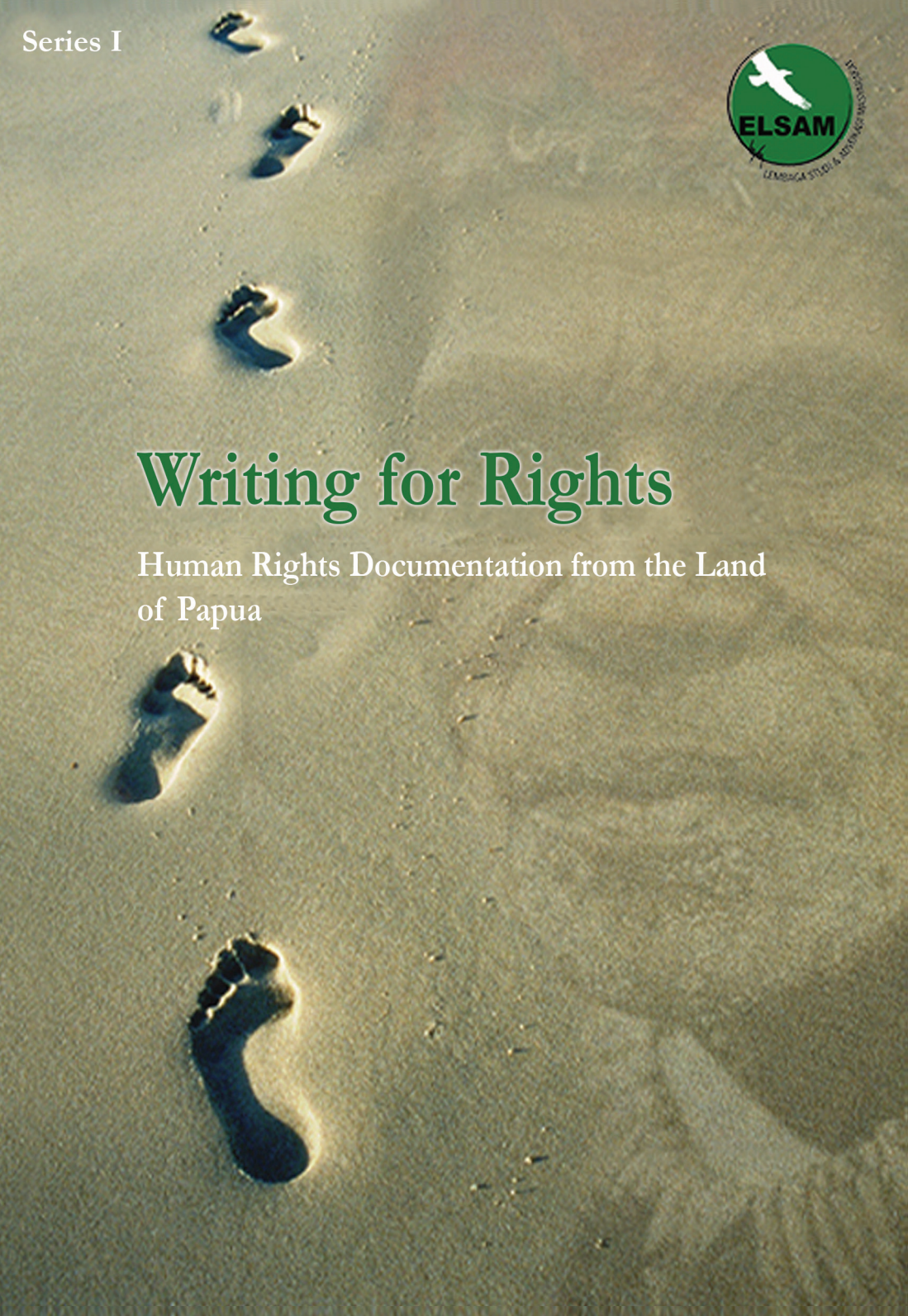
Series I



Writing for Rights

Human Rights Documentation from the Land of Papua

Writing for Rights

Human Rights Documentation from the Land of Papua

SERIES I

Institute for Policy Research and Advocacy (ELSAM)

2017

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Human Rights Documentation from the Land of Papua

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Introduction
Wahyu Wagiman

Writers
Delince Gobay, Gabrielinda Assem, Simon Oriengel Sani, Mina Basik Basik, Yason Ngelia, Benny Mawel

Editors:
Adiani Viviana, Andrew de Sousa, Bambang Wisudo, Budi Hernawan, Razif MA

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Institute for Policy Research and Advocacy
Jl. Siaga II No. 31 Pejaten Barat, Pasar Minggu Jakarta Selatan 12510
Phone +62 21 7972662, 79192564, Fax. + 62 21 79192519
E-mail: office@elsam.or.id, Website: www.elsam.or.id, twitter:@elsamnews
@ElsamLibrary


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All ELSAM publications are dedicated to the victims of human rights violations, in addition to being part of the effort to promote and protect human rights in Indonesia

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This book is dedicated to
Gabrielinda Assem

INTRODUCTION TO REVISED EDITION

Capacity Building for Human Rights Defenders: Promoting the Values of Human Rights and Peace

According to the United Nations, Human Rights Defenders are people who work peacefully for the promotion of human rights. Although anyone can become a human rights defender, it needs commitment and courage. While we are already in the era of democracy, and the government is committed to respect, protect and fulfill Human Rights in the Constitution and through the ratification of the most significant human rights conventions, each year, human rights defenders are still threatened, arrested, tortured and killed due to their activities. The work of defenders is very important in the process of building peace and justice in Indonesia, and we should be grateful for their work, which are beneficial to many parties. This compilation is the result of investigative work of several human rights defenders who work at the grassroots level to improve the human rights situation in their respective regions in the provinces of Papua and West Papua.

Since 2015, ELSAM has collaborated with Peace Brigades International (PBI) to build investigative capacity and protection of defenders from remote areas in Indonesia. Both organizations are committed to building and promoting human rights and peace in Indonesia, and believe that this can only happen if local organizations and human rights defenders who work at the local level have the capacity to monitor and prepare reports based on the framework of human rights. This is so that the society can know what is happening at the grassroots level.

This anthology is the initial publication of the results of the fieldwork done by the participants in this program. The subjects covered were chosen by

the participants themselves. The opinions and conclusions included in this compilation are their own.

We are grateful to the parties who have provided invaluable moral support and excellent cooperation in this program: Max Binur, Fr. Anselmus Amo, Rev. Benny Giay, Victor Mambor, Yuliana Langowuyo, Rev. Dora Balubun, and Frederika Korain. Thank you also to all those who were interviewed and provided information to the researchers in the field, and to all those who we are unable to mention by name here.

This program cannot be implemented without the support of several donors. For this support, we thank the generosity of the German Civil Peace Service (Ziviler Friedensdienst), Norwegian Human Rights Fund (NHRF), ProtectDefenders.eu - the European Union Human Rights Defenders mechanism, Open Society Foundations, and *Fédération Vaudoise de Coopération* (FEDEVACO).

This is the second edition of this compilation, which had a limited print run in October 2016. This first compilation of the series is dedicated to Gabrielinda Assem. Ms. Assem, a Woman Human Rights Defender of Sorong, and an alumna of this program, passed away on 1 October 2016. She was a dedicated defender and had a remarkable spirit in the empowerment of young women and mothers to preserve the culture of *Noken*. Hopefully her work and spirit can continue to live among the human rights defenders of Papua in particular and among all of us.

Jakarta, 16 November 2016
Basic Course for Human Rights Defenders Program Team

INTRODUCTION TO REVISED EDITION

Mapping the Human Rights Situation in Papua: A Documentation Effort from Human Rights Defenders

A great effort is needed from civil society as a whole to promote and improve the complex human rights situation in Papua. At the central government and provincial levels, more serious policies centered on human rights are needed, including the judicial and non-judicial resolution of the multiple human rights violations that have occurred in Papua. Central and provincial governments should also mitigate or eliminate policies that are counter-productive to the promotion and protection of human rights in Papua: reduce the number of military forces in Papua, evaluate all agreements related to the exploitation of natural resources in Papua, and suspend or terminate concessions that violate the human rights of the Papuan people.

Civil society efforts to act as a positive force on the Government and improve the human rights situation in Papua will not necessarily be realized without improving human resources, especially among those involved in the struggle and defending human rights on the ground in Papua. Through people who are truly dedicated, the human rights situation in Papua can be encouraged and promoted on a larger and more consistent scale.

This book, *Writing for Rights: Human Rights Documentation from the Land of Papua,* was created by concerned young people from Papua dedicated to contribute to the promotion and protection of human rights.

The authors of this book take everyday issues faced by the people of Papua as the focus of their studies and writings. The authors portray problems faced by the people of Papua in finding common ground among them, as recorded by Delince Gobay and Gabrielinda Assem on the struggle for women

to hold their government responsible in a relatively simple issue, to build a traditional market to facilitate the people of Papua in trading their crops and communicating with others. The market women have a singular goal: a medium to bring Papuan people together in a fluid and friendly forum, *pasar mama-mama*.

The other writers also take a close look to describe challenges faced by the people of Papua to freely enjoy their human rights without pressure or obstacles from the authorities. Of course, as citizens their rights are guaranteed by the Constitution. Unfortunately this must be emphasized, because in some aspects portraying human rights in Papua remains a scenario of limitations and restraints. There are still efforts to curtail the critical Papuan voices that are seeking improvement of human rights and the equitable distribution of economic growth.

The authors of this book are participants and alumni of the Basic Course for Human Rights Defenders held by ELSAM in 2015-2016. They have sought to apply their training and the discussions in the course to be mouthpieces in the promotion and protection of human rights in Papua. The results have far exceeded our expectations as organizers of the Basic Course for Human Rights Defenders. Authors have shown that they are among the best prospects to improve the human rights situation in Papua. We expect them to continue to apply their respective capacities in building a more just and peaceful Papua.

For that, on behalf of the Institute for Policy Research and Advocacy (ELSAM), we would like to thank the authors and also the institutions that have allowed these authors to be active members of the Basic Course for Human Rights Defenders.

Finally, we hope you enjoy reading their work.

Jakarta, October 2016

Wahyu Wagiman, SH.MH.
ELSAM Executive Director

The Struggle of Indigenous Papuan Market Women in the Context of Special Autonomy

By: Delince Gobay

Indigenous Papuan market women vs. Jayapura City Government

The long, tireless struggle of indigenous Papuan market women (*mama-mama pasar*) to obtain a decent market in the middle of Jayapura began in 2004. Their struggle, along with the Papuan Franciscans Secretariat for Justice, Peace and Creation Unity (SKPKC-FP) and the Solidarity for Indigenous Papuan Traders (SOLPAP) team, is expected to bring positive results. At the very least, a location near the Damri housing complex was cleared by the Jayapura city government on 27 April 2016 as a site for a permanent market. In a meeting between the women and the Papuan Peoples Council (MRP), the MRP approved the development of the market in the city center, and promised to help by approaching Jayapura mayor M.R. Kambu. The decision was a victory for the long struggle of the indigenous Papuan market women.

Another victory is the construction of a temporary market, located in the middle of Jayapura. This does not mean that the struggle of the indigenous Papuan market women to obtain a permanent market is over. The market is only a temporary location for the traders while waiting for the completion of the permanent market.

