

A MESSAGE FROM CHAIR OF THE PAPUAN PEOPLE'S ASSEMBLY

Thanks be to God;

At the outset, I would like us to praise God and be thankful for the presence of the Almighty. It is through His grace that we are able to live and work in this world each in accordance with our own roles and callings. In particular, we should be grateful to God because it is through His love and blessings that the Papuan People's Assembly and the Papuan People's Assembly of West Papua as cultural representations of Indigenous Papuans have been able to fulfil their duties and obligations, particularly in terms of promoting protection, affirmative action and empowerment of Indigenous Papuans in line with the Law on Special Autonomy for Papua and West Papua.

A Public Hearing was held by the Papuan People's Assembly on 25-27 July 2013 for the Evaluation of Special Autonomy for Papua and West Papua. This initiative was a part of the work program of the Papuan People's Assembly that was planned and decided upon in 2012. In all respects, this evaluation was conducted in line with the Law No. 21/2001 on Special Autonomy for Papua and its revision based on Law No. 25/2008. Article 78 of this Law clearly states that; "The implementation of this Law will be evaluated each year, and in the first instance at the end of the third year after this Law coming into effect." We should also recognise that fact that Special Autonomy for Papua and West Papua has been evaluated a number of times in the past in line with this Article in the Special Autonomy Law. These evaluations were conducted by various parties; the Government, academics and also non-governmental organisations. However, none of these past evaluations genuinely involved Indigenous Papuans as the primary target group of the Special Autonomy Law. Against this background, Indigenous Papuans—both individually and collectively—have conveyed in a number of ways their opinion that "Special Autonomy has failed" and sought to "return" the Law to the Central Government in the form of the "corpse of Special Autonomy."

In order to evaluate the extent to which Special Autonomy has been implemented from the perspective of Indigenous Papuans, and also to compare this with evaluations of Special Autonomy for Papua and West Papua that have been undertaken by other parties, the Papuan People's Assembly, together with the Papuan People's Assembly of West Papua, held

a Public Hearing for the Evaluation of Special Autonomy for Papua and West Papua on 25-27 July 2013 in Jayapura, Papua Province. The Public Hearing was attended by 185 people who could be categorised into three groups. The first group comprised at least three people from each district/municipality in the Provinces of Papua and West Papua, with efforts to ensure a proportional representation of the different indigenous tribes in each district/municipality of Papua and West Papua Provinces. The second group consisted of 14 resource people who were all Indigenous Papuans. The third group was made up of the leadership and membership of the Papuan People's Assembly and the Papuan People's Assembly of West Papua. Consequently, we can confidently assert that this evaluation of Special Autonomy for Papua and West Papua was conducted from the perspective of Indigenous Papuans and conducted by Indigenous Papuans.

This evaluation of Special Autonomy for Papua and West Papua from the perspective of Indigenous Papuans has been conducted and the outcomes presented in an honest manner. There has been no coercion or intervention by any party in the compilation of this volume or the other three volumes that are inseparable components of this publication. The three volumes that serve as annexes to this volume are: 1) a book entitled "The Dilemma of Indigenous Papuans amid the Powers of Special Autonomy for Papua and West Papua (Record of the Public Hearing on Special Autonomy for Papua and West Papua)"; 2) a book entitled "Implementation of Special Autonomy for Papua and West Papua from the Perspective of Indigenous Papuan Intellectuals"; and 3) "Special Autonomy for Papua and West Papua in a Juridical-Normative, Juridical-Sociological and Juridical-Philosophical Framework (Problem Analysis)." All of the outcomes from the Evaluation of Special Autonomy for Papua and West Papua have been drafted in accordance with the Papuan People's Assembly Regulation No. 3/2011 on Rules of the Papuan People's Assembly. These outcomes have been discussed by each of the Assembly's Working Groups and the all Working Groups have fully accepted the outcomes of the evaluation. The Report was officially endorsed at the Plenary Meeting of the Papuan People's Assembly on 12 August 2013, and in accordance with the Ruling of the Chair of the Papuan People's Assembly No. 6/MRP/2013 regarding the Approval of the Outcomes of the Public Hearing of the Papuan People's Assembly with Indigenous Papuans from Papua Province and West Papua Province for the Evaluation of Special Autonomy for Papua and West Papua from 25-27 July 2013.

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We hope all parties will humbly and rationally accept the outcomes of this evaluation of Special Autonomy for Papua and West Papua from the perspective of Indigenous Papuans. We should view the outcomes of this evaluation as: 1) a part of the right of Indigenous Papuans as human beings to express freely their views; 2) a response to the provisions of the Law on Special Autonomy to allow Indigenous Papuans to undertake evaluation of the implementation of Special Autonomy; and, 3) a reference that encapsulates the experiences, thinking, assessment and opinion of Indigenous Papuans about how to make life in Papua better and more dignified in the future and based upon a process of dialogue between Jakarta and Papua. We hope that the outcomes of this Evaluation of Special Autonomy for Papua and West Papua from the perspective of Indigenous Papuans will be very beneficial to all of us.

In closing, I would like to quote a few words about the Land of Papua by Rev. I. S. Kijne in Holandia Binen on 26 October 1926. The Reverend said: "In this land, we are working amid a people (Papuans) for whom we do not know what God intends. In this land, we can take the rudder, but we cannot determine the direction of the wind, the current and the ocean waves, nor the goal we seek to achieve in this land. He who works honesty, faithfully and listens to the word of God in this Land, will venture upon one amazing discovery upon another."

Thank you.

Jayapura, 23 August 2013

PAPUAN PEOPLE'S ASSEMBLY
CHAIR,



TIMOTIUS MURIB

on the Signing into Law of the Revision of Law No. 21/2001 on Special Autonomy for Papua Province.

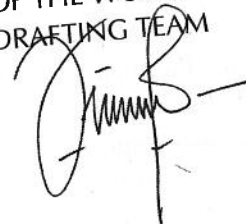
We would like to express gratitude to all of those who were involved directly or indirectly in conducting this evaluation of Special Autonomy for Papua and West Papua. We hope that the outcomes of this evaluation of Special Autonomy for Papua and West Papua from the perspective of Indigenous Papuans will bring about a positive contribution for all.

In closing, we would like to say: "We must build a future that is civilized, in which all people can experience and enjoy respect for their humanity, appreciate the natural environment and devotion to God."

Thank you.

Jayapura, 23 August 2013

CHAIR OF THE WORKING TEAM/
DRAFTING TEAM



YAKOBUS DUMUPA, S.IP

INTRODUCTION

Thanks be to God;

Firstly, we owe thanks to God Almighty as the Papuan People's Assembly and the Papuan People's Assembly of West Papua Province together with representatives of Indigenous Papuans in the Provinces of Papua and West Papua were able to complete successfully this evaluation of the implementation of Law No. 21/2001 on Special Autonomy for Papua, which was revised by Law No. 35/2008 on the Enactment of Government Regulation in lieu of Law regarding Law No. 1/2008 on the Signing into Law of the Revision of Law No. 21/2001 on Special Autonomy for Papua Province (hereon referred to as Special Autonomy for the Law on Special Autonomy for Papua and West Papua). This evaluation was held on 25-27 July 2013 in Jayapura. Participants were able to participate in this process securely, safely and in good health.

This report contains the overall outcomes of the evaluation of Special Autonomy for Papua and West Papua. It represents the experiences, reflections, evaluations and opinions of Indigenous Papuans regarding the implementation of Special Autonomy for Papua and West Papua during the past 12 years. This study is made up of the following sections: 1) An 'Introduction' that contains the background, problem analysis and objectives of the process; 2) The chapter on 'Outcomes' that offers descriptions of the real conditions, problems and hopes of Indigenous Papuans; 3) A section on the 'Anatomy of Problems in Papua'; and 4) A 'Closing' section that contains the conclusions and final recommendations.

In addition to this report, there are another three volumes that are inseparable from this publication. This first is entitled "The Dilemma of Indigenous Papuans amid the Powers of Special Autonomy for Papua and West Papua (Record of the Public Hearing on Special Autonomy for Papua and West Papua)." The second is a book entitled "Implementation of Special Autonomy for Papua and West Papua from the Perspective of Indigenous Papuan Intellectuals." The third is "Special Autonomy for Papua and West Papua in a Juridical-Normative, Juridical-Sociological and Juridical-Philosophical Framework (Problem Analysis)", which addresses a number of issues associated with implementation of the provisions of Law No. 21/2001 on Special Autonomy for Papua, which was revised by Law No. 35/2008 on the Enactment of Government Regulation in lieu of Law regarding Law No. 1/2008

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CHAPTER I INTRODUCTION

A. BACKGROUND

Law No. 21/2001 on Special Autonomy for Papua Province, which was revised by Law No. 35/2008 Enactment of Government Regulation in Lieu of Law for Revision of Law No. 21/2001 on Special Autonomy for Papua Province (henceforth known as 'the Special Autonomy Law for Papua and West Papua'), seemingly offered a 'win-win solution' to address the desire of Indigenous Papuans for independence from the Unitary State of the Republic of Indonesia. The desire among Indigenous Papuans for independence emerged loud and clear after the regime of President Soeharto was brought down on 21 May 1998. Indigenous Papuans articulated their opinions and aspirations in an open and spontaneous manner.

Along side these developments, a number of initiatives took shape to promote mediation and dialogue between Jakarta and Papua; these were the Forum for Reconciliation of Irian Jaya Society (Forum Rekonsiliasi Masyarakat Irian Jaya/FORERI), the 'Team of 23' and 'Team of 100.' The apex of these efforts was the meeting between the 'Team of 100' and (then) President Prof. B. J. Habibie in Jakarta. On behalf of the 'Team of 100', Thomas Beanal made an official statement, conveying that Indigenous Papuans aspired for independence and to separate from the Unitary State of the Republic of Indonesia. In response to this official statement of the 'Team of 100', (then) President of the Republic of Indonesia, Prof. Dr. B. J. Habibie, asked members of the 'Team of 100' to return to Papua and reconsider their position.

