reformation at National level. • The independence of East Timor	Political pressure from Irian Jaya Province populace demanding for independent
Spirit	• Intended as a strategy for strengthening the territorial integrity of NKRI, rather than aiming to raise the level and status of Papuans • Directly stipulates the division of the area into 3 new Provincial areas.	• Special Autonomy for Papua Province in Forming a Self-Governing Territory within the framework of NKRI includes the power to regulate the benefits of natural wealth in the area • Raising services and accelerating the development and empowerment of the whole populace in Papua Province, particularly indigenous Papuans while admitting the disparity between Papua Province and other provinces in Indonesia • Accommodate pemekaran in stages. "The pemekaran of Papua Province to become Provinces shall be conducted with the approval of the MRP and DPRP after giving close and serious attention to the social-cultural unity, readiness of human resources and economic capability and development in the future
Constituencies' involvement in policy making	No	• Constituencies' involvement in all stages of law making. • A number of concepts/ drafts

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Category	UU No 45/1999 on Pemekaran	UU No. 21/2001 on Special Autonomy
Affected Area	Provinces of Irian Jaya Tengah (Central Irian Jaya) and Irian Jaya Barat (West Irian Jaya), Kabupaten Paniai, Mimika, Puncak Jaya and the City of Sorong	The whole of Irian Jaya province (to be renamed Papua Province)
Implementation	Ineffective, due to the rejection from pro Otsus and Pro merdeka supporters	Ineffective, due to the non-existence of DPRP and MRP, and PERDASUS and rejection of pro pemekaran supporters
Acceptance	Low. Rejected by part of constituents on reasons like: • the policy was conducted without any community consultation; • the policy was not in accordance with the recommendations submitted by the Government of Irian Jaya	High
Legal validity	• UU No. 45/1999 is legally valid but rejection reduce its validity • The validity of UU No. 45/1999 is cancelled by UU No. 21/2001 as regulation which is special cancels out a regulation which is general (*lex specialis derogat legi generali*) • As both UU No. 45/1999 and UU No. 21/2001 accommodate pemekaran, the later regulation nullifies the earlier regulation (*lex posterior derogat lex priori*)	
Impact		
Economic Aspects	The sources of revenue are based on: *Original Regional Income, Balance Funds and Loans*	• The sources of revenue are based on: *Original Regional Income; Balance Funds; Funds within the framework of Otsus; and Loans and Infrastructure Funds.* • It increase the 2002 revenue by 70.57%

Category	UU No 45/1999 on Pemekaran	UU No. 21/2001 on Special Autonomy
Social-Cultural Aspects	There are various community groups who are pro-Otsus, pro-pemekaran, groups rejecting both, groups demanding merdeka, and community groups, who are unclear about their attitude, do not understand the issues, or who are not interested. These configurations have contributed to the phenomena of social rebelliousness that has emerged in the form of: • concern about formal leadership, and the acknowledgment that the leadership of particular prominent community figures has weakened; • mistrust of the function and role of formal institutions; • the weakening of community trust in the capability of the leadership to develop the community; • the rejection of cooperation, coordination and participation in the process of regional development; • the widespread student and community demonstrations; and • the widespread disobedience of formal regulations. Ongoing social conflict between pro-Otsus and pro-pemekaran community groups has caused the social condition within the Papua community to become more uncertain, less beneficial, less safe, and less comfortable. This has influenced events in other development sectors so that all relevant parties need to take concrete steps to exit from this situation.	The social conflict has provoked tendencies towards social, ethnic and tribal disintegration and regionalism within the Papua community, and has polarized the community according to different affiliations and social attitudes. The implementation of Otsus has further provoked primordial sentiments and regional affiliations within the regional government bureaucracy and the community. The implementation of Otsus has also been affected by the emergence of bureaucratic attitudes and behavior that contains aspects of KKN (corruption, collusion & nepotism) and this has reduced the level of community trust in Otsus itself.

Category	UU No 45/1999 on Pemekaran	UU No. 21/2001 on Special Autonomy
Recommendations	a. The Central Government needs to take immediate clear steps in connection with the validity of these two legal instruments. This is necessary in order to prevent the occurrence of social conflict within the community and in order to provide a guarantee of legal certainty. b. A multi-disciplinary study must be conducted in order to investigate different social-cultural issues within the context of developing a format for handling social conflict, identifying the social-cultural map, and stipulating the format for peaceful dialogue, reconciliation or negotiation. This study should provide objective and non-partisan suggestions to community groups that are pro-Otsus or pro-pemekaran, concerning future policy actions. c. Consideration is required concerning the 'Papuan Union' model (a coalition of new provinces) that would have a membership comprising of bureaucratic, legislative and adat leaders. This institution would essentially have the function of making policies concerning the sharing of revenue resources between Papua and the Central Government. This institution would also regulate the equitable and prudent use of 'Papuan Union' funds (cross-subsidies) so that income imbalances and economic disparities among the provinces could be reduced.	

Source: Excerpted from prior discussion
See also Wibowo, Totok Hari. (2003). *Discourse Analysis…*

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3. 5. Brief History of Papuan Movements

Since its discovery by the Europeans in the 16th century, West Papua experienced Dutch ruling from 1828, colonial competition between the Dutch and the British in the 19th century, Japanese invasion in 1942, the Dutch mandate after World War II, and finally Indonesia's taking over via the United Nations from the Dutch in 1962. Although Indonesian authorities consulted the group through the "Act of Free Choice" in 1969, the community representatives have complained on the way they were treated and forced to the assembly to vote for the integration of West Papua and the Indonesian state. Conflicts between West Papuans and Indonesian government escalated since the integration (Osborne, 2001).

The West Papuans' greatest grievance, other than political and economic rights, regards West Papua's independence. Resistance to Jakarta is nearly universal. The primary leading force of independent movement comes from the Organisasi Papua Merdeka (Free Papua Organization), or OPM, a political and armed guerrilla group. The OPM movement diminished in the 70's, however the insurgence continues today. Insurgence is curbed by the difficulties of communication due to geographic constrains of the area, shortages of supplies and equipment, disagreement among diverse groups of the movement. OPM remains the center spirit of the West Papuans and a major problem between Jakarta and Papua New Guinea (PNG), as the island interior's border has become the locus of OPM activity and the significant influx of West Papuan refugees continues each year (Ibid, p. 161-240).

OPM attacks on largely Javanese immigrants who come to West Papua under "Transmigrasi", a national program to reduce the overcrowded Java and to populate remote islands, also reflects West Papua's economic problem. West Papua is home to one of the world's biggest gold mines, and under its rich jungles lays oil, gas and minerals. All these make West Papua a significant symbolic economic meaning to Jakarta. However "Transmigrasi" has brewed tensions and deadly clashes between many indigenous populations and the immigrants, including the West Papuans local migrants. The development of the case lead the Papuans to resent the presence of the immigrants, whom they consider as the main beneficiaries of the economic development of the island, and dominating force of commerce and industry, as well as land appropriation, and the security forces of the area. In addition, the influx immigrants, who are primarily Muslims, have

rendered Christian indigenous West Papuans a minority. This fact exacerbated the West Papuan resentment towards the immigrants (Ibid, p. 1-87).

<u>Forms of Resistance</u>

The West Papuan independence movement began in Biak in the 1960s before the Indonesian takeover. The Dutch colonial government actively encouraged the setting up of the OPM in an attempt to stop West Papua from falling into Indonesian hands and retain influence over an independent Papuan state (Ibid, p. 1-10; Somar, 2003).

Armed resistance. The OPM cannot be viewed as a single, coherent organization. Some observers, and some OPM representatives, draw a distinction between the OPM proper - the popular and political resistance movement - and the *Tentara Pembebasan Nasional* (TPN) or National Liberation Army, the armed groups under various leaders who are responsible for most violent resistance, and who cannot be viewed as representative of the movement as a whole. It is this armed force in particular which has been accused of human rights abuses including kidnappings and killings of civilians; most famously when a group of scientists including four Indonesians and four Britons was held for 5 months in 1996, and freed only after the murder of two of the Indonesians. Even the OPM/TPN distinction is partly a false one, since many of the guerrillas appear to fight only part of the time, and periodically return to their villages to cultivate crops or take part in civil resistance (Osborne, 2001).

Flag-raising: a manifestation of peaceful resistance. The armed groups are generally too elusive for the military to crack down on, meaning reprisals often fall on the civilian population. Peaceful resistance, such as ceremonial raisings of the OPM's Morning Star flag, are also often subject to military reprisals; for example in Biak in July 1998 when an unknown number of people died and dozens were injured after troops opened fire on demonstrators who had raised the Papuan flag (Ibid, p. 161-241).

The OPM continues to exist, but in recent times has largely adopted a diplomatic route. In 2000, an estimated 20,000 West Papuans gathered in the capital Jayapura, and the Papua Presidium Council (*Presidium Dewan Papua*, PDP) was formed, a non-violent body charged to achieve dialogue with the Indonesian authorities and to promote the West Papuan case abroad. In November 2001, the members of Indonesian military strangled its chairperson - Theys Eluay, to death.

3. 6. Conclusions

Being the first nation, the journey of the primordial Papuan society has been very much defined by localities like the vastness of the area, the rugged terrain, the harshness of the nature, etc. These factors - alone or in combination - have contributed their bits in shaping Papuan individuals, revealing the hardship of life at one side, and the strong dependency of the communities on their immediate environment at the other.

The journey made by the Papuan society is an evident and at the same time also a witness of how these particular communities have been successfully mastering the tricks needed to survive, to overcome the peculiarity of the nature, and to secure their own continuity in the long journey they made ever since their ancestors made the first step on the island. This very issue of continuity however, has recently been put on test with rapid changes brought into the communities' every aspects of life.

The changes that were applauded at the commencement by many about three decades ago remain foreign for most of the communities today. The communities' initial attitudes toward changes have changed drastically after learning that most of the changes impacted them negatively. In some cases, these changes even worsen their quality of life - for whatever 'quality of life' it may mean to be. In due course, antecedents build up, memory of suffering lengthen out, there is reason enough for action, but what action? What action is appropriate? That is while the issue of the communities'continuity is no longer the privilege of these indigenous communities. Instead, it has become a wider 'national' issue through a disputed social contract of an act of free choice.

The recent efforts to vent out the local anger by delegating power to local government through the introduction of a set of decentralization laws were met with tough resistant from the Papuan. The sporadic movements here and there in Papua have only strengthened the premonition that the changes brought about by the laws do not actually serve the communities' expectation.

Departing from the above deadlock situation, the central government provided the Papuan with leniency to draft their own version of law that would be enacted over their fragmented communities. The draft was ready in 2000 and eventually evolved to become the Special Autonomy Law that today has been counting its fifth year enacted.

The action from which the tribesmen of Papua have been successfully constructed a structure that will govern their lifes reveals the enormous job have been done, which before, remain unimaginable considering the extreme fragmented communities.

Chapter Four

CASE ANALYSIS

In the hot and humid tropical rain season of September 2003, a group of native Papuan belongs to Arfak Hatam tribe huddled together in the shade of acacia trees in front of Kantor Bupati Manokwari, Manokwari District Office, searching for soothing and cooling while waiting for their name to be called. Barefooted and scantily clad, these tribesmen were there with a dusty cellophane bag in hand, "This is my proposal for a grant from the Special Autonomy Fund," explain one of them while extracting some papers from inside the bag. The group makes a fraction of local residents who visit the office in the hope that the self-improvised proposal will be awarded. This sighting is not particularly new; it started someday in 2002 along with the ratification of *Undang-Undang Otonomi Khusus,* the Law on Special Autonomy, which implementation is inadvertently understood by local tribesmen as an easy access to the easy money of *dana otsus*, Special Autonomy Fund.

While the Arfak Hatam attest their luck in the way they did, in about three hours flight from Manokwari, as the Cenderawasih Pos, a local newspaper reported, the Sentani Airport in Jayapura was blockaded by local traditional landowners. The blocking was due to a dispute on land compensation given by the Government for the use of the people's *tanah ulayat* - customary land for the Sentani airport. As a result of the blockade, there was no operation at the airport on that day. The mass disbanded themselves after agreed on a compensation arrangement with the Provincial Government.

The Cenderawasih Post also reported another act of blockade took place in Biak. There, a group of people belong to local clan occupies and barricades the office of *BP KAPET Biak,* the main office of Biak Development Authority - a body authorized to carry out development crash program in the area - located next to the main landing strip of Frans Kaisiepo Airport. Similar with the Abepura case, the crowd also demands for cash to compensate material and immaterial loss of the use of *tanah ulayat* by Indonesian Government for the office of BP KAPET Biak. The act lasts for weeks. It eventually ended after the BP KAPET agrees for a new settlement.

In another corner of Biak, we passed empty storehouses in the dusty heat. The once was a busy street, is now becoming ideal place for children to play hide-and-seek. Faded billboards announced billiard and game center - a business that closed in 1999. The Irian

Hotel, located right in front of Frans Kaisiepo Airport, sees an occupancy drop to below 50% level. For reason, a hotel manager said, the implementation of Special Autonomy Law has deprived the island from the seasonal workers as they moved to the Province's main island where job opportunities are in abundance.

In the meanwhile, in a humid and hot afternoon in Abepura, a satellite city of Jayapura, the provincial capital of Papua Province, students from the nearby University of Cenderawasih hastily occupy empty corners at the Saga Mall in groups after finishing afternoon lectures. The mall is the first and the only in the area that since its establishment in 2002, becoming new destination for leisure, rendezvous, and hangouts. Once arrived there, the students merge with a crowd of *orang kaya baru (OKB),* local words for new riches - a derogatory connotation for those blessed with a sudden wealth benefiting from *dana otsus.* All but sudden, as if in a plot, the crowd starts exhibiting a rather new style in their social engagement. A rather metropolis lifestyle common in Jakarta becomes a new trend in Abepura. A new trend indeed for those can afford it. However, for most of the Sentani tribesmen living around there, the sighting remains as foreign as the new governing law on Special Autonomy itself.

In Skou, a midsize fishermen village located about 60 km to southeast from Jayapura, next to the international borderline with Papua New Guinea (PNG), men were enjoying themselves in a soft afternoon sea breeze exchanging stories in longhouse on the easy life they have. For these fishermen, lives are always so easy. It becomes even easier with a regular remittance they receive from a local sawmill/timber company that pays them for their granting the company access to customary land. Though small in amount, the transfer is welcomed as a sweet addition to their irregular - catchments-depended - income. When asked on the state of their forest, they replied indifferently, "… why bother with what the company is doing (and going to do) with our forest, which otherwise (these) assets means nothing for us."

Back to November 28, 2003, The Jakarta Post, a national newspaper reported that over 40 Papuans were held in detention for flying separatist flags in Manokwari[26] in a ceremonial flag rising to celebrate 'independence anniversary of Free Papua on Dec. 1'. This action of secessionist group called the Free Papua Movement (OPM), marks the

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[26] http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20031128.@01 Accessed on March 3, 2004

existing idea for independence.[27] These calls for independence ebbed when Jakarta, in January 2002, introduced special autonomy that gave greater authority to the Papuan administration. However, as the Government of Indonesian (GOI) failed to initiate any real change in the course of the implementation of Law No. 21/2001 on Special Autonomy to date, resistance to the Government is again mounting.

Further, in its March 18, 2004 edition, the Jakarta Post also reported that 'Papua division may end with separatism[28]'. In their warning to the GOI of the hurdle in the implementation of Law No. 21/2001 that gives special autonomy to Papua, the Papuan religious leaders said that,

> … if the controversy around the implementation of Law No. 45/1999 on the partition of Papua into three provinces remains, The whole of Papua society could unite in a movement to secede from the Republic of Indonesia if the government insisted on splitting the province. If the government is reluctant to implement the special autonomy of Papua, intellectuals and bureaucrats may join with the people to form a freedom movement.

Social and economic pressures are changing the Papuan communities. The Law on Special Autonomy that authorizes the Papuans to manage and allocate *dana otsus* - Special Autonomy Fund, leads to more severe changing of societal landscape. In rural area of Papua, privately owned timber and sawmill companies are *absorbing* communities' *hutan dan tanah ulayat* - customary land and forest. Retirees, migrants and seasonal workers are moving to the rural areas of Papuan Province as never before, following the shifting focus of infrastructure development to remote areas. This outmigration drains urban area of its workforce while residential development is changing the rural landscape.

4. 1. Introduction

Against the above backdrop a case study was prepared. The case explores the journey of the tribes for local governance through a series of struggles, the success in each one of which became the stepping-stone and strength of the tribes to proceed for the next issue. Every struggle presents a different type of story, but has a similar underlying message of how the ordinary citizens learnt, organized themselves, fought with the government or the

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[27]The idea of 'the morning star' rising is explained in detail by Dr. George Junus Aditjondro, in his *Bintang Kejora di tengah Kegelapan Malam: Penggelapan Nasionalisme Orang Irian dalam Historiografi Indonesia* (Makalah untuk Seminar tentang Nasionalisme Indonesia pada dan menjelang Abad XXI yang diselenggarakan oleh Yayasan Bina Darma di kampus Universitas Kristen Satya Wacana (UKSW), Salatiga, 2-5 Juni 1993). http://w3.rz-berlin.mpg.de/~wm/PAP/GJA-bin-kejora.html Accessed on May 5, 2004
[28]http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20040318.C03 Accessed on March 3, 2004

market as the case may be, for their rights, ultimately leading to the demand for self-governance in their village. Thus, the governance focus of this case is a civil society assertion for local self-governance.

The case study highlights the process from the perspective of the citizens themselves. How individual and collective knowledge creation in the civil society spaces and initiatives take place, transformed and enhanced the quality of action for change leading to tribal self governance as is the theme of this study. This case study explores the movement of the Papuan tribal communities for their right to indigenous resources and for self-governance. The case study is set in Papua province that includes Manokwari district, Biak District, and Jayapura Municipality located in the northern coastal line of Papua province (see Figure 1. 1). The case study is aimed at investigating the problem statement as stated in section 1. 3. In more detailed fashion, this case study will investigate the interdependency of *identity, antecedent* or driver for change, and *processes of structuration,* and draw a pattern of *societal knowledge creation* from it.

This chapter mainly reports findings from the field gathered during a fieldwork from September 20, 2003 - October 28, 2003. This chapter is organized as follows: It starts with report on *grass-root reality,* depicting some events of the daily life of ordinary Papuans; describing the phenomena of social movements, its impetus, process and results; followed with *political reality,* explaining in more detailed fashion about the processes behind the scene. Structuration as we meant in Chapter I, describes the process of adoption of grass-root claims into formal law system, within which also the establishment of new institutions that needed to guarantee the smooth processing of the new law. Potentials for conflict indicates possible driver for new cycle of learning, and *Business corporation reality* provides another angle from which new motivators (or demotivator) for (against) movements might appear. This chapter is closed with conclusion.

4. 2. Grass-root reality: various learning processes

The struggle for rights over land and natural resources is a key aspect of the conflict in Papua, formerly known as Irian Jaya. The conflict marks another low in the relationship between Indonesian State with the Papuan tribesmen, the indigenous population of the province. One of the mentioned claims from the Papuan is that the state has granted concessions to Indonesian and foreign resource extraction companies on land which Papuans regard as theirs, creating a sense of injustice and leading, in many cases, to conflict

and repression by the security forces. This sense of injustice is further worsened by the damaging effects of extraction on the natural environment on which most Papuans depend for living.

Papuan dissatisfactions over land and resource management provide a fertile ground for a wider sense of dispossession that ultimately fosters support for actions towards independence. The relationship is not always straightforward, however, and resource extraction is only one aspect of the conflict. There are places where support for independence seems closely linked to the practices of resource extraction companies and their guards from the military and the police: for example, around the Freeport copper and gold mine in central Papua. But strong anti-Indonesian feeling has also been created by military brutality in areas where resource extraction has been light. There are areas where people are said to be deprived from their forests and other resources, and also talk eagerly about independence, but do not necessarily directly link to the two.

The demand for Papuans for *merdeka* (freedom) is vague. It can mean an independent state. This is the meaning advocated by the leaders of the major local political organizations, which pushes Indonesia's response to the conflict.[29] But it can also imply liberation from injustice, an interpretation from theological as well as political perspectives.[30] This picture however, has been expressed by Papuans from various backgrounds, ranging from the educated urban elite, villagers, to foreign observers who have spent time in the province.[31] Indonesia assumed management responsibility over this former Dutch colony in 1962 under a UN mandate and then officially took it over in 1969 through disputed ballot process.[32] Eventually, Indonesia won foreign governments' supports under the condition to improve local life conditions.

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[29] *ICG report* No 3. (2001). *Indonesia: Ending Repression in Irian Jaya*, 20 September 2001. http://www.crisisweb.org/home/index.cfm?id=1462&l=1

[30] Interview with Paul Burkhart. He is an American anthropologist who had worked for Christian Missionary in Papua for 42 years. Interviews in Jayapura, Papua on Sept 24, 2003. Another interview with Fr. Jan Frank, a Dutch Missionary in Manokwari on October 14, 2003 confirms Burkhart's assessment.

[31] Between September 15 and October 30, 2003, we interviewed Presidium leaders, NGO and church activists, civil servants, business people and villagers in Papua as well as observers familiar with the province.

[32] In a ballot known as the Act of Free Choice but directed in practice by the Indonesians, 1,025 Papuan leaders voted to join Indonesia. One of the UN officials involved has since described it as "whitewash" which "trampled" on the rights of the Papuans. See "Indonesia's Papua Referendum Was A Farce: Ex-UN Officials", Associated Press, 22 November 2001. See further Saltford (2000, 2004)

Benni Giay[33], a religious serviceman, a scholar, a tribal leader, and a prominent member of the PDP himself, illustrates what freedom means for him in a story he experienced in December 1969:

> In Sorong, in the Bird's Head, the people there had prepared a feast for the celebration. A few days before the announcement they prepared the feast because they were happy they were going to lead their own lives. They prepared meat and vegetables and potatoes. But when they heard that Papua was to become part of Indonesia they threw all of the food into the sea. In my village, the people cried. I cried also, I was in my car. In Jayapura, students, theological college students, they were not happy with Western missionaries because they taught them God is going to take care of you. But the result was different and so they were not happy. They even stopped church related activities at their church at that time. In my community, two tribal leaders washed themselves in mud. Means no future! In Biak, the church, for a few weeks after the announcement, was empty. Why? Because there was no future. The Papuan struggle was a struggle way back against the Indonesians, against foreign domination. At the village level, Papuans think that the Act of Free Choice took away their future. It closed the door.

Papua's natural resources are of great value to the Indonesian state, military and business elite (Aditjondro, 2000, 2001). The foremost example is the Freeport copper and gold mine, which has paid more than U.S.$1.8 billion in taxes and revenues to the state since 1992 and tens of millions of dollars to the military, as well as provided lucrative investments in the 1990s for business allies of the Soeharto government.[34] Such wealth is a strong incentive for Indonesia to keep a control of Papua that has often taken the form of brutality against civilians.

Repression is less intense than in the 1960s, 1970s and early 1980s, when thousands of civilians are thought to have been killed by the military.[35] But murder, torture, forced detentions and other abuses are still common, and there are sporadic armed clashes between the security forces and pro-independence guerrillas. Attacks on the security forces often lead to harsh retaliation against civilians. There have also been cases of Papuans killing Indonesian settlers and of the military and police fighting each other.[36]

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[33] In an interview at his office in the Walter Post Seminary College in Sentani, a sub-district 40 km from Jayapura, on October 29, 2003

[34] The first figure comes from Freeport < http://www.infomine.com/careers/eoc/freeport-mcmoran.asp > and the second from non-Freeport sources.

[35] Robin Osborne, 2001, p. 140-150. See also publications from Diocese Jayapura, *Memoria Passionis.*

[36] On Papuans killing settlers, the most recent is reported by *the Jakarta Post,* October 14, 2004 edition. A clash between the police and military in Wasior District in August 2003 reportedly killed five military, and police retaliation that follows has taken toll of at least 5 civilians' lives.

Indonesia is hoping that the conflict in Papua will be resolved following the adoption by the Indonesian parliament in November 2001 of a law granting the province *otonomi khusus* (special autonomy). Special autonomy, seen by the government as an alternative to independence, means a transfer of power, which goes beyond the *otonomi daerah* (regional autonomy) granted to other parts of Indonesia in 1999. The origins of the special autonomy law for Papua lie in a draft written by members of its educated elite. Some key points were weakened by Jakarta, but the law acknowledges Papuan injustice and strengthens the legal status of *hukum adat* (indigenous customary law), whose claims over land and resources have often been ignored in the past.

Implementation will be another struggle as Papuans generally reject otonomi as the alternative to merdeka, though some leaders plan to use it to improve Papuan welfare while continuing to campaign for self-determination. The few Papuans who do favor the law tend to see it more. The law will be administered by the state bureaucracy, which has a minimal presence in Papua's hinterland. Geography is also an obstacle. Papua is more than three times larger than the island of Jawa, Indonesia's most populous region, but its population is forty times smaller, and its terrain is mostly mountain, dense forest and swamp. There are more Papuan officials in the local bureaucracy than previously, though many report of their incapability to deal properly with their tasks and some even seem to have been absorbed into the existing culture of KKN - *Korupsi, Kolusi, dan Nepotism* (corruption, collusion, and patronage). Thus, much of the extra money channeled through special autonomy could fail to reach Papuans outside the bureaucracy. Latest developments report rivalries over money that creates tensions between Papuan communities.

The System of Belief

Theo van de Broek[37], in explaining the position of Memoria Passionis or Memory of suffering in Papuan movements said:

> "There are two kinds of memory. There is memory that is static and memory that is dynamic. Static memory is the recall of the past, precisely as "past." It is the memory that sits sadly beside the treasure chest of the past and finds only 'a broken heart among my souvenirs.' Dynamic memory is the recall of the past as it is the springboard to the present and the future. It is the memory that, in those times of troubled aloneness, brings us home - the memory that, in those experiences of loss and confusion, sees us through."

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[37] In a lengthy interview carried out in his office in Jayapura Diocese, October 28, 2003.

The German theologian, Johannes Baptist Metz, calls the latter memory 'dangerous.' He means this in the sense that this kind of memory can be ignored only 'at peril.' Whatever is 'perilous' is 'dangerous.' 'Dangerous memory' includes 'dynamic memory.' This memory has 'power' (the Greek: 'dynamis'; Wikipedia online encyclopedia). This memory does something - something incredibly powerful. This memory is dynamite! It is the memory that makes us who we are and empowers us to accomplish the 'doing' which flows from that 'being.'

Memoria Passionis is a term coined by Metz, and applied to the situation in Papua. The Catholic Church in conjunction with the Secretariat for Justice and Peace in Jayapura (Sekretariat Keadilan dan Perdamaian) introduced the concept in March 1999. Articles were published in the weekly newspaper, Tifa Irian, under the title "Dialog Nasional Papua" (Papuan National Dialogue). The series has since become an annual publication under the name 'Memoria Passionis', and the authors report on human rights violations and socio-political affairs. The books serve as a record of injustices and occurrences that might not otherwise be reported.

Van de Broek also emphasized the linkage that exists between the people's social memory and the memories of violence and loss inscribed in the landscape. He explains that the memories of suffering are passed down through generations but are rarely disclosed in public. Theo van den Broek and Giay advocate dialogue as a means for Papuan people to articulate their suffering in public and thereby release themselves from the oppression of suffering in silence. Giay also advocates dialogue as a means for people to recognise fact from fiction. Van de Broek elaborates on the dilemma of *memoria passionis* in Papua today:

> Events occurring in present day Irian Jaya – disappearances, arbitrary arrests, torture in detention, shootings – reactivate a memoria passionis. A historical memory of collective suffering leaves people who are the repositories of that memory vulnerable to feeling terrorised by rumours in the present. Their terror in the face of rumour is based on their actual experience of the past.

Giay acknowledges that panic can stem from real, and re-activated fear. In his book, "Menuju Papua Baru (Towards New Papua)," Giay attempts to explain how panic spreads in Papuan villages. He contends that people more willingly believe rumours because of their past experiences of suffering and of repressive military actions. By verbalising

memories, people can develop a better sense of what actions and events serve to "trigger" these memories of suffering and create panic.

4. 3. Political Reality

4. 3. 1. OPM from 1964 to date

The *Organisasi Papua Merdeka* (OPM) or Free Papua Movement has been the sole representative body for the independence aspirations of the people of West Papua through the past years. However, poor availability of information and documentation about the history, objectives and strategy of the OPM, has so far inhibited those interested with the movement to capture the particular aspect of their interest regarding the movement (Osborne, 2001, p. 161-239). It is therefore imperative to present this brief background history, current strategy and structure of the OPM, to be used as reference for the analysis about the phenomena of knowledge creation taken place during the proceeding of the movement.

The primary idea behind the establishment of the OPM by Papuan military men was to call off the Act of Free Choice that took place in 1969, but ever since it has evolved to be an organization with both military and political wings. The past strategy of the OPM was to use firepower to challenge the Indonesian military. In this initial setting, the OPM operated under totalitarian command and control, and has to survive isolation from the outside world.

In the later development, internal dispute has split the organization into two factions. In more recent history, these factions have been forced to align their actions under pressure from young, modern - educated West Papuans who saw that a unified OPM is crucial to advance the movement. Although reconciliation has been agreed in 1985 between these factions, in reality the process of reconciliation is still an unfinished job. It is reflected in recent e-mail exchanges between supporters of each faction who by chance become members of the same Papua movement's sympathetic mailing-groups.[38] In the list, West Papuan representatives still reflect their factional bias, which in many instances caused confusion about the present policy and strategy of the OPM.

More recent development of the movement until mid 1980s shows that Papuan leaders have purposively been transcending their movement to enter international/global

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[38] Some facts about the movement can be found in the following mailings-groups: Papuan Student Information Center: SIMPA@yahoogroups.com, Free Papua: free-papua@yahoogroups.com, Papuan Community: komunitas_papua@yahoogroups.com, Papua Indigenous People: PAPUA-INDIGENOUSPEOPLES@yahoogroups.com, Papuans Land: papua_land@yahoogroups.com, Tribal Melanesia: tribal-melanesia@yahoogroups.com.

context, amid recognizing the dynamics of international and regional constellation. Through this effort, OPM has gained international support from organizations and communities like Republic of Vanuatu, South Pacific Forum (SPF), World Council of Indigenous People (WCIP), Australian Aboriginal Community (AAC), UN Working Group on Indigenous Population, Commonwealth Heads of Government Regional Meeting, to mention some of them (Osborne, 2001, p. 225-236).