In their campaign, the women demanded that the market be constructed so they can sell crops from their own gardens. The demand is for the government to construct a specific type of market building using Papuan indigenous motif and culture as expected by the market women. It should accommodate their preferred method of selling wares, sitting on packing cloths laid on the ground.

Previously, the indigenous Papuan market women did not trade at a permanent location. They would move from place to place, subject to being driven out by the government on grounds of public disturbance and littering. Such treatment makes the market women feel like they work on someone else's land, not on their own indigenous lands.

If the indigenous Papuan market women did not speak out and fight for their rights to have the permanent market that is being constructed, perhaps the process of clearing out the land in Damri Housing Complex would still not have started. The struggle of the women has been supported by the Alliance of Papuan Market women in demonstrations to the Jayapura mayor's office, Papuan Peoples Council, and the Provincial Legislative Council (DPRP) to demand government attention; it is the duty of the local government to provide a facility for the indigenous Papuan market women to sell their wares.

The struggle of these women to obtain a market may not be an important issue for some. However, it is very important for indigenous Papuan market women. The struggle for a decent market is as important as the fulfillment of economic needs for their families, sending children to school, and basic necessities to improve their welfare.

For these women, the market is a source of life. The women need a market location that is busy and easily accessible to customers, and the best place for such a market is in the center of the city. The women do not need just a market for trading, nor is it only for them; the market is to support their families. Inside the market, too, the women can develop and express themselves as actors in a market economy. The MRP should be aware of the conditions faced by indigenous Papuan women, and the MRP should be more active in efforts to empower indigenous Papuan women.

The government has enacted a special autonomy package for Papua through Law No. 21 of 2001, partly through consideration that the administration of government and implementation of development in Papua have not fully

satisfied a sense of justice, have not yet achieved the welfare of the people, have not fully supported legal enforcement, and have not yet shown respect for human rights in Papua, especially for the indigenous people of Papua.[1]

Within the framework of good governance, where there are large groups living in isolated regions, the autonomy system is a suitable solution.[2] Therefore, the autonomy approach should be a specific term of governance in the regions, and there is no exception in this context. The government should use specific approaches in each stage of problem solving. They should carefully observe the needs of indigenous people and in this case specifically the indigenous Papuan market women. In other words, special autonomy also requires the mainstreaming of indigenous peoples' rights.

The indigenous Papuan market women advocating for their rights generally come from disadvantaged economic backgrounds. On average, they have less than a high school education. Another issue is the lack of available employment for Papuans. Such women often have many children, all of whom go to school. These circumstances mean market activities are the very survival for these mothers. They are further marginalized as traders by the large number of non-Papuans in the trade. Papuan market women do not have as much experience and capacity in running businesses/trades, accessing capital, etc., as the traders of non-Papuan origin.

The mayor of Jayapura, M. R. Kambu, stated that he would provide a market for the indigenous women when the women held a demonstration at the mayor's office on 10 October 2008. On 14 October 2008, Mr. Kambu sent a letter to the governor of Papua province concerning the development of a market for indigenous Papuan market women. However, the mayor's letter was not taken seriously by the Papuan provincial government. Following the letter until September 2009, there were no real steps taken by the Provincial Government to construct a market for indigenous Papuan market women.

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[1] Law No. 21 of 2001 on Special Autonomy for Papua Province.

[2] Hans Otto Sano & Gudmundur Alfredsson: *Hak Asasi Manusia dan Good Governance - Membangun Suatu Keterkaitan*, 2003.

According to the researcher's observations, there was a back and forth regarding responsibilities between the Jayapura City Government and the Papuan Provincial Government. Convoluted bureaucracy and poorly working mechanisms among government agencies have contributed to the indigenous Papuan market women remaining marginalized from the economic system.

Within the framework of special autonomy, the economy should provide the widest opportunity for indigenous people to run their enterprises, so that the indigenous people of Papua can play a role in the economy, including being competitive with migrant entrepreneurs.

Broadly speaking, the indigenous Papuan market women are struggling for:

1. A market with a character in accordance with the culture of Papua, especially for indigenous women.
2. A market built in the city center. The government should build a market in the city center to allow access from places of residence.

The permanent market to be built by the government should be located in the city center and easily accessible to all people to facilitate shoppers and always have visitors crowd the market. Indigenous Papuan market women cannot join other vendors in other locations because they have no place to sell their goods, the locations are not suitable due to distance from places of residence, and daily earnings do not meet their needs. This could be due to many vendors selling the same goods, including many non-Papuans. Indigenous Papuan market women want a place to sell in the city center, assigned for indigenous Papuans only.

The development and adoption of specific policies, in this case policies that govern traditional markets, should be based on basic values that include the protection and respect of moral ethics, the basic rights of indigenous peoples, human rights, rule of law, democracy, pluralism, as well as citizen equality, rights and obligations. Therefore, the marginalization of indigenous Papuan market women from the economic system is clearly contrary to the spirit of autonomy.

Indigenous Papuan market women have been evicted since the Ampera Market in Jayapura was closed by the Jayapura city government. They were moved to Pasifik Permai shopping center, at Dok II Jayapura. Jayapura Mayor Instruction No. 1 of 2004 on the Ordering and Closure of Abepura Presidential Instruction Market and Pasifik Permai Shopping Centre in Dok II Jayapura forced the market women to move again. They were then encouraged to move to Youtefa market. However, the locations in Youtefa market have been controlled by non-Papuan migrants. The indigenous women were forced to spread their goods along Jl. Matahari, Jl. Irian, Jl. Percetakan, Mesran, Porasko, in front of Papua Bank, and in front of Gelael supermarket.[3]

On 6 September 2004, indigenous Papuan market women selling at Jl. Matahari and in front of Gelael were forcibly evicted by the Jayapura Municipal Office of Order and Peace, with water cannons and deployment of police and soldiers. This eviction received a strong reaction from various circles, especially from the victimized women.

Seeing the systematic and prolonged marginalization of indigenous Papuans, the Secretariat for Justice and Peace (SKP) of the Diocese of Jayapura, together the various components of the community concerned about the fate of indigenous Papuan trader women, joined the struggle to obtain a marketplace for the women in Jayapura city center.

SOLPAP Joint Advocacy

A number of non-governmental organizations held a coordination meeting and created SOLPAP (Solidarity for Indigenous Papuan Traders) to advocate for the construction of a suitable market for indigenous Papuan trader women. When formed, the SOLPAP team consisted of four elements:

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3 The eviction of Ampera Market was based on Jayapura Mayor Decision No. 7 of 21 February 2002 on the Formation of the Team of Ordering, Arranging and Moving Street Trading in Jayapura City, and Jayapura Mayor Decision No. 45 of 6 May 2002 on the Formation of the Justice Operation Team to Counter Violations of Jayapura City Regional Regulations.

1. Coordinator: SKP of Jayapura Diocese
2. Lobbying and litigation: LP3A-Papua
3. Organizing of the women: SKP of Jayapura Diocese
4. Secretariat: Ida

Once the organizational structure was formed, SOLPAP had a meeting with the deputy chairman of the Jayapura Regional Parliament, who received them in his office. The deputy chairman of the Parliament suggested several things, namely:

1. Indigenous Papuan market women to continue trading until a permanent market is built.
2. The deputy chairman of the Parliament meet with the Jayapura Mayor and Head of Police Therry Levin.
3. To discuss the fate of the market women in a plenary meeting of the Jayapura Regional Parliament.
4. Agreement with having a market in Jayapura city center

The SOLPAP team then met with the deputy chairman of the MRP in Hotel Numbay, Jayapura. In principle, the meeting resulted in the MRP's approval of the construction of a market for indigenous Papuan women in the city center of Jayapura. At the meeting, MRP also promised to meet with Jayapura Mayor M. R. Kambu.

In the meeting with the mayor of Jayapura and MRP, agreements were reached that:

1. The mayor will permit the women to continue trading until a location is assigned.
2. The mayor promised to lobby the owner of the former Tamara Bank building for the ground floor to be used by the women until a location is assigned.
3. The mayor approved the construction of a market in Jayapura city center, if there is vacant land.
4. The mayor is prepared to construct the market for the women if there is support from the Papua Provincial Government.

Under the Special Autonomy Law, the MRP as an extension of the indigenous Papuans has the right to request information from the Provincial and Municipal/Regency Government on matters related to the protection of the rights of indigenous Papuans. In this case, the MRP should use that right to channel the complaints and aspirations of indigenous Papuan market women.

Furthermore, the SOLPAP team met with the Chairman of Commission F of the Regional Parliament, Weynand Watori. In the Commission's room, Weynand Watori called on all parties to encourage construction of a market for the women to be included in the 2008 budget.

SOLPAP continued with a hearing with the Head of the Office of Women's Empowerment Agency of Papua Province, Sipora Modouw, in the LP3A-Papua office, Kotaraja Dalam. It was followed with another meeting with the Chairman of Commission F, who asked that the women immediately create a petition.

SOLPAP continued with a meeting with Ms. Hana Hikoyabi, Ms. Mientje Roembiak, and Ms. Erna Mahuzee in the MRP office. On this occasion the MRP declared its willingness to build a market for indigenous Papuan women.

The SOLPAP lobby team then continued with a meeting with the Chairman and Vice Chairman of Commission F DPRD, Weynand Watori, and Mr. Tebay. In this meeting, the SOLPAP team proposed a design for developing a market for indigenous Papuan women in the city center of Jayapura. In addition, the lobbying team also asked that the budget for the construction of the market be added to the 2008 budget. Commission F provided some feedback, including:

1. Commission F promised to write a letter to the Land Agency of Papua Province and Jayapura City to check two locations proposed by the team: the former APO regent office and the old terminal.
2. Commission F would write a letter to the Budget Committee of the Jayapura Regional Parliament to include the budget for the construction of the market for the Papuan women.

On 11 October 2007, SOLPAP had a meeting with Commission B of the Regional Parliament to present the plan for a modern market for the Papuan women in Jayapura. Among the participants were the Head of Papua Province Office of Cooperatives, MRP Women Working Group, Jayapura City Government, Jayapura City Office of Cooperatives and the advocacy team (religious, women, youth, student elements, and representatives of indigenous Papuan market women).

On 24 April 2008 a follow-up meeting was held at the State House, Dok V Atas, Jayapura. This meeting was attended by SKP of Jayapura Diocese, Head of the Jayapura Office of City Planning, and Head of the Papua Province Office of Public Works, Muhamad Otto Iskandar. Also present were the head of the expert team of Governor Suebu and expert staff Ronal Tapilatu. This meeting resulted in two points of agreement:

1. The market for the women will be built at the location of the Irian Bakti warehouse, Jalan Percetakan, on the initiative of the Mayor of Jayapura.
2. The Jayapura Office of City Planning was willing to coordinate with the former landowner of the old terminal to allow the development of a temporary market for the Papuan women.

Then, on 18 September 2008 at around 14:00 EIT, indigenous Papuan market women held a demonstration in front of the Regional Parliament. The Vice Chairman III of the DPRP Paskalis Kosi and Chairman of Commission F Weynand Watori met and received the women at the front entrance of Parliament's office. Paskalis said, "We have heard your aspirations, which will be included in the discussion of 2009 budgets, which begins in October. So, you do not have to worry about the budgeting for the market development, while the location and other issues are under the authority of the mayor and the government of the Province of Papua."

Upon hearing that statement, the women were increasingly dissatisfied and demanded that the market was to be built immediately in 2008. "We do not care about the months and the years! We want to hear the date when the market is built, that's all!" The demonstration ended at 14:30 EIT.