Indigenous Papuans have been consistent and steadfast in their assertion that Papua should be independent from the Unitary State of the Republic of Indonesia. In actuality, it is a historical fact that Papua was declared an independent state on 1 December 1961. However, the independent state of Papua was annexed through a lengthy political process that began with the Indonesian Government's declaration of the 'Three Commands of the People (Tri Komando Rakyat/TRIKORA) in 1961, then the New York Agreement, the Rome Agreement, and finally, the Act of Free Choice in 1969. This Act was meant to have been undertaken on a principle of 'one man, one vote.' But this democratic principle was not realised and instead,

voting was undertaken on the basis of 'representative areas'. This meant that, in fact, only 1,025 people participated in the Act of Free Choice, and those who had the chance to participate were instructed on how to cast their vote in accordance with the will of the Indonesian Government. As a result, Papua was annexed into the Indonesian Republic based on the outcome of the Act of Free Choice and at the expense of the aspirations of Indigenous Papuans.

Living under the Unitary State of the Republic of Indonesia, Indigenous Papuans have experienced a number of historical events. Among these events, and with particular importance to Indigenous Papuans, was the granting of regional autonomy in 1970 and Special Autonomy in 2001. These two autonomy initiatives gave rise to vastly different conditions in the social, economic, cultural and political life of the community. The first policy of regional autonomy was authoritarian and as a result, Indigenous Papuans had no opportunity to realise their aspirations publicly. However, the second period of autonomy was democratic and consequently, Indigenous Papuans were able to express their aspirations openly and surely to the both domestic and international publics.

Indigenous Papuans' association with Indonesia has caused four key problems as identified by the team from the Indonesian Institute of Sciences (Lembaga Ilmu Pengetahuan Indonesia/LIPI) under the coordination of Dr. Muridan S. Widjojo (2008). Firstly, there is a problem of marginalisation and the impact of discrimination against Indigenous Papuans caused by the policies of economic development, political conflict and large-scale migration to Papua since 1970. Secondly, there has been a failure of development, particularly in the sectors of education, health and community economic empowerment. Thirdly, there is a historical contradiction and construction of political identities between Papua and Jakarta, and fourthly, there is the issue of responsibility for state violence against Indigenous Papuans that has occurred in the past.

(Then) President of the Republic of Indonesia, Megawati Soekarno Putri, observed the dire context of political, economic, social and cultural dynamics faced by Indigenous Papuans, and responded with a choice: "grant independence or provide welfare." (Then) President Megawati Soekarno Putri opted to provide welfare and therefore, the policy that we know as "Law No. 21/2001 on Special Autonomy for Papua Province" was born.

The enactment of the Law on Special Autonomy for Papua and West Papua was intended to serve as a locomotive that could drive a change in

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the attitude of Indigenous Papuans and also accelerate development to bring Papua on a par with other provinces in Indonesia. However, in reality, it is apparent that the contribution of Special Autonomy for Papua and West Papua has been less than optimal in bringing about significant change in the Land of Papua even as we enter the twelfth year of the policy (2001-2013); Special Autonomy for Papua and West Papua has not been effective in its intended objective to accelerate development of the Land of Papua.

The Papuan People's Assemblies of Papua and West Papua jointly held a "Public Hearing for Evaluation of Special Autonomy for Papua and West Papua" in Jayapura on 25-27 July 2013, in accordance with the policy of the Law on Special Autonomy for Papua and West Papua. This was felt to be important given the stipulation under of Article 78 of Law No. 21/2001 on Special Autonomy for Papua Province, which states; "The implementation of this Law will be evaluated each year, and in the first instance, at the end of the third year after this Law coming into effect." In view of this, the Papuan People's Assemblies of Papua and West Papua Provinces held a joint Public Hearing with Indigenous Papuans.

The Papuan People's Assemblies assessed that past evaluations undertaken by the Central Government and Provincial Government had been unilateral processes that did not involve Indigenous Papuans, irrespective of the fact that Indigenous Papuans are the intended target group of the Law on Special Autonomy for Papua and West Papua. As a result, the evaluations contained a number of gaps in their assessments of social, political, economic, cultural and other aspects. In addition to this, there has also been a gap in communication between Indigenous Papuans and the Government about the aspirations of Indigenous Papuans with respect to the implementation of the Law on Special Autonomy for Papua and West Papua. Therefore, in this evaluation, the Papuan People's Assemblies sought the opinions, evaluation, views and perceptions of Indigenous Papuans about implementation of the Law on Special Autonomy for Papua and West Papua.

B. PROBLEM ANALYSIS

Against the backdrop outlined above, the Papuan People's Assemblies canvassed opinions of Indigenous Papuans on the following core issue in order to evaluate Special Autonomy for Papua and West Papua. There issues were:

1. What is the opinion of Indigenous Papuans about the delegative regulations of the Law No. 21/2001 on Special Autonomy for

Papua, which was revised by Law No. 35/2008 on the Enactment of Government Regulation in lieu of Law regarding Law No. 1/2008 on the Signing into Law of the Revision of Law No. 21/2001 on Special Autonomy for Papua Province?

2. What is the opinion of Indigenous Papuans regarding the policies for the strategic sectors and their implementation, with respect to Law No. 21/2001 on Special Autonomy for Papua, which was revised by Law No. 35/2008 on the Enactment of Government Regulation in lieu of Law regarding Law No. 1/2008 on the Signing into Law of the Revision of Law No. 21/2001 on Special Autonomy for Papua Province?
3. What is the opinion of Indigenous Papuans regarding the allocation of resources from the Special Autonomy Fund, with respect to implementation of Law No. 21/2001 on Special Autonomy for Papua, which was revised by Law No. 35/2008 on the Enactment of Government Regulation in lieu of Law regarding Law No. 1/2008 on the Signing into Law of the Revision of Law No. 21/2001 on Special Autonomy for Papua Province?
4. What is the opinion of Indigenous Papuans regarding the performance of Central and Regional Government authorities who are responsible for the implementation of Law No. 21/2001 on Special Autonomy for Papua, which was revised by Law No. 35/2008 on the Enactment of Government Regulation in lieu of Law regarding Law No. 1/2008 on the Signing into Law of the Revision of Law No. 21/2001 on Special Autonomy for Papua Province?

These four issues related to the implementation of Special Autonomy for Papua and West Papua during the last 12 years discussed by Indigenous Papuans from 40 districts/municipalities in an honest, transparent and accountable manner.

C. OBJECTIVES OF THIS EVALUATION

The primary objective of the evaluation of Special Autonomy for Papua and West Papua was to reflect on the process of implementing the Law on Special Autonomy for Papua and West Papua during the past 12 years, that is from 2001 to 2013. The specific objectives of the evaluation are summarised as follows:

1. To evaluate the existence or absence of delegative regulations related to the Law on Special Autonomy for Papua and West Papua.

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2. To evaluate the effectiveness or ineffectiveness of policies related to strategic sectors and implementation of these policies as part the Law on Special Autonomy for Papua and West Papua.
3. To evaluate the appropriateness and accuracy of the allocation of resources under the Special Autonomy Fund intended for implementation of the Law on Special Autonomy for Papua and West Papua.
4. To evaluate the performance of the government apparatus at the level of Central Government and Regional Government as the bodies with primary responsibility for the implementation of Special Autonomy for Papua and West Papua.

D. CONCEPTUAL FRAMEWORK

The important concepts that underlie this Evaluation of the Implementation of Special Autonomy for Papua and West Papua are:

1. Law No. 21/2001 on Special Autonomy for Papua Province constitutes a special authority that is recognised and granted to Papua Province in order to regulate and manage the interests of the local community in accordance with the Province's own initiative, and based on the aspirations and basic rights of Indigenous Papuans.
2. As stipulated by the Special Autonomy Law, the Papuan People's Assembly is a cultural representation of Indigenous Papuans that has specific authority to protect the rights of Indigenous Papuans based on respect for traditional customs and culture, the empowerment of women and a commitment to harmony in religious life.
3. The Papuan People's Assembly of West Papua is a cultural representation of Indigenous Papuans that has specific authority to protect the rights of Indigenous Papuans based on respect for traditional customs and culture, the empowerment of women and commitment to harmony in religious life, as specified by law and for those residing in West Papua Province.
4. The Public Hearing is a meeting undertaken by a unit of the Papuan People's Assembly together with community bodies and social institutions in order to listen to and garner aspirations in accordance with the authority of the Papuan People's Assembly.
5. Indigenous Papuans are people who are of Melanesian racial origin and belong to an indigenous tribe in Papua Province.

6. Evaluation of Special Autonomy for Papua and West Papua is an activity undertaken in accordance with the provisions of Article 78 of Law No. 21/2001 which states: "The implementation of this Law will be evaluated each year and in the first instance at the end of the third year after this Law coming into effect."

E. METODOLOGY

The methodology used in this report was qualitative and employed descriptive analysis. Descriptive analysis was used to provide a clear, detailed and rational explanation of the issues to be evaluated, such as the delegative regulations of Law No. 21/2001 on Special Autonomy for Papua Province, strategic sectors of Law No. 21/2001 on Special Autonomy for Papua Province, the allocation of funds as part of the implementation of Law No. 21/2001 on Special Autonomy for Papua Province, and the performance of the Central and Regional Government apparatus as the parties primarily responsible for the implementation of Special Autonomy for Papua and West Papua.

The methods used for the Evaluation of Implementation of Special Autonomy for Papua and West Papua are outlined as follows:

1. Direct Data Collection Methods

- a. Focus Group Discussions were undertaken in 40 districts/municipalities facilitated by the Papuan People's Assembly and the Papuan People's Assembly of West Papua Province based on constituencies of council members.
- b. Meetings with the leaders of the Papuan People's Assembly and Working Groups, which included the Customary Authorities Working Group, Religious Institutions Working Group and the Women's Working Group of the Papuan People's Assembly and the Papuan People's Assembly of West Papua Province.
- c. A Public Hearing brought together Papuans from three sectors of society; firstly, people with a special field of expertise; secondly, people who are direct representatives of the 40 districts/municipalities across the Land of Papua; and thirdly, leading figures in the Papuan People's Assembly and Chairs of the three working groups (Customary Authorities Working Group, Religious Institutions Working Group and the Women's Working Group).

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2. Indirect Data Collection Methods

- a. A questionnaire was sent to Indigenous Papuans in 40 districts/municipalities across the land of Papua.
- b. A questionnaire was sent to Indigenous Papuan experts and social/political activists who are living in Indonesia or overseas, and who were not invited to the Public Hearing on 25-27 July 2013.