Admitting unsuccessful attempts and low achievement in the past practices that mainly relied on firepower and military actions, lead the OPM to learn, adjust, and adapt its approach accordingly. It envisions solving the problem of West Papua without violence. Therefore, the OPM policy and strategy in recent years is shifted to maintain a balance between military and diplomacy, while at the same time emphasizes on building West Papuan identity.

History

The OPM was created on 24 July1964, a year after the transfer of power over Papua from a UN body, UNTEA Dutch ruling power to Indonesian Government. The OPM was formed in order to boost up the aspiration of the people of West Papua for self-determination and that they will prefer independence. Its initial aim was to call off the Act Of Free Choice planned for 1969. The OPM was formed in Manokwari under the leadership of Lodewijk Mandacan and Fery Awom - two former Dutch army members - and operated as voluntary military force without a proper structure for the first 6 years of existence.

Following the Act of Free Choice and the death of its leaders - Mandacan and Awom - who are killed in 1970 by Indonesian army, the OPM was revived on 1 July 1971, by Jacob H. Prai, a lawyer, and Zeth Rumkorem, an ex military, in order to continue the struggle for independence. A new structure within the OPM was established, with the formation of a political wing called the *Senate* or *Peoples Consultative Body* under the leadership of Jacob H Prai. An OPM executive body called the *Revolutionary Progressive Government* (RPG) was established to formulate policy and strategy. The existing military wing was reorganized under the leadership of Zet Rumkorem and called the Tentara Pembebasan Nasional (TPN) or the *West Papua National Liberation Army*. Zet Rumkorem held two positions; he was appointed as President of OPM and Commander in Chief of TPN, while Jacob Prai was appointed Chairman of the Senate.

In 1973 there was a split in the OPM leadership after an unresolved internal dispute.[39] The OPM split into two main groups: the RPG remained led by Zet Rumkorem and a breakaway faction was formed called *De facto* led by Jacob Prai. The *De facto* faction established the same structure as the original OPM with both military and political wing and both the RPG and *De facto* factions continued harassing Indonesian military in West Papua. There were sporadic clashes between the two factions, both internally in West Papua and internationally with each faction establishing international representatives. The internal frictions in West Papua have badly affected the performance of the struggle in general and to some degree have also reduced people's trusts in their leadership.

In the 1980s, West Papuan students with support from Melanesian intellectuals in the University of PNG realized the need for the unity of OPM. They formed a group called *OPM New Order* on 24 April 1984 with the objectives to:

- guard the existing OPM organization in its role towards West Papuan independence,
- reformulate the organization's policy towards West Papuan independence and create wider awareness on the issue,
- pressure both OPM factional leaders to come together and sign an MOU.

The two OPM factional groups were forced to reconcile under pressure from OPM New Order and on 15 August 1985, the leaders of both factions came to sign a reconciliation agreement in Port Vila in the Republic of Vanuatu, which is known as the Port Vila Declaration. The declaration came up with two important resolutions:

1. There must be a working group within OPM in charge with the preparation of West Papuan National Congress.
2. The Congress must elect an Interim West Papua Government or Peoples Executive Committee to act as the only political representative body of the people of West Papua, with constitution, structure and policies established.

Due to the insecure situation in West Papua, it was not possible for the OPM to communicate the resolutions of Port Vila Declaration fully to all West Papuan people until the 1990's and so progress towards organizing a Congress was slow. However, in November 1992, an OPM Congress was held in OPM General Headquarters in Port Vila which was attended by 9000 West Papuan refugees from the West Papua/PNG border area and by 5000 members of the West Papua National Liberation Army. An election was also

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[39]Some reported that the dispute was the work of Indonesian counter-intelligence; see Osborne 2001, and Akyeampong Kwasi. 2000.

held through ballot and 5 men were selected to lead the OPM, two from each faction and one non-aligned. General John K Somer (non-aligned) was elected the OPM Supreme Commander. General Peter Tabuni was elected to be Deputy Supreme Commander, General Matias Wenda: Commander in Chief, General Bernard Mawen: Deputy Commander in Chief, General Damian Warip: Chief of Staff. These five positions formed the Executive of the OPM. Immediately after its establishment, the Executive began an awareness campaign covering all of West Papua communicating OPM policies in preparation for a National Congress. The campaign covered:

(1) Political policy for West Papuan Interim Government that are based on three main principles:
- Political independence
- Economic independence
- Cultural and faith freedom
(2) Structure for a West Papuan Interim Government
(3) 'Peaceful dialogue' as strategy to settle the independence issue with Indonesia
(4) Preparation to present these to the National Congress

In 1997, the OPM 1992 leadership gave the mandate to the people of West Papua through a consultative body called the FORERI - *Forum Rekonsiliasi untuk Rakyat Irian Jaya*, or Forum for Reconciliation of the People of West Papua/Irian Jaya - to start to mobilize and organize to set up a committee to prepare for the West Papua National Congress.

On 17 September 1998, the OPM 1992 leadership gave the full mandate to Mr. Tom Beanal to lead the Team 100 to go to meet Indonesia's third President B. J. Habibie to convey the West Papuan aspiration for independence.

On 28 February 2000, FORERI and the Independent Committee organized a MUBES - *Musyawarah Besar* or Great Consultative Gathering - a preliminary meeting which brought together approximately 1000 representatives from West Papua and abroad. This forum aimed to identify and establish the level of support for independence and to hear peoples thinking about timing and agenda for a National Congress. At the same time, the MUBES became a forum for re-emphasizing the needs for the proceeding of the reconciliation process, where disputing factions in West Papuan movement signed an MOU to strengthen unity as a precondition toward National Congress.

Finally from May 27 to June 3, 2000, the Second National Congress of West Papuan People was held in Jayapura.[40] OPM had given a mandate to FORERI and the Independent Committee to organize a National Congress in order to set up a representative Peoples Executive Committee that would be a democratic and civilian political body or Interim West Papuan Government to push forward internationally recognized negotiations with Indonesia for West Papua independence. However, the Congress did not elect a Peoples Executive Committee as planned, instead a body called the PDP, Presidium Dewan Papua or Papuan Presidium Council, was set up with 29 members who were not elected by the Congress. In practice, this left the National Congress of 2000 and the people of West Papua without any legitimate civilian/political executive body.

The PDP took up a role in negotiation but on 1 December 2000, Indonesian Authorities imprisoned almost all the Presidium members. The vacuum left after the National Congress and the disabling of the Presidium means that responsibility comes back to OPM to take the responsibility to represent aspirations for independence of the people of West Papua and to continue the program of reconciliation and negotiation until a new Executive body is formed.

Current Strategy

The OPM has recognized that it is now possible to solve the problem of West Papuan independence without violence. The strategy is to maintain a balance between military action and diplomacy with emphasis on creating a space for dialogue with Indonesia to solve the West Papuan demand for independence peacefully. The people of West Papua, under the sponsor of the OPM want to see a peaceful proceeding in their search for solution of their problem through genuine dialogue under the supervision of a third party mediator that is fully recognized internationally or has a UN mandate.

The 2000 National Congress failed to establish a legitimate and representative political body as planned. The OPM has decided that ongoing reconciliation is an alternative process to achieve the establishment of an Interim West Papua Government,

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[40] The word 'Second' in 'the Second National Congress of West Papuan People', according to Sumule in one of our discussion, strongly refers to the First National Congress of West Papuan People held in May 1961, when Dutch occupational force allowed the Papuan to hold a 'national' gathering to discuss the preparation for possible West Papuan independence. The First Papuan People Congress resulted in the establishment of the *New Guinea Council* which first decision was to work toward the creation of an independent Papuan state by 1970. The Council also decided on a national anthem, a national flag, and the name of the country: West Papua. West Papuan nationalists declared the country a sovereign state on 1 December 1961, raising the Morning Star flag which has become a symbol of nationalist pride and cultural identity.

which has the mandate of the people of West Papua to push forward a process of peaceful dialogue with the Republic of Indonesia under international supervision.

West Papua's strategic position in the region means that the process of resolution of independence has the potential to cause great instability in the region. In order to avoid chaos for the region it has become a priority for the OPM to push forward peace and dialogue with Indonesia that can balance this. The vacuum left after the National Congress and disabling of the Presidium means that responsibility comes back again to the OPM to represent the independence aspirations of the people of West Papua and to continue the program of reconciliation and negotiation until a new Executive body is formed.

Deny Yomaki and his fellows at ELSHAM[41], an investigating body on the violation of human rights add,

> The OPM now directs its intention toward young Papuan, to improve awareness among the youths, and to increase participations movements. This has recently proved to be very effective approach with the mushrooming pressure groups outside Papua, mainly in the mainland Jawa. These pressure groups share regular program to go down to the streets whenever a case breaks out.

What important here, according to Yomaki, "is a constant flow of logistic support." However, Yomaki did not go further when asked about where the money comes from. Later, in two separate interviews, Andre Burhanudin[42] from Freeport and Agus Rumansara[43] from BP Tangguh respectively, confirm that both companies provide money to local leaders through the conduit of corporate social responsibility (CSR) program. These, according to them, are the companies' effort to adapt in the changing environment.

4. 3. 2. The Establishment of PDP[44]

PDP stands for Presidium Dewan Papua or Papua Presidium Council, was formally established during the Papua People Congress II 2000, 29 May - 4 June 2000 in Jayapura.

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[41] In an interview at ELSHAM office in Abepura, Jayapura on September 2, 2003
[42] Interviewed in his office in Jakarta on October 21, 2003
[43] Interviewed in his office in Jakarta on October 19, 2003
[44] Due to the poor publication on PDP till today, we based our assessment on interview data, personal e-mail communication, and data made available on the following mailings group and websites.
Papuan Student Information Center: SIMPA@yahoogroups.com, Free Papua: free-papua@yahoogroups.com, Papuan Community: komunitas_papua@yahoogroups.com, Papua Indigenous People: PAPUA-INDIGENOUSPEOPLES@yahoogroups.com, Papuans Land: papua_land@yahoogroups.com, Tribal Melanesia: tribal-melanesia@yahoogroups.com. http://www.melanesianews.org/pdp/; http://www.westpapua.net/; http://www.papuaweb.org/; http://www.fpcn-global.org/index.php; http://www.freewestpapua.com/main.html

With the backdrop of Papuan movement, the establishment of PDP is not really unexpected as most Papuan regard the PDP as a re-emerged form of the New Guinea Council that was established by the Netherlands Empire on December 1, 1961 under the name of *Nieuw Guinea Raad* - literally means New Guinea Council - in the Papua People Congress I 1961. Along with the establishment of the Nieuw Guinea Council, the Gazette also endorsed its approval on West Papua Flag, Papuan National Anthem, the Name of the Nation and the name of the State and the geographical boundaries, which all have never been legally cancelled.

The PDP claims that the Council is the sole and legitimate political organization of the Papuan People with a mission to carry out the mandates given by Papua People Congress II 2000. However, the claim is eroded by objections made by newly established groups that based their claims on the undemocratic process in the formation of PDP.

Despite the continuing disagreement, the PDP maintains to exercise its power to carry out the Congress Resolutions adopted on 4 June 2000 that give full mandate to the PDP to peacefully and democratically carry out its tasks to:

1. Approach and lobby Indonesian Government to come to dialogue table to resolve political problems in West Papua
2. Approach and lobby the international community, which are sympathetic to West Papua struggle to assist and or support the struggle.
3. Approach and lobby the international community, particularly the UN, USA, the Netherlands and other nations which passed the UN Resolution 2504 (XXIV) of 19 November 1969 and to re-examine their roles and positions.

The lobbies and or diplomatic efforts are focused on the following issues:

1. Re-examine the New York Agreement of 12 August 1962, signed by Indonesia and the Netherlands without consultation to the Papuans in drafting and signing the Agreement.
2. Re-examine the legal basis of UNGA Resolution 2504 (XXIV) of 14 November 1969 on the Outcome of the Act of Free Choice on the basis of Democratic Principles laid down in the New York Agreement and other international standards as well as human rights principles.
3. Investigate human rights violations and discriminative measures as well as colonial practices committed by the Indonesian army and police since 1 May 1963.

The PDP consists of at least 8 pillars i.e. Alliance of Papuan Women, OPM Ex-Prisoners Alliance, the 1969 Eye Witness Alliance, the OPM Liberation Army, West Papuan Youth Front, Tribal Elders, Religious Leaders, and Academics or Professionals.

The PDP was originally established with a Collective Leadership model due to two different characteristics of Papuans in West Papua, i.e., highlanders and lowlanders.[45] After a few months of work, the PDP called for a meeting in Sentani (a small town in Jayapura) to officially announce its establishment. Prior to this, Amungme Ondoafi (Amungme tribal leader) Thom Beanal and other Politicians established FORERI (Reconciliation Forum of Irian Jaya Peoples) and Sentani Ondoafi, Theys Eluay had established Dewan Adat Papua (Papua Customary Council), both had supporters all over the country. In order to avoid intruders to enter these two groups and divide the rule over Papuans, the Papuan professionals urged a meeting for the two groups and the PDP interim organization was announced on 26 February 2000, after a Grand Assembly of Tribal Leaders in West Papua.

Two months later, on 4 June 2000, the Papua People's Congress II 2000 officially and democratically elected the representatives for the PDP and Papua Panel and gave full mandate to the PDP to pursue diplomatic and peaceful struggle for West Papua independence.

Continuing the work done by OPM's vanguards around mid 1980's in transcending the setting for Papuan movements to enter global world, the PDP through its International Chapter has been successfully established supportive groups in several countries, including the Netherlands, Sweden, South Africa, Australia, and the USA.

The PDP however, according to Decky Rumaropen, a prominent NGO leader, is not more than a group of high profiles Papuan that seek more to improve their personal social status rather than doing something real for the sake of the people. In his own word he said,

> The PDP is far from being an effective body. When asked to act on specific issues like illegal logging backed up by the Army, environmental trouble by Freeport, illegal fishing backed up by the Marines, torture, killing, etc. none of them willing to take up the responsibility. This stance changes when the issue goes about M (stands for *Merdeka,* literally means Independent) for which media coverage is at large. They are artists who need public. But beyond that it is a vacuum and will remain so. Their prominent members were receiving money from big MNC's (he refers to Freeport, BP, and Djayanti, a logging company).

Decky is not alone with such kind of assessment. Herman Orisu[46], Agung Widodo[47], Nathan Karangan[48], Bangun Manurung[49], and Lazarus Indouw[50] share similar views.

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[45] Interview with Presidium Council Secretary and Moderator, Thaha Alhamid September 26, 2003 in Jayapura
[46] Interviewed in Manokwari, on October 14, 2003
[47] Interviewed in Jayapura, on September 24, 2003
[48] Interviewed in Biak, on October 6, 2003

<u>Theys' Assassination</u>

The openness in Papua that follows Soeharto's step down in 1997 led to an increase of pro-independence sentiment, which saw the creation in mid-2000 of the *Dewan Papua* (Papuan Council) with the Presidium as its executive. The same openness gave apparently way to repression by the security forces, including a fatal show of force against independence supporters and the arrest of five Papuan leaders in November 2000. The five, freed in March 2001, including Theys Eluay, a one-time supporter of Indonesia who had become co-chairman of the Presidium.

The Presidium lost some momentum during 2001 as its leaders were harassed by the state and failed to build a strong grassroots organization. All accounts suggest that support for merdeka remains strong, however, as noted, merdeka is commonly not exclusively understood to mean separation from Indonesia, and the special autonomy law seems to have had little impact so far on Papuan views.

The most important event in this period was the assassination of Theys Eluay on November 11, 2001 (Giay, 2003). Theys was a former legislator and, despite his status as an independence leader, had been a familiar with the military. He was invited to a reception at the local base of Kopassus, a Special Force unit with a long history of covert operations against dissidents. While returning home that night, his car was forced off the road. Theys was suffocated to death, and his body dumped at another location. Two other Presidium members, Willy Mandowen and Thaha Alhamid, were also invited to the reception but did not attend.

Two theories have been suggested to explain the killing. The first, that it was prompted by internal rivalries within the Presidium, seems to have lost credibility with the arrest of the Kopassus suspects. A second and more plausible theory is that Theys had been involved in a struggle between two retired generals for control of a logging concession and was killed on the orders of one of them. Intelligence chief Hendropriyono, a former general, denied involvement after his name was hinted at in the Indonesian press.[51] No hard evidence supports this theory, however, and it is seen by other Papuan leaders as an attempt to distract attention from political motive behind the killing.[52]

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[49] Interviewed in Jayapura, on October 3, 2003
[50] Interviewed on the plane to Jakarta, on October 18, 2003
[51] *Republika*, 27 April 2002.
[52] Interviews with Papuan leaders and observers in the Province.

The most popular theory in Papua is that Theys was assassinated to send a warning to other leaders or to provoke unrest that would justify a bigger military role. Such a plan could conceivably come from the military itself or influential members of Indonesia's political elite. Papuan figures and Indonesian human rights activists who support this theory often cite a leaked state document from 2000 that outlines a "Papuan political conspiracy", although this document does not endorse assassination as such.[53]

Presidium and religious leaders urged calm in the wake of the killing. The police showed relative restraint, and there was no serious unrest other than a brief riot in Theys' hometown of Sentani, near Jayapura. Anger against Indonesia is never that strong before, however, there are voices at the grassroots level calling for a violent response, although the Presidium is opposed to violent protest – a stance supported by many Papuans. Although it is not clear how strong the support for Theys was outside his home region, his killing seems to be reinforcing the already powerful perception of many Papuans that the state is determined to crush their aspirations by whatever means it can.[54]

As Decky Rumaropen, a leader of YPMD, a midsize regional NGO, indicted in one of his interviews, out of the gesture that the PDP showed right after Theys killing, there is no clear act or stance taken by the PDP as Papuan legitimate representative. Fortunately, the case of Theys assassination cleared itself up with the charging of KOPASSUS, Special Command Force members, thanks to the huge pressure made by national NGO networks and its counterparts abroad.

New Spiral of Violence

The killing of Theys re-ignited Papuan support for the Presidium, which remains the most broad-based and credible political institution in a diverse society made up of more than 250 distinct language groups. It does not have the unquestioning support of all Papuans, however, and some groups regard it as too conciliatory towards Indonesia.

The gap between Papuan aspirations and the difficulty of attaining them is an ongoing problem for the Presidium. Its leaders tend to be more open to compromise than the mass of supporters, who have experienced the harsh of Indonesian repression and want

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[53] Interior Ministry document 578/ND/Kesbang/d IV/VI/2000 of 9 June 2000, which is often cited in Papua as evidence of an official plot to destroy the independence movement.
[54] ICG 2003.

independence as soon as possible.[55] The latter often live in rural areas, sometimes very remote, and have little information about the wider context of the conflict.

The Presidium hopes to negotiate with Indonesian Government on a three-stage solution. The first stage would be a commitment to non-violence by all parties, with a third party as a monitor. The second stage would be the upholding of law and prosecution of human rights abusers. The third stage would be to re-open the discussion about Papua's incorporation into Indonesia in the 1960s and would bring in the United States and the Netherlands as countries that played a part in the original handover. The first stage of this scheme might be attainable, at least on paper, though third-party involvement would probably be opposed by Indonesia. The second stage is likely to run up against the near impunity of the security forces, and the third stage is, from Indonesia's point of view, out of the question. The Presidium also plans to lobby the Pacific island states, European countries, and the U.S. to press the United Nations to re-examine the Act of Free Choice by which Papua joined Indonesia in 1969.

No foreign country supports self-determination for Papua, and this currently seems unlikely to change, though diplomats from some Western states suggest their governments could come under growing domestic pressure if the governance of Papua and the record of the security forces does not improve.[56] Given their support for Indonesian sovereignty, Western governments hope that special autonomy will reduce the conflict. If not, that support could become more problematic.

The Presidium is short of funds for campaigning, and this has forced it into controversial alliances. One source of funds is Yorrys Raweyai, a former associate to Soeharto family, who has reemerged as a Papuan nationalist.[57] Yorrys is viewed with suspicion by some Papuan activists because of his links with the Jakarta underworld, the Jakarta elite and the military, but is regarded by others as a useful ally.

Another source of funds is Freeport.[58] The company pays a salary and travel expenses to Tom Beanal, one of the Presidium co-leaders who has sat on its board of commissioners since 2000 as part of a settlement between Freeport and the Amungme ethnic group, of

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[55] Interview with Presidium Council members Thaha Al Hamid and Beni Giay in Jayapura, on September 26 and October 29, 2003 respectively.

[56] Summarized from the LIPI - MOST UNESCO International Conference on *"Conflict in Asia-Pacific: State of the Field and the Search for Viable Solutions"*, Jakarta, 24 October 2003

[57] Until Soeharto's resignation, Yorrys was best known as chairman of Pemuda Pancasila, a government youth organization used by the ruling party, Golkar, to intimidate the opposition during election campaigns, often through the use of force.

[58] "Freeport" refers to Freeport MacMoran Indonesia (FMI), which operates the mine in Papua.

whom Beanal is a leader. Beanal says he combines Freeport business with campaigning. The company has also paid travel expenses for Presidium supporters and is said to have provided funds for the Papuan Congress in 2000, as well as later events.[59] BP also contributed to this congress. The Presidium feels that Freeport, like all companies that profit from Papua, has an obligation to support the cause of its people. There is also a view within the Presidium that Freeport could be persuaded to use its considerable lobbying power to encourage Jakarta to negotiate with the Papuans.

The logic is that Freeport and the Presidium have a shared interest in non-violence, the former for business reasons and the latter to protect the Papuan people from further suffering (Ibid, p. 7). Such a strategy, though assessed and implemented already, might prove risky for the Presidium itself, as Freeport is closely entangled with interests in the Indonesian elite, including the military, which have no interest in helping Papua and its natural wealth move closer to independence.[60] It also seems reasonable to speculate that Freeport will not want to be too close to the Presidium because this would be seen in Jakarta as interference in Indonesia's affairs. Freeport declined to comment to ICG on its relations with the Presidium.

Another force in Papuan politics is the Free Papua Movement (OPM), a small guerrilla movement in existence since the 1960s. The OPM is internally fragmented and some members, or people who describe themselves as members, are said to have links with the military. In recent years the guerrillas have been relatively quiet, hampered among other things by shortages of guns, though there have been occasional raids on Indonesian forces and kidnappings of Indonesians or foreigners. For decades the OPM was the embodiment of Papuan resistance, and some of its leaders seem suspicious of the Presidium's claim to speak for all Papuans, though the Presidium regards the OPM as one component of the Papuan Congress. Indonesia does not see the OPM, which has some support between the small Papuan diaspora outside Indonesia, as a major threat.[61]

The impact of the 31 August 2002 killing of Freeport employees is unclear. A Kopassus unit was reportedly redeployed from Jayapura to the Timika area almost immediately, together with army infantry battalion 515 from East Java. The dispatch of the latter was explained as necessary to help the police, who had official responsibility for the

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[59] ICG 2003.
[60] Interview with Andre Burhanudin, Vice President for Business Development, Freeport MacMoran Indonesia, Jakarta, October 21, 2003.
[61] Bambang Yudhoyono, the newly elected president, was in his position as Indonesia's chief security minister told a seminar in Jakarta that Papua was "a political problem, not a security problem."

investigation.[62] Nevertheless, the Indonesian army's assertion that the perpetrators were OPM was resulting in intensive operations to track them down. This in turn was causing concern among Papuan officials. "If the security forces go chasing the perpetrators of this attack, let's hope no innocent people fall victim", Papua's governor, Jakobus Solossa, told the press. "We've had enough victims of arbitrary killings already".[63]

PDP Now

Some ordinary people still question, "Is PDP really for independence movement, or just an effort by Jakarta supported local elites to eliminate or neutralize the aspiration for West Papua independence?" This question does not come out by itself, as there are reasons for that very question: First, some people ask, "How come the Indonesian President Gus Dur funded the congress? If it was not for the sake of Jakarta, for who else then?"

Secondly, others still question, "How come the PDP has done almost nothing except the Papua People Congress II and no follow up actions?" The most apparent one was its promise to report the progress of its work by 1 December 2000, but it declined to do so.

Third, "Why does not PDP have a kind of manual for the struggle for public readership? How this organization is going to determine the future of a nation without Plans of Actions? How come that the information on the PDP not available to the world?"

Fourth, "Why doesn't PDP clarify its position and opinions on various political, environmental and human rights problems in West Papua?" Or more specifically, "Why do they listen to Jakarta more than to the Papuans, the people who they claim they represent?" An example is related to human rights violations in West Papua. Almost all incidents happened in West Papua are just ignored by the PDP elites. These are just a few hints into understanding what is really happening behind the scenes of West Papua Politics.

Signs to new directions

Thaha AlHamid and Giay, both attached to PDP as Secretary General and Moderator, and Head of Professional Department respectively, informed us in separate interviews about dramatic changes on the attitudes and political statements by the PDP happened when it was able to unanimously refuse the Special Autonomy Bill. The refusal that was announced only six hours ahead of Jakarta's plan to pass the Special Autonomy Bill on 22

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[62] "Teror Kilometer 62-63", *Gatra,* 14 September 2002.
[63] "Timika Berdarah Lagi," *Forum Keadilan*, No. 22, 15 September 2002.

October 2001 is seen as a stand of pro-independence. More astonishingly, at the same time the PDP also expressed its appreciation and honor on behalf of Papuan people, to the work and campaigns of the Liberation Army of Free Papua Movement (TPN/OPM) since 1963. This revelation is quite a surprise even for the Papuan. Such a thing never comes across everybody's mind to come out from the PDP, but the fact is it did come out.

What has changed so far?

In the short journey that the PDP made since its establishment, it became apparent to PDP that Jakarta is no longer an ally or someone who can listen to the voice of the Papuan people. They expected Jakarta to open its doors for communication on the basis of humanitarian principles, as fellow human beings. That door was closed and remained shut until to date, instead a different door was opened by President Megawati Sukarnoputri's administration, i.e. the door of national integrity and security approach.

The shift from humanitarian government in the beginning into a practice of nationalistic principles by Megawati's administration turned Theys Eluay and his colleagues into a disarray. Most Papuan leaders have been proud of Megawati's father, founding father and the first president of Indonesia, Soekarno. They expected their favorite-revolutionary-leader's daughter would bring about changes to the fate of the Papuan people, as she also promised to deliver in her campaigns. Her security-approach and centralized policy, particularly in the case of passing the Special Autonomy Bill angered Papuan elders and they turned their back on her. This however, is a kind of blessing in disguise for the Papuan people. Jakarta angered, but Papuans cheered for the fact that their leaders are now on their side. All this happened around the precious time when a group of people made up their mind to end the life of the Late Ondofolo Dortheys Hiyo Eluay.

The Future of PDP

To the degree of intention and achievement, and to the last stands as showed by PDP thus far, it probably does make sense to argue that PDP is a euphemism for the phenomena of the establishment of a Provisional Government of West Papua, which will finally become the formal Government of West Papua. This is the least of an expectation that were shared by ordinary Papuan traceable in our fieldwork.

Critiques, however, coming from fellow Papuan in DEMMAK (see inset), which argues that the system of governance of the PDP in most ways does not reflect the reality of

Papuan society as this form is a pure top-down system of governance. DEMMAK proposes what it calls the Tribal Systems of Governance, dubbed under the name of Tribal Democracy that advocates a *confederation of Papuan tribes system of governance*. Finally, Papuan people themselves will have to decide what form of government they want to be under, or what kind of regime suits them all.

***Dewan Musyawarah Masyarakat Koteka* (DEMMAK)**
- The Koteka Tribal Assembly

The Koteka Tribal Assembly is a tribal group that consists or all Koteka Tribes across New Guinea Island (Papua). It was established as an outcome of discussions among the elders of some tribes in West Papua.

The main goal of the Assembly is to peacefully, democratically and legally work towards the recognition, formalization and protection of the customary laws as well as norms, values and beliefs of the Koteka Peoples in this modern world.

It is organized in as a confederation that consists of elders who independently and autonomously join and or leave the Assembly as they wish, and contribute to the organization according to their willingness and capabilities in order to achieve our goal.

Demmak is managed under coordination of a Secretary-General that is assisted by Coordinators based on activities carried out within the Assembly.

For the first time, it is working to document and formalize the customary laws, norms, traditions, values and systems that exist among the Koteka Tribes in order to gain recognition and protection from the modern community.

Source: Melanesia bulletin board
http://www.melanesianews.org/demmak

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4. 4. **Structuration:** The Process of Law Making

The momentum for *reformasi* (reformation, change) that sparks the country following the transfer of national leadership from Soeharto to Habibie in 1998 can be viewed as providing new hope in every aspect of national and state life. Ever since Habibie's inauguration, the new administration tries to change the appearance of NKRI from being centralized to becoming decentralized, which is the democratic and participatory orientation.

In the context of the communities' interests, the administration agreed to design political agenda that can lead to efforts to accommodate the aspirations of the community within the framework of strengthening the territorial integrity of NKRI and accelerating the development of the Province.

Following an evaluation of Government activity in implementing Regional Autonomy in general and Special Autonomy for Aceh and Irian Jaya, there was then stipulated, during the 2000 Annual Meeting of the MPR RI, Resolution No. IV/MPR/2000 concerning Policy Recommendations for Implementing Regional Autonomy, which was directed to the Government and DPR. One of the parts of this Resolution stated "…UU Otsus for the

Extraordinary Regions of Aceh and Irian Jaya, according to the mandate of MPR Resolution No. IV/MPR/1999 concerning Basic Guidelines of State Policy for 1999-2004, so that there shall be issued, not later than 1 May 2001, with close attention to relevant regional community aspirations…"

However, the UU that became the operational basis for implementing Otsus in Irian Jaya Province was not enacted within the time limit clearly mandated by this MPR RI Resolution. This delay was caused by,

(1) political escalation in Irian Jaya Province before and after the Second Papuan People's Congress in Jayapura in 2000; and
(2) the desire of Wahid's administration to be more attentive to the aspirations of the Papua populace.