On 10 October 2008, approximately 500 indigenous Papuan market women who had been selling in front of the Gelael supermarket, Ampera and Pasar Pagi, Paldam, as well as a number of students from Cenderawasih University and other sympathizers held a peaceful protest in front of the Jayapura Mayor's office. In the presence of the mayor, the women represented by Yuliana Pigai, Lina Monim, and Amelia Kadepa, asked for only one thing. In the words of Amelia Kadepa, "Mr. Mayor, please construct our market. We remember that in 2004 in an art gallery, you promised to construct a market for indigenous Papuan trader women, so now we come to demand the fulfillment of your promise."

Responding to the demand, M. R. Kambu stated that the Jayapura city government did not have the funds and location for the construction of the market for the women. The available funds had been allocated to other construction projects, including construction of markets in Entrop and Dok IX. "Ladies, I had already heard an explanation from the head of the demonstration and representatives of the women. In this week I am assigning Mr. Frans Pekey to prepare a proposal which we will submit to the Papua provincial government," said M. R. Kambu.

The women's struggle then got the government's attention, and they engaged with the SOLPAP team. The struggle that began in 2004 and continues today has delivered relatively satisfactory results, since the government began to pay attention and deal with this issue seriously. However, that does not mean the struggle of the women of Papua has ended. All parties must continue to monitor the progress.

Conclusion

Although the government has now given a little attention and made some efforts to accommodate the demands of the indigenous women for a traditional market, the market women should not end their struggle here. The women along with SOLPAP and the wider network must continue to monitor the development of this traditional market so that the market is made for all and the market is owned by all.

An especially tragic reality was faced in the middle of the market women's struggle: the May 21, 2016 death of Robert Jitmau (Rojit), who stood at the forefront of the fight for the rights of Papuan traders and improving traditional market conditions. Rojit was killed in a hit-and-run by an unknown person. It is strongly suspected that the incident was due to Rojit's involvement in the struggle and his vocal defense of the rights of indigenous Papuan market women. So the market women should continue to be strong in continuing the struggle in the spirit of Rojit.

Recommendations

Observing the struggle of indigenous Papuan market women along with the problems they face, the Papuan People's Assembly should be able to work optimally towards the resolution of the women's aspirations. The MRP can give consideration to the DPRP, Governor, Regency/City government, and the Regent/Mayor, to protect indigenous Papuan market women, and give them equal rights with other residents.

Meanwhile, the government must also not only fulfill the promise to construct the market, but also provide solutions to the other problems faced by the market women. For example, the provision of entrepreneurship education by taking into account available resources and how to access capital, so the women can compete with migrant traders. This alternative solution is also confirmed in the Special Autonomy Law, that in order to uphold the human rights of women the provincial government is obliged to foster, protect the rights, and empower women with dignity and make every effort to position them as equal partners to men. The exclusion or marginalization of indigenous Papuan trader women in any form is not justified at all. Such practices violate the principle of non-discrimination in the enforcement of human rights, and are also in opposition to the 1945 Constitution.

In order for the development of the market and a well running economy, it is important to have specific policies that govern them. Through the framework of good governance, each policy and administrative action must

heed the special autonomy and rights of the indigenous people of Papua. The government must take the initiative with an active role in these measures. The changes and progress that exists today is due to the long struggle of the Papuan market women, thanks to their sweat and raising their voices. The government did not begin with the initiative to fulfill its duties and obligations. ***

The Government of Sorong City Fails to Support Market Women

By: Gabrielinda Assem

Introduction

The Remu Market is located in Sorong City, West Papua Province. Remu Market is an important economic resource for the people of Sorong City and Regency. However, such an important resource cannot be enjoyed by the indigenous people of Papua, especially by the *mama-mama pasar*[4], indigenous Papuan women trading in the market. This is despite them being the original traders in the market. In contrast, non-Papuan traders have more control of the market and gain more benefits.

All the market stalls available in Remu Market are controlled and owned by non-Papuan traders. The indigenous Papuans can only trade on the outskirts of the market or near the drainage ditch. Under discriminatory treatment from the Sorong City government, it is difficult for indigenous Papuan market women (who mostly come from the Maybrat, Paniai, Moi, Inawatan, Tehi, Biak, Serui, Kokoda, Wamena and Karoon tribes) to access places where they can sell their goods. Many of them are forced to work sitting on sacks and plastic sheets on the ground.

Meanwhile, non-Papuan traders have easy access to the places in the Remu market. They are traders from Java, Makassar, Manado, Bugis, Buton and

[4] In the Papuan vernacular of the Indonesian language, *mama-mama pasar* refers to indigenous Papuan market women.

Chinese ethnic groups. Their merchandise varies from garden crops, clothing, household appliances, electronics, building materials, and ready-to-eat food.



Picture 1. Garden crops sold by a mama pasar in Remu Market. She is spreading her wares next to the drainage ditch of a stall owned by a migrant trader. Writer's documentation.

This unfair situation has historical roots in the founding of Remu Market, poor policies regarding market management, and geographical idiosyncrasies of Sorong City. In Sorong City, previously only the Bowesen Rufei market existed. Remu Market, which is located in North Sorong district, was formerly owned by the Government of Sorong Regency but in March 2014 the management of the market was transferred to Sorong City. Now Remu Market, which is a traditional market, has become the central market for the Greater Sorong region.

Furthermore, Remu Market has not been set up properly. The government of Sorong City has not paid much concern to the arrangement of the market, especially the situation faced by the market women. The situation worsened when Remu Market burned down in November 2011 and the government of Sorong City rebuilt the market.

As the new market was being constructed, the government set up several new stalls in front of the market area. According to the initial plan, the new stalls would only be intended for existing traders in the market who have

been affected by the fire. However, in practice, many new traders entered and began trading in the stalls.

As for the market women, they often have to argue to obtain stalls. There was even an incident in which a woman hit an official from the Sorong City Regional Revenue Office.[5] This incident made it easier for non-Papuan traders to access stalls in the Remu Market, while indigenous market women were becoming increasingly marginalized. For the people of Sorong, these market women are the backbone of their families. They have an instrumental role in meeting the daily needs of the family. If they are increasingly discriminated against in seeking their livelihoods, marginalized from the market, it does not only adversely affect these women, but also the survival of their family members.

In this situation the state does not appear to be present nor fulfill its responsibilities. It is an obligation of the state, especially the government of Sorong City, to provide a decent and accessible market, so that the indigenous market women do not lose the right to a life with dignity, the right to access public services, and the right to a good education for their children.

These basic rights are extensively guaranteed in law. This includes the 1945 Constitution, Law No. 39 of 1999 on Human Rights, and Law No. 21 of 2001 on Special Autonomy for West Papua, which clearly state that the rights of indigenous peoples and economic rights must be protected. However, there has been no policy from the government of Sorong City that specifically guarantees and protects the existence of indigenous market women.

The Marginalization of Remu Market Indigenous Women from the Economic System.

The 5 November 2011 fire changed Remu Market drastically. Traders lost their places of work when the fire consumed hundreds of stalls in the market.

5 Interview with market women in Remu Market on 12 December 2015.

The government of Sorong City built a temporary market outside and next to the Remu Market area, for use until the stalls in the market were rehabilitated. However, this temporary market created new problems for traders in Remu Market. New traders who had not previously worked in the market emerged, also occupying the temporary shelters.

While many of the former traders in the market continued to trade in the temporary market, there were also non-Papuan traders who joined and occupied the temporary market. The non-Papuan traders became increasingly dominant after the fire in Remu Market. As described by Mama RH, an indigenous Papuan market woman in Remu Market:

> *"Remu Market used to be in a good condition; even if we obtained small amounts of money, we could support our livelihood. However, now, even if we get 500,000 or even 1 million, all the money will have to be spent, because of the rise in the price of goods. Pork is Rp. 80,000 per kilo, fish Rp. 50,000, also chicken. The women, who were not previously traders, are now trading due to economic pressure. So now all Papuans are trying to sell wares. Remu Market is now built up from end to end, where can you see the parking lot for the cars and motorbikes? There are too many migrants, they are trading inside the market, they also sell outside the market, and they have two or three stalls in the market. Papuan women who want to buy new tables, the migrants sell these tables for Rp. 5 million. Often the Papuan women cannot maintain their tables for selling wares. Unless the regency (Sorong) has its own market, only then can the Papuan women make it."*[6]

According to data from the Regional Revenue Office of Sorong City, the number of women trading at Remu Market is about 400. However, based on direct observation by the author, not all of the 400 traders work every day. The indigenous women who work at Remu Market can be divided into two groups. The first group is the women selling produce from their own garden

6 Interview with RH in Remu Market on 21 December 2015.

plots. The second group is women reselling wares they buy from farmers. These traders usually sell their wares in groups, based on similarity of tribe or place of residence.

The small capacity of Remu Market, coupled with the many new merchants, makes the market very crowded. As a result, the situation of indigenous Papuan women in Remu Market becomes more precarious. One of the traders, a women with the initials YA, had to spread her wares among the clothes sold by migrant merchants. This made her position literally and economically squeezed as her wares are difficult to be seen by potential buyers.

Ironically, many Papuan traders who do not have tables but have to sit on sacks or plastic sheets pay the same market access fees as the non-Papuan traders who have tables.



Picture 2. Indigenous market woman selling her wares on a sheet of plastic in front of a stall owned by a migrant trader

> *"I have traded in this market for a long time, but I don't have a table. Apparently if I want a table I have to make it myself, but I don't have the money to buy wood for the table. Worse, next to me there are clothes sellers, Javanese and Makassarese, so my wares are not seen due to their stack of goods, while the government just looks and does nothing."*[7]

7 Interview in Remu Market on 7 January 2016.

"We live in Km 28 and 30 in Mariat Gunung, Sorong Regency.

We have traded for a long time in Remu Market. We get this table from a Javanese for Rp. 5 million, which we shared equally," said F. Fanataf and S. Fatem.[8]

In addition to the very crowded and poorly arranged market conditions following the fire, the problem is exacerbated by the lack of coordination and cooperation between the government, as the owner of the market, and the parties concerned in seeking appropriate solutions. This condition indicates that the government of Sorong City is not seriously concerned about the traders, especially *mama-mama pasar*, in Remu Market. Many of these indigenous Papuan women try their own initiatives, such as jointly buying a table for spreading their wares, or trading in a location adjacent to the market.

"We have been spreading our wares on the ground; we have to pay the market fee to the official, with the same cost as the other traders who sell on tables. We also have to pay the trash man, Rp. 10,000 per cart, and even more, if we need to go to the bathroom we have to go to the toilet in the market; it is in poor condition and the water is bad," said MT.[9]

The trading activity in Remu Market, according to the schedule from the Sorong City Regional Revenue Office, begins at 6:00 a.m. East Indonesian Time, and ceases at 6:00 or 7:00 p.m. However, several traders begin their activities in the early morning at 3:00 a.m. Most of these are indigenous women living in Sorong Regency area. According to T. Fatem:

"I live in Klamono, and trade only on Sundays. As I work on an oil palm plantation, I go to the city on Saturday, sleep in the market and wait until the morning and then I begin selling my goods. I sell potatoes, taro, pumpkin, kale, sweet potatoes; all of these come from my garden. My husband also works on the oil palm plantation, but his salary is not enough, because our children all go to school. My expenditure for food

8 Interview in Remu Market on 18 January 2016.

9 Interview in Remu Market on 20 January 2016.

exceeds his salary; furthermore, the children's schooling fees, meals and pocket money, also goods in the shops near my house are expensive. I have to trade to obtain extra money."[10]

"We have to start selling at 3 in the morning, we have to be quick, because the buyers, the Javanese itinerant traders, they are already in the market at 4 in the morning, so we have to be earlier than them. The Javanese women in Aimas, they are already standing by, waiting for the buyers."[11]

Remu Market is always alive with activities from morning until evening. Moreover, in the early mornings trading activity is very high, because in the morning many itinerant sellers are looking for merchandise to sell. The activities depend on the availability of goods; if the goods have been sold out, the women will then go home. There are market women who sell at noon until the evening: those who sell fresh fish and vegetables in front of the market, because their goods are caught from the sea or come from their own gardens. Usually crops are picked from the gardens in the previous afternoon, for sale at the market in the morning.