F. DATA SOURCES

1. Representatives of Indigenous Papuans from 40 districts/municipalities in Papua and West Papua Provinces.
2. Indigenous Papuan intellectuals who were invited to present papers on the Evaluation of Special Autonomy in Papua and West Papua in the 14 strategic sectors.
3. Indigenous Papuan intellectuals who were not invited to attend the meetings but provided input on the implementation of Special Autonomy in Papua and West Papua.
4. Indigenous Papuans from 40 districts/municipalities in Papua and West Papua Provinces who were invited as active participants in the Public Hearing.
5. The leaders and members of the Papuan People's Assembly and the Papuan People's Assembly of West Papua Province.

G. LOCATION AND DATE

1. Location

The Public Hearing of the Papuan People's Assembly and the Papuan People's Assembly of West Papua Province with representatives of Indigenous Papuans in order to Evaluate Special Autonomy in Papua and West Papua was held at Sahid Papua Hotel, Jayapura, Papua Province.

2. Date

- a. Planning and preparation stage
 - Planning began in 2012 for the Public Hearing of the Papuan People's Assembly and the Papuan People's Assembly of West Papua Province with representatives of Indigenous Papuans in order to Evaluate Special Autonomy in Papua and West Papua.

- Preparations began in earnest from May until 24 July 2013 to organise the Public Hearing of the Papuan Peoples Assembly and the Papuan People's Assembly of West Papua Province with representatives of Indigenous Papuans in order to Evaluate Special Autonomy in Papua and West Papua.
- b. Conduct of the Public Hearing
The Public Hearing of the Papuan People's Assembly and the Papuan People's Assembly of West Papua Province with representatives of Indigenous Papuans in order to Evaluate Special Autonomy in Papua and West Papua was held on 25-27 July 2013.
- c. Processing and ratification of the outcomes of the Public Hearing
 - The outcomes of the Public Hearing of the Papuan People's Assembly and the Papuan People's Assembly of West Papua Province with representatives of Indigenous Papuans in order to Evaluate Special Autonomy in Papua and West Papua were processed during the period 29 July – 10 August 2013.
 - The outcomes of the Public Hearing of the Papuan People's Assembly and the Papuan People's Assembly of West Papua Province with representatives of Indigenous Papuans in order to Evaluate Special Autonomy in Papua and West Papua were endorsed at a Plenary Meeting of the Papuan People's Assembly on 12 August 2013.

H. STRUCTURE OF THIS REPORT

Chapter I serves as an introduction that outlines the background, problem statement, objectives, conceptual framework, data sources, location and date, as well as the structure of this report.

Chapter II provides a description of Law No. 21/2001 on Special Autonomy for Papua Province and contains sections regarding education, health, community-based economy, infrastructure, politics and governance, law, culture and customs, social affairs, population and labour, environment, religion, oversight, regional financial affairs and human rights.

Chapter III offers an anatomy of the roots of the problems, overview of additional issues with regard to the situation in Papua and a summary of issues associated with the implementation of Special Autonomy Law of

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Chapter IV is the closing chapter and contains conclusions and recommendations.

The Bibliography contains a number of references that have been used on this process.

CHAPTER II OVERVIEW OF THE IMPLEMENTATION OF SPECIAL AUTONOMY FOR PAPUA AND WEST PAPUA

A. EDUCATION SECTOR

1. Introduction

One of the objectives of the Indonesian State is to "increase the intelligence of the nation." The task of improving the intelligence of the nation is undertaken by institutions of education. The operation of educational institutions is guaranteed under the Constitution and all citizens of the State of Indonesia are expected to attain a certain level of education. All citizens should have a command of the minimal preconditions for intelligence, such as literacy and numeracy.

Indigenous Papuans have been Indonesian citizens since Papua was annexed in 1963 and have the same rights as Indonesian citizens to attain at least a minimum level of literacy and numeracy after undertaking a certain level of education.

The "Public Hearing of the Papuan People,s Assembly and the Papuan People,s Assembly of West Papua Province with representatives of Indigenous Papuans" on 25-27 July 2013, gave particular attention the education sector due the fact that 30% of the Special Autonomy Fund is reserved for education. However, it was apparent that the funds for the education sector have not reached 30% to date. The resources provided to the education sector have been less than 30% of the Special Autonomy Fund.

Indigenous Papuans feel that the education of Indigenous Papuans must be given priority in order to improve the Human Development Index (HDI) of Papua. According to the latest data (2011), the HDI in Papua Province is 64.94 and West Papua Province it is 69.15. These figures are extremely disappointing and concerning.

The problems faced in the education sector and the hopes of Indigenous Papuans with respect to education are outlined below:

2. Description of Education Sector

- a. Problematic conditions associated with the implementation of the Law on Special Autonomy with regard to the Education Sector:

- 1) Insufficient oversight of the education sector.
 - 2) There is a low teacher-to-student ratio, and students' education is also affected by the impact of political issues, as well as the strong influence of urban life.
 - 3) There is a lack of genuine will to develop the education sector.
 - 4) There is a lack of genuine will among personnel in the education sector to serve as teachers or educators.
 - 5) Educational facilities are limited.
 - 6) There is a lack of serious attention for private educational institutions.
 - 7) The 30% allocation from the Special Autonomy Fund has not been maximised.
 - 8) The granting of scholarship has not been in accordance with the specified purpose and has not provided preferential access for Indigenous Papuans.
- b. Expectations from the Law on Special Autonomy with regard to the education sector
- 1) It is hoped that guarantees will be provided to ensure oversight of the education sector to promote effectiveness and efficiency.
 - 2) It is hoped that the quality and number of teachers will be guaranteed and increased regularly in accordance with need.
 - 3) It is hoped that teaching personnel exhibit a strong work ethic as teachers and educators.
 - 4) It is hoped that educational facilities are sufficient.
 - 5) It is hoped that an "Education Quality Guarantee Board" will be established in Papua.
 - 6) It is hoped that authorities give serious attention to private educational institutions.
 - 7) Allocation of funds for education should be in line with existing commitments.
 - 8) It is hoped that Jakarta-Papua dialogue will be undertaken in a serious manner and with respect to the education sector.
 - 9) It is hoped that the government will undertake evaluation of the scholarship program with attention to Indigenous Papuans in the allocation of scholarships.

3. Conclusions regarding the Education Sector

The state of education in Papua will improve if funds are properly

utilised for the required purpose, together with prioritisation of efforts to improve the quality and the number of teachers. A partnership strategy needs to be developed between the Provincial Offices for Education and Culture and private educational institutions in the Land of Papua.

It is important to build a system of oversight for the utilisation of education funds and ongoing monitoring of activities to ensure that there are high quality outcomes from the education sector.

B. HEALTH SECTOR

1. Introduction

The health status of people is determined by a number of factors, including the physical environment (water, air, land and climate), as well as the social environment (cultural, educational, economic and other circumstances, together with behaviour, health facilities, genetic or hereditary factors, custom and health services). This is relevant to the decisions people make about their health, as well as the prevention of disease, treatment and care.

The health factors outlined above should be given special attention through two kinds of interventions, that is, a) strategic steps and b) policy initiatives. These two kinds of interventions are required in order to promote and improve the health status of residents. Recently, strategic and policy interventions in the health sector have been gaining more attention.

However, a preference for "ethno medicinal" options continues to be dominant among Indigenous Papuans and modern medical treatment is less popular. This preference is a consequence of the high cost of modern medical treatment, as well as limited access to health services (including government clinics, health facilities and regional hospitals) among underprivileged members of the community.

As a result, there are a number of health problems in Papua that require serious attention by the Provincial Government and all stakeholders. If this can be achieved, improvements in that status of people's health in Papua would be possible.

2. Overview of the Health Sector

- a. Problematic conditions associated with the implementation of Special Autonomy with respect to the health sector
 - 1) Poor health status among women and children.
 - 2) Poor nutritional status of the community.

- 3) High prevalence of infectious diseases, especially a high rate of HIV/AIDS, together with malaria, pulmonary tuberculosis, dengue fever and diarrhoea. Diseases such as filariasis, leprosy and framboesia are also prevalent.
 - 4) Health facilities and infrastructure are limited, and the community has poor access to quality health facilities and services.
 - 5) There is insufficient competence, quantity and dispersion of health personnel.
 - 6) The community is not sufficiently empowered to promote their own health status and prevent diseases.
 - 7) There is limited managerial capacity in government health facilities at the district/municipality level, and also in hospitals.
 - 8) There is a minimal amount of resources allocated to the health sector from the Special Autonomy Fund.
- b. Expectations from the Law on Special Autonomy with regard to the health sector
- 1) It is hoped that priority will be placed on efforts to promote the capacity of personnel in the health sector.
 - 2) It is hoped that regulations and policies will provide assurances for preferential treatment for Indigenous Papuans.
 - 3) It is hoped that the equipment and infrastructure of health facilities will be improved.
 - 4) It is hoped that the health status of women and children will be improved.
 - 5) It is hoped that the nutritional status of the community can be improved.
 - 6) It is hoped that the rate of prevalence of infectious and non-infectious diseases can be reduced.
 - 7) It is hoped that the managerial capacity of the government health offices and hospitals can be improved.
 - 8) It is hoped that the health sector will receive a larger allocation from the Special Autonomy Fund.
 - 9) It is hoped that dialogue between Jakarta and Papua is commenced immediately and mediated by a neutral third party in a neutral location.

3. Conclusions regarding the health sector

Improvements in the health status of people in Papua can be achieved when those involved give due attention to the factors that determine the health conditions of the community, such as the physical and social environment, behaviour, health facilities, genetic/hereditary factors, customs and health services. Furthermore, improvements are only possible if quality health personnel are made available and there is a significant health budget. These initiatives must be accompanied by the readiness of the government to make strategic interventions and bring into force the required policies. Only with such moves, will the health status of people in Papua be improved so that they can go about their social activities in a state of good health and benefit from conditions that support healthy living.

C. PEOPLE'S ECONOMY SECTOR

1. Introduction

In the past, there was no minimal standard of welfare for Indigenous Papuans. Indigenous Papuans determined their standard of welfare based on whether they have sufficient food, clothing and a place to live.