This Government's commitment ignites responses from community groups, primarily academics and LSM (*Lembaga Swadaya Masyarakat* - Community Based Institutions, NGO) activists, in Papua Province who started to make Otsus a topic of discussion in various forums. This matter is evidenced by the existence of a number of concepts/ drafts/ principal thoughts concerning the contents of the Draft UU on Otsus for Irian Jaya Province, which were proposed by different institutions in Papua. However, because the situation was less conducive, as a result of the heightened political escalation before and after the Second Papuan People's Congress, one of whose demands was separation from NKRI; this issue (Otsus) was merely a matter of internal discourse within certain institutions. At a certain occasion the situation has heightened with certain groups contrasting autonomy and merdeka. These two concepts constitute the options to be chosen.

Discussions concerning the possibilities for a RUU - draft law - on Otsus for Irian Jaya Province were re-started seriously when Solossa was inaugurated as Governor at the end of 2000. On his initiative a *Study Forum Implementation Committee* was formed, which was followed with the formation of an *Aspirations Trawling Team*, and an *Assistance Team* that supported by different components of the community. Through an extensive mechanism, the RUU Otsus for Papua Province entitled "Special Autonomy for Papua Province in Forming a Self-Governing Territory" was then prepared.

The RUU proposed by the Regional Government and DPRD of Papua Province was received and adopted by the DPR RI as the initial proposal for the RUU, following an evaluation process. There were discussions between the DPR and the Central Government because of the existence of two RUU about Special Autonomy for Irian Jaya Province, that

is the RUU proposed by the DPR RI and the RUU proposed by the Government. But finally it was agreed that the RUU that was to become the primary reference was the RUU proposed by the Regional Government and the DPRD of Papua Province that had been adopted as the proposed RUU, by the DPR RI.

Implementing the mandate in the second MPR Resolution, and after a discussion of around 5 months, the DPR RI on 22 October 2001 agreed and stipulated that the RUU on Special Autonomy for Papua Province would become an UU. The result of this DPR RI Decision was then submitted to the Government (President) for validation. On 21 November 2001, the President of the Republic of Indonesia brought into effect UU Republic of Indonesia No. 21 of 2001, Concerning Special Autonomy for Papua Province.

UU No. 21/2001 concerning Special Autonomy for Papua Province is a policy which has a strategic value within the context of raising services and accelerating the development and empowerment of the whole populace in Papua Province, particularly indigenous Papuans. Through this policy it is hoped to lessen the disparity between Papua Province and other provinces within NKRI, and provide an opportunity for indigenous Papuans to progress in their land as the instigators and beneficiaries of development.

Otsus for Papua Province is basically the granting of wide authority to the Provincial/ Kabupaten/ City Governments and the populace of Papua to regulate and order themselves within the framework of NKRI. This wide authority includes the power to regulate the benefits of natural wealth in the area of Papua Province, as much as possible for the prosperity of the Papua populace and to empower the economic, social and cultural potential possessed, including giving a significant role to indigenous Papuans, through their representatives, to become involved in the formulation of regional policy and choosing development strategies by respecting the variety and diversity of community life in Papua Province. As a consequence of Otsus, the Government will treat Papua Province differently. In other words, there shall be matters that are only valid in Papua Province and invalid in other provinces in Indonesia, as well as matters, which are valid in other regions, but invalid in Papua Province.[64]

Normatively, the validity of this UU has entered its third year (since 21 November 2001) but its implementation has just entered its second year. Reflections on the

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[64] Harvard Program on Humanitarian Policy and Conflict Research, http://www.preventconflict.org/portal/main/maps_wpapua_overview.php

implementation of the UU illustrate that it is not yet effective, and this is because of several factors, among other things are[65]:

(1) regulations in the form of Provincial Regional Regulations (PERDASI) and Special Regional Regulations (PERDASUS), which are the operational basis of Otsus, do not yet exist. The delay in formulating PERDASI and PERDASUS is because the institutions with the competence to enact these two regulations are incomplete. PERDASI should be made by the DPRP together with the Governor, but until now the DPRD Papua Province has not been changed into the DPRP, so regional legal instruments in the form of PERDASI cannot be made. With the validity of UU No. 21/2001 the legislative function in Papua Province is conducted by the DPRP. Draft PERDASUS are made by the DPRP together with the Governor and are stipulated as PERDASUS after getting the consideration and agreement of the MRP (Papuan People Consultative Assembly). Because the DPRP and MRP do not yet exist, legal instruments in the form of PERDASUS can also not be made;

(2) the division of revenue within the framework of Otsus is considered to have been conducted inequitably during its first year, and this is because legal instruments in the form of PERDASUS containing relevant factors for deciding the division of that revenue do not exist; and

(3) the Government Regulation concerning the MRP, which constitutes the legal foundation for the MRP's activities, has not yet been stipulated without a clear reason. The Draft Government Regulation concerning the MRP was proposed by the Regional Government and the DPRD Papua Province on 15 July 2002 and ought to have been enacted, at the latest, one month after its receipt by the Government.

As a consequence of this situation, different materials contained within UU No. 21/2001 cannot be conducted effectively. Even in the first year the Regional Government and DPRD Papua Province still uses the old model or paradigm in governmental administration and the conduct of development. Using the APBD (Regional Budget) format as an indicator, some components of the community consider that Otsus, as a policy to deal impartially with community interests in Papua Province, remains far from their hopes. This situation has caused a 'negative image' that Otsus merely transfers the centralist tradition from Jakarta to Jayapura (Provincial Capital). Different views and judgments concerning the implementation of Otsus must be articulated wisely. Regarding this, a format for strategic governmental administration and the conduct of development based upon the philosophy and contents of UU No. 21/2001 is required.

Entering the third year of implementation of the Otsus policy and in response to the 'negative image', the Regional Government and other components are attempting to

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[65] Building Sustainable Peace and Fostering Development in Papua, Final Report of the E-Conference, June 20 – July 5, 2002 http://www.preventconflict.org/portal/main/final_report_english.pdf

introduce different alternatives, which are capable of positioning Otsus as one of the solutions to resolve various problems in Papua Province.

The Regional Government and different components of the community in Papua Province were surprised at the issuing of INPRES No. 1/2003 on 27 January 2003. The contents of this INPRES are: commands to the Minister of Dalam Negeri (Home affairs), Minister of Finance, Governor of Papua and All Bupatis in Papua Province to take steps to accelerate the formation of the Provinces of Irian Jaya Barat and Irian Jaya Tengah according to UU No. 45/1999 and to activate their governorships. The issuing of this INPRES was motivated by several reasons stated in its preamble, among others are:

(1) to implement UU No. 45/1999 concerning the Formation of the Provinces of Irian Jaya Tengah and Irian Jaya Barat, the Kabupatens of Paniai, Mimika, and Puncak Jaya and the City of Sorong and, as necessary, accelerate the preparation of activities and establish the structure of Regional apparatus in order to implement Regional Governance;

(2) according to the demands and the development of community aspirations and the national political condition, which is conducive at this time, the implementation of regional governance in the Province of Irian Jaya Barat requires to be realized in a manner which is direct, integrated, coordinated and progressive.

The explanation above suggests that, for reasons of the effectiveness of governmental administration, the acceleration of development, the strengthening of the integrity of NKRI, and attentiveness to the aspirations of the Papua community, there was formulated this set of policies:

(1) UU No. 45/1999 concerning the Formation of the Provinces of Irian Jaya Tengah and Irian Jaya Barat, the Kabupatens of Paniai, Mimika and Puncak Jaya and the City of Sorong;

(2) UU No. 21/2001 concerning Otsus for Papua Province;

(3) INPRES No. 1/2003 concerning the Acceleration of the Implementation of UU No. 45/1999.

4. 5. Potentials for Conflicts: Impetus for new Cycle of Learning

Although the Papuan conflict takes the pattern of disorganized, local, and sporadic, broader trouble and military repression cannot be ruled out. There is always risk that peaceful Papuan protests could be met with force by the State. The aftermath of the Theys killing suggests this risk may be controllable to a certain extent. The Presidium and the Churches urged Papuans not to respond with violence while the police have showed relative restraint, though it is not clear whether this will last for long. As mentioned before,

there is also a risk that OPM raids could provoke reprisals. Local conflicts can emerge out of struggles over natural resources, an issue discussed below. The risk that creates most anxiety in Papua, however, is communal conflict.

Communal Conflict

The demographic balance has changed dramatically since the Indonesian takeover. The indigenous people, ethnic Melanesians, are mostly Protestant, Catholic or animist by religion, though there are small communities of Papuan Muslims in some coastal areas. There has been an influx of settlers under Indonesian rule, encouraged by official programs or arriving on their own to seek a living. Many are ethnic Malay Muslims, often Javanese or Buginese, though some are from Maluku, a Malay-Melanesian region with Christian and Muslim inhabitants.

This population shift has raised fears amongst ethnic Papuans that they are being flooded in their own land, and among Christians that they are being targeted for Islamisation (conversion to Islam). There are wide economic and cultural gaps between settlers and Papuans, though the groups are not massive. There are differences between Papuans from the highlands and the coasts or islands, and among different settler communities, as well as between Protestants and Catholics. The result is a volatile heterogenic society that is marked by persistent racism and, in times of tension, can give rise to violent communalism. Many Papuan activists fear that the security forces may foment these sentiments in an effort to undermine the independence movement.[66]

There is a tendency among settlers, including non- Papuan civil servants, to stereotype Papuans as primitive, ill mannered and violent. Papuans are offended by this disdain and the economic dominance of immigrants. Unofficial migrants continue to arrive, causing concern among some Papuans, who see migration, along with other imported phenomena like sexually transmitted diseases (STD), as part of a military-backed effort to destabilize Papua (Theo van de Broek, 2003).

Some Papuans say they want the settlers to leave,[67] though Tom Beanal of the Presidium suggests that long-resident settlers could stay in an independent state. It is this context, combined with the actions of the security forces which can produces violence like that in Wamena in the central highlands in October 2000, when clashes between Papuans

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[66] Interviews with Papuan leaders and observers in the province.
[67] This was common phenomena in all places where we conducted fieldwork.

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and police led to Papuan attacks on settlers. Some 30 people died.[68] Open conflict like these, though relatively rare; give burdens among Papuans and settlers that a similar conflict could break out again.

Adat, Natural Resources and Conflict

As the previous sections found, the extraction of natural resources in Papua takes place against a background of violent conflict. More than that, the right to control natural resources is itself one of the major disputed issues. At the core of this is the concept of adat, a term usually translated as "custom" or "tradition". It is used throughout Indonesia to describe indigenous belief systems with religious, socially normative and legal elements. Each of the more than 312 language groups in Papua has its own adat, though there are common features (Silzer and Clouse, 1991). Papuans regard all Papuan territory as belonging to one adat group or another.[69]

After the Indonesian takeover of Papua, the Soeharto regime tried to suppress adat beliefs as "backward" and a threat to state control. These policies helped to trigger an uprising in the central highlands in the late 1970s, which was crushed at a cost of possibly thousands of Papuan lives (Osborne, 2001). The memory of this event continues to fuel anger. Selected elements of Papuan adat, like the wearing of penis gourds by men in the highlands (a practice that the state tried to abolish in the 1970s), are now presented as tourist attractions.

In many adat systems there is a spiritual bond between people and their land, which can be used by outsiders but not sold. In state law, by contrast, land and resources belong to the state. In Papua, state law has often been endorsed at gunpoint. Many Papuans do not seem opposed in principle to investors using their land as long as they are paid fair compensation and treated with respect.[70] In practice, however, the history of resource exploitation has been loaded with conflict. Investors argued in the past that they had no direct responsibility towards the Papuans because this was the duty of the Indonesian state, with which they had signed their contracts.

Given the poor record of the state in Papua, this argument is problematic. Investors are starting to accept that they must deal more fairly with custom land rights, though

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[68] ICG Report, *Ending Repression in Irian Jaya.* p. 7
[69] From a discussion with Karl Muller, a linguist at the Summer Institute of Linguistic Office in Sentani, Papua, October 3, 2003.
[70] Interview with Ferdinan Yewi at his house in Abepura, Jayapura, September 24, 2003.

Papuan activists complain that many prefer to buy off local people as cheaply as possible rather than build a fair relationship.[71] At the same time, companies may find they are expected to provide public services that would normally come from the state.

The special autonomy law reinforces the role of adat. Investors are obliged to acknowledge and respect the rights of the local adat community and must involve it in any negotiations with the local government. At the same time, all existing contracts and licenses in Papua remain valid unless an Indonesian court considers that they are illegal or violate the "hak hidup masyarakat" (living rights of the people).

The provincial government must "acknowledge, respect, protect, empower and develop" the rights of adat communities, which include hak ulayat (communal rights) to land and resources and individual rights. The law says hak ulayat can become invalid if it is not actively exercised and cannot be applied to land which was legally acquired in the past by a third party. This provision is presumably intended to protect resource companies and transmigration settlements already in Papua. It could cause problems, since the clash between Papuan and Indonesian views of legality is at the root of the conflict. The law states that land cannot be sold to third parties without consultation among all the local people concerned.

There will also be adat courts with the right to try civil and criminal cases within the community. These cannot impose prison sentences or exile. If one party disagrees with the verdict, the case can be taken over by the state courts. For criminal cases, the state courts have to approve the verdict of the adat court or take over the case themselves. A limitation of this clause from a Papuan point of view is that the conflict is not caused by disputes among Papuans but by those between Papuans and outsiders, including resource extraction companies; and these will not be covered by adat courts. The duality between state law and adat already exists. In Timika, the region of the Freeport mine, the police sometimes resolve cases through adat and sometimes through state law.[72] A complaint is that Papuans with money or influence are allowed to follow the more lenient adat route while poorer people have to go through the harsher state court system.

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[71] Interviews with Decky Rumaropen at YPMD office – a local NGO in Jayapura, September 26, 2003
[72] Interview with ELSHAM members in Jayapura, October 2, 2003. ELSHAM is a local NGO providing legal assistantship in human rights legal process.

4. 6. Business Corporation Reality

4. 6. 1. Logging Business

Although mining (and specifically the Freeport mine) have attracted much critical attention in Indonesia and beyond, the resource extraction industry with the widest geographical impact in Papua is logging. As in other forested regions in the country, the past regime parceled out Papua's forests through various licenses, notably the hak pengusahaan hutan (HPH).[73] The beneficiaries were mostly business cronies, the military or senior officials and their families. The adat rights of local communities were usually ignored and Papuans have to satisfy with promises or small payments. Protests were violently suppressed.

Although forestry officials say there were some economic benefits for Papuans, such as jobs with timber companies, almost all the Papuans worker and non-worker interviewed at / around the logging sites in Soe, Jayapura, Biak, and in Prafi, Manokwari perceived logging as unfair exploitation by outsiders. Many do not oppose logging business itself, but rather to the unfair practices of timber companies. The issue of destructive logging has been given increasing importance across Indonesia, partly as a result of pressure from foreign lenders and donors, though forestry reformers are struggling in the face of vested timber interests often backed by corrupt officials and security personnel.[74]

There has been an internal shift in logging politics in Papua, like the rest of Indonesia, since Soeharto's fall. Indonesia has attempted to give local people more control over their natural resources through the creation of Koperasi Masyarakat or Kopermas (People's Co-operatives) and licenses known as IHPHH, which give communities the right to exploit a hundred hectares of forest. Activists say that in Papua, as in other regions, these mechanisms are often abused by loggers and their allies in the state, who use obedient village leaders as a rubber-stamp.[75]

Local people may favor logging because of the money and other promised benefits, but disputes with companies are common. The methods of the loggers are wasteful of timber and destructive of the forest habitat. They pay little attention to concession boundaries, sacred forests or woodland reserved for hunting and gathering. The

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[73] The HPH lets companies fell trees within a concession area, under certain conditions. Another common license, the IPK, permits them to clear forestland for other uses like plantations.
[74] See ICG N°29, Indonesia: Natural Resources and Law Enforcement, 20 December 2001.
[75] Interview with Decky Rumaropen in Jayapura. His NGO, the YPMD is currently planning a study of the impact of Kopermas on logging practices.

compensation is often less than villagers expect, either because of fraud or because payments to middlemen have been deducted.

If local people are angry enough, they blockade the logging camps. The companies often call in troops or Brimob riot police to intimidate the villagers by beating them or shooting in the air. Military and police posts are frequently sited on logging concessions, and villagers who make trouble are accused of being separatist guerrillas. We were told by the villagers that the Djajanti Group had used Brimob (Police officers) to intimidate local people at a logging concession of more than 100,000 hectares around the village of Tofoi in the western Bintuni Bay region.[76] Such intimidation is rarely lethal but it scares local people into silence. Some accounts suggest companies are starting to take more account of local people, but others say intimidation is continuing as before.

The link between Papuan grievances against logging companies and support for independence is not always straightforward. An activist in Manokwari, Herman Orisu told us that villagers talk eagerly about independence but link it to a general sense of injustice under Indonesian rule than their specific problems with companies.

4. 6. 2. Mining Business
Freeport McMoran Indonesia (FMI)

Freeport Sulphur, later Freeport McMoRan, a U.S. company, began exploring in southern Papua in 1960. It signed a production contract with Indonesia in 1966, three years before the establishment of Indonesian sovereignty over Papua. The military-backed Regime badly needed foreign capital, and Freeport was given great freedom in drawing up the terms of its own investment. The mine is operated by a subsidiary, Freeport Indonesia, which is controlled by Freeport McMoRan.[77]

By the time of commencement, only a few hundred Amungme tribesmen were living in the region, according to Freeport. The area round the mine was used by these tribesmen for hunting and spiritual purposes, though there was a village on what would later become the company town of Tembagapura (Mealy, 1996). The local people cannot be said to have given informed approval, since they could not have understood the enormous impact the mine would have on their region.

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[76] Interview with Johan Kaleb Karubaba, Head of Planning Department of District Bintuni Government, in Manokwari, October 14, 2003.
[77] All references to Freeport in this report are to the Indonesian subsidiary unless otherwise stated.

As mining of the Ertzberg deposit began in the early 1970s, tensions grew with the Amungmes. They expected, in line with local beliefs, that Freeport would share with them its wealth of material goods. There were resentments among people who felt their land had been wrongfully taken. Moreover Freeport tended to use skilled workers from outside the area, meaning few jobs for locals.

Freeport justified its activities by its contract and Indonesian law. There were no safeguards on treatment of the environment or the local people, and the spiritual importance of the area to the Amungme was not respected. The law only recognized adat rights over land under cultivation, so large areas used for hunting or left uncultivated were not considered for compensation.

After local protests, Freeport agreed in 1974 to build schools, clinics, houses and other social facility buildings.[78] In return, the local people undertook to stay out of the mine site, the company town of Tembagapura, its airfield at Timika and port at Amamapare. In 1975, Australian geologist Robert Mitton described Freeport's view of local people as, "If we ignore them, perhaps they'll go away" (Osborne, *Indonesia's Secret War*, p. 120. The opposite happened. The prospect of work attracted so many migrants from other places that the population in the area has grown to an estimated 90,000.[79] Criticism, however, began to mount of the company's environmental practices, specifically the damaging impact of mine waste on the rivers and the people who live by them. All went unchallenged until a rebellion closed the Bougainville copper mine in neighboring Papua New Guinea, until then Freeport officials learnt and decided to step up social programs and became more ready to admit past mistakes.[80]

The fall of Orde Baru (New Order) regime in 1998 opened Freeport to attack from Indonesian reformers, environmental activists and politicians seeking to revise the terms of its contract with the state. Freeport, on the other hand, was able to rely on strong support from the U.S. government, whose officials in Jakarta are often outspoken in its defense.[81] The desire to protect the Freeport mine continues to define U.S. policy concerns in Papua.

Since 1996, an ongoing discussion theme has been division of the Freeport money among local people. Disbursement was accompanied by a rise in local tensions. Clashes

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[78] Agreement between Freeport Indonesia and the Amungme people dated 8 January 1974.
[79] "Issues and Answers; Military and Security", on Freeport's website. www.fcx.com
[80] George A. Mealey, then president of Freeport McMoRan Copper & Gold, wrote to U.S. environmentalist Lori Udall in March 1991that "There are things that perhaps could have been done, or done differently. But we were never malevolent or uncaring". This view does not seem to be shared by many Papuans.
[81] Freeport McMoRan Copper & Gold Inc, 2001 Annual Report, 19.

between the Amungme and Dani ethnic groups claimed lives in the first half of 1997.[82] The mechanism for managing the One Percent Fund collapsed soon after its creation, partly because of corruption and mismanagement by local officials.[83] Beanal and others say that local people did not have the capacity to manage the money wisely, and the result was an increase in social problems like alcoholism, prostitution, etc. The money did create some positive benefits, like free hospital care in Timika. The fund, which Freeport presents as evidence of its goodwill is by local people regarded as compensation for the damage done by the mine, not as a gift, and see the projects as belonging rightfully to them.

In 2000 and 2001 Freeport signed agreements with the Amungme and Kamoro covering a range of economic and social projects. Freeport has agreed to put U.S.$500,000 a year, backdated to 1996, into a trust fund for the two ethnic groups, some of which will be used to buy shares in the company. Tom Beanal became a board director of Freeport Indonesia. This caused some discomfort within the Amungme. Beanal admits he has little knowledge of how the company actually works, which makes it difficult to relieve concerns among the Amungme that Freeport is not being open with them. The Amungme seem to have been more effective than the Kamoro in advancing their interests, although Beanal is now as concerned with wider Papuan as with local issues and sees Freeport as a source of funds for the Presidium. If the interests of the Amungme do not fit with those of Papuans as a whole, he says, the former will have to give way.[84]

Although mutual suspicions remain, there is greater openness to dialogue between Freeport and local Papuans.[85] Nonetheless, Freeport's history of disregarding local concerns has created such resentment that the company gets little credit in Timika even for the positive things it does. Many local people still feel they have received little compensation for disruption of their lives by the mine. It is thus difficult to predict how Freeport's relations with local people will develop in the long run.

BP Tangguh

A new natural gas project, BP Tangguh LNG, tests whether resource extraction companies can operate in Papua without generating conflict. It is run by British Petroleum (BP) under a production-sharing contract with Indonesia's state-owned oil company,

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[82] Interview with ELSHAM. October 2, 2003
[83] Interview with Andre Burhanudin, Jakarta, October 21, 2003
[84] Interview with Beanal, reported on local newspaper, October 26, 2003.
[85] Ibid. An interview with Andre Burhanudin confirms Beanal's statement.

Pertamina. It will extract gas from Berau- Bintuni Bay in western Papua, mostly from offshore fields, and pipe it to an onshore plant to be liquefied and loaded onto tankers for export.

Tangguh LNG will take up about 3,000 hectares of land, a small area compared to a mine like Freeport's or a large-scale logging operation. However, its economic, social and political impact will be significant. BP plans to invest U.S.$2 billion, which could create revenues of U.S.$32 billion between 2006, when exports are due to begin, and 2030. It is estimated that the central government will earn nearly U.S.$9 billion from the project during this period, with some U.S.$3.6 billion going to Papua. The money will not start to flow until after the project has recovered its investment costs, which will be in 2010 at the earliest. At its peak in 2018, Tangguh could be contributing nearly 1 per cent of Indonesia's total income.[86]

The project will have a profound impact on the farmers and fishermen who live around the bay, as well as on the economy and society of its hinterland, which includes the towns of Sorong, Manokwari and Fakfak in the bird head area. This impact will be partly positive, in the form of jobs, community development programs and revenues, and partly negative in the form of social dislocation and possible conflict. There are also possible negative impacts on the environment, such as the risk of pollution of local fishing grounds by the project itself or visiting tanker ships. BP, the driving force behind Tangguh LNG, hopes to prove it can make profits in Papua without the problems associated with other resource extraction companies.[87]

Tangguh has had extensive discussions with local people, partly because of new state regulations that require greater consultation, and hired a small army of consultants to analyze the social, environmental and human rights impacts of the project. Bintuni Bay is not virgin territory for commercial resource extraction. There was some oil drilling during Dutch colonial times, and logging, fishing and plantations as well. The mangrove forests that surrounded the bay were illegally logged by a joint venture of Japan's Marubeni Group in the late 1980s.[88] The Djajanti Group has timber, plantations and fishing operations close to Tangguh LNG. There is little infrastructure around the bay, and the local people are not

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[86] BP estimates. < http://www.bp.com >
[87] We interviewed Mr. Agus Rumansara, Head of BP Corporate Social Responsibility (CSR) Section, and met with NGO peoples involve with the project, in Jayapura, Manokwari and Jakarta. We did not visit the project site.
[88] "Marubeni apologizes for mangrove logging operation", Kyodo news agency, 26 October 1990.

as isolated as those around Timika when Freeport first arrived in the 1960s, but there is still a wide gap between their knowledge and expectations and those of BP.

Although BP is credited with good intentions by many of the various parties related to the project, there are few noticeable signs at the moment that reject the project. These rejections come mainly from a significant numbers of the people who will be most directly affected.[89] People appear attracted to the jobs, infrastructure and other potential benefits, though there are anxiety about the impact on their lives and the natural environment.

The Papuan NGOs, mostly come from outside Bintuni, have views that range from careful acceptance to opposition. Also involved are district and provincial officials, the Jakarta government and Pertamina. The latter, state oil company, has a poor record on community issues but seems to be comfortably leaving the task to investor, BP. Adding to the trouble, there are already the military and police, who are there initially to guard Djayanti's businesses. While Tangguh LNG exists largely only on paper to date, it is possible to examine the case. If there is no significant conflict around the project in the next few years, it could indeed become a model for others. However, if there is, then the question will arise as to whether any major resource extraction project can be justified in Papua at the moment and the future.

Relations with Local People

There is likely to be controversy between Tangguh LNG and local people over a wide range of issues, both fundamental and peripheral. This is not due to any wrongdoing on the part of BP but stems from the inherent property of a multinational company, with its massive resources and corporate culture, with poor and isolated rural communities that have a completely different worldview. These issues will need to be managed in a way that does not give rise the possibility to conflict. Although the balance of resources and political influence heavily favors BP and its joint venture - Pertamina, it should not be assumed that local people are entirely powerless. Whether aware or not, they do have the limited capacity to damage BP's reputation by withholding their goodwill.[90]

BP's idea of proving good faith is to hold extensive consultations. Villagers want to be consulted but seem to measure good faith more in terms of concrete results. The

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[89] Interview with Decky Rumaropen at YPMD – a local NGO, in Jayapura.
See further,"Dokumen laporan rekaman proses perencanaan bersama masyarakat kampong Tofoi distrik Babo, Kabupaten teluk Bintuni".
[90] See "Dokumen laporan rekaman proses perencanaan bersama masyarakat kampong Tofoi distrik Babo, Kabupaten teluk Bintuni".

company has no reason to cheat the villagers since the amount of money involved is a small fraction of the project's cost, but its timetable is set by commercial and technical urgency that are not shared by local people. With such different cultures, there is potential for misunderstanding and suspicion.

To win local support, BP intends to offer community development not only to the seven villages directly affected but also to people all around Bintuni Bay. The project has budgeted U.S.$30,000 per year to pay for state-mandated development plans in each of the directly affected villages. This is about three times what they now receive from the state (Ibid). BP says Papuan NGOs objected to some aspects of these plans, and the company agreed to revise them. There are also plans for an "adat heritage fund". This would recognize a general relationship between adat and natural resources, though not a specific claim on the gas. The form of this fund has not yet been decided. BP sees this fund as a gesture of goodwill towards local communities, not an obligation. YPMD - a prominent local NGO based in Jayapura - warns BP for running these community programs, for fear of creating people dependency on the company.

The local communities have their own mechanism to deal with this kind of development experienced by their community through meeting in a musyawarah adat, or customary consultative gathering. BP, at the other side, is hoping that the people would involve in benefiting the people's mechanism to jointly create a mechanism for dealing with the company. In our observation, BP is in a tricky position not only of facilitating negotiations to which it is itself a party, but also of having to encourage the creation of institutions to represent the other party.

In YPMD views, BP has to become involved, but not so much that it opens for accusation of dominating the process. There is no easy way around the dilemma because this kind of negotiation has never taken place before in Bintuni Bay, and there are no pre-existing mechanisms to refer to. NGOs - including YPMD and local government play a mediating role but their views and interests are not necessarily identical to those of the villagers. The local government, for example, may be prepared to offer assistance and benefits to villagers that the company considers excessive of an expectation that the company is unable to provide. If one community receives a benefit, others will also ask for it. The company has to maintain a balance between its own ideas of fairness and those of the local communities. New houses are an example. BP first offered them to the people of Tanah Merah to replace houses that would be destroyed to make way for the plant.

Villagers from Saengga, who were providing land for the new Tanah Merah site, demanded new houses, too, and BP gave in. People who come from Saengga but no longer live there are also asking for houses, as are people from other villages. This kind of issue can be further complicated if different people moving in and submitting new requests are provided with mixed messages by different departments of the company (Ibid).

4. 6. 3. Impacts

During the construction of the plant, the workforce at BP Tangguh site will rise to a peak of at least 5,000 peoples, with most would be migrants from other parts of Papua or other parts of the country. There are worries that workers could quarrel with local people and attract crime or riotous behavior. BP is keen to avoid this, not only for the sake of operational efficiency and its reputation but also because of the risk that unrest would give the Indonesian military and police a justification to base their men at the project.

BP's solution is to discourage people from moving in to Bintuni area by commencing economic activities in Sorong, Fakfak and Manokwari as centers for supplies, administration and other subsidiary aspects of the project. BP aims by such means to spread the positive and negative impacts evenly over a wide area rather than allowing them to mass up around the project site. Many resource extraction projects in Indonesia including Freeport and Djajanti in the adjacent area have attracted migrants from other regions, with the most striking and troubling example in Papua is Timika. The BP Tangguh LNG site may be protected from immigration by its remote location but in the end it may be up to local people rather than BP to signal that they do not want large numbers of immigrants. There is a risk that BP's strategy could be disrupted by factors beyond its control like a changing demand and priority from local people.

4. 6. 4. The Security Forces

A major risk of conflict could stem from the Indonesian security forces. The experience of Freeport and the logging industry shows that the presence of soldiers or police can turn a local dispute or a criminal matter into violence.

Local people are commonly opposed to a military presence. BP, keen to avoid being compared to Freeport, is concerned but does not want to be seen anti-military. It is working to persuade Pertamina, the government and military and police leaders to have security personnel kept in its supporting zones in Sorong, Manokwari and Fakfak rather than at the

project site. It hopes to create a security framework by negotiation with local people, civil society groups, local officials and the security forces.