With the long periods of activity in Remu Market, the market women have different opportunities and constraints of their own. For those living in the city, there is no transportation difficulty in getting to the market; however, women living in the regency often experience transportation difficulties. This is especially true for women from Maibo and Mariat Gunung villages. The following are two stories told by market women from the villages:

"If we go from Maibo hamlet to Remu Market to trade, in the morning we take a motorbike taxi to the crossroads near the gas pump, or to Osok Road, and wait for a car, then we go to the market. Because the public cars don't enter the hamlet, even though the road is paved and the hamlet is located right on the boundary between the city and the

[10] Interview in Remu Market on 21 January 2016.

[11] Interview in Remu Market on 2 February 2016.

regency. For the motorbike taxi we have to pay thirty thousand, we still have to pay the public car and for the cart to carry our wares into the market. The hardest part is the lack of public car entering our hamlet," said M. Klaibin.[12]

"In Mariat Gunung, the 6 a.m. public car is for the schoolchildren, we have to take the 8 a.m. or 10 a.m. public car, or even at 11 because the car has to wait for passengers in the city. We are located in km. 24, the public car turns around at km. 32, and sometimes it is already full so we have to wait for the next public car. The drivers don't want to go up without passengers, so they wait for government employees to travel. That means we only arrive at the market at 9, 10 or even at noon," said M. Wafom.[13]

In the mornings the women have to wake up before the sun rises. After waking, they immediately go to the kitchen to prepare food for their children who are going to school. Afterwards they wash up, tidy up the house, and then go to the garden to take care of the plants.

These women do their activities in the market often from morning until evening, but when they return home they still have housework, cooking again for their husbands and children. So they do not have time for themselves or to do things they enjoy.

An indigenous Papuan market woman is the backbone of her family. In addition to their economic activities, they also do all the household activities. They get up before anyone in the house is awake, and only sleep after everyone else. Naomi Kalawen told of her own long working hours:

"I have to get up at 5 in the morning to boil water for tea and coffee for my children and husband… after the children go to school, I go to the garden to get vegetables for lunch, after returning from the garden I

[12] Interview in the sourceperson's house on 24 February 2016.

[13] Interview in the sourceperson's house on 10 February 2016.

cook, clean the house, and then go with my husband to the garden to get the crops for sale in the market on the following day."[14]

"My garden is located far from the hamlet, 3 km. I have a garden of itchy leaf plants [Laportea decumana], I can only sell itchy leaf in the market."[15]

One of the challenges faced by the women is the large numbers of non-Papuan traders who sell the same commodities. This increases the marginalization of indigenous market women. It is combined with other challenges: the poor condition of the location for trading, the increasing number of non-Papuan traders in Remu Market, and the lack of protection from the local government for indigenous Papuan traders.

In addition to inadequate transportation and lack of protection from the local government, the indigenous market women face difficulties in obtaining capital for business activities, which definitely affects their trade. The Papuan population, who are generally gatherers, act as producers for the market. The Papuans tend to regard the business of trading as a side business to meet economic needs of the family, not as a main occupation. They also suffer from lack of knowledge about entrepreneurship. To obtain capital, the market women often borrow money from cooperatives, as told by J. Salomina:

"I sell vegetables in the market, usually I buy them from Javanese traders who brought them from Aimas, and I sell them in turn. If I have a lot of capital I buy a lot of stuff, but if the capital is small I can only buy a small amount. I want to save but my children at school need a lot of money, so I spend for them. I get my capital from the cooperative. If I borrow from the cooperative, I have to repay the loan on a daily basis; even in the morning the cooperative official is already demanding my repayment. For many of the Papuan trader women getting loans from the cooperative it is a very hard thing, as we have to divide our money, half for the family and half for the cooperative".[16]

[14] Interview in Remu Market on 12 February 2016.

[15] Interview in Remu Market on 23 February 2016.

[16] Interview in Remu Market on 29 February 2016.

The Government Has to Act and Fulfill Its Obligations

The government must fulfill its obligations, as stipulated in a number of international and national legal instruments, to respect, protect and fulfill the human rights of its citizens. Every citizen has the same rights.

The Universal Declaration of Human Rights (UDHR), Articles 1 and 2 confirm that every citizen has the same rights.

> *"All human beings are born free and equal in dignity and rights. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."*

The indigenous Papuan market women in Remu Market, Sorong, also have the same rights, equivalent to women of other ethnic groups, in the economic system; also in the enjoyment of other basic rights, as guaranteed by the 1945 Constitution. As everyone is equal there should be no discrimination against these Papuan women.

Looking at the problems faced by the women of Remu Market, it shows that they suffer from discrimination and marginalization. Their access to ownership of economic resources is still very limited.

At least six violations of basic rights can be identified. The violated rights are:

1. The right to work and a decent living;
2. The right to life and livelihood;
3. The right to live, grow, and develop as well as the right to protection from violence and discrimination;
4. The right to develop themselves with the fulfillment of basic needs;
5. The right to a physically and mentally prosperous life;
6. The right to be free from discriminatory treatment on any basis, and the right to protection from discriminatory treatment.

As a result of discriminatory treatment experienced by the Papuan women, they experience difficulties in meeting everyday needs. This also impacts other needs such as neglect of health and inhibition of the development of women's self-potential. There is an even broader effect on the growth and education of their children and families, given these women are the backbones of the families.

The Papuan women are active in trading in the market in addition to their domestic affairs. These activities are done on a daily basis. Thus, in addition to earning a living in the market, the women meet with friends, tell stories, actualize themselves and exchange experiences. The discriminatory treatment against indigenous Papuan women compared to non-Papuans in accessing the traditional market, directly or indirectly, in addition to marginalizing the women from the economic system, also curbs the freedom of self-expression of Papuan women.

In this event, the violators have to be responsible: the government of Sorong City. The ease of access by non-Papuan traders, and correspondingly, the difficult access experienced by the Papuan market women, is regarded as a form of discrimination on the basis of ethnicity and race. This treatment is contrary to the principles of human rights, in particular the principle of non-discrimination.

Law No. 39 of 1999 on Human Rights, Article 1 (3), states that discrimination means all limitations, affronts or ostracism, both direct and indirect, on grounds of differences in religion, ethnicity, race, group, faction, social status, economic status, sex, language, or political belief, that results in the degradation, aberration, or eradication of recognition, execution, or application of human rights and basic freedoms in political, economic, legal, social, cultural, or any other aspects of life.

Meanwhile, under Law No. 21 of 2001 on Special Autonomy for Papua, the survival of the indigenous people of Papua is protected. In this case, the

Papuan People's Assembly (MRP) of the province of West Papua, as the cultural representation of indigenous Papuans, should use its authority to protect the rights of indigenous Papuans, as mandated by the Special Autonomy Law, by promoting respect for customs and culture and the empowerment of women.

Likewise, the Regional Representatives Council (DPRD) of West Papua Province has an obligation to improve the welfare of people in the region, not least the market women, based on economic democracy, giving attention and conveying the aspirations and complaints of the people, and facilitating follow-up towards resolution of the issue. Thus, the standard of living and welfare of the people of West Papua are expected to increase.

Conclusion

Remu Market, as one of the centers of economic transactions in Sorong City and Sorong Regency, has an important role for the people of Sorong, especially indigenous Papuan market women. The market is a place to earn a living for them. In the traditional market Papuan women develop trading skills, in order to survive and compete against non-Papuan traders.

The local governments of Sorong City and Regency, having human rights obligations, should immediately put an end to these discriminatory practices. They should also cease committing discrimination against the women. Moreover, in this case, the local governments should be able to identify the needs of Papuan women to find alternative solutions. Examples include providing job opportunities for Papuan women.

The local government is also expected to increase the capacity of Papuan women in entrepreneurship and business skills. This will increase their capabilities, ability to innovate, and competitiveness with the non-Papuan traders, and provide them with knowledge on accessing capital. The local governments should also pursue specific policies to protect Papuan women in their economic activities in traditional markets. ***

The Moi Tribe, Threatened with Loss of Forest, Land and Sacred Sites

By: Simon Oriengel Sani

The land of Papua is a region inhabited by numerous tribes of indigenous peoples, one of which is the Moi tribe in Klamono District, Sorong Regency, West Papua Province. In Klamono, the Moi tribe inhabits the lowlands. The social relations between groups within the Moi tribe are very close, and the relations between clans are very tight. However, changes are occurring in the indigenous community, due to arising economic interests, resulting in new issues arising within the indigenous Moi tribe in Klamono district.

Formerly, there was only PT Intimpura Timber company, which obtained a permission to operate in Klamono in 1989.[17] Later, PT Hendrison Inti Persada, an oil palm company, began to operate in 2004.[18] The entrance of the oil palm company threatens the way of life and the harmonious relationship between the clans of the Moi tribe.

What does the term 'indigenous peoples' refer to?

Indigenous peoples are groups within the community associated directly with lands, forests and sacred sites. In international law there is no established definition of indigenous peoples, however, in practice, there are several similarities that characterize indigenous peoples: a group of people having historical ties with the community before the invasion/colonization era, developing in their area, and consider the group as being different from other

[17] SK 30/Kpts-II/89 [accessed from http://www.downtoearth-indonesia.org/ on 24 May 2016].

[18] Semiarto A. Purwanto et al., *Asesmen Sosial Budaya Di Wilayah Kerja PT Commodities Indonesia Jaya, Distrik Klamono, Kabupaten Sorong*. [FISIP UI 2012], p. 4.

communities presently living in the area or not part of the community. They tend to be a minority, not a dominant part of the local society, and have the intent to preserve, develop and continue their land and ethnic identity to the later generations, as the basis for their continued existence as a tribe, in accordance with the cultural patterns, social institutions and legal systems existing in the community.[19]

In order to achieve an understanding, we should note that the Moi is an integral element of the environs, who should be respected as autonomous human beings in living their lives on the land where they are present. The Moi tribe has lived as a social unit and institution for generations, and has a comprehensive culture containing rules of behavior.

Relations between the Moi Tribe and the Forest

The continuous interaction between the Moi tribe and the nature has shaped the political, economic and governance systems. The Moi tribe can be understood as a group of indigenous people who have descended for generations in a certain geographical area, and have their own systems of value, ideology, economy, politics, culture, social and region (indigenous lands or *tanah ulayat*). This means that the Moi tribe has to be respected in their basic rights, not only as citizens of Indonesia, but also as indigenous peoples who have the special need to maintain their culture and unique way of living.