However, amid this new era in the Land of Papua, the welfare of Indigenous Papuans is defined as a minimal income of IDR 4 million (per month) for the head of the family, a healthy abode for each family, and functional literacy and numeracy among all members of the family.

In order to bring about even this minimum standard of welfare, there are many crucial community development issues that need to be addressed. Indigenous Papuans feel that the current growth of urban areas in Papua are largely a sign of the economic development and growing prosperity of migrants in the Land of Papua, and that Indigenous Papuans are only passive objects in the current wave of economic growth. With respect to this situation, a number of problematic issues are outlined below, together with the hopes of Indigenous Papuans in this area.

2. Description of the People's Economy Sector

- a. Problematic conditions associated with the implementation of the Law on Special Autonomy in the People's Economy Sector:
 - 1) There is not a strong entrepreneurial spirit among Indigenous Papuans and there are few Indigenous Papuans who own businesses due to the lack of affirmative protection from the

- provincial and district/municipality governments.
- 2) The infrastructure to support business development is weak.
 - 3) There are low levels of human resources, production capacity, management, capital and investment, access to markets, access to information, technology and design, as well as poor capacity to compete in the market place.
 - 4) There are no production centres especially for commodities for which Indigenous Papuans demonstrate a competitive advantage in producing.
 - 5) There have been no initiatives for community economic empowerment especially for Indigenous Papuans.
 - 6) Banks in the Land of Papua do not facilitate opportunities or guarantees of credit for Indigenous Papuans. In fact, banks tend to be reluctant to provide business credit to Indigenous Papuans based on a negative perception of indigenous business people.
 - 7) The level of trust among banks toward Indigenous Papuan business people is low and weak, and Indigenous Papuans cannot meet the standard criteria set by banks.
 - 8) There are no regulations that provide guarantees for Papuan businesses or capital resources.
 - 9) The allocation of resources from the Special Autonomy Fund for the economic sector does not have a clear purpose.
- b. Expectations of the Special Autonomy Law with regard to the Economic Sector:
- 1) It is hoped that the number of Indigenous Papuan entrepreneurs will increase.
 - 2) It is hoped that there will be an increase in the productivity of Indigenous business people in Papua in all sectors, including cooperatives and small-to-medium enterprises, as well as light industry, medium industry and heavy industry.
 - 3) It is hoped that the economic activities of Indigenous Papuans can help to develop the industrial sector, trade, cooperatives and small business, and therefore contribute to the Gross Domestic Product.
 - 4) It is hoped that Indigenous Papuan business people will engage in export activities by trading in products that have significant export value.

- 5) It is hoped that Indigenous Papuans will gain the capacity to undertake investment.
- 6) The numbers of cooperatives that are active and hold Annual General Meetings should increase and the average business volume of cooperatives should also grow annually.
- 7) It is hoped that a "Credit Guarantee Institute" will be set up for Indigenous Papuans.
- 8) It is hoped that delegative regulations of the Special Autonomy Law related to the economic sector for Indigenous Papuans will be realised.
- 9) It is hoped that the amount and proportion of the Special Autonomy Fund allocated for the people-based economy will be made clear and certain.
- 10) It is hoped that dialogue between Jakarta and Papua will be held regarding the problems of Indigenous Papuans, particularly with respect to the economic sector.

3. Conclusions regarding the Economic Sector

Standards of "welfare" for Indigenous Papuans are not just some kind of political "discourse", "fiction" or "statements", but must be realised in actual ways to make a real difference to the lives of Indigenous Papuans. The answer to bring about a decent standard of welfare lies with the delegative regulations of Special Autonomy Law and policies of the provincial and district/municipal governments.

The solution to economic problems depends on the implementation of such policies in an affirmative manner and therefore, the protection of, preference for and empowerment of Indigenous Papuans must be prioritised in drafting economic policy in the Land of Papua.

D. INFRASTRUCTURE SECTOR

1. Introduction

Since the very beginning of annexation of Indigenous Papuans to become part of the Republic of Indonesia, the issue of infrastructure has been problematic. From 1970 to 2013, the Government of Indonesia acquired no small amount of wealth from Indigenous Papuans. Yet the level infrastructure development in Papua has not been commensurate with the sizable resources received from Indigenous Papuans.

Existing infrastructure is in a dilapidated state, not regularly maintained and often left unattended, particularly in areas that no longer produce commodities with profit yields for business interests.

It is even more confounding that when there are active operations to extract natural resources from an area of Papua, there are no efforts to empower Indigenous Papuans in the area concerned. When extractive operations have completed, we find that there has been no significant improvement or change in the socio-economic conditions, culture and customary law of the community. This situation is a contrast to that in the provincial capital or district/municipal capitals, where roads, bridges, public buildings and vehicles can be found in high density and regular improvements in the condition of infrastructure can be seen. In view of this situation, a number of issues and hopes among Indigenous Papuans are outlined below in the following summary.

2. Description of the Infrastructure Sector

- a. Problematic conditions associated with the implementation of the Law on Special Autonomy in the Infrastructure Sector
 - 1) The development of infrastructure, such as roads, bridges and transport, has not been undertaken evenly or dispersed across all regions of the Land of Papua.
 - 2) The development of public infrastructure has not been effective or efficient, including the construction of community housing, markets, hospital/local health facilities/clinics, schools (primary, middle school, high school and vocational training), roads, ports, airports, clean water, electricity, telephone networks and waste disposal facilities.
 - 3) The estimated longevity of certain public infrastructure facilities is five years at the most and each time a new regional head comes into office, the same program of infrastructure development is planned anew. As a result, other infrastructure needs are ignored as the same kinds of government buildings are built over and over again.
 - 4) Infrastructure development should be funded from the regular operational budget (General Allocation Fund) for the province, and not from the Special Autonomy Fund.
 - 5) There are few Indigenous Papuan business people active in the infrastructure development sector. Protective and preferential measures for Indigenous Papuan business people are necessary to increase their participation.

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- 6) Initiatives to empower Indigenous Papuan business people should be sourced from the Special Autonomy Fund.
- 7) The potential capacity of Indigenous Papuans to own a four-wheeled vehicle (or heavier vehicle) is very limited.
- 8) There are currently no delegative regulations for implementation of the Special Autonomy Law related to infrastructure in the Land of Papua.
- 9) There is a large allocation from the Special Autonomy Fund for the infrastructure sector. However, the growth in infrastructure has not been commensurate with the large amount of resources allocated.

b. Expectations of the Special Autonomy Law with regard to the infrastructure sector:

- 1) It is hoped that there will be an increase in the development and improvement of all kinds of public facilities, such as: roads, bridges, transport, community housing, markets, hospitals/health facilities/clinics, schools (primary, middle school, high school and vocational training), ports, airports, clean water, electricity, telephone network and waste disposal in Papua using the government's regular operational budget.
- 2) It is hoped that Indigenous Papuans will be able to play an active role in the infrastructure development sector both as investors and employees.
- 3) It is hoped that ongoing maintenance will be undertaken of all public facilities that are constructed.
- 4) It is hoped that the quality standards for public buildings will be improved to ensure that buildings have improved longevity (of at least 50 years of more).
- 5) It is hoped that delegative regulations for implementation of the Law Special Autonomy will be drafted for the infrastructure sector.
- 6) It is hoped that dialogue between Papua and Jakarta will be undertaken in relation to the implementation of the Law on Special Autonomy for Papua.

3. Conclusion in the Infrastructure Sector

The management of infrastructure facilities must take into consideration the longevity of the facilities developed. In the view of Indigenous Papuans, a public building should last at least 50 years.

The kind of infrastructure developed under the current approach lasts only around five years. This impacts negatively on the development of infrastructure across all areas of Papua, particularly in villages and remote areas. It is felt that this "foolhardy" perspective can be changed to an "intelligent" approach in which facilities are built to last and regularly maintained.

E. POLITICS AND GOVERNANCE SECTOR

1. Introduction

To date, the Law on Special Autonomy has been seen as "absent", "not effectual" and "failed" due to issues related to politics and governance. It is well known that since the beginning of Papua's annexation into the Republic of Indonesia, there have been various strategies to cover up the history and political status of Papua.

In addition, there has been no progress in bringing about a "guarantee of power" for Indigenous Papuans and the Land of Papua. Because of this, a number of obstacles have continued to blight the area of politics and governance, both openly and surreptitiously.

Government officials (at the regional level) have played a role as political middle-men; when standing before the Indigenous Papuan public, they postulate the importance of upholding the Unitary State of the Republic of Indonesia. And yet when meeting public officials in Jakarta, they claim to support independence if their advantageous and privileged position is threatened by Jakarta.

As a result, a number of crucial problems have emerged among Indigenous Papuans and these are yet to be resolved. In actuality, the ineffectiveness and inefficiency of politics and governance has given rise to very serious problems that continue to plague Papua today. In the following section, a number of concerns and expectations of Indigenous Papuans in the area of politics and governance are summarised:

2. Description of the Politics and Governance Sector

- a. Problematic conditions associated with the implementation of the Law on Special Autonomy in the Politics and Governance Sector
 - 1) Differing interests between Jakarta and Papua create ineffective norms of governance and politics.
 - 2) Regional financial affairs and accountability are not transparent or accountable.

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- 3) National policies are not effective in the perspective of Indigenous Papuans.
 - 4) Rulings by the Constitutional Court have not respected or comprehended the Law on Special Autonomy.
 - 5) Certain political interests can sabotage other strategic interests.
 - 6) Local government apparatus has not been able to put into effect the authority divested to them.
 - 7) The Cultural Institution of the Papuan People's Assembly has not been able to intervene politically due to its limited authority. This situation has been exacerbated by the division of the Papuan People's Assembly into two entities.
 - 8) There have been no special funds for the political sector in the allocation of the Special Autonomy Fund.
 - 9) The Central Government has stymied "efforts to rectify and clarify the historical record" by Indigenous Papuans.
 - 10) There has been a special political strategy to filter the political activities of Indigenous Papuans and this has brought about an increase in human rights violations in the Land of Papua.
 - 11) The Provincial Government has blocked demands to "immediately" draft the implementing regulations for Special Autonomy that have already been earmarked for processing (18 provincial regulations (Perdasi) and 11 special regional regulations (Perdasus)).
 - 12) The existence of the Papuan People's Assembly of West Papua Province is not consistent with the policy for the Law on Special Autonomy and has caused polemics.
- b. Expectations of the Special Autonomy Law with regard to the Politics and Governance Sector
- 1) It is hoped that the Law on Special Autonomy for Papua will be revised or amended to become a Law on Special Autonomy for the Land of Papua based on the outcomes of dialogue.
 - 2) Draft "immediately" all implementing regulations that are required for an amended Law on Special Autonomy for the Land of Papua.
 - 3) It is hoped that the Papuan People's Assembly of West Papua Province can be re-structured to merge with a Papua People's Council for the two provinces based in Jayapura

with continued consideration for the existing constituencies and cultural identity of Indigenous Papuans in the process of recruiting and selecting members of the Papuan People's Assembly.