BP plans to recruit security guards among local people. The idea is that if BP – intermediated by NGO's - and the local community can solve their own problems, there will be no need for troops or police. YPMD and some other NGO's involve in the project have signaled to the villagers of seven suku living around Bintuni Bay that if they use the threat of violence to make their aspiration, rather than negotiating, the threats from the community could be exploited by outsiders as a pretext to involving the security forces.

4. 7. The Role of Boundary Spanner

While there are a great number of *boundary spanners* in Papuan movements, only few can be distinguished as *knowledgeable outsider.* Some of them are Theo van den Broek, Agus Sumule, and PaulBurkhart. They are *knowledgeable* for their position as lecturers (Sumule and van den Broek) and religious servicemen (van den Broek and Burkhart), and they are also *outsiders* for they are not of Papuan descent. All three were boundary spanners involved in the drafting new regulation.

In separate interviews, these *knowledgeable outsiders* inform that they carry out their boundary spanning role by bringing together influential members of disputing parties in a private, confidential setting for direct, non-binding communication. In the words of van den Broek,

> Workshops are designed to enable the parties to explore each other's perspective and, through a joint process of creative problem solving, to generate new ideas for mutually satisfactory solutions to their different expectation. The ultimate goal is to transfer the insights and ideas gained from these interactions into the agenda setting and to further it to the formal stage of policy-making process.

On the same issue, Sumule adds,

> In my understanding, this kind of workshops is *not* negotiating sessions and they are *not* intended to simulate and certainly *not* to substitute for official negotiations (formal policy-making). It is exactly their unofficial, non-binding character that distinguishes them from formal negotiations. They provide opportunities for sharing perspectives, exploring options, and joint thinking that are not readily available at the formal policy-making.

Further Sumule implies that the same approach can be used to deal with various kinds of conflictual situation as boundary spanner may play an important complementary role at all phases of the negotiation process that includes:

- in the *pre-negotiation phase*, they can help to create a conducive atmosphere;
- in the *active negotiation phase*, they can help in overcoming obstacles to productive negotiations and in reframing issues;
- and in the *post-negotiation phase*, they can contribute to implementation of the agreement.

In more detailed explanation, Agus Sumule states that this kind of approach has twofold objectives: Firstly, to facilitate direct interaction between the disputing parties. Participants are encouraged to talk to each other rather than to their constituencies or to third parties, and to listen to each other in order to develop empathy and understanding for the antagonist's perspective. Secondly, to promote a problem solving focus. The meeting is designed to change perceptions and attitudes, to discover shared interests, and to produce common ideas for resolving the dispute. A further aspect is the transfer of these new ideas back into the formal policy-making.

The Moderator as Process Manager

In more practical form, our interviewees mentioned about the function of boundary spanner as *moderator* as can be found in the structure of the PDP. Moderator in the PDP, helps creating the framework and conditions for adaptive and progressive learning.

The moderators do not propose solutions but rather, supports the communication process among the parties. As a mediator they have to manage the process in order to create the environment for a free exchange of views and interests. As such they encourage the search for solutions, which, in any case, have to be found by the disputing parties themselves. The moderator's role is thus more the one of a facilitator rather than of a mediator. This means that the discussion is to happen between the disputing parties, not between the parties and the boundary spanner, the moderator in this case.

The role of *boundary spanner* in societal knowledge creation

The phenomena of boundary spanner in Papuan movements confirm with Watzlawick's (1974) assessments, that boundary role person may play one (or more) of the following roles,

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- As *representative* of the organization / group to members of its social environment.

- As spanner who has to deal with *distance*. The boundary spanner is sometimes engaged in activities located in remote areas that put him in significant remote physical distance from his mother organization / group he is representing. Being physically at the site close to its object and the closeness to the case may develop the boundary spanner's psychological sense of distance toward his objects.

- As agent of *influence*. This implies that the boundary spanner must be able to persuade external parties to accept his organization's / group's position. At the other side, the boundary spanner must also be able to persuade his own colleagues within the organization to accept the position of the external parties.

According to Giay, "One has to be aware that boundary spanning by a neutral, powerless, and knowledgeable agent is a widespread traditional Papuan practice." Further he asserts, "It is a moral mediator rather than a mediator with muscle, or in more practical terms, a mediator as formulator but not as manipulator." The mediator functions such as intervening between authority and citizen, and mediating between citizens have their roots in Papuan societies at a communal or local level. Its forms rely less on decision-making power and enforcement capabilities by the boundary spanner and more on participation and communication between the disputing parties, the idea being that disputants solve their differences themselves. If this was not possible, the boundary spanner should exercise as little coercive power as necessary.

In the cases related with resource extraction businesses, the roles played by YPMD - one of the early establishments in Papuan NGO world - in mediation for example is essential. The NGO's at the least had created new modus for interaction - that otherwise dead - to link ordinary people at one side, with Government or Government related business unit and Multi National Corporation at the other. This inter-organizational interaction and the involvement of their social environment - village communities, government and corporate officials - constitute a factor that emphasizes the importance of the role played by *boundary spanner*. These are agents or actors who are formally responsible for presenting their organizations in communicating with the organization's environment. Their roles are necessary to develop and facilitate transactions between the organizations and their environment.

4. 8. Conclusions

Investigation of the detail information of Papuan movements provides rather vague impression on the issues such as the direction the Papuan society intend to go, method to use, intention to deal with heterogeneity, etc. Interviews alone have found confusing information, for instance, on the diverse perceived values and worldviews, inconsistencies of local leaders in the objectives to pursue and method - how to pursue, which hypothetically seen as having root in the realm of *fragmented communities*. Against these realities, this section attempts to reframe them as follows:

Patterns of Papuan Faultlines

The specific localities of socio-political and socio-cultural circumstances have determined the kind of conflict the Papuan society is confronted with. Erari (1999) suggests that faultlines in the Papuan society can be distinguished into:

1. Faultlines between the modern national and international segments in the center of the state and traditional sectors of societies in which the environment is transformed by industrial projects; manifested in *center-periphery conflicts*.
2. Faultlines between ethnic groups which either share one economic zone with degraded and thus scarce resources or which settle in neighboring economic zones of highly distinct support capacities and thus different degrees of productivity; caused *ethno-political conflicts*.
3. Faultlines between migrants, of the same or different ethnic group, but originating from a different and quite often remote area of the country settle in fertile periphery areas where they challenge local population. This causes *interethnic migration conflicts*.
4. Faultlines in demographic development in high-populated marginal / rural arenas that trigger local conflicts or forces migration; caused *population pressure conflicts*.

Many conflicts currently occur between Papuan stakeholders in local arenas. However, quite often, external actors are involved. Therefore, local conflicts may have a national or transboundary impact. On the other hand: conflicts over scarce resource may often not turn into violent action. Different reasons account for these outcomes: marginalization, lack of means and organizational skill, lack of leadership, state repression, poor health conditions, wide-ranging apathy, fatalism, defeatism, and religious mystification at one's own situation.

Conflict between religious groups occassionaly erupts in Papua. However, in most cases the root causes seldom originated from religious teaching and practices.

Demand for Back to Adat as Political Practice

Adat or local custom shows signs of evolving into a political ideology as Papuans contrast an idealized past with the often harsh realities of Indonesian rule. Communities are more assertive of their rights, and the influence of adat councils and leaders is growing, though some are seen as mere tools of the state or of personal interests. This process is not unique to Papua: it has been spurred across Indonesia by the weakening of the centralized state since Soeharto's fall from power in 1998 and, more recently, by far-reaching decentralization laws that were passed in 1999 and enacted in 2001.

Indigenous communities in Indonesia that were often marginalized under the Past Regime are increasingly framing claims to power, resources or status in terms of adat. In Papua, the revival of adat could empower indigenous Papuans who feel marginalized within their own land by Indonesian rule and the influx of settlers since the 1960s.[91] But adat rules and norms, which tend to be dynamic and evolving, are not a solution for all. They can also be used to justify vested private interests or chauvinism towards less dominant social groups like women, other language groups or non-Papuans.

Adat is likely to gain a growing stronghold in resource extraction business for its populis stance against resource extracting companies at one side and against the state on the other. A statement by an adat leader in February 2002 declares that: "Air, sea, and earth and all natural wealth underneath are the property of the adat people (of Papua) and therefore cannot be sold to any other party. Eventhough, these resources may be sustainably exploited (by investors) for the interest of the Papuan people".[92]

Structuration: Papua for the Papuan

The special autonomy law is Jakarta's attempt to alleviate Papuan grievances, was enacted on 21 November 2001. Papuans were not asked if they wanted the law but some of the educated elite see it as a way to advance Papuan aspirations within the limits of the politically possible. There is a polarization between this minority, who see special autonomy as a step towards independence, and the majority who reject it out of hand. Very few Papuans appear to accept special autonomy as an alternative to independence.[93]

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[91] The term "indigenous" lost credibility in an archipelago populated by successive waves of immigrants from other places.
[92] Statement dated 28 February 2002. Thaha Alhamid confirmed it during interview.
[93] Secretariat of Justice and Peace, Diocese of Jayapura, December 2001.
See also ICG Report, *Ending Repression in Irian Jaya.*

The law notes that the government has "not fully fulfilled" demands for justice by the Papuans, attained prosperity, upheld the law or shown respect for human rights. There is an explicit link between natural resources and conflict in the statement that "the management and exploitation of natural resources in the province of Papua have not yet been carried out optimally to raise living standards, resulting in an imbalance between (Papua) and other regions and a neglect of the basic rights of indigenous people."

The remedies offered by the law include some powers of self-government, a larger share of the income from natural resources extracted in Papua, a stronger recognition of customary law, and the creation of institutions to voice Papuan aspirations. The provisions are more far-reaching than the regional autonomy laws applied since the start of 2001 to all other regions except Aceh, which also has a special autonomy law. The law was based on a draft that emerged from discussions among local government officials, academics, legislators, NGOs and church figures. During these discussions there was vocal opposition from people who rejected the idea that special autonomy could be an alternative to independence, even temporarily. The draft was toned down by Jakarta in ways that reveal the gap between Papuan and Indonesian perceptions. Clauses that stress the distinctness of Papuan culture and history and the poor treatment of its people by Indonesia have been softened, and Papua's place within the unitary state is emphasized.

A clause in the draft giving the governor and provincial parliament a say in the use of security forces has become a right of consultation for the governor alone. A demand for a separate police force has also been downgraded. These points in the draft were important because they represented an attempt to give indigenous Papuans some control over security rather than leaving it solely in the hands of the Indonesian forces, whose behavior can sometimes resemble that of an army of occupation.

Papuan activists have long demanded a reexamination of the controversial Act of Free Choice by which Indonesia justified its absorption of Papua. The original draft had called for the creation of a commission to "rectify" the historical record – in other words, to question the legitimacy of the Indonesian takeover. The law turns this into a truth and reconciliation commission whose tasks are defined by the President of Indonesia and intended to reinforce national unity. Calls for a Papuan human rights commission have similarly been downgraded to the creation of a branch of the *Komnas HAM* (National Commission on Human Rights), which has been accused recently of leaning towards the military rather than towards the victims of human rights abuses.

Some major changes concern the rights of indigenous communities. The law creates a new institution to uphold Papuan interests, the *Majelis Rakyat Papua* (Papuan People's Council, MRP). The MRP is to be composed of one-third community leaders, one-third religious leaders and one-third women. Its role is to speak out for indigenous interests and give advice on certain aspects of local government. The Papuan draft conceived of the MRP as an upper house of parliament, with the existing provincial legislature as the lower house. The final law presents it as a largely advisory body whose composition and role are set by local regulations, but with guidelines and funding set by Jakarta. The members are elected but have to be approved by the Interior Minister in Jakarta. There is also a stipulation that the MRP must uphold Indonesian unity and the state ideology, Pancasila. These provisions are presumably intended to stop it becoming too powerful a voice for Papuan aspirations.

The Process of Knowledge Rediscovery
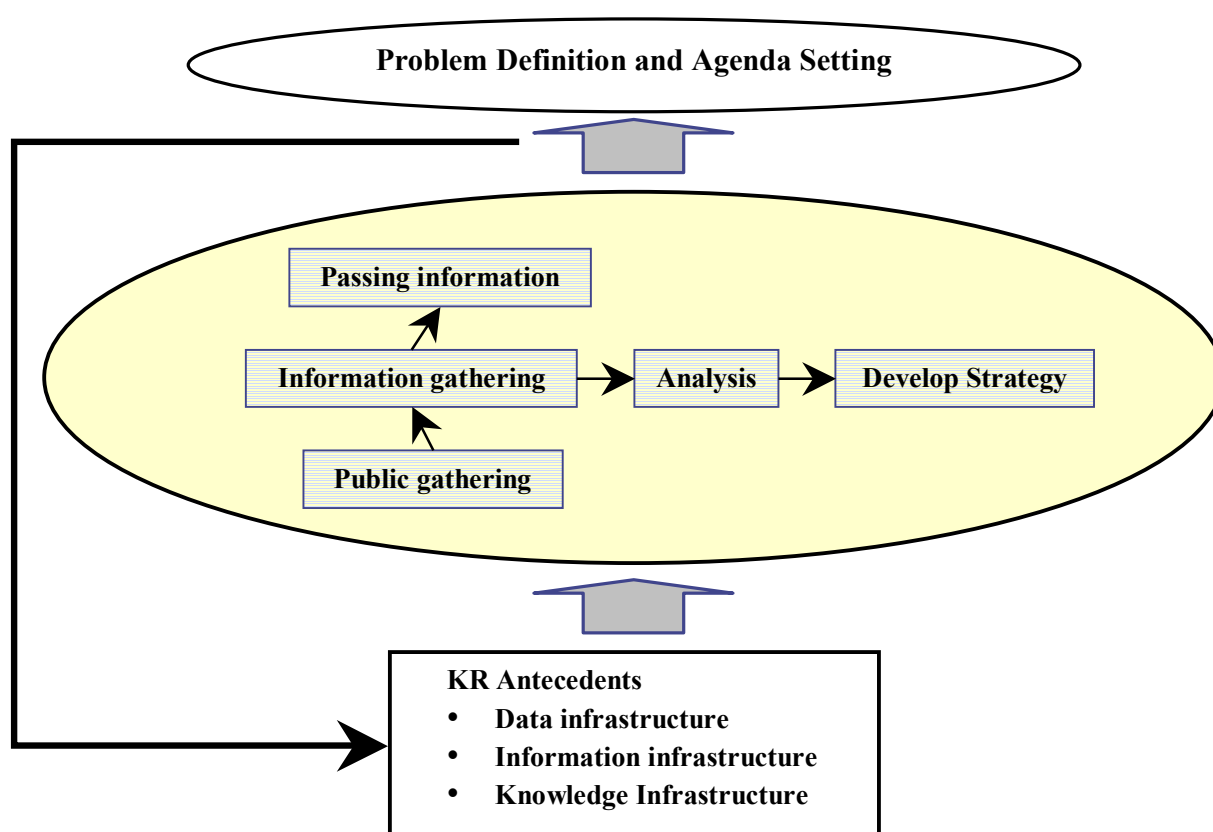
Figure 4. 1. Knowledge Rediscovery Resource Mechanism

Knowledge Rediscovery is problem-reframing act that possesses access to required capabilities (resource person, knowledgeable), and carries out the roles (boundary spanning) that are necessary for problem definition and agenda setting (collection, delivery and dissemination of knowledge). The knowledge rediscovery is (i) Informal and spontaneous with absorptive capability, (ii) Transformative capability, and combinative capability, and (iii) The structure is defined by members' knowledge, members' social networks, and members' roles (see Figure 4. 1.).

The phenomena of knowledge rediscovery shown in Figure 4. 1. had been profound in the establishment of umbrella-Institutions,

(i)   the PDP: *the Presidium Dewan Papua* or the Presidium of Papuan Council, the highest tribal governing body, which consists of tribal leaders,

(ii) the DAP: *the Dewan Adat Papua,* or the Papuan Customary Council, which served as a clearinghouse for custom related affairs. To contrast to the PDP, the DAP is consisted of tribal elders; and

(iii) during the process of forging the Special Autonomy Law.

Chapter Five

CONCLUSIONS

5. 1. Introduction

This study deals with a major question: *Why and how has the Papuan tribal governance emerged?* and the following subsidiary questions: 1) What was the pretext of the Papuan tribal governance? 2) Who are the agents of the movements that lead to the tribal governance, and what are their roles? 3) What kind of the learning process occurs in the movements and what are the mechanisms? 4) How has the context of the movements evolved?

Based in a greater part on the case analysis reported in Chapter Four, this concluding chapter will provide answers to the major question, and at the same time will also incorporate answers to several subsidiary questions posed above. Finally, this chapter will subsequently discuss policy and theoretical implications, limitations, and suggestions for future research.

5. 2. Summary of Findings

The major research question of this study concerns with two fundamental question words in general jargon of social movements, i.e. *why* and *how.* In the particular case of Papuan movements, it is relatively straightforward to answer the *why* part, i.e. (i) to regain control over natural resources, and (ii) to build new political identity.

Departing from the ancestry repository system to memorize important events in their lives, which includes the degree of suffering, the depth of discontent, etc. the Papuan history notes lengthy list of experimentations regarding the *how,* from individual discontent to rioting gang, from community displeasure to terrorism, only recently that the Papuan were able to mobilize themselves in a broader sense of social movements. This, however, may not be the last experimentation of the Papuan in their effort to shift themselves from margin to evolve to mainstream. Their achievement however, much depends on their capability to learn and to create knowledge.

Short-listing the most important efforts on *how has the Papuan tribal governance emerged* shows that the Papuan (i) draws on indigenous knowledge through the process of *knowledge rediscovery,* (ii) builds eclectic (i.e. partly modern partly traditional) institution

with the help of *knowledgeable outsiders* through the process of *societal knowledge creation,* (iii) expands their support base among Papuan Diaspora (the offspring of the forced exiles Papuan who have spread to many lands) and among NGOs, and (iv) builds shared *self knowledge* through the process of *societal knowledge creation.*

Antecedent

The arrival of *knowledgeable outsiders* in the local constellation brings interesting development along with it. *Knowledgeable outsiders* as represented by people like Br. Theo van de Broek, a Catholic serviceman; or Agus Sumule, a university lecturer are in reality *boundary spanners* of 'foreign' origin. These particular kinds of *boundary spanners* happen to be in the mid of Papuan communities commonly for a specific purpose and reason. In the case of Br. van den Broek, is to bring Gospel to the Papuan tribesmen.

In practice, the *knowledgeable outsiders* help the local communities rediscover the long-lost local wisdom and ignored local knowledge for the purpose of reusing them as alternative to improve the indigenous people's survivalability. This kind of mediation encourages the process of recombination between indigenous knowledge of *know-what* pre-exist among the tribesmen with modern knowledge of *know-how* of the *knowledgeable outsiders*. These recombinations motivate the Papuan to reconsider their primordial concept of continuity and to revise it with a worldview, which suit well modernity. This new *self-knowledge* or identity serves as antecedent for a range of substantial changes that follows.

Success stories of indigeneous people movements elsewhere in the world have inspired and encouraged the Papuan to demand for betterment of their societal conditions. The movements eventually found an afterburner in the worldwide spirit of *indigenism* that in turn, allows the Papuan to gain from international sympathy.

Interdependency of key issues

Sense of place and *social capital* were the main components of identity that serve as the key factors behind the phenomena of Papuan movements. Each of them, in gradation from strong to weak identity, defines how individuals perceived their position toward others, how the *bonding,* i.e. relation with members of the same tribe/clan becomes stronger than *bridging*, i.e. cross-cultural relationship. Although the term *precursor* can be used to replace these key issues for their role in societal knowledge creation, it is important to emphasize that this study have found a clear patterns of interdependencies between these

key issues, which can be reformulated in that *Identity (sense of place and social capital) are products of antecedent-, process- and outcome of social learning.*

Social Learning as a process of Societal Knowledge Creation

This case study has captured a real picture of the impact of globalization at the local arena of Papua. Represented by the phenomena of Multi-National Corporation and modern governance of Indonesian Central Government, the globalization has put the tribesmen in a rather difficult situation with no other choice but to comply.

In order to secure its continuity, the Papuan, with the help of *knowledgeable outsiders,* choose to answer the challenge of globalization by bowing to their sacred value system, reflecting on their being, and bring some adjustment to it through a process of self-knowledge creation.

Theo van de Broek's recollection of past memory of suffering in handy books titled 'Memoria Passionis', which is also put on the Internet, has become an important enabler that helped the process of social learning and self-knowledge creation to take place. The Papuan are better adept to deal with their traumatic memory with the new worldview, and instead they have grown a new type of *self-confidentiality.* This new type of self-confidentiality encourages the Papuan to stand up for their rights and for the distinct cause of their survivalability. This new self-confidentiality has becoming new antecedent in modern time Papua that propel change to comply with globalization.

The role of *boundary spanner* in societal knowledge creation

In confirming the earlier statement about *boundary spanner,* this case study have identified evident of the involvement of *knowledgeable outsiders* in the preparation phase of the Special Autonomy Law. The *knowledgeable outsiders* have taken up membership in the task force teams of *the Aspirations Trawling Team*, *the Assistance Team* and *the Study Forum Implementation Committee* that was formed on the initiative of Solossa, the Governor of Papua Province in anticipating the possibility of public refusal on a draft of Special Autonomy Law made by the Central Government. Memberships of these task force groups were shared among religious leaders, university lecturers, NGO leaders and, community/tribal leaders. However, in terms of numbers, the groups were predominantly represented by the first two categories, the religious leaders and university lecturers, for whom we like to dub them the *knowledgeable outsiders* for their role in helping out to find

the 'ignored knowledge in the community' and for their role to bring the extremely fragmented communities closer to each other to reach consensus.

Our interviewees have indicated that without the involvement of *knowledgeable outsiders* the possibility is considerably small that there will be a breakthrough in the preparation of Special Autonomy Law. Moreover, the involvement of *knowledgeable outsiders* in the drafting process of Special Autonomy Law has indirectly increased ordinary peoples' involvement in policy process, both in quantity and quality.

Outcome of the process of Societal Knowledge Creation

Figuratively there are wide ranges of norms and structures can be claimed as the outcome of the process of Papuan societal knowledge creation. However, the most important ones are *the PDP or the Papua Presidium Council* and *the Law nr. 21/2001 on Special Autonomy*.

The Characteristic of tribal governance

The initiative behind the establishment of the PDP has been the creation of communication conduit to accommodate the Papuan tribal leaders' need for an umbrella organization that could serve as a 'clearing-house' and mediate them in communication between tribal leaders themselves, and between tribal leaders and government. For which purpose the tribal leaders agreed to provide the PDP with political power. In practice, the PDP exercises its power both inward, to intervene in a horizontal conflict for instance and outward, to negotiate with the Central Government or with foreign countries or Multi-National Corporation.

The PDP, ever since its establishment, shows the dual character of structuration in that it has been becoming the agent of change and at the same time the super structure of change that heavily influences the Papuan's societal condition. The PDP is the single 'clearing-house' in the widest meaning in Papuans' life; for instance, there is no horizontal conflict settlement without the involvement of DAP, *Dewan Adat Papua* (Papuan Customary Council), a body embedded in the PDP; and also, in the economic area, there is no economic investment related with resource extraction without the PDP's permission.

In the five years of its existence, the PDP has won some supports from mainly the Papuan intellectuals, who argue that the PDP's policies are good for ordinary Papuan;

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however, the same policies have been an object of criticism by outsiders for discouraging multiculturalism.

The existence of the PDP and the whole structure underneath, has improved public involvement in policy process as public has a better and secured conduit for their aspirations eversince, resulting in better accommodation of public initiatives.

5. 2. 1. Answering SRQ 1

What are the antecedents of the Papuan tribal governance?

<u>A Mixed Picture</u>

Reading on the discontents often voiced out by Papuan peoples in various massmedia gives the impression that there is something peculiar happened. This assessment was strengthened with what we saw on the field and what we heard when people talking to each other. Our interview with various kinds of pre-selected agents confirmed our earlier presumptions.

The talk was mainly about criticism concerning human rights abuse; societal conditions; disproportionate access to natural resources; or about their sacred areas of mountains, rivers, or lakes that have become a source of profit for others and that will disappear in the short coming future. In the local mass media we can easily identify the use of symbols by Papuan to express their dissatisfaction. Moreover, hatred and denigrating attitude in the form of body language, gesture and words choice towards newcomers become a day-to-day feature of Papua. Jayapura, the biggest city we visited for our fieldwork and known as the traditional center of Papuan movements, showed the toughest opposition against changing. Beni Giay, a Dutch trained local born missionary and head of a Christian Seminary College in Jayapura, reaffirmed our earlier communication. The Sentani tribes living in Jayapura are *lain* (different) to compare with other Papuan indigenous tribes. They have made hard times in their lives. They have to witness their leader assassinated; they have to see their forests disappeared; they have to accept their lake polluted, and they now have to experience an abrupt change with the implementation of Special Autonomy Law.

Giay's assessments give the impression that what at stake is the inability to cope with change. It appears that the whole change in the last decades has been so fast, too fast that it confused the local people, that they didn't have a chance to develop an attitude to it, and to

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develop a feeling for it. It has just been too much that the only way remains to protect themselves is to move away from any change - or to blame the more than blatant presence of the representative of change, and to request that their way of life and thinking should be left intact, to be considered as sacred and not open for change.

These sorts of conclusions as element of deeper reflection on the past, present or what they want in the future were absent in the talks during interviews. What is missing here is the capability to reflect on the past and to decide on what should be taken with them into the future in terms of values and beliefs; what is missing is the capability to reflect on what is happening in front of them and to decide upon what should be reacted on as it could help them to build up a future and what to be rejected as it will damage their well-being, their cultural identity and personality.

Social Reality as an Impact of the Introduction of Modern System of Belief

In contrast with the national figures of the distribution of religion, that consisted of around 65% Moslem, over 60 percent of the indigenous Papuan are Christian, with the largest denominations are Catholic, followed by Evangelical Lutheran and United Church. Besides these pantheistic beliefs, traditional rituals are still practiced in Papuan culture. Many Papuan remain practicing traditional beliefs, which are generally based on worshiping the spirits of deceased ancestors. Examples are easy to find, like: people who live in danger of crocodile attacks are likely to give crocodiles an important role in their culture, while farming communities often place greater emphasis on the weather, accordingly celebrating fertility and harvest. Praising the spirits of ancestors is a dominant theme in traditional beliefs while the fear of sorcery and witchcraft is also widespread.

Most Papuans manage to create a personal theology that blends Christianity with their traditional religion. The 'Cargo cults' or 'Cargoism', which occurred in the last few decades shows evident of the *finer transition from local traditional belief to Christianity*. From different perspective, *the Cargo cults are also seen as providing the missionaries access to meet with local expectations.*

The Growing Paradox

From the point of view of evangelical learning, the notion of social disorder is put in the same basket with sin. All are derived to follow from the refusal to accept God in the

physical representation of other commoner. The solution to this problem of sin is found in the gospel[94]. Through the gospel the sinner is forgiven and restored.

In the Papuan's traditional believe, it is hardly any trace or image found of the idea of causality between sin and punishment (and so between good-deed and reward) in the sense that sin (or good deed) committed during life will get redress (reward or punishment) in the afterlife. According to the Papuan pantheistic believe, redress belongs to the situation during life. And rewards are depending on the quality of offerings they make to praise the god in case. The same act is also believed to be efficient to keep punishment away. When an issue of social disorder arises, men seek solution by making offerings that monetary values equal with the amount of the inflicted damage. With the offering, men does not need to worry about the consequence of the committed misdeed or sin as the case is believed to have been dropped for good once the offering is at par with the amount of misdeed or sin.

This study suspects that the substantial difference between traditional religion of indigenous Papuan and Christianity on how to perceive sin and salvage has contributed to the current discourses on social order and social redress.

In summary, the antecedents of Papuan tribal governance are, (i) the contextual factors that cause people to change, (ii) the success story elsewhere, and (iii) People's willingness to change.

5. 2. 2. Answering SRQ 2

Who are the agents of the movements that lead to the tribal governance, and what are their roles?

With regard to the policy process took place during the drafting of what later become the Special Autonomy Law, we can identify 4 dominant agents of change as follows:

- The indigenous leaders as pressure agent that mobilized their constituents in groups. This agent represents the core value driver of the movements. They know 'what' they want, but know little about 'why' they want and 'how' they will achieve what they want. This agent is known incapable to achieve concensus among themselves. In dealing with these shortcomings, the indigenous peoples find support from the *knowledgeable outsiders* or *other boundary spanners,* for instance academics, other religious serviceman and NGOs representatives. Kinship is the most important

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[94] The origins of the word 'gospel' (Greek = euangelion) refers to the message of God's saving work in Jesus Christ.

connector. Acceptance is always limited only for those culturally connect, territorially linked and share close related lineage.

- The multinational corporations (MNC). Represented by two dominant MNCs, Freeport McMoran Indonesia and British Petroleum Tangguh (BP Tangguh), the Companies have indirectly influenced the policy process by providing stipend and facilities to other agents.

- The Government, represented by the local provincial government. The role played by this agent had been crucial. Solossa, the then Papuan Governor, has been providing the indigenous people with logistic and bureaucratic support during the length of policy process, while he himself as the highest executive at provincial level was prohibited by law to directly involve in the process. Solossa clearly acted as the mastermind behind the scene. He has, for instance, involved in the establishment of taskforce teams: *the Aspirations Trawling Team*, *the Assistance Team* and *the Study Forum Implementation Committee.*

- The religious servicemen, the academics and the NGOs. This group makes the core of those who know the reason 'why' the indigenous people should mobilize themselves in a movement and 'how' to make the indigenous people's aspirations materialized. These peoples, in their capacity as representative of their organizations or simply as individuals, play the role as *knowledgeable outsiders* or simply as *boundary spanners.* They help the indigenous people *reframe* and *codify* their expectations during the stage of *agenda setting.* In doing so, they help the indigeneous people find *ignored knowledge* through a process of *self-knowledge creation* and *knowledge rediscovery.* Being boundary spanner, they are in the position to influence the process of *societal knowledge creation*, hence also to influence the result. In their action, they take the benefit of using their own network to amplify or rather to attenuate the knowledge they have help rediscovered.