The forests have a central role in the Moi culture, including as a source of knowledge, foodstuffs, and belief system.

Source of Knowledge

For the Moi, the forest is a treasure trove of medicine, and acts as a material classroom teaching the intricacies of trees and animals. The forests provide experience, tales and powers to avoid disasters. The forest is regarded as

[19] Wikipedia, https://id.wikipedia.org/wiki/Masyarakat_adat [accessed on 24 May 2016].

the protector and guardian of the relations between human beings and the spirits of the ancestors. Maintaining that the ancestors reincarnate as certain animals, the Moi believes to maintain the links to prevent a disconnection. The forest gives education to the Moi tribe youth, in relation to nature protected by the forests. The learning places, or traditional houses constructed in the forests, must not be profaned by loud noises, crowds and other peoples, as these centers of learning are in communion with the universe.

Source of Foodstuffs

For the Moi tribe, the forest is a cornucopia that is always respected by the stewards. Food can be obtained at any time, hunting provides animal protein and vegetables can be harvested. The forest is a living creation, giving hopes for the future of next generations. Forests give food to the people, believed to provide strength and special affinity between the body and the spirit world.

Source of the Belief System

As has been mentioned earlier, the forest plays a central role in the belief system of the Moi tribe. The forest is inhabited by millions of spirits, protecting the sacred places, and giving the spirit of life in maintaining laws to control the universe.

The indigenous peoples are inseparable from land, as they reflect both sides of the same coin. This principle has begun to be recognized in international law, including in the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention 169.

For the Moi, the land is the mother (*pasos* in the Moi language), in which land is a part of the life of humanity. Each of the clans has boundaries of their lands and the corresponding rights. Thus, each clan understands fully their ancestry.

Land is extremely important in identity. With land, a person has a history of ancestry; they are the masters of their land. Land has a mystical meaning, a

spiritual basis; it is also a source of power. Land gives birth to all life forms, creating the core of the belief: the land creates the nature, gives birth to humanity, gives the breathing to the living, gives birth to the food; land creates a collectivity in life.

The Moi is inseparable from the land. Without land, a Moi is regarded as an outsider, a slave (*awe*), and not a full human being. In the belief system, after death, the spirit of a Moi will return to the clan lands (*soo*).

The Moi tribe has a belief system in which all elements of nature are imbued with spirits living alongside humanity; a totemistic belief system of relations between humanity and nature.

It is believed that violations of laws and prohibitions pertaining to sacred places will result in negative consequences to the personal or collective life of the clan. The types of sanctions given depend on the location or type of sacred site, prohibited to be entered by uninitiated persons, or persons lacking knowledge or mandate to obtain such learning.

When issues related to sacred sites occur, the community owning the sacred site will suffer from problems. If such a site is developed, the effect will fall on the owning clan; they are to be given sanctions; and disasters are expected to occur. The clan will suffer from a curse that ends in oblivion.

The Impact of Concessions to the Moi Tribe and the Forests

The indigenous peoples of the Moi tribe have experienced much change in the last few years. In the 1990s, timber exploitation was conducted by companies having concession rights (HPH) in Klamono district, namely PT Intimpura Timber. In the 2000s, PT Hendrison Inti Persada (PT HIP), an oil palm plantation company, began to operate, resulting in dramatic changes to the indigenous community.

The writer met with the Moi in December 2015, listening to many stories. One is the information that their land has been appropriated by PT HIP. Based

on investigations by *Telapak* (an NGO) and EIA (Environmental Investigation Agency), there are many issues in the provision of compensation to the community in 2008-2009. For example, one community was compensated only Rp. 6,000 per hectare of land.[20]

The Moi also told a story that illegal logging also occurred, resulting in the destruction of the indigenous forests.[21] This has a substantial negative impact to their right of religious belief, as their sacred sites were destroyed as the trees were felled. As mentioned earlier, the sacred sites are part of their belief system in developing their relations with the spirits living alongside human beings.



Photograph 1. Klawilis River[22]

According to the people of Maladofok Hamlet, Sayosa District, Sorong Regency, since the oil palm company began operating, Klawilis River became polluted. This can be observed visually, as the river water is no longer clean.

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[20] Telapak/EIA, *Eksploitasi Kasat Mata: Bagaimana Investor Dunia & Donor REDD+ Meraup Laba dari Pembalakan Hutan Papua Barat*. (Telapak/EIA, May 2012).

[21] by PT. HIP is also documented in the following report from PUSAKA; *Lain Ditulis, Lain Diucapkan, Lain Pelaksanaannya: Hutan Rusak dan Masyarakat Adat Tersingkir* (PUSAKA, July 2014).

[22] Writer's documentation.

The people are highly dependent on the river water for cooking, drinking, washing, cleaning up and other needs. While there has been no tests made to find out the level of pollution, the people of Maladofok claim that the pollution is caused by PT HIP's use of pesticides, resulting in skin diseases occurring on many community members.[23]

Process of Compensation of Territorial Rights

In the payment of compensation to the indigenous peoples, the oil palm company claims that it has given compensation to the indigenous rights. However, the local community claim that only six clans have agreed to release their land rights (Gisim, Galus, Idik, Malamilikofok, Malak and Klasibin clans), and these are the clans that obtain compensation. However, the company did not involve all community members of the clans owning the rights; the company only involved representatives of each clan.[24]

Investigations also fail to uncover evidence that the Government of Sorong Regency and West Papua Province have ever given a sanction to PT HIP, or enact specific regulations to protect the rights of the Moi as an indigenous group, in the procuring of lands for oil palm companies or other company's investments. The writer has asked to meet the government during December 2015-February 2016 in the course of the research, but the request was unfulfilled.

Conclusion

Based on the problems mentioned above, the local government should create policies that positively impact the Moi tribe. In this case, the DPRP of Sorong Regency should enact a regional regulation about the rights of

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[23] Semiarto A. Purwanto et al., *Asesmen Sosial Budaya Di Wilayah Kerja PT Commodities Indonesia Jaya Distrik Klamono, Kabupaten Sorong*. [FISIP UI 2012], p. 17.

[24] For further information about the issue of indigenous land compensation provided by PT HIP, see Telapak/EIA, *Eksploitasi Kasat Mata: Bagaimana Investor Dunia & Donor REDD+ Meraup Laba dari Pembalakan Hutan Papua Barat.* (Telapak/EIA, May 2012).

indigenous peoples that must be recognized by corporations and the regional government. If the regional government does not take immediate steps, the Moi tribe is threatened with loss of forests, lands and sacred sites. The DPRP of Sorong Regency should enact a regional regulation protecting the rights of indigenous peoples, to prevent their ancestral lands being taken over indiscriminately by corporations. In the absence of such a regional regulation, the culture and tradition of the indigenous peoples of the Moi tribe will slowly disappear.

Not only the tightly knit culture and social relations of the Moi tribe will disappear, but other negative impacts will occur towards the entire community, resulting in much damage and negative impact to the social, cultural economic and environmental arrangement of Papua.

Final Notes

There are a lot of tales about issues caused by corporations resulting in negative impacts to the preservation of Papuan culture and traditions. This does not only affect the Moi tribe, but also the entire cultural and social fabric and livelihood of the community in Sorong. The threatened livelihood and culture will further create new issues or conflicts that threaten the unity of the indigenous communities in Papua. Thus, DPRP members should immediately perform an investigation and enact a regional regulation that protects the indigenous people. With the enactment of the regional regulation and actual implementation by state officials, the possibility of conflict arising in Sorong will be minimized.

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Muting Yesterday and Today: Profile of a *Kampung*

By: Mina Basik Basik

Introduction

The land of Papua (Papua and West Papua provinces) is often mentioned as the poorest regions in Indonesia. Yet, in fact, the land of Papua is extremely rich in natural resources and cultures from the hundreds of tribes of indigenous peoples. Various programs of poverty alleviation have been done by the government to reduce poverty. Among those projects, the most controversial in the last 5-8 years is the agribusiness investment megaproject "Merauke Integrated Food and Energy Estate" (MIFEE) in Merauke district. In order to provide an illustration of the area where the MIFEE is implemented, this article will describe the profile of one of the *kampung* (villages) in the area, called Muting. This article is the result of the collection of data and materials by the writer in 2015.

Where is Muting village located?

Muting Village is one of the indigenous Papuan villages located in Muting District, Merauke Regency, about 250 kilometers from the center of Merauke.

In the north, Muting Village borders the Bian River, in the south, with Alfasera village, which is a transmigrant village. In the west, it borders Pakhas village, while in the east, the Papua New Guinean border.

Access from Muting Village to the center of Merauke regency is through two-wheeled or four-wheeled vehicles. Besides using private transportation, public transportation is also available. The price for public transportation is

Rp. 200,000 per person. To access other villages in Muting District, besides using motor vehicles, riverine transport such as rowboats or motorboats called *ketinting* or *jonson* can also be used. In the dry season, one can also travel on foot between the villages.

Boats are the sole method of transportation used by the indigenous Papuans in Muting Village to travel through rivers and marshes. While land transportation is now feasible, the indigenous locals continue to prefer using boats to travel to other villages. In general, each household in Muting has one boat.



River access and transportation used between the villages along the Bian River.[25]

A brief history of Muting Village

Muting is a village located along the Bian River. The village itself has been moved twice after the initial settlement. The first Muting village was called Ngedi, a name from the Marind language. When Catholic missionaries arrived, the village was renamed Wagnewal, and temporarily moved to Ghalaw Iyam, meaning Cape of Memories, a name given by the ancestors. The present Muting Village is the third iteration, and received its name since the coming of the transmigrants. The founder of the village in Muting was named Kenepe, who was also a member of the military. He was the son of Marind Byan Anim.

[25] Writer's documentation.

Traditionally, the Marind people live in *bevak*, constructed of sago branches (*gaba-gaba*) for the walls, and sago leaves for the roof. To tie these parts, the people used rattan ropes. The flooring is made of *nibung* (thorn palm) timber, while the fencing is made of bamboo. Obviously homes made from other, more permanent materials are also found nowadays.

The elders of Marind Byan Anim tribe in Muting Village cook their meals by roasting sago, fish and meat, and boiling vegetables such as sago shoots, thorn palm shoots, young *melinjo* (paddy oats) leaves and coconut shoots. To spice the food, they use slightly roasted dried sago leaves that are crushed on the boiled vegetables. The leaves contain natural salts.

The Marind Byan Anim tribe also did not have much traditional knowledge about diseases. In the past, in Muting Village, the Marind only knew of two illnesses: coughing and colds. The elders were then able to predict potential epidemics by looking at the weather: if the sun goes very red as it sets, they know that illnesses will strike the village, such as coughing, sneezing and fever. In such circumstances, Marind Byan Anim parents usually will take out the *tifa* (traditional drum) and beat the *tifa* to ward of the diseases, until the children's condition becomes better again.

Demography of Muting Village

The Marind Byan Anim people in Muting Village have always realized that they are riverine people, living on the banks of the Bian River, from the headwaters to the estuary, up to the Fly River in Papua New Guinea.

Muting District has 12 villages, 6 of which are indigenous and 6 others transmigrant. Muting is one of the indigenous villages. The other indigenous villages are Kampung Pakhas, Wan, Selow, Kolam and Boha.

The main occupations of the inhabitants of Muting are hunting, gathering and gardening. The yields are used for subsistence, and any surplus traded for other daily needs. The topography of Muting Village includes marshes, rivers

and forests, so the local people are also engaged in fishing using nets and lures.