- 4) It is hoped that dialogue between Jakarta and Papua will be held with mediation by a neutral third party and in a neutral location.

3. Conclusions regarding the Politics and Governance Sector

All issues faced by Indigenous Papuans relate to the area of politics and governance. Therefore, strategic responses must be instituted immediately in order to resolve the problems of politics and governance in the Land of Papua.

If this can be realised, the dream that Jakarta and Indigenous Papuans could make peace in a democratic manner in order to bring about respect of and appreciation for the status and dignity of humanity would come true.

F. LEGAL AFFAIRS SECTOR

1. Introduction

The objective of granting the Law on Special Autonomy for Papua was to provide broader authority to the Province of Papua (and subsequently the Province of West Papua) and Indigenous Papuans to manage and govern themselves as part of a unitary state in order to bring about the prosperity of Indigenous Papuans. The Law was intended to enable Papuans to manage the wealth yielded by Papua's natural resources and to help realise the socio-cultural and economic potential of Indigenous Papuans.

However, in normative terms, a number of articles, paragraphs and points of the Law on Special Autonomy have given rise to problems. This is caused by inconsistency and contradictions between the Law on Special Autonomy and laws relating to other sectors. In addition, problems have been faced in implementing Special Autonomy due to a lack of clarity about the authority that was intended to be divested as part of the Law on Special Autonomy and limitations placed on this authority. Furthermore, the situation has been exacerbated by the frequent reference to other "legal provisions", leaving those responsible for implementation of the Law on Special Autonomy for Papua unable to understand correctly the nature of this Law.

In view of this, the following section identifies a number of problems and expectations that must be given serious attention with a view to amend the Law on Special Autonomy for Papua based on a process of dialogue between Jakarta and Papua.

2. Description of the Legal Affairs Sector

a. Problematic conditions associated with the implementation of the Law on Special Autonomy for Papua with respect to the Legal Affairs Sector:

- 1) There remains uncertainty regarding the meaning, correlation and objectives of legal norms found in the Law on Special Autonomy for Papua.
- 2) The special authority provided under the Law on Special Autonomy for Papua is unclear and limited.
- 3) The delineation between the authority of the Central Government and the Provincial Government in implementing local governance is ambiguous in many sectors.
- 4) The relationship between the authority of the Provincial Government and districts/municipalities authorities is unclear and ambiguous. The special authority of the provincial and district/municipalities authorities in Papua to implement Special Autonomy is also unclear and ambiguous.
- 5) There is a lack of clarity regarding the status of elections for district heads and the entities responsible for executing this in Papua.
- 6) There is a lack of clarity regarding the authority of customary institutions and indigenous village structures vis-a-vis the centrally defined government hierarchy which extends to indigenous Papuan villages.
- 7) There is a weak protection for the existence of customary communities in Papua and their basic rights.
- 8) There is lack of clarity and reinforcement of the role, authority and function of the Papuan Provincial Legislative Assembly and the Papuan People's Assembly.
- 9) The regulations regarding the role, authority and function of the Papuan People's Assembly lack clarity, and the relationship between the Council and the provincial and district/municipal governments is also unclear.

- 10) The regulations regarding the role, authority and function of the Papuan Provincial Legislative Assembly lack clarity, and the relationship between the Provincial Legislative Assembly and district/municipal councils in implementing Special Autonomy is also unclear.
- 11) There are no special funds for customary law or other legal institutions in Papua.
- 12) The reference to other "legal provisions" is causing confusion.
- 13) The existence of the Papuan People's Assembly of West Papua Province, which is not coherent with the Law on Special Autonomy and has given rise to polemics.

3. Expectations from the Law on Special Autonomy with regard to the Legal Affairs Sector:

- 1) It is hoped that there will be detailed articulation and clarification of the Law on Special Autonomy, as well as the stipulation of the authority of the Provincial Government, Papuan Provincial Legislative Assembly, Papuan People's Assembly, district/municipal governments and district/municipal assemblies.
- 2) It is hoped that the Law on Special Autonomy will be amended by Indigenous Papuans after a process of dialogue between Jakarta and Papua.
- 3) It is hoped that special funds will be provided to promote the implementation of customary courts, customary judges, customary law and customary institutions in the Land of Papua.
- 4) It is hoped that the references to various "legal provisions" in the Law on Special Autonomy will be amended and omitted.
- 5) It is hoped that the Papuan People's Assembly of West Papua Province will be restructured and merged with a Papuan People's Assembly for the two provinces and located in Jayapura, with consideration for the existing constituencies and cultural identity of Indigenous Papuans in the recruitment and selection of members of the Papuan People's Assembly.
- 6) It is hoped that dialogue between Jakarta and Papua will be undertaken peacefully to reach an affirmative solution for Indigenous Papuans and Jakarta.

4. Conclusions with regard to the Legal Affairs Sector

The Law on Special Autonomy contains unclear norms and limited authority. This has impacted directly upon how the Law has been implemented. Implementation has not been in accordance with the norms and articles of the Law. There has also been ambiguity and uncertainty regarding the scope of authority granted to Indigenous Papuans through the Law on Special Autonomy for Papua.

It was apparent from the outset that the ambiguous norms and uncertain authority of the Law on Special Autonomy for Papua would have an unfortunate impact. This was proven when in 2005, Indigenous Papuans sought to "return" Special Autonomy to Jakarta in a coffin that symbolically encased the corpse of this policy.

G. SECTOR OF CULTURE AND CUSTOM

1. Introduction

The unique feature of the Law on Special Autonomy for Papua when it was ratified by (then) President Megawati Sukarno Putri was that the law was related to closely to the realm of indigenous culture and custom. Customary institutions, the basic rights of Indigenous Papuans, the dignity of Indigenous Papuans and the maintenance of cultural and customary life were a "privilege" to be exercised by Indigenous Papuans within the Unitary State of the Republic of Indonesia.

However, in practice, the situation has not matched these expectations. In fact, there have been many measures and policies that seek to extinguish any privilege in the area of indigenous culture and custom. This has given rise to a number of problems and expectations as outlined below:

2. Description of the Sector of Culture and Custom

- a. Problematic Conditions associated with the implementation of Special Autonomy with regard to culture and custom:
 - 1) The Papuan Provincial Government and Central Government have not recognised, respected, protected, empowered or developed the rights of customary communities in genuine or substantive ways. There has poor compliance with the relevant regulations in this area.
 - 2) The rights of customary communities, which cover their right to land and its resources, customary law and the personal rights of members of customary communities, have not been

recognised, respected or protected in accordance with the obligations of the Provincial Government.

- 3) Customary leaders have not been able to exercise their right to land and its resources in accordance with the prevailing customary laws due to a lack of respect, recognition or protection of these rights by the Government or third parties. On the contrary, these parties have strategized among themselves to extinguish or claim the rights of customary communities.
 - 4) There has been speculative action and political manipulation of the rights to customary land/resources and the individual land ownership of members of customary communities. This has been done to serve various needs or interests, has been achieved through processes of communal decision making with customary communities and their members to produce agreements regarding the transfer/sale of land or compensation. This kind of approach is often an effort to veil other considerations that are not disclosed in discussions.
 - 5) There has not been any active mediation in a fair or intelligent manner by the Provincial Government to address conflicts involving communal land rights and individual ownership rights. As a result, land conflicts continue to occur and remain unresolved.
 - 6) There have been no affirmative efforts by the Provincial Government to protect the intellectual property rights of Indigenous Papuans.
 - 7) There have been efforts to undermine indigenous customary institutions through the establishment of pseudo customary institutions that are tools of the Central Government.
 - 8) The government village authorities take a provocative stance toward customary communities and this is eroding efforts to preserve Papuan cultural values.
 - 9) The existence of the Papuan People's Assembly of West Papua Province does not comply with the policy of the Law on Special Autonomy and has caused polemics.
- b. Expectations of Special Autonomy with regard to the culture and custom:
- 1) It is hoped that the Papua Provincial Government will recognise, respect, protect, empower and develop the rights of

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and in accordance with the relevant regulations.