Pivotal Role of Boundary Spanning: From margin to mainstream to collaboration

Much of creativity occurs at the margin. In science and social life yesterday's innovation can soon become mainstream. Transitions from marginality to mainstream to collaboration reflect various influences, such as values, priorities, goals, and attention of a creative minority with a vision for change and the majority of people who are resistant to

change. Which is central and which is marginal? How to make creativity at the margin more effective?

Papuan communities, who have endured marginalization for decades, have found upwelling current in the figure of boundary spanners that motivate them to shift along towards mainstream. Along with it, people becoming more adept in identifying various marginal and vicious types of development practices in their surrounding. The formation of modern organizations makes ordinary people's aspirations better sounded, and it empowers people with proximity and access to policy process. The creation of PDP, as umbrella organization in 2001, has created a basis for collaboration; the drafting of Special Autonomy Law, and the enactmen of the law in the following year have assured the people that they have all enabler for a smooth progress.

Collaboration that has emerged, offered promising opportunity in exploring future directions. Collaboration among stakeholders is only possible when they share similar recognition on each other existence. Only if this requirement met, mutually beneficial exchanges among stakeholders can take place. And right at this point that a boundary spanner can further contribute.

As the third party, the boundary spanners have the luxury of not making sides. This claim has been so profound during interviews when questions on the involvements of the Church, academics, NGO peoples in the production and reproduction of new structure like the PDP and Law of Special Autonomy were asked. However, it remains interesting to question the boundary spanners' involvement in Papua movements, and to inquiry about the impact of their 'not making sides' as they prefer to claim now for the future context, considering local dynamism.

5. 2. 3. Answering SRQ 3
What kind of the learning process occurs in the movement and what are the mechanisms?

One striking issue in Papuan social movements, if compared with any other movements in modern Indonesia, is the fact that popular discontent has impacted on formal institutional politics. Explanation on this may be found in the historical-sociological outline of learning process around political change in Indonesia's past, especially on how Indonesian state was shaped and transformed from the contentious interactions of state agents and ordinary people. In line with this observation, this study, with strong reliance on

the concept of social learning, perceives political regimes not as fixed entities but as a product of political processes that sustain or change them. On this preliminary basis and with strong reference to modern Papuan movements, this study suggests two ways of how Papuan discontent has made difference:

1. Papuan discontent directly causes democratization as a strong social movement demanding democracy rises at the right time around regime change.

2. Widespread public protest and mobilization before and during regime transitions has strongly determined the outcome of change at local arena.

The above phenomena were in fact a manifestation of identity seeking behavior, through the process of collective identity building.

Further, as the suggestions above were depicted from the case of Papua in the context of the society's relation with Indonesian state, a question may arise, what the contribution of societal knowledge creation might be in the case of no regime change?

5. 2. 4. Answering SRQ 4

How has the current context of the movements evolved?

A shifting context of social movement is only possible when there is adequate social capital in the target domain. In the case of Papuan movements, as a result of repressive military actions in the past, the Papuan can easily find sympathizers between Papuan Diaspora abroad. These second and third generations Papua, as one can easily find in the Netherlands, Australia, Britain or Sweden for instance, were grown up in totally different culture that does not teach them anything about Papua. These young peoples, in fact know very little about their ancestors' dream or romantic idea like having a country of their own. However, the seeds for such romanticism are already there. It requires little effort to spark the flame. And that was exactly what OPM International chapter had done in the 1970s through 1980s, promoting public awareness between Papuan Diaspora.

With the increase international support from Papuan Diaspora, the OPM become more confident and decided to launch new cycle of promotion in 1990s. Targets for this were selected among international civil society groups who concern about close-related issues such like, human rights, environmental defense etc. This approach has been a great success as can be seen in the worldwide support received by the Papuan recently.

Suharto downfall in 1998 creates new atmosphere for democracy processes. This gives the Papuan opportunity to lign up with those supporting democratic process of societal change.

5. 3. Theoretical Implications

The academic problem addressed in this study is building a model of the process of societal knowledge creation, based on the experiences of the Papuan people and the literature review. This study found that some chapters of modern Papuan movements do so much better than others in terms of knowledge creation, the case of Law No. 21/2001 and the establishment of PDP only two examples among others. These inseparable successes describe the extent of rigorous jobs in mobilizing resource and people, which combination have passed the test of institutional building and law making process respectively, leading to the establishment of PDP and the passing of Law No. 21/2001 in the following year.

In reflection, with a backdrop of multidimensional problems in multitude of occurrences in the study area, the above successes may not have materialized if there were no process of *self-knowledge creation* or identity building at collective level in place. However, the fact that problems remain even after the two successes - illustrated by frequent conflicts surfacing in the realm of Papua - can only be understood that the process of *self-knowledge creation* is not in the continuum of ordinary people's lifes, so as not in the people's immediate extension, the society. Instead, it appears parallel and very much depending on the fitness to individual or collective interests. This finding proofs against the governing consensus of foundationalist and structuralist reasoning of identity politics that tends to assume that identity must first be in place in order for political interests to be elaborated and, subsequently, political action to be taken. This phenomena show that there need not be '*identity behind the action*', but that the '*identity*' is variably constructed in and through the societal knowledge creation process.

5. 3. 1. A Model of Societal Knowledge Creation

Advancing from the literature review and the case analysis, this study attempts to reframe the ideas and present it in a model of Societal Knowledge Creation as showed in Figure 5. 1. With strong reference to the findings from the field, *societal knowledge creation* is defined as *a process of synthesizing existing and new knowledge to create collective identities, public policies, laws, institutions, or social practices*.
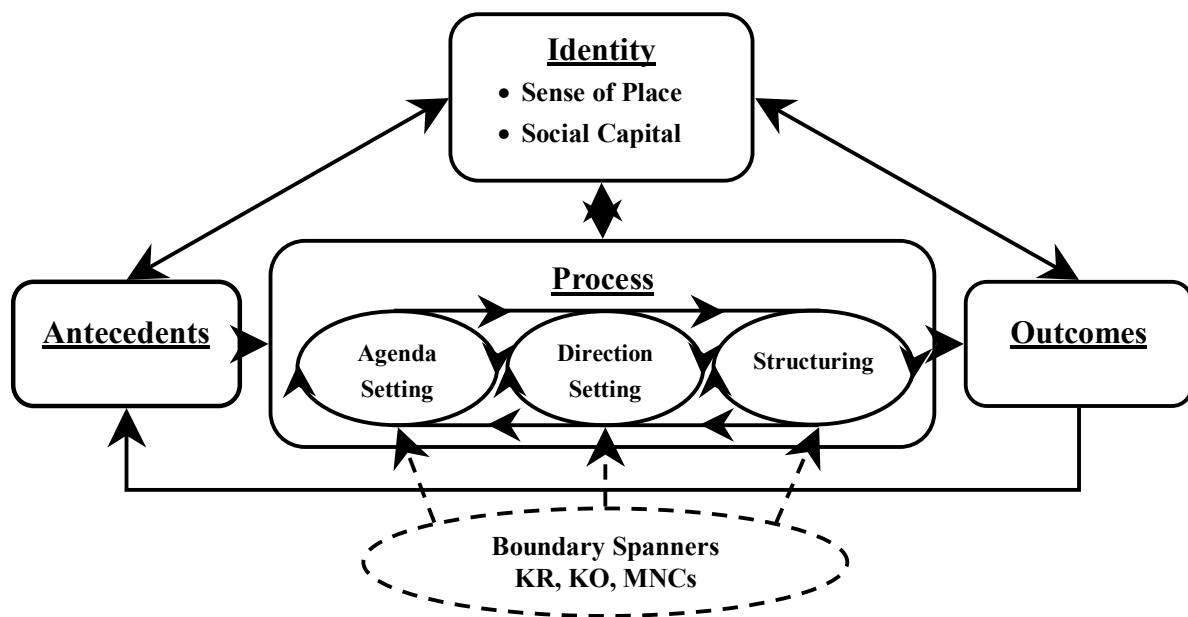
Figure 5. 1. A Model of Societal Knowledge Creation

The model of Societal Knowledge Creation incorporates the following insights,

i) *The process of societal knowledge creation is spontaneous.* The impetus of the movements is indeed the recollection of suffering or memoria passionis[95], *shared* among Papuan tribesmen, which gain important boost from *knowledgeable outsiders*. However, the successes of the movements may not become material without the Government's approval, and to a lesser degree also the MNCs involvement.

ii) *The self-knowledge creation is parallel.* This dynamic process of the creation of self-knowledge value system in Papua distincts from similar process occured elsewhere. The distinction is the outcome of the conjoining works of localities and the occurrence of change in the immediate physical environment wherein the individual lives. Members of the same community might share similar value system. However, instances in Papuan reality showed that even these vary in degree. In the particular case of Papua, we found a number of 'faultlines' such as in geographic, culture and language, and about 312 distinct tribal communities. Each of these communities had been becoming unique along with the distinct localities and changing environment.

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[95] The concept of *Memoria Passionis* is coined by Johannes Baptist Metz is a Catholic theologian. See page 95: *The System of Belief,* which is composed based on an interview with Theo van de Broek.

iii) *The role played by boundary spanners is pivotal.* In a primordial society who knows very well about 'what' they want but lacking of knowledge as to 'why' they want what they want, and 'how' to proceed with what they want, role of boundary spanner is paramount when leverage comes due. Boundary spanners, who keep their credentials as those who know the 'why' and the 'how' are needed to help the indigenous communities codify, redefine and reframe their expectations, ideals and wisdoms into better comprehensible and recognizable format of problem definitions.

iv) *The process of structuration is recursive.* Structuration is the production and reproduction of the social systems through members' use of rules and resources in interaction. Every cycle of this recursive process creates new social system that in turn serves as reference for the next cycle. All members of the society - ideally without exception - experience the same impact of the new social system.

5. 3. 2. How the Model Works

Societal Knowledge Creation in Political Contexts

There is an assumption in Papuan movements that problems themselves are self-evident, whether it is historical falsification, discrimination to access to resources, human rights abuses, resource depletion or environmental degradation, lack of appropriate institutions for management, conflicting claims over resources, etc. Our findings however, show that what may be seen to be a common problem by a community group may be seen as absolute rights by others.

The difficulty here is that assumptions, knowledge and understanding that define the policy problem may themselves be contested (Dunn, 1994, p. 17). On that, we argue that an explicit consideration of the assumptions and knowledge that contribute to the framing of a specific problem helps make the decision-making process more transparent. Moreover, we also recognize that assumptions and knowledge often differ between different decision-makers, and that these differences can lead in quite different policy directions. By making stakeholders aware about others' perceived values, or whether possible, to allow them to adopt a common conceptual thought to examine a common problem, the model hopes to reveal differences in knowledge, understanding, presumptions and priorities, which are often hidden in the process of knowledge sharing. It is precisely when different stakeholders reveal different interpretations of key issues that the model proves its usefulness.

Referring to stakeholders' enthusiasm in getting involved in the making of the Special Autonomy Law, we argue that all stakeholders are capable or become capable with the help from *boundary spanner,* of employing the analytical thought process, however, we also recognize the complexities that might involve when dissenting aspirations is pushed forth in conflict setting.

The power relations inherent in benefiting particular interpretations of knowledge, theory, or policy are greatly political and so, contest-driven. The purpose however, is not to ask *who should* decide. Rather, the concern is with *how* knowledge affects the formulation of a policy issue, and a consideration of potential response options. To this extent, the model suggests that policy-making is very much a political process. A political process determines the legitimacy of agents. Such agents, in the case of Papua include:

- Tribal leaders;
- Boundary spanner: academics, religious servicemen, NGO leaderss;
- MNCs
- District level appointed officers;

Current Knowledge as Knowledge of Change

The principle is that stakeholders draw on their current knowledge and understanding to frame a specific problem. Ideas about *change*, *theory*, and *policy* are all refined by the various actors involved to produce particular interpretations of the situation as well as specific ways for dealing with it.

Social, demographical, economic, political and environmental changes are part of the on-going dynamics that determine the position of indigenous communities towards resources and also determine balance of relation between indigenous communities and the central government. This model refers to these forces collectively as *antecedents*.

Processes of change include the transformation in the relation between indigenous communities with resources and between indigenous communities and the central government over access to resources that take place as a result of the working of the *antecedents*, alone or in combinations. We, for our comfort, suggest that all drivers of change can be understood to impact on the modus of governance.

Although change is ubiquitous, stakeholders' knowledge of change derives from a variety of sources. At the very local level, knowledge of change may be largely through experience and direct contact with the *antecedents* and *processes* that are affecting resources and their relations with people. This experience may be that of local stakeholders

themselves (indigenous community), or may be generated through a process of empirical research with the help of *knowledgeable outsider, boundary spanner,* or *knowledge rediscoverer*. What is relevant for the model of SKC is to recognize that it is an actor's knowledge about change that is used to frame a particular resource use problem, and that this knowledge is often partial and so likely to be contested by other actors.

In the case of Papuan Special Autonomy Law, we found that knowledge of 'how', i.e. how to proceed with law-making process and knowledge of policy (see below), have been to a great extent defined with the involvement of *boundary spanner:* academics, religious servicemen, and NGOs. These individuals put forth their expertise in theory and policy to help frame indigenous communities' aspirations into a better comprehensible *agenda setting* and *direction setting*.

Structuring: the Policy-making Process

Most 'governance' related cases do not operate in isolation from a wider context of public policy. However, stakeholders - to a great extent - may differ in their knowledge of these policies. In this sense, knowledge about policy may be seen as providing both *constraints* and *opportunities* for a process toward improvement, since this knowledge forces to streamline stakeholders to consider actions according to these wider policy processes, and at the other side, knowledge about policy is likely to contribute to the way in which a stakeholder perceives a particular governance situation, and the alternative policy responses that he likes to see them reconsidered.

An important element of this wider policy context is commitment to the objectives of economic, social and ecological sustainability, and the recognition of possible trade-offs between these objectives (Ostrom, 1990, p. 192-195). The policy context may also help define who the key stakeholders are in any specific issue, what their real interests are, and the extent to which these may conflict (Ibid, p. 136-139).

The Societal Knowledge Creation (SKC) model suggests that the policy process can be understood as a response to a set of specific perception of governance problem. The model suggests that for any stakeholder or decision maker, a systematic consideration of the alternatives should comprise two distinct stages - *reviewing and testing options* and *implementing action*. Every element of the policy process - reviewing the options available, examining assumptions and implications of the policy and considering the processes involved in implementation - should be reflective. This requires an iterative process of

defining and framing the problem in the perceived knowledge and understanding of change, theory and the policy context (Dunn, 1994, p. 17).

Reviewing and testing: Reviewing and testing can be further broken down into three parts: **evaluation** of possible response options; **testing** these options in terms of their *assumptions*, *implications* if implemented, and *processes required* to achieve change; and **decision making** about acceptable/ feasible policy responses. As fieldwork finding case study shows, the reviewing and testing process is not necessarily the domain of 'expert' or 'government' activity. The shareholders are subject, but at the same time they also the object of the policy themselves. This makes them the best option to reviewing and testing.

Identification of acceptable options: In light of these tests, consider which policy options are acceptable and feasible to, and for, whom. Given the differences in groups' aspirations, a consultation will immediately reach the issues of acceptability and feasibility. If a particular option is seen to be acceptable and feasible, decision makers should consider implementation. If it is not acceptable and/or feasible, either the option should be ruled out altogether, or decision makers should revised understanding of the problem.

Implementation: The implementation of specific policy, although it defines the *outcomes* of the law-making process, should be seen as *a process of experimentation*, as part of a constant and dynamic cycle of learning. Once policy is implemented, it feeds back into the system as new *antecedents* as they will reshape the empirical change, contributing to theoretical understanding and knowledge about policy, as well as bring *identity* into a new state of equilibrium. There is an obvious link to changing the dynamics of the system, through the changing of *antecedents*. Equally, the adoption of policy and learning from its implementation enhances theoretical knowledge.

The *process* stage involves a set of actions that require rigorous collaboration between players, which in the case of Papuan movements involves various kinds of *boundary spanners* to mediate or to moderate. Knowledge conversion and knowledge creation play important role during these stages, as a certain degree of agreement is required before evolving to the process of structuring. The structuring that follows implies formal processes of policymaking.

Policy arrangements arise through the interaction between societal and political components at structuring stage. This interplay leads to a specific institutionalization of the value-laden content of the *processes* and the organization of a discrete area of policy. In contrast to the common practice in policy arrangement, this approach, which was derived

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from finding, found simultaneous forward and feedback-loops from/to all stages of policymaking to/from *identity*. This reveals a set of important facts that includes:

- The process is very laborious as at every stage of *processes,* because *s*omeone with power could exert his or her power to nullify the whole achievement. In the latter case, everything has to be done all over again.

- Once the process is completed, the society will be in much better position to implement the newly adopted policy. This is because the process of public socialization has taken place during the process, not after the process as regular process of policy arrangement does. In attempt to safeguard the process from any attempts to nullify the process, the PDP has adopted a position of *Moderator* in its structure.

- The simultaneous inter-influencing acts between antecedents, processes, and outcomes at one side with identity, sense of place, and social capital at the other, have formed a virtuous cycle of learning, which resemble Argyris second-order learning. This implies that learning process causes basic value system to adjust.

- The process is open for those willing to get involved. Here comes the idea of 'societal…' in societal knowledge creation.

5. 4. Policy Implications

At this point of research, we are now in a better position to claim that the Umbrella Institutions as in the case of Papuan tribal movements are a product of *societal knowledge creation*. And further, the Special Autonomy Law is a product of the Umbrella Institutions through a process of *societal knowledge creation,* which emphasizes more on policies that aim to increase the participation of the native Papuan communities.

Multiculturalism in the realm of the Papuan

Multiculturalism should be understood as the equality among individuals, which depends not simply on equalizing access to material resources, but also on the recognition of culture and identity. The suggestion here is that multicultural policy is only valuable when it is forged in relations among equals.

This case study found that the extremely fragmented society of more than 312 Papuan tribal communities has been successfully constructed idiosyncratic institutions in attempt to

secure their own future after a long and costly struggle. The new institution, the Papuan Presidium Council (PDP) along with its structures underneath, with active and direct involvement of its constituents, and with the help of sympathisers in *boundary spanners*, has produced distinct regulations to protect the group rights (such as territorial autonomy, guaranteed representation in central institutions and decision making bodies, land claims, etc.), so that their cultural goods (i.e. their religion, customary practices, land, forest, etc.) are protected from the domination of the majority. However, the fact that Papua also homes for about the same number of migrants as the native Papuan, who also requires a fair allocation of cultural resources, lead us to think that the right answer for each cultural group might be *to have public policies tailored to meet each groups' specific demands*. However, we also acknowledge that these kinds of policies, which recognize special rights for minority groups, are embedded with the potential that can undermine the equal identification upon which community solidarity and equality relies.

With strong acknowledgement on the above knowledge, the following list of policy recommendations provides a reference on a shift toward multiculturalism:

- *It is imperative to distinguish policies that promote tolerance for cultural pluralism from those which cause divisions*. The case of Papua as this case study found, presents a success story of an extremely fragmented primordial societies in their efforts to evolve from marginal position to shift to mainstream. In this extreme case, the Papuan has been able to secure their continuation through the ratification of regulation that strongly recognizes their special rights on cultural assets.

- Against the central motivating feature of the theories of multiculturalism, there is a possibility that the mainstream institutions and organizations are implicitly or explicitly partial to particular ethnic characteristics, and in so doing are indifferent to ethnic minorities. However, *s*ome of this partiality in the case of Papua is explicit and unavoidable. Equal access to education and job opportunity policies for instance are not possible when the case is well-motivated migrants vis-à-vis less educated native Papuan. *To deal with, it is useful to consider a scheme of 'handicap'[96] to boost social equity, which includes an increase of the number of minorities in mainstream*. A scheme of 'handicap' is now guaranteed by the Special Autonomy Law, with the idea to increase the number of Papuan natives in mainstream.

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[96] A system devised to make play between different standards an even match. Borrowed from a terminology in Golf sport.

- Laws that forbid people to practice customary laws conflicted with the local tradition. However, questions have arisen about whether traditional beliefs and customary norms can be used in sentencing. This case study found that these questions are difficult ones to resolve. But they are difficult not because rules that are otherwise impartial conflict with the particularistic practices and values of religious or cultural minorities. Rather, the problem is that the rules in question may not be impartial; allowing the traditional beliefs and norms of mainstream culture, but not minority cultures to count as considerance in sentencing is also not impartial. *The case of Papua showed that 'handicap' system offers grace period for the minority groups to deal with its backwardness and catch up with development.*

- *Acknowledging that national system provides a better chance for equal treatment compare to local system, an integrative policy should come in place to help native minorities (and also migrant minorities) integrate into the mainstream.* This idea implies that in the case a 'handicap' system is needed to raise the level of social equity, it should only be implemented within certain tenure. A more integrative policy should replace the handicap system within a certain period of time. In the case of Law No. 21 / 2001, it grants the Papuan special recognition for a period of 25 years.

- *It is important to distinguish that in some cases, the absence of neutrality is unfair to ethnic minorities, while in other cases it is either perfectly fair or unavoidable.* Moreover, in the specific cases of Papua mentioned here, the ideals of multiculturalism may not lead to specific resolutions that meet peoples' expectation. At most, multiculturalism requires that questions be raised about whether practices, values and organizations that are claiming to be impartial and culturally neutral, are in fact, impartial and neutral. If they are not, then the ideals of multiculturalism require that cultural resources be redistributed to ensure a fair and equitable distribution.

5. 5. Suggestions for Future Research

The mixed pictures of Papuan movements however, bring forward some characteristics, which should be studied more closely to get a clearer picture and to gain a better insight on the impact of each element to the beneficiary. With regard to the limitation of this study as mentioned in section 1. 4. *The scope of study*, we presume that if we were able to start this study with all the omitted topics / information in hand, we by then will be

in much better position to improve the outcome of this study. Based on that, our suggestions for future research are as follows:

1. Baseline research

    Having dealt with the limited availability of basic data related with *societal knowledge creation,* we propose a baseline study on:

    a) the identification of *acts needed to improve policy area,* which aim at improving indigenous peoples' life being;

    b) *the antecedents*; and analyzed it along four dimensions: (i) the *actors* and their *modus*, (ii) the *resources*, (iii) the *existing rules of the game*, and (iv) the *discourses*.

2. On Societal knowledge creation:

    The success of societal knowledge processes will have to be evaluated in terms of their impacts on the well being of the people concerned. Given the difficulties in assessing such impacts, it is useful to formulate the conditions that are favorable: *Under what conditions will societal knowledge creation approaches most probably effective?*

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Appendix 1. Timeline of Papuan History

Division of Timeline

Pre 1945   European explorations of Papua, early missionary activities

1945 – 1949   End of WWII, Independence of Indonesia

1950 – 1959   Negotiations over the future and administration of West New Guinea

1960 – 1969   Nieuw Guinea Raad, Trikora, UNTEA, Indonesian administration, PEPERA

1970 – 1979   Indonesia-PNG border issues, 1977 uprising, Organisasi Papua Merdeka

1980 – 1989   Indonesian-PNG border problems, 1984/85 uprising, and refugees fled to PNG

1990 – 1999   The shared context, shared value, critical mass, mobilization,

2000 –   Social-political dynamics during Reformation, Papuan People Congress II, Special Autonomy, Division of Papua Province.

Detailed Timeline

1364   Early reports on Papua dated from 600 ac. informed it was under the administration of the Sriwijaya Imperial and later transferred to Majapahit Imperial.

1453   Ibnu Mansur, the 10th Sultan of Tidore Sultanate, put the first steps on the western shoreline of Papua Island in a trade expedition. The island was put under Tidore's protection and named Papua, which means 'separated', (from Tidore).

1511   A Portuguese seaman, Antonio d'Abrau, is the first European to put first step on Papua. He called the island Os Papua or Ilha de Papo. He was succeeded by Fransisco Serano (1522) dan Don Jorge de Menese (1926).

1545   Inigo Oertis de Rates, a Spanish seaman, visited Biak and Padaido islands. Upon negative reception he left both islands. He named the island Nova Guinea, means New Guinea, and declared the island belongs to Spanish Imperial.

1600   William Jansen, a Dutch seaman landed on the Southwest beach of Papua. William Schouten and Le Maire, who penetrated the land even deeper to Cenderawasih bay, follow him 10 years later. Jan Carstenz in 1622 went to the Southern area searching new land for VOC (Netherlands East Indie).

1678   First Dutch flags hoisted at West coast by Keyts.

1774 November 9	The British Empire defeated Dutch, so that all Dutch's colonies are put under British administration including Papua. In1793, British declared Papua as its colony marked with the development of Coronation Fort in Doreri bay, Manokwari.
1824 March 17	British and Dutch sign Treaty of London and divide the Indies between them. The Dutch claim Sumatra, Java, Maluku, Irian Jaya, and so on. The British claim Malaya and Singapore, and retain an interest in North Borneo. Many of the boundaries defined in this treaty would later become boundaries of the Republic of Indonesia.
1828 August 28	A Dutch military officer, AJ van Delden, established new military fortress and proclaimed Nieuw Guinea (West Papua) as Dutch's. On 16 May 1895, Dutch and British occupation powers agreed on the division of Papua, Western part to be Dutch's and Eastern region to be British's.
1855 February 5	First German missionaries, C. W. Ottow and J. G. Geissler settle on Mansinam Island, Dorei Bay.
1895 May 16	Treaty of The Hague, whereby boundary with British New Guinea is determined which remains unchanged until today.
1898	Dutch begin exploring Irian Jaya. Dutch Government Administrative posts established at FakFak and Manokwari.
1902	Dutch Government post opened at Merauke.
1905	Two Roman Catholics missionaries settle at Merauke.
1910 March 7	Batavia declaration reinstated the position of Nederlandsch Nieuw Guinea (West Papua) that it is no longer under the Netherlands East Indie power, instead, it is put directly under Dutch Government administration.
1928	Demarcation line between Protestant and Roman Catholic missions abolished. Franciscan mission founded at FakFak.
1930	First expatriate settlers arrive at Manokwari and Hollandia.
1941 December 7	Dutch colonial power was defeated by Japan, who took over Papua. In 22 April 1944, Japan left Papua, making place for the incoming Allied power.
1944 April 22	Allies retake Hollandia. Most of the areas were recaptured from the Japanese short after that.
1949	The Constitution of the Government of Netherlands New Guinea is established.
1949 November 2	The Hague Agreement is signed. It is the follow up of the Round Table Conference "Republik Indonesia Serikat" (United Republics of Indonesian) would have the crown of the Netherlands as a symbolic head, Sukarno as President, Hatta as Vice-President. It consists of 15 Dutch-created states plus the original Republic. Sovereignty is to be transferred by December 30. Dutch investments are protected, and the new government is responsible

	for the billion-dollar Netherlands Indies government debt. The Dutch keep Irian Jaya.
1942 April 12	Japanese seize all but the South Eastern part of New Guinea. They arrive in FakFak April 1st and at Manokwari.
1950 December 4	Unsuccessful conference meets to discuss future of West Irian.
1955 April	Asia - Africa Conference held in Bandung. Beginning for non-aligned movement. Indonesia signs agreement with China giving Chinese in Indonesia dual citizenship. Conference issues statement supporting Indonesia's claim to West Irian.
1956 August 17	Indonesian Government established 'Irian Barat Perjuangan province' (West Papuan Struggle province) with Soasiu in Halmahera, North Maluku as capital, and Zainal Abidin Syah - Sultan of Tidore as first governor.
1957 November 29	UN resolution calling for transfer of West Irian to Indonesia fails.
1957 December 1	Sukarno announces that most Dutch businesses will be nationalized. Government orders 46,000 Dutch citizens to be expelled.
1960 August	Indonesia breaks off diplomatic relations with the Netherlands over West Irian.
1961	Dutch begin organizing "Nieuw Guinea Raad", a council to prepare for independence for West Irian.
1961 December 1	Dutch power who remain physically governed Papua allowed the local people to raise 'Bintang Kejora' - morning star as West Papuan official flag next to Dutch flag. This momentum is seen as Independence declaration of West Papua.
1961 December 19	In Yogyakarta, Soekarno - Indonesian first president - announced 'Tri Komando Rakyat (Trikora)' or three people's commands that urged the Indonesian people to (1) reject the establishment of the Netherlands' made West Papua country, (2) raise 'red and white' (Indonesian flag) in West Irian (Papua), and (3) Mobilize all resources and volunteers to take back Irian Barat (West Papua). Mandala command is headed by Major General Suharto.
1962 January 11	Soekarno formed Trikora Center Command located in Makassar, under the leading of Mayor Jenderal Soeharto. This operation urged the Dutch to accept the US and UN intermediation that eventually lead to the official transfer of West Papua to Indonesia.
1962 February	US Attorney Gen Robert F Kennedy leads negotiations on West Irian.
1962 April	West Irian negotiations fall apart; Indonesian military pressure increases.
1962 August 15	New York Agreements, Dutch agreed to transfer Irian Barat (West Papua) to Indonesia through United Nations Temporary Executive Authority (UNTEA). New York Agreement also stipulated that

	Indonesia is obliged to prepare plebiscite (referendum) before the end of 1969 to allow Papuanese to choose whether to remain stay with Indonesia or to break relation with Indonesia.
1962 October 1	Dutch left Irian Barat (West Papua) after more than 150 years occupation and transfer West Papua to UNTEA.
1963 May 1	UNTEA hands over control of West Irian to Indonesia.
1967 April 5	Freeport-McMoRan Copper & Gold, a US based mining company start operation extracting Copper and Gold from Ertsberg (Ore Mountain) for a 30 years operational contract.
1969 July-August	Papuan people voted via Dewan Musyawarah PEPERA (PEPERA Consultation Assembly) in 8 districts carried out PEPERA - referendum under the observation of UN rep. Ortis Sanz. With vast majority chose to remain stay with Indonesia, the UN on 19 November formalized it through the ratification of UN Resolution No. 2504. The decision was voted with 84 countries agree and 30 countries abstain.
1969 September 17	Becomes official province. Renamed West New Guinea with Irian Barat or West Irian.
1971 July 1	Brigadier General Seth J Rumkorem, a former intelligent officer at the Diponegoro Division, declared Negara Republik Papua Barat (West Papua Republic) in Jayapura. His act inspired a group of 9 students from the University of Cendrawasih that they followed it with flagraising in Abepura on 1 Juli 1982. On 14 December 1988, DR. Thomas Wanggai, a scholar in Public Administration, declared Negara Melanesia Barat (West Melanesian Country) in Mandala field, Jayapura.
1973 March 3	Province renamed to Irian Jaya (from West Irian)
1977	Armed conflict between OPM (Organisasi Papua Merdeka – Free Papuan Movement) and Indonesian army, the first in its kind.
1982	The Government began promoting 'transmigrasi' (resettlement) of people from dense area of Java and other central islands to Irian Jaya.
1984 May 30	Unrest around Jayapura in Irian Jaya; some rebels retreat from Indonesia to Papua New Guinea.
1989 March	Clandestine operations against rebels in Irian Jaya begin; continue through August.
1992 March	Indonesia and Papua New Guinea officials meet to discuss the disposition of more than 6000 refugees that had fled Irian Jaya to Papua New Guinea after fighting between Indonesian forces and rebels.
1996 January 8	OPM movement under the leadership of Kelly Kwalik took hostage of 24 Lorenz Expedition Team consisting of Indonesian and foreign researchers. Indonesian Special Force ended this hostage drama that took several casualties from both sides.