The General Situation of Muting Village

The following table shows the conditions of the public facilities in Muting Village:

Table 1: Public Facilities in Muting Village

Public Facilities	Condition of Public Facilities
Puskesmas Pembantu (Sub-Community Health Centre) in Muting Village (before the hospital moved to Km. 5, which is now Muting Hospital)	Permanent building. Has 3 midwives and 4 *posyandu* (Neighborhood Health Center) cadres.
Muting District Hospital	Permanent building: 1 examination room, 4 in-patient rooms for adults, and 4 in-patient rooms for children. Has 1 female physician and 1 male physician, and 15 medical staff consisting of 8 female nurses and 7 male nurses. The building has tiled floor and permanent walls.
St. Don Bosco Primary School	Consists of 6 classrooms. Cement floored and zinc roof. Has 1 principal, 4 honorary teachers and 4 civil servant teachers.
Muting State Intermediate School I	1 principal, vice-principal, 9 civil servant teachers and 3 honorary teachers.
Muting State High School I	1 principal, vice-principal, 1 school keeper, administrative staff; 1 boys boarding house with wooden floor and walls and zinc roof, 1 girls boarding house with 3 rooms temporarily using classrooms (from the time the school opened in 1999, the girls boarding house has not been constructed); 1 physics and mathematics lab, 1 chemistry lab, 4 teacher houses, 1 small mosque, one unused classroom used as a dormitory for unmarried teachers. Muting High School also has 1 library, 1 office room and 6 classrooms, with a total of 12 rooms.

Mosque	Partial permanent wall, permanent tile floors.
Catholic Church (old building)	Zinc roof, glass window, cement floor, partial permanent wall. Now used as multipurpose building
Catholic Church (new building)	Permanent wall, cement floor, zinc roof.
District office	Zinc roof, cement floor. A new district office is being constructed, stones have been laid.
Village Hall	Raised on stilts, wooden floor and walls.
Village office	Cement floor, glass windows, under construction.
Protestant Church	Permanent building, tiled, zinc roof, permanent wall.
State Electricity Company building	Donation from the regency government to Muting District.
Public cemetery	The only public cemetery in Muting Village.
Regional Development Bank (BPD) building	Permanent building built in 1998, but no longer in use.
Muting Police Sector building	Built in March 2015 alongside housing for police. Formerly the police sector office was in the form of a dormitory for the police officers.
Muting Military District Command building	Dormitory.

With the arrival of oil palm companies to Muting, the life of the society has been disturbed. People mentioned that nowadays they no longer find any game, even if they have been hunting for the entire day in the forests behind their homes.

Another issue is the local liquor such as *sopi* (gin), which is sold freely in Muting Village. This affects the children and the youth in the environs of Muting Village. While the people who made the liquor are not from the Marind tribe, it is the people from the tribe who are the buyers.

In carrying out development activities in villages, the government and related parties have provided both physical and non-physical assistance. The aid for the village development program has included:

1. Physical development
   Some physical development activities have been carried out in Muting by various parties, including:

- Aid of farming implements in the form of tractors from the Merauke Regency Department of Agriculture, Crops and Horticulture.
- Village hall.
- Common well and farming implements from the National Program for Community Empowerment (PNPM Mandiri Respek).
- Construction of a bridge and access road in Muting village, connecting Muting Village and Kumaaf Village, in Ullilin District.
- Rubber saplings.
- District car: each district is provided with one car, including one for Muting.



Some of the construction projects aided by the government of Merauke Regency.[26]

2. Non-physical development:
   In addition to physical development activities, non-physical development aimed at increasing the capacity of people in Muting is also conducted by various parties, including:
   - Improving economy and prosperity of the community through trainings, including cooking training by the Women Empowerment and Family Planning Agency (BPPKB).

[26] Writer's documentation.

- Introduction of a women-only credit cooperative for the Muting women, which is partially funded (15%) by the PNPM Respek funds.

In addition, to support the development of Muting Village, the government provides funds through PNPM Respek in 2014 amounting to Rp. 100 million (with an allocation of Rp. 16 million for women and Rp. 6 million for education), PNPM Mandiri amounting to Rp. 50 million, Village Allocation Fund (ADK) amounting to Rp. 8 million for women and also the GERBANGKU Program amounting to Rp. 500 million. The management of GERBANGKU program funds is arranged through six Working Groups, with and additional Rp. 10 million allocated for health.

Assistance is also provided in order to increase economic opportunities and housing quality for the people, including from two government offices. The first, from the Plantation Department, is the garden clean-up fund of Rp. 200-500 thousand, depending on the area and the number of rubber trees. The second, from the Animal Husbandry Department, was in the form of cattle. In 2010, each clan was provided with two cows and two bulls. The livestock are raised, and after they give birth to calves, the calves are given to other community members in the clan.

Economics

The Muting community's diet generally consists of sago, coconut, banana, fish, and meat. They generally do not pay much attention to storing food for lean days, as most food is readily available in areas surrounding the residences.

Residents of Muting Village have the main occupation as plantation workers and farmers. The majority of commodities are potatoes, rubber, rambutan, coconut, banana, matoa, cashew, citrus, pineapple, banana and jackfruit.

The sources of income of residents of Muting Village include the manufacture of salted *gastor* fish at a price of Rp. 10,000 per kilogram, coconut, rubber, rambutan, matoa, bananas and wild animals. In addition, the forest provides

various crops such as aloes wood (*gaharu*, a type of aromatic wood), candlenut at Rp. 20,000 per kilogram (dry), and ant nest at Rp. 10,000 per sack (wet) or Rp. 15,000 per sack (dry).

Sago palms grow naturally and abundantly in Muting. Sago is the staple food that is gathered and consumed by the Marind Byan Anim people. The people have a habit of planting sago behind the houses or yards, which is still continued. The Marind Byan Anim people know two types of sago groves: those grown at the edge of the village/yards, and those growing naturally, usually about 5-10 kilometers from the residential areas.

Land rights (*hak ulayat*) on sago groves (*dusun sagu*) are patrilineal, and inherited by the male children. The ownership is absolute until the death of the children, at which time the ownership reverts to the clan, which will give the right to the male descendants. The land rights cannot be transferred to anyone else, except if the lineage is discontinued, in which the clan reasserts the right to the sago grove. Ownership can also be based on the merits of a particular person. An adopted son can also inherit sago groves, both in the village and in the forest.

During the dry season it is not unusual for the village to be almost empty. Most of the people in Muting will be collecting sago into the forests, up to 10 kilometers away from the village. In fact, they can collect sago in the territory of another village; for example some people from Muting can collect sago from Kindiki Pakhas village, because several of their groves are located in Kindiki Pakhas. The people of Muting are unlikely to collect sago from the edge of the village because in the summer the wells will dry up.

In the past, sago was processed in a simple manner, namely roasted in embers. The traditional dish was called *Sagu Sep*, consisting of sago, coconut, fish and bananas, cooked in one pot. Nowadays, sago is cooked in a crock, tin, bamboo piece or other containers, and is processed to last two to three months.

Sago is highly regarded in the culture of the people of Muting. Even a newborn

child is given sago. Also at naming and funeral ceremonies, sago is supplied in large quantities. Sago plays an important role in religion; naming of babies, pig slaughtering ceremonies, funeral and marriage ceremonies all include sago.

As sago is regarded to contain spirits (*dema*), there are various taboos about it: not eating sago in such a way that it falls to the ground, eating sago sparingly, as it is a source of life. Sago gives physical and spiritual life. It also mythologically symbolizes how life is conceived in the woman's womb.



Crops/garden plots.[27]

The crops of the Muting community are usually sold in the village, but there are also bulk buyers from Merauke. The frequency of purchases of the bulk buyers is uncertain, depending on the yields, which also depends on the season.

Aid in the form of information, equipment, capital, or education and training to develop entrepreneurship and community capacity, especially the indigenous Papuans in Muting, comes from several parties, including the Merauke Regency Government. The regency offices involved in aid are the Social Services Department, Agriculture & Horticulture Department, Animal Husbandry Department, and Industrial Department.

To meet daily needs for the nine staples such as rice, salt, cooking oil, soap, and spices, people usually buy from seven of the stalls located in Muting village.

27 Writer's documentation.

Some of the stalls are owned by non-Papuans. Among these stall owners are Rompon (a police officer), Saputan (entrepreneur), Haji Baktiar, Haji Amir, Mrs. Nela Leftumun (daughter of Marind Byan Anim), Yunus (entrepreneur), and Rembong (intermediate school teacher).

Yard utilization is very low. It can be seen from the fact that the people are more dependent on long term crops like matoa, rubber, sago, coconut, mango, jackfruit, cocoa, coffee, and melinjo.

Yards are used for planting short-term crops such as vegetables, chilies, bananas, tomatoes, cucumbers, and others. It is rather alarming that the community of Muting has a very low rate of vegetable consumption. Most residents are more likely to choose to consume meat, fish, as well as cheap instant food. Moreover, all of these are available at the stalls: instant noodles and canned fish that are very practical in processing.

The price of staples and fuel in Muting Village can be seen in Table 2:

Table 2. Prices of Staples and Fuel in Muting Village

No	Item	Price (Rp.)
1	Dolog rice	10,000/kg
2	Bulk sugar	15,000/kg
3	Instant noodle	2,500/pack
4	Cooking oil	40,000/liter
5	Tea bags (pack of 25)	8,000/pack
6	Gasoline	10,000/liter
7	Diesel fuel	10,000/liter
8	Kerosene	10,000/liter

Source: field observation in 2015

The obstacles faced by the Marind Byan Anim people from developing their economic activities are mainly the issues of the price of goods and means of transport. While a car has been provided for Muting District for transporting crops and community needs, it is still considered as inadequate.

The people still find difficulties in bringing and selling their produce to the town of Merauke, and conversely, carrying daily staples purchased in town back to Muting village. The people believe that the costs are too high, compared to the income they earn from selling the crops. This difficulty could be overcome if the car assigned to the district is utilized optimally, so that the people in Muting Village no longer find it difficult to access transportation. Nowadays, the fare to travel from Muting village to the town of Merauke using public cars is Rp. 200,000 per person. For school children, they usually bargain the fare down to Rp. 150,000 per student. It is also said that Muting District's car is often broken down. The road from Muting Village to the town of Merauke is very bad, especially during the rainy season, when it becomes precarious. The road in Muting Village is only acceptable in the dry season.

Economic welfare in society is generally based on the turnover of business and fulfillment of daily needs. The 'rich' people in the village are those who own stalls/kiosks, because they obtain income on a daily basis. People sell the fish they catch from the Bian River, or vegetables and wild animals they gather or hunt to the stalls; then they spend the money to buy staples. Hence the money returns to the stall owners. Ownership of electronics does not determine whether a person is considered rich or not. According to residents, electronics can be owned by anyone who is able to benefit from forest products such as rubber and other crops.

In an interview with resource persons (community members) in Muting Village, the researcher was informed that they expect economic improvement through two factors:

- Transportation facilities for economic groups to access their economy and fulfill their needs to travel between villages, not only travelling to the town.
- Continuous empowerment or mentoring in groups that have been formed for the welfare of the people from the government or from other groups concerned with the community.