- 2) It is hoped that the rights of customary communities including their rights to land and resources, and the individual rights of members of customary communities will be recognised, respected and protected in accordance with the obligations of the Provincial Government.
- 3) It is hoped that customary leaders can enjoy cultural freedom to exercise customary rights to land and resources in accordance with the relevant customary laws of the area and with respect, recognition and protection from the Government and third parties.
- 4) It is hoped that there will be no more speculative action or political manipulation with regard to customary land/resources and the individual land titles of customary communities for whatever purpose and through approaches that involve communal decision making with customary communities and their members in order to gain agreement on the surrender of land or compensation. This is a deceitful practice intended to serve objectives that often are not revealed in the communal discussions.
- 5) It is hoped that all customary land will be placed under Customary Land Title status as this land is Indigenous Papuan's inheritance from the first people of Papua. All land that has been sold as a result of "intervention" should be reclaimed and the status of this land should immediately be converted to a leasehold agreement for land or buildings.
- 6) It is hoped that there will be active mediation by the Provincial Government or the Papuan Customary Authority to address land conflicts in the Land of Papua.
- 7) It is hoped the Provincial Government and Papuan Customary Authority will provide affirmative protection for Papuan intellectual property rights.
- 8) It is hoped that intervention in indigenous Papuan customary institutions will cease and that the pseudo institutions set up by the Central Government will be disbanded in all areas of the Land of Papua.
- 9) It is hoped that customary institutions will be made the sole authority in villages in the Land of Papua, and that the existing

2. Description of the Social Sector

a. Problematic conditions associated with the implementation of the Law on Special Autonomy with respect to the Social Affairs Sector:

- 1) Social problems are prevalent, including poverty, HIV/AIDS, alcoholism, prostitution, drug abuse, disability, domestic violence, street children, neglect, criminality, social conflict, youth delinquency, mental illness, school drop-outs, remote tribes, slum areas, rubbish/waste, unemployment, migration, economic vulnerability of women, urbanisation, natural disasters, illiteracy, as well as social values and attitudes that do not promote reform or development.
- 2) There is limited social commitment to address social problems in a manner that is consistent and ongoing.
- 3) Social welfare professionals are not available.

b. Expectations of the Special Autonomy Law with regard to the Social Affairs Sector:

- 1) It is hoped that the community will enjoy a good standard of welfare in terms of material possessions and wellbeing in terms of its capacity to address social problems, fulfil social needs and create opportunities to gain broader access to develop their social potential.
- 2) It is hoped that there will be a joint commitment to address social problems through social services.
- 3) It is hoped that there will be strong and continuous social commitment among all stakeholders.
- 4) It is hoped that professional social workers will be made available.
- 5) It is hoped that funds will be allocated to address social problems.
- 6) As there are many social problems in the Land of Papua, it is hoped that dialogue between Jakarta and Papua will be held immediately, mediated by a neutral third part and conducted in a neutral location.

3. Conclusions in the Social Affairs Sector

It is increasingly difficult to address some problems, particularly as the social problems continue to emerge. These social problems occur because Indigenous Papuans do not enjoy a proper standard of welfare.

centralised structure of village heads and apparatus will be dissolved.

- 10) It is hoped that the Papuan People's Assembly of West Papua Province will be restructured and merged with a Papuan People's Assembly for the two provinces located in Jayapura. It is hoped that the existing consistencies and cultural identities are maintained in the process of recruiting and selecting members of the Papuan People's Assembly.
- 11) It is hoped that dialogue between Jakarta and Papua will be undertaken immediately with mediation by a neutral third party in a neutral location.

3. Conclusions for the Sector on Culture and Custom

Based on the points raised above, it is possible to conclude that the special privilege for indigenous Papuans intended by the Law on Special Autonomy has become unclear and uncertain due to a limitations on authority, strong intervention by the Government in the area of culture and custom, and neglect of Indigenous Papuans' concern by those agencies responsible for executing the Law on Special Autonomy.

Therefore, it is hoped that the current situation can be reversed to enable the hopes of Indigenous Papuans in the area of culture and custom to be fulfilled by those responsible for executing Special Autonomy through amendment of the Law based upon the outcomes of dialogue between Jakarta and Papua.

H. SOCIAL AFFAIRS SECTOR

1. Introduction

Human beings invariably face social problems. Social problems occur because of the failure to bring about the kind wellbeing that should be experienced and enjoyed by humankind. Wellbeing can only be experienced and enjoyed when certain values prevail.

As a result of the implementation of the Law on Special Autonomy for Papua, Indigenous Papuans should be able to experience and enjoy a capacity to manage social problems, fulfil social needs and access various opportunities to improve their standards of living.

However, a number of problems and expectations have emerged among Indigenous Papuans in relation to this sector and these can be summarised as follows:

If the Government takes the initiative to promote the wellbeing of Indigenous Papuan based on an assessment of the problems faced by Indigenous Papuans, then a dignified and humane approach would be possible through the process of Jakarta-Papua dialogue to reach a solution acceptable to Indigenous Papuans and Jakarta.

I. POPULATION AND LABOUR SECTOR

1. Introduction

There are three things that are inevitable in our lives; birth, death and migration. Birth occurs as a process of procreation between men and women. Death occurs due to illness, age or unnatural conditions that occur when giving birth and/or as a result of particular social problems.

It is also inevitable that human beings will have to make a living and in relation to this, a number of problems have emerged with respect to labour in the Land of Papua. To be honest, if the Land of Papua was populated only by Indigenous Papuans, and then all labour problems could be easily resolved. However, due to the high level of heterogeneity, there are frequently problems in the labour sector. In the following section, these issues are outlined, together with expectations in this area.

2. Description of the Population and Labour Sector

- a. Problematic conditions associated with the Law on Special Autonomy with respect to the Population and Labour Sector:
 - 1) The ratio of migrants to Indigenous Papuans in Papua is not even, but approximately 60:40. Migrants comprise the majority of the population in Papua.
 - 2) There has been an increase in the number of migrants coming to Papua and migration is not being controlled.
 - 3) The Provincial Government resorts to defensive excuses to explain its failure to provide protection, such as; poor human resource capacity in Papua, insufficient budget, regional isolation, and low participation rate by the population and the difficulty in socialising local regulations on population.
 - 4) There is a large labour force, but the skill level is insufficient.
 - 5) There are limited opportunities for employment.
 - 6) Employee welfare is poor.
 - 7) Occupational safety and health are not given proper attention.

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- 8) There is a high rate of industrial relations cases.
- 9) Productivity is poor.
- 10) Local regulations on labour are not implemented.
- 11) There is no coordination, integration and synchronisation between the Provincial Government and the district/municipal governments.
- 12) There is poor monitoring of the labour sector.

b. Expectations of the Law on Special Autonomy in the Population and Labour Sector

- 1) It is hoped that 40% of the current population of migrants will be relocated from Papua so that Indigenous Papuans will comprise a majority in their own land.
- 2) It is hoped that a population control system will be immediately created for Indigenous Papuans and migrants so that Indigenous Papuans can maintain a demographic majority.
- 3) It is hoped that the Provincial Government will develop a strong capacity to provide protection and will no longer resort to defensive excuses.
- 4) It is hoped that a large labour force will be matched by sufficient availability of skills.
- 5) It is hoped that there will be an increase in employment opportunities.
- 6) It is hoped that the welfare of employees will be improved.
- 7) It is hoped that occupational safety and health will be given serious attention.
- 8) It is hoped that the number of industrial relations cases will be reduced.
- 9) It is hoped that productivity will be improved.
- 10) It is hoped that local regulations for labour will be implemented.
- 11) It is hoped that the Provincial Government and district/municipal authorities across the Land of Papua will engage in coordination, integration and synchronisation regarding population and labour.
- 12) It is hoped that monitoring of the labour sector will be increased.
- 13) It is hoped that dialogue between Jakarta and Papua will address problems of population and labour in the Land of Papua.

3. Conclusions with regard to the Population and Labour Sector

From the many issues outlined above, it can be concluded that the current depopulation of the Land of Papua must be given prudent attention immediately in order to address the many problems of population and labour.

With such efforts, the rate of population could be managed in a proper and controlled way with a focus on the growth and development of the Indigenous Papuan population. To date, indicators of population growth in Papua has been based on the number ethnically Malay people, rather than ethnically Melanesian people.

J. ENVIRONMENT SECTOR

1. Introduction

The environment is a determining factor in the lives of all beings, including human beings. The Papuan environment and the Papuan people are integral entities and difficult to separate. The diversity of cultures in Papua is influenced strongly by the surrounding environmental conditions. It is recognised that the natural environment in Papua shapes the cultural personalities of its peoples. The reverse can also be true; human beings shape the natural environment to become a culture, and that the culture of one ethnic group is different to that of another ethnic group.

The environment has created customary communities with different natural contexts, culture, economy and societies depending on the tribal group. A great deal of diversity can be found in the Land of Papua; for example the architecture of houses in Papua is very different depending on the tribe; honai are used by Dani, Lani, Nduga, Migani, Damal, and Amungme tribes, while the Kariwari is used by Sentani, Enggros, Tobati, Nafri, Tepera, Kemtuk, Kleisi, and Namblong tribes, and the Owaa is used by the Mee tribe, and so forth.

The strong relationship between the environment in Papua and Indigenous Papuans has created an "economic interest" as the natural environment in Papua contains remarkable wealth. Economic interests are also linked to political interests. This has set the scene for a number of distortions, including the "embarrassing" fact that although Indigenous Papuans command huge natural riches, their standard of human development is low. It is strange but true that the poverty rate is 41.8%, illiteracy 74.4% and 50.5 babies are said to die each day. This situation is paradoxical as the Land of Papua has the richest natural resources of

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all provinces. The regional GDP is the forth highest in the nation after the national capital of Jakarta, East Kalimantan and Riau Province. In view of this, a number of problems with regard to the environment can be summarised as follows:

2. Description of the Environment Sector

- a. Problematic conditions associated with the implementation of Special Autonomy with regard to the Environment Sector
 - 1) There is no scientific body of knowledge about indigenous wisdom for the protection of natural resources and biodiversity.
 - 2) There has been no information about or efforts to implement the delegative regulations from the Law on Special Autonomy with regard to the environment, especially concerning the development of norms for indigenous knowledge and practices.
 - 3) There have been no efforts to strengthen indigenous knowledge and practices for forest management.
 - 4) There is no awareness on the part of the government and third parties who exploit the natural environment that the environment actually belongs to an indigenous tribe. They also do not consider the fact that the environment is part of integrated entity that has a strong relationship (with the customary owners of the land). Therefore, strategic actions are needed to preserve the natural environment through indigenous approaches to forest management. The programs and activities for forest management to date have been contrary to indigenous wisdom.
 - 5) To date, the government and third parties have been responsible for actions that disrupt the relationship between customary communities and the environment. They are also guilty of destroying cultural values that have a role in indigenous approaches for the preservation of the environment. Because of this, the future generations will not preserve the environment based on indigenous knowledge, and will tend to focus on short-term economic and political interests.
 - 6) The activities of investors in the Land of Papua have not had a positive impact on Indigenous Papuans and therefore the standard of human development remains low. There

is also low commitment, consistency and continuity by companies to seek to reverse the impact of environmental destruction or to rehabilitate environments impacted by their operations. This situation is exacerbated by the failure of the rule of law for the sake of environmental preservation.