1998 May 21	Suharto is forced to step down. The people of Papua seize the moment of reformation by intensifying their demand for 'M' (<u>M</u>erdeka or independence).
1998 July 24	Establishment of FORERI - Forum for Reconciliation of Irian Society - by Papuan NGOs, leadership of churches, traditional councils and women's and student groups in West Papua. The key issues for FORERI are reconciliation, dialogue, non-violence, and analysis as important elements in promoting and protecting human rights and as a means of accommodating the aspirations of the people.
1998 December 1	For the first time thousands Papuan attended the 37th celebration of 'the West Papuan Independence' centered at Theys Hiyo Eluay – Great Sentani Tribal Leader's residence.
1999 February 26	One hundred West Papuan representatives (Team 100) meet with transitional President Habibie in Jakarta - facilitated by FORERI - in which they demand independence from Indonesia. Habibie's response is to say that they 'should deliberate this issue well'.
1999 April	Throughout West Papua people demonstrates against the Indonesian announcement that the region would be split into three provinces. The police forbid posts (poskos) where people had come together to discuss the outcome of the meeting between Team 100 and Habibie. In some places forced closures lead to tensions and violence.
1999 September 16	A DPR (People Representative Council) meeting agreed to ratify RUU (draft law) on the division of Irian Jaya (Papua) province into three new provinces: Provinsi Irian Jaya (Irian Jaya Province), Irian Jaya Barat (West Irian Jaya Province), and Irian Jaya Tengah (Central Irian Jaya Province).
1999 October	The People's Assembly (MPR) meets to elect a new president. MPR Decree No. IV promises Irian Jaya 'special autonomy' and legal resolution of human rights violations.
1999 December 1	Throughout West Papua a reported 800,000 people attend ceremonies to commemorate West Papua's National Day. In most places, the Indonesian authorities allow this peaceful expression of Papuan aspirations to go ahead. But in Timika, the military intervene with firearms, resulting in many casualties among the flag-raisers.
1999 December 31	In a dialog with Irian Jaya's community leaders in Jayapura, President Abdurrahman Wahid agreed on the name change from Irian Jaya to be Papua. In the same occasion the President refused demands for independent.
2000 February 23-26	In Sentani, 300 delegates participate in a Musyawarah Besar Papua - Grand Papua Consultation. The political communiqué states: 'In view of the unlawful transfer of sovereignty of the people of West Papua by the Netherlands via the intermediary of the United Nations to Indonesia, the people of West Papua

	categorically reject the results of the 'Act of Free Choice' (PEPERA) which was conducted by the government of Indonesia on the basis of the New York Agreement of 15 August 1962.'
2000 May 29 - June 4	The Second Papuan Congress is held in Port Numbay (Jayapura, the province's capital city). Organized by the Presidium of the Papuan Council (Presidium Dewan Papua, PDP) and funded mostly by president Abdurrahman Wahid, the congress is attended by about 20,000 people from all over Papua, Indonesia and overseas (of whom 501 were legally appointed delegates). In the closing ceremony on June 3, Papuan People Congress agreed unanimously to adopt the recommendation from Political Commission to appoint PDP to lead Papuan s struggle toward independence and refuse to unite with Indonesia. Also it was unanimously agreed to refuse the 'Special Autonomy' scheme offer from the Central Government. Among its four commissions is one on the history of West Papua, and one on the basic rights of the people of West Papua. Jakarta strongly criticizes the congress.
2000 October	First International Solidarity Meeting on West Papua, held in the Netherlands
2000 November	New Zealand offers to broker talks between Indonesia and West Papua.
2000 November 29	Theys Hiyo Eluay, a PDP leader is imprisoned along with Thaha Moh Alhamid, PDP Secretary General on charge of flag-raising and secession effort from NKRI. However, President Abdurrahman Wahid ordered to postpone the detention.
2000 December	Prominent Papuan figures hold a series of meetings to consider how to achieve a peaceful win-win solution within the legal and political system of the Republic of Indonesia. They agree that special autonomy, as promised in 1999, should be the vehicle to achieve that goal. Among them are the newly elected governor Jaap Solossa, the then speaker of Papua's provincial parliament Nathaniel Kaiway (since deceased), the rector of Cenderawasih University (UNCEN) Frans Wospakrik, the Indonesian Junior Minister for the Acceleration of Development in East Indonesia Manuel Kaisiepo, August Kafiar, and Rev Karel Phil Erari. Bas Suebu, a former governor of Papua and currently the Indonesian ambassador to Mexico, also takes part. The university rector is asked to form a team of Papuan intellectuals to start the process.
	Five Papua Presidium leaders jailed - Theys Eluay (chairman), Thaha Al Hamid (Secretary-General), Rev. Awom, Don Flassy and John Mambor. Dialogue with Jakarta government stalls; human rights abuses by Indonesian military and police increase. Increasing Indonesian military build-up. Swiss journalist Oswald Iten witnesses brutality and torture against Papuans whilst he imprisoned for "illegal journalistic activity".

2001 January 16	An OPM group under the leadership of Willem Onde took hostage of 17employees of PT Korindo in Merauke. The group demands for the withdrawal of BriMob - Mobile Brigade troop and a 1 million USD compensation for the damage of forest and land in the area as a result of the company's operation. An intermediation from the regent of Merauke, John Glubla Gepse ends the hostage drama on 28 January.
2001 January	The rector's team begins collecting documentation - from non-government, university, provincial government as well as Papuan Congress sources - about the possible contents of a law on Papuan special autonomy. The governor, in a speech broadcast on radio and local TV, invites people to participate in discussing the contents of a special autonomy bill to be put to the central government and the national parliament. He assures people they are free to discuss anything they consider important, and urges the security apparatus to respect the people's democratic rights. Solossa also announces that the team formed by the rector of Uncen has prepared a discussion-starting document entitled 'The basic rights and responsibilities of the people of Papua'. He invites the people to add, delete or even refuse the document, and to write down their suggestions for improvement. He also invites representatives from each district to come to Jayapura for a Study Forum to discuss the draft, adding that the people should determine their own representatives. The rector's team divides into small groups to visit all districts, where discussions are held with local government and non-government leaders including with the district-based panels of the Papuan Council. Not all discussions are 'trouble-free' - some meetings refuse to discuss special autonomy and firmly restate the demand for independence. However, many of those who read the document realize the provincial government is serious about finding solutions. Many visit the team and offer suggestions.
2001 February	The team and a steering committee of Papuan intellectuals, including church representatives, academics, NGOs, government officials and provincial parliamentarians, start the legal drafting process. Eight drafts are produced consecutively. Inputs collected from the visits to the districts are seriously taken into consideration.
2001 March	Some outside experts on autonomy are invited to provide their inputs for improvement. Meetings are held with Papuan parliamentarians in Jakarta for the same purpose. This leads to draft numbers 9, 10 and 11. The Study Forum on Special Autonomy for a New Papua is held in Jayapura, organized by UNCEN. It is attended by representatives from all districts, as well as some parliamentarians and Supreme Advisory Council members from Jakarta. Strong opposition from those who consider that special autonomy will compromise the people's demand for independence interrupts the opening session. Some participants

who agree with this view walks out. However, a significant number remain and the meeting continues. Before each discussion session, Bas Suebu explains the proposed law (draft 11), including the article about the need to resolve the question of the validity of Papua's integration into the Republic of Indonesia. On the second day, better attended, Bas Suebu repeats the explanation. Participants add more suggestions that are substantial.

2001 April	Based on the inputs gained during the Forum, three more drafts are produced. The UNCEN rector hands the final draft (14) to the governor of Papua, who presents it to the provincial parliament. Parliament unanimously supports the draft.
2001 April 16	A delegation from the province of Papua, headed by the governor and the acting speaker of the provincial parliament, hand the bill to president Abdurrahman Wahid, vice president Megawati Sukarnoputri, parliamentary speaker Akbar Tandjung, and coordinating minister for political, social and security affairs Bambang Yudhoyono. Each is asked to support it. This draft is a middle way for the antagonistic relationship between Jakarta and Jayapura. It could be the most feasible and acceptable peaceful solution. Further this draft is not merely a legal product through a democratic process. It is a mechanism for building trust, greatly lacking in Papua. If Jakarta accepts the people's draft, it could serve as a strong platform for the many future discussions. A one Papuan chief said: "Problems are easier to solve between friends than enemies."
2001 April 27	DPR (People Consultative Assembly) and GOI agree to postpone indefinitely the date for passage of special autonomy legislation for Aceh and Irian Jaya, beyond the May 1 deadline originally stipulated in MPR Decree No. 4/2000.
2001 May 01	John Rumbiak testifies, on the matter of human rights abuses in Papua, to the UNHCR in Geneva, on behalf of the World Council of Churches.
2001 May 03	The Governor's Otsus draft gains backing from 60 members of DPR, but is opposed by the Military and PDI-P factions.
2001 May 19	Media reports of PDP approaches to China for recognition of independent Papua.
2001 June 13	OPM attack at Wondiboi, Wasior Sub-district, kills 5 Brimob officers and one worker from PT Vatika Papuana Perkasa. Reports emerge that thousands have been fleeing the Wasior area of West Papua, that kidnappings and torture are widespread, that houses have been torched. Reports of extra-judicial killings, rape, and injuries by Indonesian forces also emerge
2001 June 28	DPR agrees to accept Governor Salossa's draft as the basis for discussion on Otsus for Papua.
2001 July 23	Megawati Sukarnoputri installed as President of the Republic of Indonesia.

2001 July 24	The Papuan Women's Conference, with 500 delegates, opens in Jayapura. In his opening speech, Tom Beanal calls for independence for Papua in response to the fall of President Wahid.
2001 July 27	DPR begins debating the draft bill on Otsus for Papua.
2001 August 13	After meeting with John Howard in Jakarta, Indonesian legislators express satisfaction at Australia's role in urging the Pacific Islands Forum not to support West Papua independent movement.
2001 August 16	In her first formal address to the nation, President Megawati apologizes for human rights abuses committed in Irian Jaya and Aceh under previous governments.
2001 August 16	Pacific Islands Forum opens (formal sessions end 18). Manuel Kaisiepo, State Minister for Accelerated Development in the Eastern Part of Indonesia, delivers an address to the Post-Forum Dialogue of the Pacific Islands Forum.
2001 September 20	President Megawati meets with Congressman Faleomavaega in Washington D.C. to discuss human rights issues and special autonomy in West Papua.
2001 September 23	OPM attack on the Kostrad Infantry Battalion 511 post at Bonggo transmigration settlement. Two OPM members were killed and two transmigrants taken hostage.
2001 September 25	Freeport announces establishment of a trust fund for Amungme and Kamoro communities, on the basis of an agreement signed in New Orleans on Sep 3 by community leaders and Freeport management.
2001 October 12	TAPOL releases details of the Matoa document, a leaked operational plan dated November 2000, and arising from a meeting at the Matoa Hotel on 8 June 2000, which outlines Indonesian intelligence's plan to suppress Papuan secessionist sentiment, identifying popular leaders in the Papuan community, following successful Papua Congress. The plan includes both clandestine and open activities. The implementation of autonomy and financial incentives would be part of the strategy to counter independence movement.
2001 October 20	PDP announces its rejection of the Special Autonomy Bill, foreshadowing the imminent passage of the bill through the DPR.
2001 October 22	The DPR - People Representative Council - ratified UU Otonomi Khusus - Special Autonomy Law for Papua. With the implementation of the Law in 2002, the Papuan province receives 'dana Otsus' or Special Autonomy Budget as much as Rp. 6 trillion more than 2001 budget of Rp 3,5 trillion, makes the total sum to Rp. 9.5 trillion ($\approx$ 1 milliard USD)
2001 November 10	Theys Eluay and his driver are abducted by unknown assailants while returning home after a function at Kopassus headquarters.

2001 November 11	Theys Eluay is found strangled in his car, crashed in a ravine near the Koya Tengah transmigration settlement, in the Skou area southeast of Jayapura. Rioting reported in Sentani and Abepura. International calls for independent inquiry without military involvement.
2001 November 13	President Megawati orders an official investigation into the murder.
2001 November 15	PDP leaders demand that President Megawati guarantee their safety.
2001 November 19	A national newspaper Kompas' polling shows dissatisfaction among Papuan on the progress of 'development'.
2001 November 24	Komnas HAM says there are indications of Kopassus (Special Force) involvement in Theys's death.
2001 November 26	Religious leaders in Papua, both Christian and Moslem, call for a truly independent inquiry into the Eluay murder.
2001 November	Former United Nations Under-Secretary General Chakravarthy Narasimhan, who was centrally involved in the fraudulent transfer of West Papua to Indonesian military control, admits on the record: "It was a whitewash".
2001 December 04	Provincial religious leaders write to Komnas HAM (National Commission on Human Rights) to urge an independent commission of enquiry into the Eluay murder, without members from the government, police or military. Bambang Soeharto and Koesparmono Irsan, the Komnas HAM team of enquiry into the Eluay murder, arrive in Jayapura.
2001 December 17	ElsHAM releases the results of its own investigation into the Eluay assassination, clearly indicating the involvement of Kopassus and other TNI units.
2001 December 19	50 Papuan religious leaders express support for the Special Autonomy plans in a meeting with Governor Salossa.
2002 January	"Special Autonomy" legislation introduced by Indonesian government. Indonesian government agrees to rename the territory as "Papua" from January 1st. The legislation reported to also include provisions for local administration to control up to 80% of tax revenue from wood, oil, gas, and metals; for territory to have its own distinct flag; and for territory to have its own anthem.
2002 October 17	DPRD Provinsi Papua - Provincial People Representative Council – refused a Central Government's decision on the division of Papua province. DPRD also appeals to the MPR - People Consultative Assembly – persuade the President to annul Presidential Decree No. 327/M/ 1999 on the Appointment of Governors for Irian Jaya Barat (West Irian Jaya) Province and Irian Jaya Tengah (Central Irian Jaya) Province.

2003 January 27	President Megawati Soekarnoputri issued Inpres - Presidential Instruction No 1/2003 on Acceleration of the Implementation of Law No. 45/1999 on the Formation of Provinsi Irian Jaya Tengah (Central Irian Jaya Province), Irian Jaya Barat (West Irian Jaya Province), Kabupaten Paniai (Paniai Regency), Kabupaten Mimika (Mimika Regency), Kabupaten Puncak Jaya (Puncak Jaya Regency), and Kota Sorong (Sorong Municipality).
2003 February 6	West Irian Jaya Province with Manokwari as its capital is officially established. Abraham Octovianus Atururi is appointed to be the first Governor. About 15.000 supporters from Manokwari, Sorong, and Fakfak join the inauguration.
2003 February 19-20	Kompas' polling found people are worrying about a possible friction between factions pro- and against- division.
2003 March 13	People from Yapen Waropen Regency demand for their regency to be promoted to Provinsi Teluk Cenderawasih (Cenderawasih Bay Province). As reason was to shorten the span of administration and in so doing, improving service.
2003 August 23	Central Irian Jaya Province is declared in Timika. Present in the inauguration are six Regents and Head of DPRD - Regencial People Representative Assembly. The declaration was stained with physical friction between groups against the declaration and the supporters of declaration. 5 people were killed during the skirmishes.
2003 August 27	The Central Government decides to postpone the division of Papua province with exception on the establishment of West Papua Province. The Government also promises to review Law No 45/1999 on the division of Papua Province, Law No 21/2001 on Special Autonomy, and Inpres No 1/2003 on the acceleration of the implementation of Law 45/1999.
2003 August 27-28	Kompas' polling reveals that people tend to see the revenue from natural resources' extraction is benefiting the Central Government more than local people.

Appendix 2. New York Agreement and Rome Agreement

New York Agreement

Agreement Between the Republic of Indonesia and the Kingdom of the Netherlands Concerning West New Guinea (West Irian) (Signed at the Headquarters of the United Nations, New York, on 15 August 1962)

The Republic must have been sitting from Indonesia and the Kingdom of the Netherlands,
Having in mind the interests and welfare of the people of the territory of West New Guinea
(West Irian) hereinafter referred to as 'the territory',
Desirous of settling their dispute regarding the territory,
Now, therefore, agree as follows:

RATIFICATION OF AGREEMENT AND RESOLUTION OF
THE GENERAL ASSEMBLY OF THE UNITED NATIONS

Article I

After the present Agreement between Indonesia and the Netherlands has been signed and ratified by both Contracting Parties, Indonesia and the Netherlands will jointly sponsor a draft resolution in the United Nations under the terms of which the General Assembly of the United Nations takes note of the present Agreement, acknowledges the role conferred upon the Secretary-General of the United Nations therein, and authorizes him to carry out the tasks entrusted to him therein.

TRANSFER OF ADMINISTRATION

Article II

After the adoption of the resolution referred to in article I, the Netherlands will transfer administration of the territory to a United Nations Temporary Executive Authority (UNTEA) established by and under the jurisdiction of the Secretary-General upon the arrival of the United Nations Administrator appointed in accordance with article IV. The UNTEA will in turn transfer the administration to Indonesia in accordance with article XII.

UNITED NATIONS ADMINISTRATION

Article III

In order to facilitate the transfer of administration to the UNTEA after the adoption of the resolution by the General Assembly, the Netherlands will invite the Secretary-General to send a representative to consult briefly with the Netherlands Governor of the territory prior to the latter's departure. The Netherlands Governor will depart prior to the arrival of the United Nations Administrator.

Article IV

A United Nations Administrator, acceptable to Indonesia and the Netherlands, will be appointed by the Secretary-General.

Article V

The United Nation Administrator, as chief executive officer of the UNTEA, will have full authority under the direction of the Secretary-General to administer the territory for the period of the UNTEA administration in accordance with the terms of the present Agreement.

Article VI

1. The United Nations flag will be flown during the period of the United Nations administration.
2. With regard to the flying of the Indonesian and Netherlands flags, it is agreed that this matter will be determined by agreement between the Secretary-General and the respective Governments.

Article VII

The Secretary-General will provide the UNTEA with such security forces, as the United Nations Administrator deems necessary; such forces will primarily supplement existing Papuan (West Irianese) police in the task of maintaining law and order. The Papuan Volunteer Corps, which on the arrival of the United Nations Administrator will cease being part of the Netherlands armed forces, and the Indonesian armed forces in the territory, will be under the authority of, and at the disposal of, the Secretary-General for the same purpose. The United Nations Administrator will, to the extent feasible, use the Papuan (West Irianese) police as a United Nations security force to maintain law and order and, at his discretion, use Indonesian armed forces. The Netherlands armed forces will be repatriated as rapidly as possible and while still in the territory will be under the authority of the UNTEA.

Article VIII

The United Nations Administrator will send periodic reports to the Secretary-General on the principal aspects of the implementation of the present Agreement. The Secretary-General will submit full reports to Indonesia and the Netherlands and may submit, at his discretion, reports to the General Assembly or to all United Nations Members.

FIRST PHASE OF THE UNTEA ADMINISTRATION

Article IX

The United Nations Administrator will replace as rapidly as possible top Netherlands officials as defined in annex A with non-Netherlands, non-Indonesian officials during the first phase of the UNTEA administration which will be completed on 1 May 1963. The

United Nations Administrator will be authorized to employ on a temporary basis all Netherlands officials other than top Netherlands officials defined in annex A, who wish to serve the UNTEA, in accordance with such terms and conditions as the Secretary-General may specify. As many Papuans (West Irianese) as possible will be brought into administrative and technical positions. To fill the remaining required posts, the UNTEA will have authority to employ personnel provided by Indonesia. Salary rates prevailing in the territory will be maintained.

Article X

Immediately after the transfer of administration to the UNTEA, the UNTEA will widely publicize and explain the terms of the present Agreement, and will inform the population concerning the transfer of administration to Indonesia and the provisions for the act of self-determination as set out in the present Agreement.

Article XI

To the extent that they are consistent with the letter and spirit of the present Agreement, existing laws and regulations will remain in effect. The UNTEA will have power to promulgate new laws and regulations or amend them within the spirit and framework of the present Agreement. The representative councils will be consulted prior to the issuance of new laws and regulations or the amendment of existing laws.

SECOND PHASE

Article XII

The United Nations Administrator will have discretion to transfer all or part of the administration to Indonesia at any time after the first phase of the UNTEA administration. The UNTEA's authority will lease at the moment of transfer of full administrative control to Indonesia.

Article XIII

United Nations security forces will be replaced by Indonesian security forces after the first phase of the UNTEA administration. All United Nations security forces will be withdrawn upon the transfer of administration to Indonesia.

INDONESIAN ADMINISTRATION AND SELF-DETERMINATION

Article XIV

After the transfer of full administrative responsibility to Indonesia, Indonesian national laws and regulations will in principle be applicable in the territory, it being understood that they be consistent with the rights and freedoms guaranteed to the inhabitants under the terns of the present Agreement. New laws and regulations or amendments to the existing ones can be enacted within the spirit of the present Agreement. The representative councils will be consulted as appropriate.

Article XV

After the transfer of full administrative responsibility to Indonesia, the primary task of Indonesia will be further intensification of the education of the people, of the combating of illiteracy, and of the advancement of their social, cultural and economic development. Efforts also will be made, in accordance with present Indonesian practice, to accelerate the participation of the people in local government through periodic elections. Any aspects relating to the act of free choice will be governed by the terms of this Agreement.

Article XVI

At the time of the transfer of full administrative responsibility to Indonesia a number of United Nations experts, as deemed adequate by the Secretary-General after consultation with Indonesia, will be designated to remain wherever their duties require their presence. Their duties will, prior to the arrival of the United Nations Representative, who will participate at the appropriate time in the arrangements for self-determination, be limited to advising on, and assisting in, preparations for carrying out the provisions for self-determination except in so far as Indonesia and the Secretary-General may agree upon their performing other expert functions. They will be responsible to the Secretary-General for the carrying out of their duties.

Article XVII

Indonesia will invite the Secretary-General to appoint a Representative who, together with a staff made up, inter alia, of experts referred to in article XVI, will carry out the Secretary-General's responsibilities to advise, assist and participate in arrangements which are the responsibility of Indonesia for the act of free choice. The Secretary-General will, at the proper time, appoint the United Nations Representative in order that he and his staff may assume their duties in the territory one year prior to the date of self-determination. Such additional staff as the United Nations Representative might feel necessary will be determined by the Secretary-General after consultations with Indonesia. The United Nations Representative and his staff will have the same freedom of movement as provided for the personnel referred to in article XVI.

Article XVIII

Indonesia will make arrangements, with the assistance and participation of the United Nation Representative and his staff, to give the people of the territory the opportunity to exercise freedom of choice. Such arrangements will include:
   a. Consultations (Musyawarah) with the representative councils on procedures l and appropriate methods to be followed for ascertaining the freely expressed will of the population;
   b. The determination of the actual date of the exercise of free choice within the period established by the present Agreement;
   c. Formulation of the questions in such a way as to permit the inhabitants to decide (a) whether they wish to remain with Indonesia; or (b) whether they wish to sever their ties with Indonesia;
   d. The eligibility of all adults, male and female, not foreign nationals, to participate in the act of self-determination to be carried out in accordance with international

practice, who are resident at the time of the signing of the present Agreement and at the time of the act of self-determination, including those residents who departed after 1945 and who return to the territory to resume residence after the termination of Netherlands administration.

Article XIX

The United Nations Representative will report to the Secretary-General on the arrangements arrived at for freedom of choice.

Article XX

The act of self-determination will be completed before the end of 1969.

Article XXI

1. After the exercise of the right of self-determination, Indonesia and the United Nations Representative will submit final reports to the Secretary-General who will report to the General Assembly on the conduct of the act of self-determination and the results thereof.
2. The Parties to the present Agreement will recognize and abide, by the results of the act of self-determination.

RIGHTS OF THE INHABITANTS

Article XXII

1. The UNTEA and Indonesia will guarantee fully the rights, including the rights of free speech, freedom of movement and of assembly, of the inhabitants of the area. These rights will include the existing rights of the inhabitants of the territory at the nine of the transfer of administration to the UNTEA.
2. The UNTEA will take over existing Netherlands commitments in respect of concessions and property rights.
3. After Indonesia has taken over the administration it will honor those commitments which are not inconsistent with the interests and economic development of the people of the territory A joint Indonesian-Netherlands commission will be set up after the transfer of administration to Indonesia to study the nature of the above-mentioned concessions and property rights.
4. During the period of the UNTEA administration there will be freedom of movement for civilians of Indonesian and Netherlands nationalities to and from the territory.

Article XXIII

Vacancies in the representative councils caused by the departure of Netherlands nationals, or for other reasons, will be filled as appropriate consistent with existing legislation by elections, or by appointment by the UNTEA. The representative councils will be consulted prior to the appointment of new representatives.

FINANCIAL MATTERS

Article XXIV

1. Deficits in the budget of the territory during the UNTEA administration will be shared equally by Indonesia and the Netherlands.
2. Indonesia and the Netherlands will be consulted by the Secretary-General in the preparation of the UNTEA budget and other financial matters relating to United Nations responsibilities under the present Agreement; however, the Secretary-General will have the final decision.
3. The Parties to the present Agreement will reimburse the Secretary-General for all costs incurred by the United Nations under the present Agreement and will make available suitable funds in advance for the discharge of the Secretary-General's responsibilities. The Parties to the present Agreement will share on an equal basis the costs of such reimbursements and advances.

PREVIOUS TREATIES AND AGREEMENTS

Article XXV

The present Agreement will take precedence over any previous agreement on the territory. Previous treaties and agreements regarding the territory may therefore be terminated or adjusted as necessary to conform to the terms of the present Agreement.

PRIVILEGES AND IMMUNITIES

Article XXVI

For the purposes of the present Agreement, Indonesia and the Netherlands will apply to the United Nations property, funds, assets and officials the provisions of the Convention on the Privileges and Immunities of the United Nations. In particular, the United Nations Administrator, appointed pursuant to article N, and the United Nations Representative, appointed pursuant to article XVII will enjoy the privileges and immunities specified in section 19 of the Convention on the Privileges and Immunities of the United Nations.

RATIFICATION

Article XXVII

1. The present Agreement will be ratified in accordance with the constitutional procedures of the Contracting Parties.
2. The instruments of ratification will be exchanged as soon as possible at the Headquarters of the United Nations by the accredited representatives of the Contracting Parties.
3. The Secretary-General will draw up a process-verbal of the exchange of the instruments of ratification and will furnish a certified copy thereof to each Contracting Party.

ENTRY INTO FORCE

Article XXVIII

1. The present Agreement will enter into force upon the date of the adoption by the General Assembly of the resolution referred to in article I of the present Agreement.
2. Upon the entry into force of the present Agreement, the Secretary-General of the United Nations will register it in accordance with Article 102 of the Charter.

AUTHENTIC TEXT

Article XXIX

The authentic text of the present Agreement is drawn up in the English language. Translations in the Indonesian and Netherlands languages will be exchanged between the Contracting Parties.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized for that purpose by their respective Governments, have signed the present Agreement.

DONE at the Headquarters of the United Nations, New York, on the fifteenth day of August 1967, in three identical copies, of which one shall be deposited with the Secretary-General and one shall be furnished to the Government of each of the Contracting Parties.

For the Republic of Indonesia:

(Signed)

SUBANDRIO

For the Kingdom of the Netherlands:

(Signed)

J.H. VAN ROUEN

(Signed)

C. W.A. SCHURMANN

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Note: In accordance with article XXVIII, the Agreement came into force on 21 September 1962, the date of the adoption by the General Assembly of the resolution envisaged in article 1 of the Agreement (A/RES/1752 (XVII)). The Instruments of ratifications were exchanged on 20 September 1962 at the Headquarters of the United Nations, in accordance with article XXVII.

(Source: Department of Foreign Affairs of the Republic of Indonesia)

The Rome Joint Statement

Text of the Joint Statement Following the Discussions
Held Between the Netherlands Minister of
Foreign Affairs Mr. Luns and the Netherlands Minister for
Development Cooperation Mr. Udink with
the Indonesian Minister for Foreign Affairs Mr. Malik
in Rome on 20th and 21st May, 1969

1. The Netherlands Ministers for Foreign Affairs and for Development Assistance Mr. J.M.A.H. Luns and Mr. B.J. Udink and the Minister for Foreign Affairs of the Republic of Indonesia Mr. Adam Malik met on May 20 and 21, 1969, at Rome, Italy. The Ministers held thorough discussions on matters of bilateral interest with special emphasis on the implementation of the provisions of the New York Agreement of 1962 with regard to the Act of Free Choice in West Irian. Extensive discussions took place about the economic and social development in West Irian.

2. With regard to the Act of Free Choice the Indonesian Minister reaffirmed his Government's intention fully to implement the provisions of the New York Agreement of 1962. He informed the Netherlands Ministers in detail of arrangements already made by the Indonesian Government with regard to the Act of Free Choice in West Irian after extensive consultations and in full agreement with the Local representative bodies in West Irian, with the advice, the assistance and participation of the Representative of the Secretary-General of the United Nations, Ambassador Ortiz Sanz and his staff.

3. The Indonesian Minister reiterated his Government's position that for practical and technical reasons for the Act of Free Choice the Indonesian system of mutual consultation (Musyawarah) offered the best procedure, this implies that the members of the regional bodies participating in the consultation will be representatives of the various political, traditional and functional groups of the respective districts in such numbers that for every 750 inhabitants of the territory one representative will be seated.