The indigenous women of Muting Village appreciate the attention given by various parties. However, there are some skill trainings that have been done

in Merauke but are still needed in Muting, such as the manufacture of salted fish, fish meatballs and cooking classes. These trainings were provided by an organization to empower women in Merauke; however, there was no follow up to the trainings. There was only one training session done and there was no more. The women of Muting Village expect that the trainings can be done for about two to three times, so that the women in Muting can work and develop more skills from the trainings.



Women working in the yard of Muting village parish.[28]

Education in the Past and Present

According to the elders, in the past the Marind Byan Anim people had three forms of rites of passage (initiation ceremonies) for the young people in Muting Village. During these rites, they were taught a range of knowledge about nature, both profane and the sacred, and the knowledge of good and

[28] Writer's documentation.

evil. At a certain age, children were required to attend this education, guided by elders from Muting Village acting as teachers. However, due to certain sexual practices, the activities were later banned by the Dutch Government and the Catholic mission.

At that time, the indigenous education institutions did not encourage development of formal education. As a result, not all villages had missionaries providing education to the youth. In such conditions one can imagine how many children of school age did not go to school because there were no teachers, or the nearest school was located far from their villages.

In the past, the missions provided boarding houses to educate the capable youth to become teachers or government employees. Marind Byan Anim children were able to perform well in school, and in the dry and Arowana seasons[29] they left school and went home.

What is the present condition? The existing educational facility in Muting village consists of a primary school: SD YPPK Don Bosco. The physical condition of the school building is good; it has six classrooms, a staff room, a principal's office, an office, and a library. It is also equipped with four houses for teachers, including the principal's house. The four units of houses for teachers are older than the house assigned for the school principal. The number of desks and chairs correspond to the number of students. Most of the blackboards are in good condition. There are four toilets for the pupils, all in good condition, and there are two toilets for teachers. All facilities in the classrooms are in good condition.

The teaching and learning processes in Don Bosco primary school are going well. The educators, including the principal and civil servant teachers are

[29] The Arowana season is the time that the arowana fish appears along Bian River and in the marshes, usually from October through December. During Arowana season, children jump in the river to find the fish, particularly arowana fry. They use nets and small buckets to fish, with this equipment coming from the palm oil smallholders. These smallholders are usually migrants.

always on duty. However, the researcher found that these teachers are not very active in stating what problems or obstacles are faced, both by the teachers and the students. This resulted in incomplete data and information on the state of students and teaching and learning activities in Muting Village.

In addition to the primary school, Muting Village also has a preschool/early childhood education facility, in the form of a permanent building consisting of three classrooms. However, the number of students is very small, because parents do not know and understand the importance of educating their children since an early age. However when children need a certificate to go into higher education, parents will demand the teachers in the preschool to give a certificate of graduation, sometimes with pressure.

Table 3. Number and Composition of Muting Village by Level of Education in 2014

Level of education	Population	Percentage (%)
No education/not yet go to school	78	13
Primary	97	17
Intermediate	118	20
High	289	49
University	6	1
Total	588	100

* Temporary number registered in Muting Village (source: researcher's observation, 2015)



St. John Don Bosco Primary School, Muting Village.[30]

[30] Writer's documentation.

Source of Clean Water and Sanitation

Clean water in Muting village comes from wells dug by the community members in their yards, or wells provided by the government. There are privately owned wells and public property wells. In addition, there is also a water reservoir provided by the government to aid the community. Although the hygienic quality of water from the wells has not been checked in the laboratory, the well water can be used for washing, cooking and drinking.

In addition, people in Muting Village used to use water from the Bian River, but due to oil palm companies entering Muting in 2010, people no longer use water from the river/swamp due to pollution. Nowadays people in Muting Village no longer consume water from the Bian River as well as water from the rivulets and swamps.

Natural Resource Potential and Management

The natural resources contained in Muting Village are in the form of forest products, such as aloe wood (*gaharu*), rubber, sago, betel nut, candlenut, nutmeg, jackfruit, and timber. Also, there is a large yield of fish from the rivers and swamps. These include tilapia, snapper, climbing perch (*betik*), catfish, snakehead (*gastor*), and shrimp.

There is a major river passing Muting Village, the Bian River. In the rainy season, the water in the river was clean, but now due to the operations of oil palm companies in Muting Village, people no longer use the water from the Bian River. Compared to five years ago, the number of fish in the river is smaller. In addition to fish, there are abundant wild animals in the forest including tree kangaroo, deer, wild boar, bandicoot, cassowary, and hedgehogs. The people in Muting Village consume the animals they hunt and catch from the rivers and forests, and sell the remaining for additional income.

Muting Village also has the potential for development of agricultural crops such as tubers and vegetables as well as rubber. Some community members

of Muting Village also plant tubers as staples. These plants are planted in their hamlets, located some distance from Muting Village, about 5-10 kilometers.

Cattle breeding is also being developed as this region has cattle grazing areas. The livestock bred by the society are cattle and chicken, while only three residents breed pigs. Pigs are not provided by the government, but are caught wild from the forests. They are not caged, but released in the forests or areas surrounding their homes. This is to say that community members are not seriously investing in breeding animals as a major source of income. Most livestock are obtained from government assistance, and only a small percentage of villagers maintain their own herds.

Culturally, the community has its own wisdom in managing natural resources, namely through *sasi*. *Sasi* is a local indigenous custom to protect certain areas, by not collecting or gathering the yields of the areas.

Cooking Fuel

In Muting Village, the people generally use firewood for cooking. On average they use 5 stacks of firewood per week per family. According to the community members, firewood is readily available in the forests around the village, without having to cut down trees or buy them. A small number of community members use kerosene stoves for cooking. Kerosene is used by nearly all homes for kerosene lamps after the electricity is cut off at midnight.

Potential Development of Renewable Energy

Development of renewable energy in Muting Village will help the community in gaining access to electrical energy, given the lack of availability of fuel oil (difficult to obtain and expensive). The existing electricity provider, a private electricity company, has transportation issues during the rainy season.

Health Programs in Muting Village

Health services provided in Muting District Hospital are, among others, treatment of the sick, family planning, and emergency first aid. There is also a

Posyandu service to the villages every month, such as to Muting, Selil, Kindiki, Pakhas, Kolam, Boha, Waan, and Selouw villages. Besides, there is distribution of supplementary food for infants in Muting Village and in villages located along the banks of Bian River.

Meanwhile, the diseases that often affect people of Muting Village include respiratory diseases, diarrhea, and skin diseases. There are also cases of leprosy, tuberculosis of the glands, coughing, runny nose, vomiting, asthma, and lung diseases. If there is a disease that cannot be ascertained for treatment, the patient will be referred to the Regional Hospital of Merauke, because the equipment at the Muting District hospital is not as comprehensive if compared to the facilities at the Regional Hospital of Merauke.

There are several habits of the community that may affect their health, including:

- People are not accustomed to washing hands before eating, especially the children, which results in diarrhea. Children are also affected by runny noses. The parents are expected to help maintain hygiene for children. This commonly occurs among the people in Muting Village and other villages on the edge of the Bian River.
- Parents have a habit of smoking hand-rolled tobacco cigarettes, and chewing betel nut and tobacco, which especially for breastfeeding mothers may lead to diseases such as asthma, lung diseases and coughing.
- Dental and mouth hygiene is also a problem in Muting Village, because most children under the age of 5-7 years already chew betel nut.
- As a result of alcohol consumption among adolescents aged 15 years and over, many are coughing up blood.

Several solutions to the problems of health in Muting Village are as follows:

- Procurement of childbirth equipment in community health sub-centers (Pustu), supply of additional medicines, and allocation of at least one doctor and several midwives in the Pustu of Muting Village.
- Continuous hygiene socialization, especially in Muting Village and the villages on the edge of Bian River, so that people can live cleanly and healthily.

- Assist patients who do not have vehicles so they do not have to walk for long distances, with the hospital located about 5 kilometers from Muting Village.
- Education for health cadres in the villages, so that women who want to give birth without doctor's assistance are helped by trained traditional midwives.

Women Sector

The women in Muting Village are now beginning to voice their rights, even though they are still not allowed to do so in some elements of culture, such as in traditional negotiations. In village meetings, women are beginning to be more actively involved, although there are still many women who do not dare to voice their opinions.

The daily activities for women in Muting Village include catching fish, gathering firewood, cooking, collecting sago, caring for the family and children.

When the researcher visited Muting Village, the researcher met with two women's organizations, namely: Family Welfare Guidance (PKK) and the Legion of Mary Prayer Group. The Legion of Mary has several activities including regular worship (prayer), prayer for the sick, and congress. Women in Muting Village were given training as health cadres. In addition, women's empowerment activities were allocated 15 per cent of the PNPM RESPEK funding. However the funds allocated to each sector are not managed by the community, but returned to the state treasury. Only in a limited number of sectors was aid managed by the community, such as in health, education and construction of wells.

The number of children in a typical Muting family ranges from 5-8 children. Some families even have up to 10 children. Parents claim that they treat the boys and the girls similarly, and there is no difference. In terms of food, clothing, education, health, and affection, the attitude of parents is equal to all children. Similarly, in the indigenous affairs, boys and girls are equally expected to know the customs and culture of Marind Byan Anim.

A problem that is often faced by women in actualizing their role in the village is domestic violence caused by the husbands consuming alcoholic drinks. At a Focus Group Discussion held by the Office for Justice and Peace of the Merauke Archdiocese (SKP-KAME) in July 2013 in Muting Village, Marind Byan Anim women asked SKP-KAME to report the widespread circulation of hard drinks that is not supervised by the police. Allegedly, some unscrupulous members of the police are supplying liquor, and also drinking it with several villagers. Marind Byan Anim women admitted that they do not feel comfortable and safe staying in Muting, because of alcoholism among the husbands and youth.

To help developing the potential of women in Muting Village, there is a need for practical training such as sewing, assistance in the form of seeds of vegetables, basket weaving, food processing, and the management and use of household gardens as a source of nutrition for the family.

Current Situation and Issues of Muting Village

Due to the entry of the oil palm company PT Agri Cipta Persada in Muting Village, land conflicts have occurred. The Muting Village community is seeking damages from the company, especially the Mahuze Besar clan, whose land has been occupied by the company. For other clans, their lands are still protected by the *sasi* as sacred land, and hence their lands are not disturbed by the company.

Basically the people of Muting Village do not have any knowledge about the arrival of the oil palm company. It was a sudden process in which the land was sold and the papers signed by the late Mr. Linus Mahuze. The Muting community, especially the Mahuze Besar clan which owns the land in Muting Village, now demands that the land is returned to the clan, and that other clans retain the rights to their ancestral lands. They have three times rejected the company from entering their land by erecting *sasi* signs in the indigenous lands by the chief of the Mahuze Besar clan, along with several community members and people of villages on the banks of the Bian River in the Boven Digoel regency.

There is also social envy ongoing in the community, due to the sale of land by some elements within Muting Village to the company. Some villagers have released their rights to the lands, but others defend their land rights because they are thinking about keeping the land for their children's future.



Sign protesting oil palm company in Muting Village, Muting District.[31]

Institutions and Agencies Working in Muting Village

Government

The government does a lot of work in the village in the form of physical infrastructure for the development of the village. There are also health services through the *Posyandu* and community health centers (*Puskesmas*). Village development assistance is also done through PNPM Mandiri Respek and Gerbangku programs. The Agriculture Department and Plantation Department of the government of Merauke Regency provide assistance for land clearing, planting rubber, and rubber product processing.