- 7) There is poor compliance with standards for company licences and also building permits. There are many companies in Papua who begin operations without first conducting an environmental impact study with the involvement of all stakeholders, including customary communities. Behind this situation or perhaps also a driving factor, is the preferential treatment is given to investment or economic interests that are aligned with political interests.
 - 8) Spatial planning is developed by the Provincial and district/municipal governments without consulting customary communities, which have a basic right to the natural environment. Planning processes at the village/neighbourhood level are also not open to customary communities; they are not involved in the drafting process and are often surprised by the outcomes when published. One reason for this is that fact that administrative boundaries are not determined in accordance with customary lands or group identities.
- b. Expectations of Special Autonomy in relation to the Environment Sector
- 1) It is hoped that guarantees can be provided for the continued existence of natural resources and the environment in Papua with a quantity and quality that is positive and proportional.
 - 2) It is hoped that there will be economic benefits for Indigenous Papuans from natural resources and the environment, and that the fiscal conditions can be improved in a just and sustainable way.
 - 3) It is hoped that control and monitoring of capacity (absorption capacity and carrying capacity) of the environment will be increased. It is also hoped that the quality of the natural environment in Papua will be improved.
 - 4) It is hoped that the capacity, including the institutional

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- 5) It is hoped that there will be efforts to promote the role and active participation of Indigenous Papuans in managing natural resources and the environment in Papua.
- 6) It is hoped that standards can be put place to ensure that Indigenous Papuans can benefit as shareholders in natural resource utilisation to come to mutual rewarding arrangements for all involved.
- 7) It is hoped that a system for management of and information about natural resources and environmental assets in Papua can be developed.
- 8) It is hoped that it will be possible to promote planning and coordination among stakeholders for the management of natural resources and the environment in Papua.
- 9) It is hoped that it will be possible to undertake planning and law enforcement for the management of natural resources and the environment in Papua, particularly delegative regulations for the Law on Special Autonomy for Papua.
- 10) It is hoped that management of natural resources and the environment will help to bring about sustainable development as a practical commitment for action in Papua.
- 11) Bearing in mind that there have been serious consequences from vested interests and the fact that Indigenous Papuans have been "victims" of vested interests relating to the environment and natural resources in Papua to date, dialogue between Jakarta and Papua should be undertaken with mediation by a neutral party and undertaken in a neutral location.

3. Conclusions regarding the Environment Sector

Based on the points outlined above, it can be concluded that the Government and third parties are "vested economic and political interests" and Indigenous Papuans are rights holders. To date, Indigenous Papuans have been the "victims" of various policies in the environment sector. Indigenous Papuans should consider themselves shareholders and assert their interests with regard to basic rights, the economy and politics.

K. RELIGIOUS AFFAIRS SECTOR

1. Introduction

Human beings are people of God. People of God in other places on this earth are able to smile sweetly, but the Indigenous Papuans people of God are sad and endlessly shed tears.

The sadness and cries of the people of God are because these people are being killed. This situation cannot be accepted or taken as an inevitable, but it must inspire renewal and repentance. Therefore, Indigenous Papuans made the following points with regard to religion:

2. Description of the Religious Affairs Sector

- a. Problematic conditions associated with Special Autonomy in relation to the Religious Affairs Sector
 - 1) There is violence against members of certain religious communities in Papua.
 - 2) Violence occurs each year in various forms. It includes violence of a physical and non-physical nature.
 - 3) Religious institutions gain financial assistance from the Government, but it is not explained whether this is from the regular operating budget or the Special Autonomy Fund.
 - 4) The Central Government's authority for religious affairs in Papua has caused many problems.
 - 5) The very high growth in the population of migrants has overtaken the population of Indigenous Papuans. There has also been an increase in the number of migrant places of religious worship, which constantly bother Indigenous Papuans with the microphones and speakers placed on top and outside of their places of worship.
- b. Expectations of Special Autonomy in the Religious Affairs Sector
 - 1) It is hoped that religious leaders will be unified in their efforts to oppose the kind of violence that has occurred to date.
 - 2) It is hoped that members of religious communities will be united in opposing violence in the Land of Papua.
 - 3) It is hoped that there will be special regulations pertaining to the building of places of worship in the Land of Papua.
 - 4) It is hoped that the Religious Affairs Sector can come under special Papuan authority.

- 5) It is hoped that dialogue between Jakarta and Papua will be held, mediated by a neutral party and in a neutral place.

3. Conclusions for the Religious Affairs Sector

It is a basic human right to worship and have faith in god. However, when people bother other religions, this will give rise to complicated social problems. This is the real situation faced in Papua today as a consequence of the fact that people of different religions live together in all areas of the Land of Papua.

Religious leaders are always faced with violence and the killing of members of their congregations. Reports received by religious leaders prove that the lives of congregations are threatened, which causes numerous social problems and perhaps even fatalities. Because of this, religious leaders recommend that dialogue between Jakarta and Papua is undertaken without delay to find a positive solution to these problems.

I. OVERSIGHT SECTOR

1. Introduction

Oversight is needed of all organisations to guarantee that they are working effectively and efficiently, as well as to measure their performance. The outcomes from monitoring can serve as a point of reference for follow-up and to bring about the kind of changes required.

The oversight function under the Law on Special Autonomy for Papua has not been undertaken in accordance with spirit of the Law on Special Autonomy, and also not in line with the wishes of Indigenous Papuans. A number of problems and expectations in relation to oversight are outlined below:

2. Description of the Oversight Sector

- a. Problematic conditions associated with the implementation of the Law on Special Autonomy with regard to the Oversight Sector:
 - 1) Oversight of those responsible for executing the Law on Special Autonomy for Papua and West Papua has been weak.
 - 2) There has been poor oversight of strategic sectoral institutions by legal and judicial bodies as mandated by the Law on Special Autonomy for Papua and West Papua.
 - 3) The role of customary communities and the Papuan People's Assembly in overseeing the implementation of Special Autonomy for Papua and West Papua has been minimal.

- 4) There are no delegative regulations related to monitoring by different parties.
- b. Expectations of Special Autonomy with regard to the Oversight Sector
 - 1) It is hoped that there will be an increase in the monitoring of the performance of those responsible for executing the Law on Special Autonomy for Papua and West Papua.
 - 2) It is hoped that there will be increased participation in monitoring of strategic sectoral institutions by legal and judicial bodies as mandated by the Law on Special Autonomy for Papua and West Papua.
 - 3) It is hoped that customary communities and the Papuan People's Assembly will participate in monitoring activities to keep check on the implementation of the Law on Special Autonomy for Papua and West Papua.
 - 4) It is hoped that delegative regulations that regulate monitoring will be drafted so that monitoring can be undertaken by the parties concerned.
 - 5) It is hoped that dialogue between Jakarta and Papua will be held immediately, mediated by a neutral third party at a neutral location.

3. Conclusions in the Oversight Sector

Based on the points outlined above, it can be concluded that to date the oversight function has not been well executed or undertaken in line with the provisions of the Law on Special Autonomy for Papua. A number of excuses have been provided for the failure of the oversight function. However, these excuses are seen as an attempt to avoid blame and divert attention from the functions and authority that should have been executed by the authorities concerned.

M. REGIONAL FINANCIAL AFFAIRS SECTOR

1. Introduction

According to the provisions of Law No. 21/2001 on Special Autonomy for Papua Province regarding authority, it is explained that all authority should be divested to Indigenous Papuans, except for that associated with the areas of international politics, security, fiscal and monetary affairs,

religion, judicial matters and authority for any other areas as defined by law. As a result, the implementation of all financial affairs related to the Law on Special Autonomy for Papua and West Papua have been controlled directly by the Central Government.

There has been nothing "special" about financial affairs under Special Autonomy as the basic orientation of financial affairs has been sectoral and centralistic. Because of this, the Provincial Government, as well as the district/municipal authorities, in the Land of Papua has experienced many difficulties in addressing the fiscal situation, and also addressing issues that lie outside of the scope of the prevailing financial regulations. These problems continue to occur and are challenging for provincial and district/municipal authorities to resolve. These problems are outlined below, together with the hopes of Indigenous Papuans with regard to fiscal affairs:

2. Description of the Regional Financial Affairs Sector

a. Problematic conditions associated with the Law on Special Autonomy with regard to the Regional Financial Affairs Sector:

- 1) The total amount of the Special Autonomy Fund for Papua Province for the period 2002 – 2012 was IDR 28.445 trillion. West Papua Province received IDR 5.409 trillion in the beginning in 2008. Irrespective of this, Indigenous Papuans feel that Special Autonomy has failed.
- 2) The Special Autonomy Fund is regarded as asymmetric fiscal policy or asymmetric decentralisation to bring about balance and an affirmative solution to the possibility of disintegration. However, from the perspective of Indigenous Papuans, this policy has not yet provided an affirmative solution to the possibility of disintegration. Although the Central Government agreed to the policy of fiscal asymmetry, this is seen as funds that are accompanying the authority that has been divested to regional heads. This means that Special Autonomy is seen as the divestment of authority to prevent disintegration.
- 3) The policy of fiscal asymmetry has been undertaken to give authority to the region and must be realised in three important areas, that is asymmetric political decentralisation, asymmetric administrative decentralisation and asymmetric fiscal decentralisation. However, the influence of the centralised authority is still exerted over strategic areas. Because of this,

the policy of decentralisation has not functioned effectively or efficiently.

- 4) If the policy of fiscal asymmetry is to be changed, then this would require new delegative regulations that are detailed and operational based on the will of Indigenous Papuans. The delegative regulations that are currently in place are dominated by the interests of a single executor, that is the Provincial and district/municipal governments.
- 5) Indigenous Papuans are not aware that the Special Autonomy Fund is sourced from 2% of the regional budget. Indigenous Papuans tend to think that the Special Autonomy Fund comes from a third party.
- 6) Indigenous Papuans do not agree with the Special Autonomy Fund regulations that stipulate the "General Fund Allocation and Special Autonomy Fund are managed jointly" by the Provincial Government. It is hard to monitor the use of each Fund and also difficult to distinguish the source of the funds, and therefore to ensure that the resources are utilised in accordance with the will and needs of Indigenous Papuans.
- 7) To date, there has been a lack of transparency regarding the utilisation and realisation of budgets for Special Autonomy by the authority executing this.
- 8) To date, the executing authority has not demonstrated accountability regarding the utilisation of the Special Autonomy Funds as there is not separate delegative regulations. The General Allocation* Fund and The Special Autonomy Fund come under the same regulation. The provisions for the Special Autonomy Fund come under a special article of the regulation of the General Allocation Fund. Aside from this, the planning and budgeting is controlled only by government agencies and the final report is also produced by government agencies. Because of this, external parties do not gain the opportunity to undertake planning/budgeting, execution of the budget or reporting. They also are not given the opportunity to audit of the use of The Special Autonomy Fund. Because of this, it is difficult to give a kind of legitimacy for any fair reward for the prudent use of these resources, or provide sanctions to those who misuse funds.