4. The Indonesian Minister explained in extent the present situation in West Irian. He pointed out that the territory remains open to observers and foreign correspondents to the limit of the facilities available.

5. The Netherlands Ministers took careful note of the Indonesian position on these points and of the arguments on which the Indonesian Government based its choice of the "Musyawarah" system. Furthermore Mr. Luns and Mr. Udink noted with great interest the Indonesian Foreign Minister's statement concerning his Government's particular attention to the special requirements of West Irian.

6. Apart from the question of the Act of Free Choice the Minister discussed economic cooperation. With regard to West Irian they decided:

   - The Indonesian Government on its part will continue to do everything in its power to speed up the implementation of the administrative agreements with the

United Nations for the FUNDWI projects. The Netherlands Government on its part reiterated its willingness to make available the necessary funds for the execution of these projects so as to ensure that they can be carried out as soon as possible. The projects concerning air, coastal and river transport in West Irian should in the opinion of both Governments be given special priority.

- Both Governments will submit as soon as possible an application to the Asian Development Bank for a project of technical assistance for West Irian, concerning the establishment of an inventory of the economic potential of the territory.

- Both Governments will jointly study the possibility of taking an initiative within the framework of the Asian Development Bank for the creation of a special fund for the economic and social development of West Irian.

7. Realizing that the Agreement of August 15th, 1962, was signed in the spirit of common concern for the future of West Irian, the two Ministers for Foreign Affairs decided to remain in close touch.

8. The Ministers profited of the occasion to exchange views on important international problems of common interest to their two countries.

9. The discussion took place in a frank and friendly atmosphere reflecting the close cooperation and the warm and friendly relations between Indonesia and the Netherlands.

(Source: Department of Foreign Affairs of the Republic of Indonesia)

Appendix 3. Papuan Congress II Resolution

<u>Papuan Congress Resolution</u>

As declared at the Papuan Peoples Congress II, 29 May - 4 June 2000

Let us resolve the history of West Papua

RESOLUTION

Taking into consideration and attention:

- the United Nations' Universal Declaration of Human Rights in December 1948,
- the Pre-amble of the Constitution of the Republic of Indonesia in 1945 (1st line),
- the Resolution of the General Assembly of the United Nations 1514 (XV) on 14 December 1960 to ensure the granting of independence to the colonized countries,
- Political Manifesto of the Papuan National Committee on 19 October 1961,
- the recognition by President Sukarno on the Nation of West Papua which is declared in the Tri Komando Rakyat (Three Peoples' Command) on 19 December 1961,
- the Letter from the Congress of the United States on 22 May 1998,
- the (Political) Statement of Team 100 of the West Papuan Community on 26 February 1999 to the President of the Republic of Indonesia and his Cabinet,
- the result of the 2nd West Papuan Congress on June 2000, stating the overwhelming desire of the whole population and the People of West Papua to secede from the Unitary Republic of Indonesia,

The Papuan People, taking the above-mentioned facts, through the 2nd Papuan Congress 2000 hereby declares to Indonesia and other nations in the world the following:

- The People of West Papua has been Independent as a Sovereign Nation and State since 1 December 1961,
- The People of West Papua through this Congress rejects to acknowledge the New York Agreement 1962 which lacked the legal and moral basis, because it was not represented by the People of West Papua,
- The People of West Papua though this Congress rejects to acknowledge the results of PEPERA (Penentuan Pendapat Rakyat – Act of Free Choice of 1969), because it was carried out under threats, intimidation, sadistic killings, military pressure and immoral conducts bordering the principles of humanity. Therefore, the People of West Papua demand the United Nations to revoke the United Nations' Resolution Nr. 2504 dated 19 December 1969,
- Indonesia, Netherlands, United States of America and the United Nations should acknowledge the political rights and the sovereignty of the People of West Papua, based on the legal investigations on history, law, social and cultural aspects,
- Crimes against humanity in West Papua which had happened due to the international political conspiracy where Indonesia, Netherlands, United States of America and the

United Nations were involved, should be investigated thoroughly and those who committed the crime should be brought to trial in the International Court Tribunal,

- The United Nations, United States of America and the Netherlands should re-investigate their involvement in the process of annexation of West Papua by Indonesia and tender an honest, just and truthful report on the results of the investigations to the People of West Papua not later than 1 December 2000.

The process of political negotiations to resolve the above-mentioned demands should be carried out in an honest, peaceful and democratic demeanor based on the principle of truth and justice.

The People of Papua through this Congress assigns the full mandate to the Presidium of the Papuan Council to exert the following:

- To exercise the best effort for obtaining the recognition from the International Community on the sovereignty of West Papua and to investigate and bring to trial those who had committed the crimes against humanity in West Papua,
- To establish immediately an Independent Team for peaceful negotiations with Indonesia and Netherlands under the auspices of the United Nations to formulate a referendum for the recognition of the sovereignty of the People of West Papua,
- To exercise the best effort to utilize resources available in West Papua, non-committal, to cover the related expenses in achieving the goal of the struggle,
- Through the Panel of this Congress, the People of West Papua exert the full support to the Presidium of the West Papuan Council,
- To account for the execution of the above-mentioned assignments on the 1st of December 2000.

The settlement of the political status of West Papua should be carried out in a just and democratic demeanor between the legal representatives of the People of West Papua and the Government of Indonesia, the Netherlands, the United States of America and the United Nations.

Taking into consideration the experience of the People of West Papua during the 38 years living under oppression and austerity from the Government of the Republic of Indonesia, therefore the Congress appeals to the United Nations and the International Community to exert the protection of law and security to the People of West Papua.

The Congress calls to the People to honor and ensure the civil rights of every citizen of West Papua, hereby included the Minorities. Furthermore, the Congress also calls to the People to assume a friendly behavior towards ventures for capital investments in West Papua, considering that the ventures comply to the rights of the indigenous people and friendly to the environment and the culture of the People.

This Resolution is genuinely and truthfully endorsed in the West Papuan Congress 2000, represented by 501 legally appointed delegates from the West Papuan community from all parts of the island of West Papua and abroad, and was attended by 21,000 West Papuans and Non-Papuans. This Congress is the highest Democratic Platform of the People and therefore is the sole and legitimate institution to make political decisions for the People of West Papua.

The Congress again stresses to the peoples and other nations in the world that based on Re-investigation to Resolve the History, the People of West Papua has obtained independence since 1st of December 1961. Merdeka! Merdeka! Merdeka! (Freedom! Freedom! Freedom!).

This Resolution is formally and honorably addressed to the Government of the Republic of Indonesia, the Government of the Netherlands, the Government of the United States of America and the United Nations and to other nations and world communities.

"Praise be to You, God"
Port Numbay, 4th of June 2000
The Chairpersons of the 2nd Congress of West Papua,
Authorized and signed by:

Thaha M Alhamid – Chairman	Tt. Aronggear, S.E. – Vice Chairman
Rev. Herman Atom S.Th. – Secretary	FranzAlbert Joku - Member
Decky Iwanggin, B.A. – Member	Dra. Fera Kambu – Member
Sam Manami Satia – Member	Adolf Fonataba - Member

< http://www.koteka.net/index.html > (July 15, 2004)

Appendix 4. Autonomy Law No 21 Year 2001

HOUSE OF PEOPLE'S REPRESENTATIVES
OF THE REPUBLIC OF INDONESIA

BILL OF LAW OF THE REPUBLIC OF INDONESIA
NO. 21 YEAR 2001
ON SPECIAL AUTONOMY FOR THE PAPUA PROVINCE

WITH THE BLESSINGS OF ALMIGHTY GOD
PRESIDENT OF THE REPUBLIC OF INDONESIA

Considering:

a. That the ideals and purpose of the Unitary State of the Republic of Indonesia is to develop a fair and prosperous Indonesia community based on Pancasila and the 1945 Constitution;

b. That the Papua community as God's creation and is part of a civilized people, who hold high Human Rights, religious values, democracy, law and cultural values in the adat (customary) law community and who have the right to fairly enjoy the results of development;

c. That the administration system of the Unitary State of the Republic of Indonesia according to the 1945 Constitution, acknowledges and respects the special or extraordinary regional administration units stipulated in a law;

d. That the integration of the nation must be maintained within the Unitary State of the Republic of Indonesia by respecting the equal and uniformed social and cultural life of the people of Papua through the formulation of a Special Autonomous region.

e. That the natives of the Papua Province is one of the groups of the Melanesian race, which is a part of the Indonesian ethnic groups and has a variety of culture, history, customs, and its own language;

f. That the administration and development of the Papua Province has not complied with the feeling of justification, has not yet achieved prosperity for the whole people, has not yet fully supported legal enforcement and has not yet shown respect to the Human Rights in the Papua Province, in particular the Papua community;

g. That the management and use of the natural wealth of Tanah Papua has not yet been optimally utilized to enhance the living standard of the natives, causing a deep gap between the Papua Province and the other regions, and violations of the basic rights of the Papua natives;

h. That in the context of minimizing the gap between the Papua Province and other regions and in order to improve the living standard of the Papua people and to give the opportunity to the natives of the Papua Province, a special policy is required within the flame of the Unitary State of the Republic of Indonesia;

i. That the implementation of the special policy concerned is based on the basic values covering protection and respect of the basic rights of the natives, Human Rights, the supremacy of law, democracy, ethics and morals, pluralism, and equality in position, rights and obligations as a citizen;

j. That there is a new awareness among the people of Papua to peacefully and constitutionally fight for the acknowledgement of the fundamental rights and a claim to settle problems related to violations and protection of the Human Rights of the Papua natives;

k. That the development of the regional situation and condition of Inan Jaya, in particular related to the aspiration of the people, require the chance of the name hian Jaya to become Papua as stated in Decision of the Regional House of People's Representatives of the Province Irian Jaya No. 7/DPRD/2000, dated 16 August 2000, on the Revision of the Name Irian Jaya to become Papua;

1. That based on the above matters referred to in letters a, b, c, d, e, f, g, h, I, j and k, it is considered necessary to grant Special Autonomy to the Papua Province stipulated by a Law;

Bearing in mind

1. 1945 Constitution article 5 paragraph 1, article 18, article 18a, article 18b, article 20 paragraphs (1) and (5), article 21 paragraph 1, Article 26, Article 28 a through j;

2. Decree of the People's Consultative Assembly of the Republic of Indonesia No.: XV/MPR/1998, on Implementation of Autonomous Regions, Organizing, Division and fair Utilization of the National Resources, and Balance of the Central and Regional Finances in the context of the Unitary State of the Republic of Indonesia;

3. Decree of the People's consultative Assembly of the Republic of Indonesia No.: IV/MPR/1999 on Broad Outlines of the State Policy (GBHN);

4. Decree of the People's Consultative Assembly of the Republic of Indonesia No.: III/MPR/2000 on Law Resources and Sequence of Statutory Regulations;

5. Decree of the People's Consultative Assembly of the Republic of Indonesia No.: IV/NPR/2000 on Recommendation of the Policy in Carrying Out the Regional Autonomy,

6. Decree of the people's consultative Assembly of the Republic of Indonesia No. V/MPR/2000, on Stabilization of National Unity and Integrity;

7. Decree of the People's Consultative Assembly of the Republic of Indonesia No. VII/MPR/2000, on Annual Reports of State High Institution during the Annual Session of the Peoples Consultative Assembly in 2000;

8. Law No. 1/Pnps/1962 on Formulation of the hian Barat Province;

9. Law No. 12 of 1969 on the Formulation of the hian Barat Autonomous Province and the Autonomous Regencies in the Irian Barat Province (Statute Book of 1969, No. 47, Supplement to the Statute Book 2907);

10. Law No. 22 of 1999 on Regional Administration (Statute Book of 1999, No. 60, Supplement to the Statute Book No. 3839);

11. Law No. 25 of 1999 on Financial Balance between the Central and Regional Government (Statute Book of 1999, No. 72, Supplement to the Statute Book No. 3848);

12. Law No. 37 of 1999 on Overseas Relations (Statute Book of the Republic of Indonesia of 1999 No. 256, Supplement to the Statute Book No. 3882);

13. Law No. 39 of 1999 on Human Rights (Statute Book of the Republic of Indonesia of 1999 No. 165, Supplement to the Statute Book No. 3886)

14. Law No. 24 of 2000 on International Agreements (Statute Book of the Republic of Indonesia of 2000 No. 186, Supplement to the Statute Book No. 4012);

15. Law No. 26 of 1999 on Human Rights Court (Statute Book of the Republic of Indonesia of 2000 No. 208, Supplement to the Statute Book No. 4026)

**WITH THE APPROVAL OF THE HOUSE OF THE PEOPLE'S
REPRESENTATIVES OF THE REPUBLIC OF INDONESIA
AND THE PRESIDENT OF THE REPUBLIC INDONESIA
HAS DECIDED**

**To Stipulate
THE LAW ON SPECIAL AUTONOMY FOR THE PAPUA PROVINCE:**

**CHAPTER 1
GENERAL PROVISIONS
Article 1**

In this law the meaning of:

a. Papua Province is the Irian Jaya Province granted Special Autonomy in the framework of the Unitary State of the Republic of Indonesia;

b. Special Autonomy is a special authority acknowledged and granted to the Papua Province to regulate and manage the interests of the local people a its own initiative based on the aspiration and fundamental rights of the people of Papua;

c. Central Government, hereinafter referred to as Government, is the state apparatures of the Unitary State of the Republic of Indonesia comprising the President and the Ministers;

d. Papua Province Government is the Governor and the other apparatuses as the Executive Body,

e. Papua Province Governor, hereinafter referred to as Governor, is the Regional Head and Head of Administration fully responsible to organize the administration in the Papua Province and as a Government representative in the Papua Province;

f. Papua House of People's Representatives, hereinafter referred to as DPRP, is the Regional House of People's Representatives as the legislative body of the Papua Province;

g. Papua People's Assembly, hereinafter referred to as MRP, is the cultural representative of the Papua natives, which has a certain authority in protecting the rights of the Papua natives, based on respect of the customs and culture, the enforcement of women, and stabilization of harmony of religious life as stipulated in this Law.

h. Regional Symbols are grandeur banners and cultural symbols for the greatness of the Papuans' identity in the form of the Regional Flag and Regional Hymn not positioned as symbols of sovereignty;

i. Special Regional Regulation, hereinafter referred to as Perdasus, is the Regional Regulation of the Papua Province in implementing certain articles in this Law;

j. Provincial Special Regulation, hereinafter referred to as Perdasi, is the Regional Regulations of the Papua Province in the context of exercising the authority as stipulated in the statutory regulations;

k. District, formerly known as Sub-District, is the working territory of the District Head as a Regency/City apparatus;

l. Kampung or called by any other name is the legal community unit which has the authority to organize and manage the interests of the local community based on the local origin and customs acknowledged in the national administration system and is located within the Regency/City Area;

m. Kampung Consultative Body or called by any other name is a group of people forming one unit comprising various elements within the Kamung and elected and acknowledged by the local people to give suggestions and consideration to Kampung Govenment;

n. Human rights, hereinafter referred to as HAM, are the rights attached to the essence and existence of human beings as the creation of Almighty God and are His gift which must be respected and held in high esteem and protected by the State, Law, government and anyone for the respect and protection of human dignity and status;

o. Adat is the hereditary customs acknowledged, adhered to, institutionalized and maintained by the Local a da t community;

p. Adat community is the members of the Papua natives living in and bound to a certain area and adat with high solidarity among its members;

q. Adat Law is the verbal regulations or norms prevailing within the adat law community, regulating, binding and maintained and bear sanctions;

r. Adat Law community is the members of the Papua natives which since their birth live within certain areas and are bound and governed by certain adat laws with a high feeling of solidarity among its members;

s. Hak Ulayat is the right of association controlled by a certain adat community over a certain area, which is the living environment of its member, covering the right to utilize the land, forest and water and all their contents according to statutory regulations;

t. Papua native is a person originating from the Melanesian race group, comprising native ethnic groups in Papua Province and/or a person accepted and acknowledged as a Papua native by the Papua adat community;

u. Papua Province Inhabitant, hereinafter referred to as Inhabitant, i.e. all persons who under prevailing provisions are registered and living in the Papua Province.

CHAPTER II
SYMBOLS
Article 2

(1) The Papua Province as part of the Unitary State of the Republic of Indonesia uses the Red and White Flag as the National Flag, the Indonesia Raya Hymn as the National Hymn.

(2) The Papua Province may have Regional Symbols as its greatness and grandeur banner and cultural symbol for the greatness of the Papuans' identity in the form of the regional flag and regional hymn which are not positioned as sovereignty symbols.

(3) Provisions on the regional symbols referred to in paragraph (2) shall be further stipulated by a Perdasus based on the provisions of statutory regulations.

CHAPTER III
DIVISION OF REGIONS
Article 3

(1) The Papua Province is divided into autonomous Regencies and Cities.
(2) The Regencies and Cities shall consist of a number of districts;
(3) The District shall consist of a number of kampungs or called under any other name;
(4) The formation, expansion, abolishment and/or combination of the Regency/City shall be stipulated by a Law at the proposal of the Papua Province;

(5) The formation, expansion, abolishment and/or combination of the District or Kampung or called under any other name, shall be stipulated by a Special Provincial Regulation.

(6) In the Papua Province a territory may be determined for special interests which shall be stipulated in the statutory regulations at the proposal of the Province.

CHAPTER IV
REGIONAL AUTHORITY
Article 4

(1) The authority of the Papua Province shall cover the authority within all sectors of administration, except the authority in the field of foreign politics, safety and defense, monetary and fiscal, religion and judicature and certain authorities in other fields stipulated according to statutory regulations.

(2) The authority of the Government other that as referred to in paragraph (1), in the context of the Special Autonomy, the Papua Province shall be granted a special authority based on this law.

(3) The Implementation of the authority referred to in paragraphs (1) and (2) shall be further stipulated by a Perdasus or Perdasi.

(4) The authority of the Regency and City shall cover the authority as further stipulated in statutory regulations.

(5) Other that the authority referred to in paragraph (4), the Regency and City have the authority based on this Law, further stipulated by a Perdasus and Perdasi.

(6) International Agreements entered into by the Government which are only related to the interests of the Papua Province shall be entered into after consideration is obtained from the Governor.

(7) The Papua Province may enter into mutually beneficial cooperation with overseas institutions or bodies stipulated by a joint decision according to the statutory regulations.

(8) The Governor shall coordinate with the Government in the defense layout policy in the Papua Province.

(9) The procedure of consideration by the Governor referred to in paragraph (6) shall be stipulated in a Perdasus.

CHAPTER V
FORM AND COMPOSITION OF THE ADMINISTRATION
First Part
General
Article 5

(1)   The Regional Administration of the Papua Province shall comprise the DPRP as a Legislative body, the Provincial Government as the Executive Body;

(2)   In executing the Special Autonomy in the Papua Province a Papua People's Assembly shall be formed which is the cultural representation of the Papua natives with certain authorities to protect the rights of the Papua natives, based on respect to customs (adat) and culture, empowerment of women and stabilization of a harmonious religious life.

(3)   The MRP and DPRP shall be located in the capital city of the Province

(4)   The Provincial Government shall comprise the Governor and the other Provincial Government apparatus;

(5)   The Regency DPR and City DPR shall be formed in the Regency and City as a legislative body and the Regency and City Government as the executive body;

(6)   The Regency/City Government shall comprise the Regent/Mayor and other Regency/City Government apparatus.

(7)   In the Kampung the Kampung Consultative Body and the Kampung Government (or under whatever name) shall be formed.

Second Part
LEGISLATIVE BODY
Article 6

(1)   The legislative authority of Papua shall be exercised by the DPRP.

(2)   The DPRP shall comprise members elected and appointed based on statutory regulations.

(3)   The members of DPRP shall be elected, determined and installed according to statutory regulations.

(4)   The number of members of he DPRP shall be $1^{'}/4$ (one and one-fourth) times the number of members of DPRD of the Papua Province as stipulated in statutory regulations.

(5)   The position, composition, tasks, authorities, rights and responsibilities, membership, management and paraphernalia of the DPRP shall be stipulated according to statutory regulations.

(6)   The financial position of the DPRP shall be stipulated by a statutory regulation.

Article 7

(1) The DPRP has the tasks and authorities:

    a. to elect the Governor and the Deputy Governor;

    b. propose the appointment of the elected Governor and the Deputy Governor to the President of the Republic of Indonesia;

    c. to propose the dismissal of the Governor and/or the Deputy Governor to the President of the Republic of Indonesia;

    d. to draw up establish the policy to organize the regional administration and the regional development program and the standards of its performance together with the Governor,

    e. to discuss and establish the Regional Budget together with the Governor,

    f. to discuss the bill of the Perdasus and Perdasi together with the Governor;

    g. to stipulate the Perdasus and Perdasi;

    h. together with the Governor to prepare and establish the Development Basic Pattern for the Papua Province based on the National Development Program and taking into consideration the specific characteristics of the Papua Province;

    i. to give opinion and consideration to the Regional Government of the Papua Province on intended international agreements related to the regional interests;

    j. to supervise:

1.) the implementation of the Perdasus, Perdasi, Decisions of the Governor and policies of other Regional Governments;

2.) the management of the administration affairs which is the authority of the Papua Province Region;

3.) the implementation of the Regional Budget;

4.) the implementation of international cooperation in the Papua Province;

k. to take into consideration and convey the aspirations and complaints of the people of the Papua Province; and

1. to elect the representatives of the Papua Province as members of the People's Consultative Assembly of the Republic of Indonesia.

(2) The performance and exercise of the tasks and authorities referred to in paragraph (1) shall be stipulated in the Order Regulation of the DPRP according to statutory regulations.

Article 8

(1) The DPRP shall have the following rights:

a. to ask for accountability from the Governor,

b. to request information from the Provincial, Regency/City Government and the parties required according to statutory regulations

c. to conduct investigation;

d. to make amendments to the Bills of Perdasus and Perdasi;

e. to submit statement of opinion;

f. to submit bills of the Perdasus and Perdasi;

g. to prepare, approve, change and calculate the DPRP's Budget as a part of the Regional Budget; and

h. to prepare, approve, change and calculate the DPRP's Budget as part of the Regional Budget; and

i. to stipulate the DPRP's Order Regulation.

(2) The exercise of the rights referred to in paragraph (1) shall be stipulated in the DPRP's Order Regulation according to statutory regulations.

Article 9

(1) Each member of the DPRP shall have:

a. the right to raise questions;

b. the right to put forward proposals and opinions;

c. the immunity right;

d. the right of protocol; and

e. financial/administration right.

(2) The exercise of the right referred to in paragraph (1) shall be stipulated in the DPRP's Order Regulation according to statutory regulations.

Article 10

(1) The DPRP shall have the following obligations:
   a. to maintain the integrity of the Unitary State of the Republic of Indonesia;
   b. to apply the Pancasila and the 1945 Constitution and to observe all statutory regulations;
   c. to foster democracy in running the Regional Administration;
   d. to intensify the people's welfare in the regions based on economic democracy; and
   e. to observe and convey the aspirations of, accept complaints from the people and facilitate all follow-up settlement of the complaints.

(2) The performance of the obligations referred to in paragraph (1) shall be stipulated in the DPRPs Order Regulation according to statutory regulations.

Third part
Executive Body
Article 11

(1) The Government of the Papua Province shall be lead by a Regional Head as the Executive Head called the Governor.
(2) The Governor shall be assisted by the Deputy Regional Head called the Deputy Governor.
(3) The procedure for the election of the Governor and the Deputy Governor shall be stipulated by a Perdasus according to statutory regulations.

Article 12

Persons who may be elected as Governor and Deputy Governor shall be Citizens of the Republic of Indonesia with the following qualifications:

   a. native Papua:
   b. have faith and are devoted to Almighty God:
   c. must be at least an academician degree holder;
   d must be at least 30 years old;
   e. physically and spiritually healthy;
   f. faithful to the Unitary State of the Republic of Indonesia and willing to serve the people of the Papua Province;
   g. have never been imprisoned for having committed any criminal act, except for political reasons; and
   h. are not being revoked of their right to vote based on a final court judgment, except for imprisonment due to political reasons.

Article 13

The requirements and procedure for the preparation, implementation of election and appointment and installment of the Governor and Deputy Governor shall be fwther stipulated by statutory regulations.

Article 14

The Governor shall have the following obligations:
  a. to uphold the Pancasila and the 1945 Constitution;
  b. to maintain the integrity of the Unitary State of the Republic of Indonesia and to develop democracy;
  c. to respect the people's sovereignty;
  d. to enforce and implement all statutory regulations;
  e . to improve the standard of living and welfare of the people;
  f. to develop the mind of the people of Papua;
  g. to maintain peace and order of the community;
  h. to submit Bills of the Perdasus and stipulate them as Perdasus together with the DPRP after consideration and approval of the MRP;
  i. to submit Bills of Perdasi and stipulate them as Perdasi together with the DPRP; and
  j. to run the administration and carry out development according to the Development Basic Pattern of the Papua Province in a clean, fair and responsible manner.

Article 15

(1) The tasks and authorities of the Governor as representative of the Government shall be:
  a. to coordinate, develop, supervise and facilitate cooperation and settle disputes in connection with the administration between the Province and Regency/City and between the Regency and City;
  b. to request periodical reports or from time to time on the regional administration of the Regency/City from the Regent/Mayor;
  c. to monitor and coordinate the process of election, proposal, appointment and dismissal of the Regent/Deputy Regent and Mayor/Deputy Mayor and evaluation of the accountability report of the Regent/Mayor,
  d. to install the Regent/Deputy Regent and Mayor/Deputy Mayor on behalf of the President;
  e. to socialize the national policies and facilitate the enforcement of statutory regulations in the Papua Province;
  f. to exercise control over the employment administration and career building of the employees in the regions of the Papua Province;
  g. to foster harmonious relations between the Government and the Regional Government and among the Regional Governments to establish the integrity of the Unitary State of the Republic of Indonesia; and
  h. to give considerations in the context of formation, abolishment, combining and expansion of regions.

(2) The performance of the tasks and authorities of the Governor referred to in paragraph (1) shall be stipulated in the statutory regulations.

Article 16

The Deputy Governor shall have the task:
  a. to assist the Governor in performing his obligations;

b. to assist in coordinating the activities of government authorities in the Province; and

c. to perform other tasks assigned by the Governor.

Article 17

(1) The term of office of the Governor and the Deputy Governor shall be five (5) years and may be re-elected for the next term of office.
(2) If the Governor is permanently absent, the position of the Governor may be assumed by the Deputy Governor until the end of his term of office.
(3) If the Deputy Governor is permanently absent, the position of the Deputy Governor shall not be filled until the end of this term of office.
(4) If the Governor and the Deputy Governor are permanently absent, the DPRP shall designated a qualified government official of the Province to perform the tasks of the Governor until a new Governor is elected
(5) To the extent the designation referred to in paragraph (4) has not been made, the Secretary of the Region shall for the time being perform the tasks of the Governor.
(6) If the Governor and Deputy Governor are permanently absent as referred to in paragraph (4), the DPRP shall hold an election of the Governor and the Deputy Governor at the latest within three (3) months.

Article 18

(1) In performing his obligations as Regional Head and Provincial Administration Head, the Governor shall be responsible to the DPRP.
(2) The procedure of accountability referred to in paragraph (1) shall be stipulated by a DPRP's Order Regulation according to the statutory regulations.
(3) As representative of the Government the Governor shall be responsible to the President.
(4) The procedure of accountability referred to in paragraph (3) shall be stipulated by a Decree of the President.
(5) The Governor shall coordinate and supervise the exercise of the Government authorities in the Papua Province as referred to in Article 4 paragraph (1).
(6) The Governor together with the Government apparatus placed in the region or the Provincial apparatus shall exercise the authorities referred to in Article 4 paragraph (2).
(7) The procedure of accountability referred to in paragraph (6) shall be stipulated by a Government Regulation.

Fourth Part
PAPUA PEOPLE'S ASSEMBLY
Article 19

(1) The members of the MRP shall be Papua natives comprising representatives of adat and religion and women representatives, the number of each shall be one -third of the total members of the MRP.
(2) The term of office of the members of the MRP shall be five (5) years.
(3) The membership and number of members of the MRP referred to in paragraph (1) shall be stipulated by a Perdasus.

(4)   The financial position of the MRP shall be stipulated by a Government Regulation.

Article 20

 (1)   The MRP shall have the tasks and authorities:
   a.   to give consideration and approval to the candidate Governor and Deputy Governor proposed by the DPRP;
   b.   to give consideration and approval to the candidate members of the People's Consultative Assembly of the Republic of Indonesia, regional representatives of the Papua Province proposed by the DPRP;
   c.   to give consideration and approval to the Bill of Perdasus submitted by the DPRP together with the Governor,
   d.   to give suggestions, consideration and approval to the planned cooperation agreement drawn up by the Government as well as the Provincial Government with third parties applicable in the Papua Province, in particular related to the protection of the rights of the Papua natives;
   e.   to observe and convey the aspiration, complaints of the adat community, the religious people, women and the public in general in relation with the rights of the Papua natives, and to facilitate the follow-up settlement; and
   f.   o give consideration to the DPRP, Governor, Regency/City DPRP and the Regent/Mayor on matters related to the protection of the rights of the Papua natives.

(2)   The performance of the tasks and authorities referred to in paragraph (1) shall be stipulated by a Perdasus.

Article 21

(1)   The MRP shall have the right:
   a.   to ask for information from the Provincial, Regency/City Government on matters related to the protection of the rights of the Papua Natives;
   b.   to ask for review of the Perdasi or Governor Decision considered contrary to the protection of the rights of the Papua natives;
   c.   to submit the MRP Budget Plan to the DPRP as an integral part of the Regional Budget of the Papua Province; and
   d.   to establish the MRP's Order Regulation.

(2)   The exercise of the rights referred to in paragraph (1) shall be stipulated in the MRP's Order Regulation based on Government Regulation.

Article 23

(1)   The MRP shall have the obligation:
   a.   to maintain the integrity of the Unitary State of the Republic of Indonesia and to serve the people of the Papua Province;
   b.   to apply the Pancasila and the 1945 Constitution and to comply with all statutory regulations.
   c.   to develop the preservation of the adat life and culture of the Papua natives;
   d.   to foster harmony of religious life; and

e. to motivate the empowerment of women.

(2) The procedure for the compliance of the obligations referred to in paragraph (1) shall be stipulated by a Perdasus based on a Govemment Regulation.

Article 24

(1) The members of the MRP shall be elected by members of the adat community, the religious community and the women community.
(2) The procedure of election referred to in paragraph (1) shall be stipulated by a Perdasi based on a Govemment Regulation.

Article 25

(1) The result of election referred to in Article 24 shall be submitted by the Governor to the Minister of Home Affairs for approval.
(2) The members of the MRP shall be installed by the Minister of Home Affairs.
(3) The procedure for the implementation of the provisions referred to in paragraphs (1) and (2) shall be stipulated by a Govemment Regulation.

CHAPTER VI
APPARATUS AND EMPLOYEE AFFAIRS
Article 26

(1) The apparatus of the Papua Province comprises the Provincial Secretary, the Provincial Agencies and other technical institutions formed according to the needs of the Province.
(2) The MRP and DPRP apparatus shall be formed according to the needs.
(3) The provisions in paragraphs (1) and (2) shall be stipulated in a Provincial Regulation.

Article 27

(1) The Provincial Govemment shall stipulate the employee policies of the Province, based on the norms, standards and procedure of management of the Civil Servants according to statutory regulations.
(2) If the provisions referred to in paragraph (1) shall not be complied with, the Provincial Government and the Regency/City Government may stipulate an employment policy according to the needs and interests of the local regions.
(3) The provisions of paragraph (2) shall be stipulated in a Perdasi.

CHAPTER VII
POLITICAL PARTIES
Article 28

(1) The population of the Papua Province shall be entitled to form Political Parties.
(2) The procedure for the formation of the Political Parties and the participation in the General Election shall be in accordance with statutory regulations.
(3) The political recruitment carried out by Political Parties in the Papua Province must give priority to the Papua natives.

(4)   Political Parties shall ask for consideration from the MRP in the selection and recruitment of the respective political parties.

CHAPTER VIII
SPECIAL REGIONAL REGULATION, PROVINCIAL REGIONAL REGULATION AND GOVERNOR'S DECISIONS
Article 29

(1)   The Perdasus shall be drawn up and stipulated by the DPRP together with the Governor with the consideration and approval from the 1VIRP.
(2)   The Perdasi shall be drawn up and stipulated by the DPRP together with the Governor.
(3)   The procedure to grant consideration and approval of the MRP referred to in paragraph (1) shall be stipulated by a Perdasi.
(4)   The procedure to draw up the Regional Regulation referred to in paragraph (1) and (2) shall be stipulated according to statutory regulations.

Article 30

(1)   The implementation of the Perdasus and the Perdasi shall be stipulated by a Governor Decision.
(2)   The Decision of the Governor referred to in paragraph (1) may not be contrary to the general interest, Perdasus and Perdasi.

Article 31

(1)   The Perdasus, Perdasi and Governor Decision of regulatory nature, shall be enacted by placement in the Provincial Statute Book.
(2)   The Perdasus, Perdasi and Government Decision shall have legal effect and binding after publication in the Provincial Statue Book.
(3)   The Perdasus, Perdasi and Government Decision referred to in paragraph (2) shall be socialized by the Provincial Government.

Article 32

(1)   In the context of increasing the affectivity to draw up and implement laws in the Papua Province, and Ad Hoc Legal Commission may be founded.
(2)   The function, tasks, authorities, form and compisition of the members of the Ad Hoc Legal Commission referred to in paragraph (1) shall be stipulated by a Perdasi.

CHAPTER IX
FINANCE
Article 33

(1)   For the performance of the tasks of the Provincial Government, the DPRP and 1VIRP shall be financed by and charged to the Regional Budget.
(2)   The performance of the Government tasks in the Papua Province shall be financed by and charged to the State Budget.

Article 34

(1) The sources of the Province's, Regency's/City's revenue shall cover:
   a. The Original Revenue of the Province, Regency/City;
   b. The Balance Fund;
   c. The Revenue of the Province in the context of the Special Autonomy;
   d. The regional Loans;
   e. Other lawful Revenues.

(2) The sources of the Papua Province's, Regency's/City's revenue referred to in paragraph (1) letter a comprise the:
   a. Regional Taxes;
   b. Regional fees;
   c. Results of regional-owned enterprises and result of the management of other separated regional wealth; and
   d. Other lawful regional revenues.

(3) The Balance Fund, which is the portion of the Papua Province, Regency/City in the context of the Special Autonomy, comprising:
   a. Tax sharing:
      1) Land and Building Tax: 90 (ninety) percent;
      2) Exercise for the acquisition of Right in Land and Building: 80 (eighty) percent; and
      3) Individual Person Income Tax: 20 (twenty) percent.

   b. Natural Resources sharing:
      1) Forestry: 80 (eighty) percent
      2) Fishery: 80 (eighty) percent
      3) General mining: 80 (eighty) percent
      4) Natural oil mining: 70 (seventy) percent
      5) Natural gas mining: 70 (seventy) percent.

   c. General Allocation Fund stipulated according to the provisions of statutory regulations;
   d. Special Allocation Fund stipulated according to the provisions of statutory regulations, giving priority to the Papua Province.
   e. Special revenues in the context of the implementation of the Special Autonomy the amount of which is equal to 2 (two) percent of the ceiling of the National General Allocation Fund, which is mainly intended to finance education and health; and
   f. Additional funds in the context of the implementation of the Special Autonomy the amount of which shall be determined by the Government and the Parliament based on the proposal of the Province in each budget year, which is especially intended for the financing of the infiastructure development.

(4) Revenues in the context of the Special Autonomy, referred to in paragraph (3) letter b point 4) and 5), shall be valid for 25 (twenty-five) years.
(5) As from the 26th year, the revenues in the context of the Special Autonomy referred to in paragraph (4) shall become 50 (fifty) percent for the natural oil mining and 40 (forty) percent for the natural gas mining.

(6) The revenues in the context of the Special Autonomy referred to in paragraph (4) letter e shall be valid for 20 (twenty) years.

(7) Further division of the revenues referred to in paragaph (3) letter b points 4) and 5), and letter e, among the Papua Province, Regencies and Cities or other name shall be fairly and equally stipulated in a Perdasus by giving special attention to the backward areas.

Article 35

(1) The Papua Province may accept overseas assistance after having notified the Government.

(2) The Papua Province may apply for loans from domestic and/or offshore resources to finance part of its budget.

(3) Loans from domestic resources for the Papua Province must be with the approval of the DPRP.

(4) Loans from offshore resources for the Papua Province must obtain consideration and approval from the DPRP and the Government based on the provisions of statutory regulations.

(5) The total loans referred to in paragraphs (3) and (4) may not exceed a certain percentage of the total revenues of the Regional Budget according to the provisions of statutory regulations.

(6) Provisions concerning the assistance referred to in this Article shall be stipulated in the Perdasi.

Article 36

(1) Changes to and calculation of the Budget of the Papua Province shall be stipulated by a Perdasi.

(2) At least 30 (thirty) percent of the revenue referred to in Article 34 paragraph (3) letter b points 4) and 5), shall be allocated for education and at least 15 percent for health and nutrient improvement.

(3) The procedure to determine and implement the Provincial Budget, the change to and calculation of and accountability and control over the Provincial Budget shall be stipulated by a Perdasi.

Article 37

All data and information on tax revenues and state revenues, originating from the Papua Province shall be submitted to the Provincial Government and the DPRP every budget year.

CHAPTER X
ECONOMY
Article 38

(1) The economy of the Papua Province, which is part of the national and global economy, is aimed at and intended to create overall prosperity and welfare for the people of Papua by respecting the principles of justice and even distribution.

(2) Economic ventures in the Papua Province utilizing natural resources shall be carried out by respecting the rights of the adat community, ensuring legal certainty to the

entrepreneurs, and preserving the environment and continuous development, shall be stipulated by a Perdasus.

Article 39

Further management in the context of the utilization of the natural resources referred to in Article 38 shall be fully carried out in the Papua Province with due observance of sound, efficient and competitive economic principles.

Article 40

(1) Permits and cooperation agreements entered into by the Government and/or the Provincial Government with other parties will remain applicable and respected.
(2) The permits and agreements referred to in paragraph (1) which according to a final court judgment are against the law and/or detrimental to the rights of the people and against this Law shall be reviewed, without prejudice to the legal obligations imposed to the permit holder or the agreement concerned.

Article 41

(1) The Government of the Papua Province may enter into capital participation in any Stateowned Enterprises (BUMN) and private companies domiciled and operating within the Papua Province.
(2) The procedure of the capital participation of the Government of the Papua Province referred to in paragraph (1) shall be stipulated by a Perdasi.

Article 42

(1) The economic development is based on democracy and carried out giving the adat community and/or the local people the broadest opportunity.
(2) Investors investing within the territory of the Papua Province must acknowledge and respect the rights of the local adat community.
(3) Discussions held between the Provincial/Regency/City Governments and investors must involve the adat community.
(4) The opportunity to do business, referred to in paragraph (1), shall be granted in the context of empowering the adat community to play a role in the economy.

CHAPTER XI
PROTECTION OF THE ADAT RIGHTS
Article 43

(1) The Government of the Papua Province shall acknowledge, respect, protect, empower and develop the rights of the adat community based on the provisions of prevailing statutory regulations.
(2) The adat rights referred to in paragraph (1) shall cover the ulayat right of the adat law community and the individual right of the members of the adat law community concerned.
(3) The ulayat right, if in reality is still existing, shall be exercised by the adat authority of the adat law community concerned according to the provisions of the local adat law,

by respecting the control of the ex ulayat land lawfully obtained by other parties according to the procedure and based on the provisions of statutory regulations.

(4) The ulayat land and the individual land of the members of the adat law community for any purpose whatsoever shall be provided through deliberation with the adat law community and the member concerned to obtain approval on the delivery of the land required as well as the compensation.

(5) The Government of the Province, Regency/City shall provide active mediation in the effort to settle any dispute of the ulayat land and ex individual right, in a fair and discreet manner, so that a satisfactory agreement can be reached between the parties concerned.

Article 44

The Provincial Government shall be obliged to protect the Intellectual Property Rights of the Papua natives according to the provisions of statutory regulations.

CHAPTER XII
HUMAN RIGHTS
Article 45

(1) The Government, Provincial Government and population of the Papua Province shall enforce, improve, protect and respect Human Rights throughout the Papua Province.

(2) For the purpose of paragraph (1) a representative of the Commission of Human Rights, Human Rights Couit and Commission of Righteousness and Reconciliation shall be formed by the Government in the Papua Province pursuant to the provisions of statutory regulations.

Article 46

(1) In stabilizing the unity and integrity of the people in the Papua Province a Commission of Righteousness and Reconciliation shall be formed.

(2) The tasks of the Commission of Righteousness and Reconciliation referred to in paragraph (1) shall be:
   a. To classify the history of Papua to stabilize the unity and integrity of the nation within the Unitary State of the Republic of Indonesia.
   b. To formulate and determine the reconciliation measures.

(4) The composition, position, regulation for the performance of the tasks and financing of the Commission referred to in paragraph (1) shall be stipulated in a Presidential Decree after proposal from the Governor.

Article 47

To enforce the Human Rights for the women the Government of the Province 8 obliged to foster and protect the rights and empower the women according to human values and make every effort to position them as equals to men.

CHAPTER XIII
REGIONAL POLICE AND THE PAPUA PROVINCE
Article 48

(1) The tasks of the Police in the Papua Province shall be performed by the Police of the Papua Province as part of the State Police of the Republic of Indonesia.

(2) The policy concerning the security of the Papua Province shall be coordinated by the Head of the Provincial Police with the Governor.

(3) Matters concerning the tasks of the police referred to in paragraph (1) in the field of order and peace of the public shall be fwther stipulated, including the expenses arising there from, in a Perdasi

(4) The performance of the task of the police referred to in paragraph (30 shall be accunted for by the Head of Police of the Papua Province to the Governor.

(5) The Head of Police of the Papua Province shall be appointed by the Head of Police of the Republic of Indonesia with the approval of the Governor of the Papua Province.

(6) The dismissal of the Head of the Regional Police of the Papua Province shall be carried out by the Head of the State Police of the Republic of Indonesia.

(7) The Head of Police of the Papua Province shall be responsible to the Head of the State Police of the Republic of Indonesia for the development of the police in the Papua Province in performing the tasks of the State Police of the Republic of Indonesia.

Article 49

(1) Selection to become an officer (perwira), lowest rank (bintara) and lower ranking commissioned officer (tamtama) of the State Police of the Republic of Indonesia shall be carried out by the Police of the Papua Province taking into consideration the legal, cultural, customary systems and the policy of the Governor of the Papua Province.

(2) The basic education and general training for the bintara and tamtama of the Police of the Republic of Indonesia in the Papua Province shall be given local curriculum and the graduates shall be especially assigned to the Papua Province.

(3) The education and development of the officers of the State Police of the Republic of Indonesia originating from the Papua Province shall be nationally conducted by the State Police of the Republic of Indonesia.

(4) The perwira, bintara and tamtama of the State Police of he Republic of Indonesia from outside the Papua Province shall be placed at the Decision of the Head of the State Police of the Republic of Indonesia with due observance of the legal, cultural and customs systems in the area of assignment.

(5) In the event of new placement or relocation of the police units in the Papua Province, the Government shall coordinate with the Governor.

CHAPTER XIV
POWER OF THE JEDICATURE
Article 50

(1) The power of the judicature in the Papua Province shall be exercised by the Judicature Body according to the provisions of statutory regulations.

(2) Apart from the judicature power referred to in paragraph (1) the adat judicature is recognized in certain adat law communities.

Article 51

(1) The adat judicature is the reconciliation within the circles of the adat law community, which has the authority to hear and adjudge adat civil disputes and criminal cases among the members of the adat law community concerned

(2) The adat court shall be formed under the provisions of the adat law of the adat law community concerned

(3) The adat court shall hear and adjudge adat civil disputes and criminal cases referred to in paragraph (1) based on the adat law of the adat law community concerned.

(4) If one of the disputing or litigating parties shall object the judgment passed by the adjudicating adat court referred to in paragraph (3), the objecting party shall have the right to request the first instance court within the competent judicature body to re-hear and re-adjudge the dispute or case concerned.

(5) The adat court is not competent to pass a sentence of imprisonment or confinement.

(6) The judgment of the adat court of a criminal offense the case of which has not been requested for rehearing as referred to in paragraph (4) shall become a final and binding judgment.

(7) To release the criminal offender from criminal charges according to prevailing criminal laws, a statement of approval is required from the Chairman of the District Court obtained through the Head of the District Prosecutors Office concerned with the scene of crime referred to in paragraph (3).

(8) If the request for statement of approval to execute the adat court judgment referred to in paragraph (7) is rejected by the District Court, the judgment of the adat court referred to in paragraph (6) shall became the legal consideration of the District Court in deciding the case concerned.

Article 52

(1) The tasks of the Prosecutor Office shall be carried out by the Prosecutor Office of the Papua Province as a part of the Attorney General's Office of the Republic of Indonesia.

(2) Appointment of the Head of the High Prosecutor Office of the Papua Province shall be carried out by the Attorney General of the Republic of Indonesia with the approval of the Governor.

(3) Dismissal of the Head of the High Prosecutor Office in the Papua Province shall be carried out by the Attorney General of the Republic of Indonesia.

CHAPTER XV
RELIGION
Article 53

(1) All inhabitants of the Papua Province shall have the right and freedom to profess their respective religion and belief.

(2) All inhabitants of the Papua Province are obliged to respect religious values, maintain harmony among the members of all religious communities and to prevent all divisive efforts of the community in the Papua Province and within the Unitary State of the Republic of Indonesia.

Article 54

The Provincial Government is obliged:

(1) to guarantee freedom, foster harmony and protect all members of the religious community in performing their religious services according to their respective religion;
(2) to respect the religious values professed by members of the religious community;
(3) to acknowledge the autonomy of religious institutions; and
(4) to give proportional support to each religious institution based on the number of the members, and which shall not be binding

Article 55

(1) The allocation of finances and other resources by the Government in developing religion in the Papua Province shall be carried out proportionally based on the number of members and shall not be binding.
(2) The Government shall delegate part of the authority on permission for the placement of foreign religious personnel in the Papua Province to the Governor of the Papua Province.

CHAPTER XVI
EDUCATION AND CULTURE
Article 56

(1) The Provincial Government is responsible for education at all levels, lines and types of education in the Papua Province.
(2) The Government shall stipulate the general policy on the autonomy of tertiary educational institutions, core curriculum and quality standard at all levels, lines and types of education as guidance for the Management of the Tertiary Educational Institution and the Provincial Government.
(3) All inhabitants of the Papua Province shall be entitled to high quality education and teaching referred to in paragraph (1) up to the High School level at the lowest possible charge to the community.
(4) In developing and conducting education, the Provincial Government and Regency/City Government shall give all qualified religious institutions, nor-governmental institutions and the business circles the greatest opportunity to conduct high quality education in the Papua Province.
(5) The Government of the Province and Regency/City may provide assistance and/or subsidy to the education organizer carried out by the requiring community.
(6) Further provisions on paragraph (1) through paragraph (5) shall be stipulated by a Perdasi.

Article 57

(1) The Provincial Government shall protect, foster and develop the culture of the Papua natives.
(2) In complying with its obligations referred to in paragraph (1) the Provincial Government shall give to qualified nor-governmental institutions the greatest role as stipulated by a Provincial Regulation.
(3) The performance of the obligations referred to in paragraph (2) shall be based on compensation.

(4) Further stipulation of the provisions referred to in paragraph (2) and (3) above shall be stipulated by a Perdasi.

Article 58

(1) The Provincial Government is obliged to foster, develop and preserve the variety of regional languages and literatures to maintain and stabilize the identity of the Papuans.
(2) Other than the Indonesian language as the national language, English is also established as the second language at all levels of education.
(3) The regional language may be used as the medium of instruction at the basic education level according to the needs.

CHAPTER XVII
HEALTH
Article 59

(1) The Provincial Government is obliged to establish the quality standards of and provide health services to the people.
(2) The Provincial Government, and Regency/City Government, are obliged to prevent and control endemic diseases and/or diseases hazardous to the subsistence of the people.
(3) All Papuans shall be entitled to health services referred to in paragraph (1) with the lowest charge to the community.
(4) In complying with its obligations referred to in paragraphs (1) and (2), the Provincial Government shall give all qualified religious institutions, nor-governmental institutions and the business circle as stipulated in the Provincial Regulations, the greatest role.
(5) Provisions concerning the obligation to provide health services based on the lowest charges to the community referred to in paragraph (3), and the participation of religious institutions, non-governmental institutions, and the business circles as referred to in paragraph (4) shall be further stipulated by a Perdasi.

Article 60

(1) The Provincial Government and Regency/City Government shall be obliged to plan and implement programs to improve and increase the nutrition of the people and may involve qualified religious institutions, non-governmental institutions and the business circles.
(2) The provisions referred to in paragraph (1) shall be further stipulated by a Perdasi.

CHAPTER XVIII
POPULATION AND MANPOWER
Article 61

(1) The Provincial Government is obliged to foster and exercise supervision and control over the growth of the population in the Papua Province.
(2) In order to accelerate the efforts of empowerment and the increase of the quality and participation of the native Papuans in all sectors of development, the Provincial Government sha 11 apply population policies.

(3)   The placement of population in the Papua Province in the context of the national transmigration shall be carried out by the Government with the approval of the Governor.

(4)   The placement of population referred to in paragraph (3) shall be stipulated by a Perdasi.

Article 62

(1)   Anyone shall have the same rights based on voluntary choice for a proper occupation according to his talent and ability.

(2)   The native Papuans shall be entitled to have the opportunity and shall be given priority to employment in all fields of work within the Papua Province based on their education and expertise.

(3)   In the event of obtaining employment as referred to in paragraph (2) in the judicature field, the Papua natives shall have the right to have the priority to be appointed as Judge or Prosecutor in the Papua Province.

(4)   The provisions referred to in paragraph (1) and (2) shall be further stipulated by a Perdasi.

CHAPTER XIX
CONTINUOUS DEVELOPMENT AND LIVING ENVIRONMENT
Article 63

Development in the Papua Province shall be carried out based on continuous development principles, preservation of the living environment, benefit and justice with due observance of the layout plan of the area.

Article 64

(1)   The Government of the Papua Province is obliged to manage and utilize the living environment in an integrated manner with due observance of the layout, protection of the biological natural resources, non-biological natural resources, artificial resources, conservation of the biological natural resources and the ecosystem, the cultural preservation, and biological variety and change of climate, taking into account the rights of the adat community and for the welfare of the people.

(2)   To protect the variety of the most important biological and ecological processes, the Provincial Government is obliged to manage the protected areas.

(3)   The Provincial Government shall involve qualified nor-governmental institutions in the management and protection of the living environment

(4)   In the Papua Province independent institutions may be formed to settle environmental disputes.

(5)   The provisions referred to in paragraph (1) to (4) shall be stipulated by a Perdasi.

CHAPTER XX
SOCIAL
Article 65

(1) The Provincial Government according to its authority is obliged to raise and provide proper security for the people of the Papua people bearing social problems.

(2) In complying with the obligations referred to in paragraph (1), the Provincial Government shall give the greatest role to the community, including the public selfsupportive institutions.

(3) The provisions referred to in paragraph (1) and (2) shall be further stipulated by a Perdasi.

Article 66

(1) The Provincial Government shall give special attention and treatment to the development of the isolated, remote and neglected races in the Papua Province.

(2) The provisions referred to in paragraph (1) shall be further stipulated by a Perdasus.

CHAPTER XXI
SUPERVISION
Article 67

(1) In running a proper, clean, authoritative, transparent and responsible government administration, legal supervision, political supervision and social supervision shall be exercised.

(2) The social supervision referred to in paragraph (1) shall be further stipulated by a Perdasus.

Article 68

(1) In running the Regional Administration, the Government is obliged to facilitate through the provision of guidelines, training and supervision.

(2) The Government is authorized to exercise repressive supervision over the Perdasus, Perdasi and Governor's decisions.

(3) The Government is authorized to exercise functional supervision over the execution of the regional administration according to the provisions of the statutory regulations.

(4) The Government may delegate its authority to the Governor as the Government's Representative to exercise supervision over the Regency/City administration.

CHAPTER XXII
COOPERATION AND SETTLEMENT OF DISPUTES
Article 69

(1) The Papua Province may enter into cooperation agreements in the economic, social and cultural sectors with other provinces in Indonesia according to the needs.

(2) Disputes between the partie s entering into the agreements referred to in paragraph (1) shall be settled according to the legal choice agreed upon.

Article 70

(1) Inter-provincial/city disputes shall be settled by the Government by deliberation, facilitated by the Provincial Government.

(2) Disputes between a Regency/City and the Provinces shall be settled by deliberation facilitated by the Government.

CHAPTER XXIII
TRANSITIONAL PROVISIONS
Article 71

(1) The Governor, Deputy Governor, Provincial DPRD, Regent, Deputy Regent, the Regency DPRD, Mayor, Deputy Mayor and the City DPRD within the territory of the Papua Province appointed before this Law is enacted, shall perform their tasks until the end of their term of office.

(2) All authorities of the Provincial, Regency/City Government based on the statutory regulations shall remain applicable until further stipulated by a Perdasus and Perdasi according to the provisions of this Law.

Article 72

(1) The Governor and DPRP shall first stipulate the requirements and number and procedures for the election of the members of the MRP to be proposed to the Government as material to draw up the Government Regulation.

(2) The Government shall complete the Government Regulation referred in paragraph (1) at the latest 1 (one) month after the proposal is received.

Article 73

In the context of exercising the authorities stipulated in this Law, the Government of the Papua Province shall have the right to accept and manage resources covering financing, personnel, equipment, including the documentation (P3D) according to the provisions of the statutory regulations.

Article 74

All existing statutory regulations shall be declared as applicable in the Papua Province to the extent not stipulated in this Law.

Article 75

The Implementing Regulation meant by this Special Autonomy Law shall be stipulated at the latest 2 (two) years as from the date of its enactment.

CHAPTER XXIV
CLOSING PROVISIONS
Article 76

Expansion of the Papua Province into provinces shall be carried out with the approval of the MRP and the DPRP giving close attention to the social cultural unity, readiness of the human resources and the economic ability and development in the future.

Article 77

Proposals for the amendment of this Law maybe submitted by the people of the Papua Province through the MRP and DPRP to the House of People's Representatives or the Government according to the statutory regulations.

Article 78

The application of this Law shall be evaluated annually and for the first time at the end of the third year after this Law comes into effect.

Article 79

This Law shall come into effect on the date stipulated.

In order that everyone shall take cognizance hereof, to order the promulgation of this Law by insertion in the Statute Book of the Republic of Indonesia.

Legalized in Jakarta
On
By
PRESIDENT OF THE REPUBLIC OF INDONESIA

MEGAWATI SOERKARNOPUTRI

Enacted in Jakarta
On

STATE SECRETARY OF THE REPUBLIC OF INDONESIA
BAMBANG KESOWO, SH, LLM

SATUTE BOOK OF THE REPUBLIC OF INDONESIA YEAR_____ NO._____

Appendix 5. List of Interviewees

	Name	Organization/Institution	Titles	Date	Place
1	Ferdinan Yewi	Sentani	Tribal Chief	09/24/2003	Jayapura
2	Anum Siregar	ALDP	Head	09/24/2003	Jayapura
3	Sigit	Logging Company	Branch Head	09/24/2003	Jayapura
4	Paul Burkhart	Protestant Church	Head of Jayapura Office, 32 yrs in service in Papua	09/24/2003	Jayapura
5	Muhamad Musyaat	Pusat Study Demokrasi UNCEN	Lecturer	09/25/2003	Jayapura
6	Navi Sanggenafa	Pusat Study Demokrasi UNCEN	Lecturer	09/25/2003	Jayapura
7	Decky Rumaropen	YPMD	Executive Officer	09/26/2003	Jayapura
8	Agung Widodo	Yayasan Indonesia Sejahtera Solo	Project Officer	09/26/2003	Jayapura
9	Buzz Maxey	-	Freelance Consultant	09/27/2003	Jayapura
10	John Cutts	-	Freelance Consultant	09/28/2003	Jayapura
11	Frans Wospakrik	UNCEN	Principal	09/29/2003	Jayapura
12	Wospakrik Opa	-	Retired Educator	09/29/2003	Jayapura
13	Yos Mansoben	UNCEN	Lecturer	09/30/2003	Jayapura
14	Simbiak	UNCEN	Lecturer	09/30/2003	Jayapura
15	Mambraku	UNCEN	Lecturer	09/30/2003	Jayapura
16	Silas Anto	UNCEN	Lecturer	09/30/2003	Jayapura
17	Philippus Janowski	Jayapura Diocese	Senior Priest	09/31/2003	Jayapura
18	Thaha AlHamid	TPF	PDP Secretary General and Moderator	0926/2003	Jayapura
19	Yohanes Bonay	ELSHAM	Section Head	10/02/2003	Jayapura
20	Aloy Renwarin	ELSHAM	Section Head	10/02/2003	Jayapura
21	Deny Yomaki	ELSHAM	Section Head	10/02/2003	Jayapura
22	Ronny Tapilatu	ELSHAM	Section Head	10/02/2003	Jayapura
23	Bangun Manurung	Dept. of Public Works	Section Head	10/03/2003	Jayapura
24	Kris Ballard	ANU	Senior lecturer	10/03/2003	Jayapura
25	Karl Muller	SIL International	Section Head, Researcher, Linguist	10/03/2003	Jayapura
26	Willy Mandowen	FORERI	Head	10/04/2003	Jayapura
27	Martin Patay	FORERI	Section Head	10/04/2003	Jayapura
28	Nathan Karangan	BP KAPET Biak	Head	10/06/2003	Biak

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	Name	Organization/Institution	Titles	Date	Place
29	Yarangga Opa	-	Retired Educator, Clan Leader	10/08/2003	Biak
30	Peter Yarangga	BP KAPET Biak	Section Chief	10/09/2003	Biak
31	Rumaropen	-	Retired Police Officer, Clan Leader	10/10/2003	Biak
32	Agus Sumule	UNIPA	Senior Lecturer	10/11/2003	Manokwari
33	Kris Wari Nusi	LP3BH Mkw	Head	10/12/2003	Manokwari
34	Sombu	UNIPA	Lecturer	10/12/2003	Manokwari
35	Wanggai	UNIPA	President	10/13/2003	Manokwari
36	Johan Kaleb Karubaba	Local Planning Agency	Section Head	10/14/2003	Manokwari
37	Herman Orisu	WWF	Branch Office Head	10/14/2003	Manokwari
38	Jan Frank	Catholic Church Manokwari	Senior Priest, 48 yrs in Papua	10/14/2003	Manokwari
39	Agust Karafir	UNIPA	Dean Dept of Economic	10/15/2003	Manokwari
40	Albert Refaan	Catholic Church Manokwari	Priest	10/17/2003	Manokwari
41	Lazarus Indouw	House of Representative	Tribal Leader	10/18/2003	On the plane
42	Hadi Sayoga	High School II Prafi	Teacher, Javanese 'Ondoafi', 40 yrs in Papua	10/18/2003	Manokwari
43	Agus Rumansara	British Petroleum Tangguh Project	Chief of Corporate Social Responsibility Section	10/19/2003	Jakarta
44	Simon Morin	DPR-RI	House member	10/19/2003	Jakarta
45	Andre Burhanudin	Freeport McMoran	Vice President	10/21/2003	Jakarta
46	Lini Wollenberg	CIFOR	Section Chief	10/22/2003	Jakarta
47	Gerry van Klinken	KIVI, The Netherland	Lecturer	10/24/2003	Jakarta
48	Thamrin Amal Thomagola	Indonesian University	Lecturer	10/24/2003	Jakarta
49	Ikrar Nusa Bhakti	Indonesian Institute of Science (LIPI)	Senior Researcher	10/25/2003	Jakarta
50	Timo Kivimaki	Nordic Institute of Asian Studies	Senior Researcher	10/25/2003	Jakarta
51	Theo van de Broek	Jayapura Diocese	Senior Priest	10/28/2003	Jayapura
52	Beni Giay	Walter Post Theological College	Dean, PDP Member	10/29/2003	Jayapura