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b. Expectations of Special Autonomy in the Sector of Regional Financial Affairs

- 1) It is hoped that Indigenous Papuans respond rationally to the propaganda regarding the large amount of the Special Autonomy Fund that promoted by the Provincial and district/municipal governments.
- 2) It is hoped that the pro-independence ideology of Indigenous Papuans is not equated with the value and total of The Special Autonomy Fund for Indigenous Papuans, as this is a misperception.
- 3) It is hoped that the centralistic influence within the policy of fiscal asymmetry will be withdrawn so that the policy can function efficiently and effectively.
- 4) It is hoped that delegative regulations are operational and detailed, and in accordance with the needs and will of Indigenous Papuans.
- 5) It is hoped that a separation can be made regarding the utilisation General Allocation and the Special Autonomy Fund in the planning process and through to monitoring/evaluation or audit.
- 6) It is hoped that various misperceptions among Indigenous Papuans regarding the Special Autonomy Fund can be addressed through affirmative solutions such as public information campaigns.
- 7) It is hoped that there is transparency and accountability from those responsible for executing the utilisation of the General Allocation Fund and the Special Autonomy Fund in the Land of Papua.
- 8) All ambiguities and uncertainties regarding the Special Autonomy Fund could be resolved through dialogue between Jakarta and Papua.

3. Conclusions regarding the Regional Financial Affairs

Based on the points outlined above, it is possible to conclude that there are a number of ambiguities and uncertainties regarding General Allocation and Special Autonomy Fund both regarding the divesting of this and its utilisation in Papua. Indigenous Papuans who are outside of the system of provincial and district/municipal government do not have a sense that the Special Autonomy Fund was intended as part of a 'cause-effect

relationship' between Indigenous Papuans and Jakarta. On the contrary, the Special Autonomy Fund has been part of a cause-effect relationship only between the Central Government and the provincial, or district/ municipal governments.

N. HUMAN RIGHTS SECTOR

1. Introduction

The state of human rights in the Land of Papua is getting worse day by day as violations and violence against human rights continue to occur.

A number of sections of society have spoken out in defence of human rights, stating that violations of human rights are a serious problem in the Land of Papua. However, all efforts to defend or uphold human rights are not respected, unheeded and easily dismissed. The memory of the long experience of violence has given birth to a movement to oppose violence peacefully and through dialogue. Indigenous Papuans realise that Papuans are also human beings, just like human beings of Malay, European, Arabic and other origins. Human beings are human beings, and animals are animals. When human beings are thought of as animals, then human rights violations inevitably occur. It appears that the nation does not love the Indigenous people of Papua, but it is the rich natural resources of Papua that this nation really loves. Hereby, we outline the factors that lead to the emergence of humanitarian problems and people's hopes in relation to this below:

2. Description of the Human Rights Sector

- a. Problematic conditions associated with Special Autonomy with regard to the Human Rights Sector.
 - 1) No representative office of the National Commission on Human Rights, human rights court or commission for truth and reconciliation has been set up.
 - 2) Violence against and violation of the human rights in all aspects of the life of Indigenous Papuans occurs systematically, continually and without reprieve.
 - 3) There is no allocation of the Special Autonomy Fund to the Human Rights Sector as part of the implementation of the Law on Special Autonomy in the Land of Papua.

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- b. Expectations with respect to the Human Rights Sector
- 1) It is hoped that there is recognition among the Central Government and Indigenous Papuans that violations of human rights must cease and be prevented in the future.
 - 2) It is hoped that a "culture of peace" can be created based on "Papuan Culture" according to the perspective of customary communities in Papua.
 - 3) It is hoped that dialogue between Jakarta and Papua will be undertaken as the most effective vehicle to find solutions to the many problems that exist in Papua.

3. Conclusions in the Human Rights Sector

The historical record in Papua shows a correlation between violations of human rights in the Land of Papua and the history of Indigenous Papuans' association with the Government of Indonesia. This historical record also tells of many human rights violations cases that were closed without any due resolution. However, it is also possible that a new page in the state of human rights in the Land of Papua may be written in the future.

CHAPTER III AN ANATOMY OF ISSUES IN THE LAND OF PAPUA

A. ROOT PROBLEMS OF THE SITUATION IN PAPUA

Historical sources prove that the Land of Papua was the centre of a conflict between the Netherlands and Indonesia from 1945 to 1960. These two countries boosted their political standards to demonstrate differing political perspectives, and did this using a variety of methods and for their own political objectives.

From this perspective, it is possible to demonstrate how Indonesia expanded its political activities in order to seize the Land of Papua from the Netherlands. At the same time, the Netherlands was preparing Papua to become an independent nation. The immediate impact of these political activities was that Indigenous Papuans were victimised. Indigenous Papuans were victimised due to the political machinations of the two key political actors, the Netherlands and Indonesia.

From 1960 and until today, one issue that is problematic is that the Netherlands successfully prepared Papua for independence, and subsequently Papuan independence was declared on 1 December 1961 in Hollandia, specifically on Jalan Irian in the grounds of the building called the Nieuw Guinea Raad. Meanwhile, Indonesia was in the midst of a long journey to USA and the Soviet Union, and therefore was slow to make it to Papua. Therefore, beginning on 19 December 1961 it had to use force and full military invasion based on the declaration of the 'Three Commands of the People' (Tri Komando Rakyat/TRIKORA) that was made in Yogyakarta with the intent of thwarting the independence of West Papua.

Following this, in only two short years, that is 1962 and 1963, political processes were undertaken with the intent to bring about the annexation of West Papua through high-level political lobbying among the United States, the Netherlands and Indonesia. These processes were the Trikora, Bunker Proposal, New York Agreement, Rome Agreement (the existence of this agreement is still questioned) and finally, the Act of Free Choice.

Political interventions and manoeuvres against Indigenous Papuans by Indonesia always positioned Papuans as passive victims in crucial areas. Indonesia undertook terror, intimidation, arrests, violence, killings and various attempts for socio-political manipulation.

Because of the historical reasons outlined above, a memoria passionis emerged vividly in the minds of Indigenous Papuans as the state violence toward Indigenous Papuans was so uncivilised and inhumane. Furthermore, there has never been any reconciliation or truth-telling regarding the violations of human rights in the Land of Papua.

Even though the situation is very difficult due to the pressure from a number of powers created by Indonesia to subvert Indigenous Papuans, the spirit of independence from 1 December 1961 continues to motivate Indigenous Papuans to struggle to free themselves from the shackles of the power of the Republic of Indonesia. Recently, the spirit of independence has become an ideology that is impossible to extinguish no matter how much money is poured into Papua. Indigenous Papuans have a non-negotiable desire to free themselves politically and legally from Republic of Indonesia, and to become the Republic of West Papua.

B. ADDITIONAL PROBLEMS IN PAPUA

1. First Round of Autonomy for Welfare

The first round of autonomy was known as regional autonomy for the province of Irian Jaya and was enacted in 1971 and continued until 2000. The objective of enacting regional autonomy was to provide welfare to Indigenous Papuans. In order to realise this aim, the Central Government undertook a number of programs in strategic areas. These programs included: transmigration, family planning, education, health and the establishment of traditional markets in all districts.

These programs were implemented by the Government. The Government also evaluated its activities and found this program to have been successful as development activities were undertaken in a number of areas. However, Indigenous Papuans did not feel that the policy brought about an improvement in the welfare situation of communities. In reality, Indigenous Papuans did not develop, did not experience progress and their conditions remained unchanged.

2. Second Round of Autonomy for Welfare

In the course of time, the Indonesian people began to feel the same as Indigenous Papuans, that they would not be able to enjoy wellbeing due to the authoritarian regime of the Soeharto government. Therefore, through demonstrations and many sacrifices, (then) President Soeharto was overthrown on 21 May 1998 and forced from office. The movement

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remove the authoritarian rule of the Republic of Indonesia was known as Reformasi or Reformation.

For Papuans, the Reformasi movement is the same as the liberation movement to break free of the shackles of the Indonesian Government. Therefore, the struggle of Indigenous Papuans should be seen as politically and legally legitimate. Resolution of the Indigenous Papuan struggle has been thwarted by the granting of the Law No. 21/2001 on Special Autonomy for Papua Province.

The primary objectives of granting Law No. 21/2001 on Special Autonomy for Papua Province was to hamper opportunities for the independence of Indigenous Papuans as the Republic of West Papua and to promote improved welfare in Papua. In the evaluation of the Law on Special Autonomy for Papua and West Papua held in Jayapura from 25-27 July 2013 it was proven that the implementation of the Law on Special Autonomy for Papua and West Papua has failed in its objective to bring about improved welfare for Indigenous Papuans.

3. What is the point of a Third Round of Autonomy?

If there is talk about a new political concept referred to as "Law on Special Autonomy Plus" then Indigenous Papuans will ask, Special Autonomy for what? This question will emerge as the two previous rounds of Special Autonomy have not brought about or introduced welfare according to the perspective of Indigenous Papuans. Therefore, the most prudent, humane, dignified and respectful solution is to hold dialogue between Jakarta and Papua immediately.

C. SUMMARY OF THE PROBLEMS ASSOCIATED WITH THE IMPLEMENTATION OF THE LAW ON SPECIAL AUTONOMY FOR PAPUA AND WEST PAPUA

1. Delegative Regulations

The following points can be summarised based on the issues associated with delegative regulations for Special Autonomy for Papua and West Papua that were identified in this evaluation:

- a. There should have been 29 delegative regulations drafted.
- b. The number of Special Regional Regulations required was 11 delegative regulations.
- c. The number of Provincial Regulations required was 18 delegative regulations.