Religious institutions

Religious institutions in the village take the form of religious activities associated with faith and spiritual development. They also advocate for the people of Muting Village and their economic, social, cultural, and political rights.

[31] Writer's documentation.

Indigenous institutions

The indigenous community agency (LMA) of the Marind Byan Anim tribe in Muting Village is more involved in issues related to indigenous issues, such as the settlement of disputes among citizens or between hamlets and fulfillment of customary obligations. However, the institution is not fully effective due to self-interest, especially in regards to investment coming to Muting Village. The body consists of a customary leader and the heads of the clans. The current head of the body is Sebastinus Ndikem.

PKK

The Family Welfare Guidance (PKK) body is an organization of women, but it is not working optimally. PKK's program is directed by the government of the regency. It is chaired by the wife of the village head, and plays a role in developing women's empowerment in the village. However, its activities are not optimal as it is often waiting for directions from the regency.

Non-Governmental Organizations (NGO)

There are several local NGOs of the Merauke district and national level NGOs working together for the advancement of Muting Village, among others:

- Office of Justice and Peace of the Archdiocese of Merauke (SKP-KAME) and the Women's Advocacy Institute (eL-Adpper) assist communities in improving critical awareness and anticipation, are active and contribute to opposition to oil palm companies, and advocate for indigenous peoples in the villages in Merauke, especially indigenous villages. They are also active in the community's economy by encouraging production based on culture.
- PUSAKA Foundation, SKP-KAME, Transformation for Justice Indonesia (TUK Indonesia), and several other NGOs participate in advocating indigenous peoples in Muting Village. They help the local community through land mapping and religious institutions with the community of

Muting Village. The role of these institutions is very important to develop the village, so that people look forward that they can work together and accommodate the interests of the community in Muting Village for the welfare of society.

- BKPM YASANTO Merauke (Community Health Development Division St. Anthony Merauke) works in public health, more specifically with people with HIV-AIDS.

Conclusion

The Muting Village community is one of the oldest villages in the district before the founding of new villages. The Muting village is mostly inhabited by the Marind Byan Anim.

The potentials of natural resources that should be developed in Muting Village are agriculture and fisheries, which are abundant in the village. If the marketing of natural resources, agriculture, and fisheries in Muting Village is supported through adequate means of transport, it will bring prosperity to the society of Muting Village.

The following are several of the expectations of the people of Muting Village mentioned during the interviews with the researcher:

- There should be no more companies coming to the village; seven is enough.
- In the future, companies should ensure that clan members should be able to work in the office and not merely as unskilled laborers.
- The company should pay attention to children by providing scholarships to clan members up to the college level.
- Company promises should be fulfilled.
- The Merauke regency government should pay attention to the customary rights of the people of Muting Village, and not simply give permission to utilize lands owned by the clans of Muting Village.
- The villagers expect that the government ensure that every company that comes to Muting Village collaborates with the indigenous institutions.

- Members of the clans and the Marind Byan Anim tribe living in Muting Village and other surrounding villages should make it transparent when companies arrive, so that other clans have knowledge about their intents. Every clan must know the purpose and objectives of the company's arrival.

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Military and Police Interference in Land Disputes in the Agroindustry Megaproject in Muting, Merauke

By: Yason Ngelia

Introduction

Having the advantage of geographical location, Merauke is believed by the national government to be a potential new industrial area, the largest in Indonesia. As many as 80 companies are ready to invest in the area, with activities in various sectors, such as food crops, oil palm, and sugar cane.

The main objective of the development of the agroindustry megaproject in Merauke is to prevent a national food crisis, which is predicted to occur in 2020. In pursuit of this goal, the central government initially responded to the local government policy of 'Merauke as an agropolitan city' under the leadership of John Gluba Gebze (2005-2010). This was followed by national regulations for the agrarian sector: Governmental Regulation No. 28 of 2008, Presidential Instruction No. 5 of 2008, and Governmental Regulation No. 18 of 2010.

This large-scale investment market was inaugurated by then-President Susilo Bambang Yudhoyono in Kurik District, Merauke, in 2010. The program was named the Merauke Integrated Food and Energy Estate (MIFEE). As with other national policies, the mega industry project received full support from the provincial and regency governments in Papua. The MIFEE is also part of the 2011-2025 national development master plan, the Acceleration and Expansion of Indonesian Economic Development (MP3EI). At an estimated

cost of USD 5 billion, it aims to increase agricultural outputs and make Indonesia a self-sufficient country in staple foods.[32]

However, the MIFEE threatens a land area of 4.6 million hectares with deforestation and destruction.[33] This number was provided by Indonesia's president Joko Widodo (Jokowi) on 11 May 2015 during a visit to Wapeko Village, Kurik District in Merauke, and furthermore 1.26 hectares of land has already been demarcated to have development potential.[34] This potential environmental damage is an indirect threat towards the indigenous people of Merauke, who are traditional societies highly dependent on the forest as a source of life and livelihoods.

Protests against MIFEE come from various elements of the Papuan society. On the national scale, protests also come from various non-governmental organizations on grounds of environment and human rights. These NGOs regularly publish evidence of violations and predictions of impacts that will be caused by MIFEE. Following a number of NGO reports on MIFEE between 2011 and 2013, the UN Committee on the Elimination of Racial Discrimination (UNCERD) issued strong recommendations for a change of approach. However, the Indonesian government has yet to take measures for the recognition and protection of the rights of the Papuans in Merauke.

The Struggle of the Mahuze Clan in Muting

The village of Muting, the capital of the eponymous district, is located in the northern part of Merauke Regency. The village was originally inhabited by the Mahuze clan of the Malind tribe. As the village directly borders Boven Digoel regency, it also became home to several indigenous tribes from the southern part of Boven Digoel regency. Nowadays, Muting is not only inhabited by tribes

32 *Manis dan Pahitnya Tebu, Suara Masyarakat Adat Malind dari Merauke Papua*, 2013: 7. Forest People Programme Report, PUSAKA & Rights Resources.

33 Metro TV, Jokowi's speech in Kurik, Merauke.

34 AntaraTV, Jokowi's speech in the harvest in Wapeko Village, Merauke 2015.

of indigenous Papuans, but also non-Papuan peoples who arrived through the transmigration program.

Tribes living in the area straddling these two regencies have had traditional boundaries of indigenous lands for generations, namely between the Mahuze and Ndiken clans of the Malind tribe that borders the areas of the tribes living in Boven Digoel, such as Manodobo, Muyu, Awyu, and Jair. Companies working in the framework of the MIFEE megaproject generally do not understand the local situation, which often raises new problems.

For example, PT Inti Agrindo obtained rights to customary land of the Ndiken clan of the Malind tribe, which is also claimed by the Mandobo tribe of Boven Digoel. Having obtained a formal permit, the company ignored their demands and continued expanding, resulting in protests from the Boven Digoel tribes against the company. The company decided to secure its assets using the military and police.

Despite such a potential for conflict, the issue is not regarded as a priority by the government, corporations, and local law enforcement. This builds a perception that the lack of concern is deliberate, in order to facilitate dozens of companies operating under the auspices of MIFEE in controlling land through manipulation, rather than trying to be persuasive and negotiating reasonable prices with the tribes and clans in the local area under customary law.

The Mahuze clan of the Malind tribe in Muting considers that the land as their 'mother' who feeds them for life; even when they die, the land will receive them back. Destroying their traditional forests is a sin to their ancestors. For them, the land, forest, and everything on it were created once by God and given to their ancestors, so that if they sell the land, God will not create such land again for the second time.

The belief in the sanctity of the forests makes the Mahuze clan stubbornly refuse every offer from the companies, such as providing monthly foodstuffs,

further foodstuffs as Christmas presents, or even offering official positions at the company to Mahuze leaders and promising a 70/30 split between the company and the landowners. However, the Mahuze declined to receive the foodstuffs, as they regard the act as some kind of 'bribery' to win their hearts in order to yield their lands.

In Muting Village, the Mahuze clan has lost 6,000 hectares of forests to PT Agrima Cipta Persada (ACP) without the knowledge of all clan members. According to Agus Daewo, the former clan secretary unilaterally signed an agreement with the company, giving the company a legal basis to use the communal forest, and even to trespass on forest areas not included in the one-sided agreement.[35]

The *ex-gratia* payment of Rp. 350 million from the company to the clan secretary is being returned to PT ACP. However PT ACP, through its public relations department, rejected the refund and stated that the company leadership will renegotiate with the clan first. According to Daewo, "*Pak* Edi stated that if the Mahuze clan wants to refund the money, they should write a letter, an affidavit. We wrote it, and on the third day we went to the company, I was there myself and brought Rp. 304,000,000 to the ACP office, but *Pak* Edi did not want to receive the money."[36] This rejection of the refund meant that the company could legally continue to destroy the clan's forests.

The clan chairman and secretary have been involved in disputes with the company in their efforts to prevent deforestation. The community has often quarreled with the contractors, who have countered that the contractor company owner was a military officer in the Merauke District Military Command.[37] Even the police chief of Muting, Joko Setiawan, is a contractor employed by the company. As a result, various public complaints made to the

35 Interview with Agus Daewo on 27 June 2016.

36 AD, 27 June 2016.

37 Recording on 10 October 2015, archive of the chairman and secretary of the clan.

same police who are supposed to protect, nurture, and support the public, ultimately fall on deaf ears.

A number of rallies and protests were held by the Mahuze clan to defend their traditional lands. For the 20 kilometers between the Trans Papua road to Muting Village, several warning signs (*sasi*)[38] have been erected by the Mahuze clan using 2m x 2m boards. The signs have "Mahuze Customary Land, Not for Oil Palm" written on them. There are at least five signs from the author's own observations. However, several people who do not approve of the *sasi* have deleted several words without the knowledge of the clan.

According to Chief Mandobo, there is a conflict of ideas within the society and between groups in the community. The community itself has investigated, but has identified a perpetrator. There are indications of disagreement within the Mahuze clan itself, and this may be an attempt to pit the clan against migrant populations, either Papuans from elsewhere or transmigrants.

The Mahuze clan's attitude towards the company (ACP) did not develop without a formal consultation. On 22 September 2015, a meeting in Ulilin District was attended by various community and government groups represented by the head of Ulilin District and Muting District (Marman), members of Merauke Regional Parliament, Muting police chief Joko Setiawan, the Muting military commander, and also representatives of the company. The community, united as a customary law group, strongly rejects destruction of the forests without permission of the clan.

The people demanded the government bring the director of PT ACP, Arif Widodo, to the meeting so public complaints could be submitted directly. They also demanded that destruction of the forest be stopped until they have met the company director. At that time the Muting police chief agreed that the community should meet with the director. However, he also stated that there

[38] *Sasi* is a form of customary prohibition in the Papuan indigenous society, in the form of prohibition or warning sign planted with a customary ritual in a certain location. In Anthropology this is regarded as local knowledge or local wisdom.

should not be any stopping of the exploitation of the forest, which resulted in protests. As things turned out, there was no meeting with the company director and the forest destruction continued. In response the Mahuze clan barricaded roads on 9 October 2015 since the land transfer was not approved by all members of the clan.[39]

The Mahuze clan's firm attitude regarding their ancestral lands makes them the target of allegations in several cases surrounding the company. Immediately after the road barricading in 2015, a forest fire occurred in the area of the company. According to witnesses, the distance between the company's area and the Mahuze residence is very far. Nevertheless, the police summoned the Chairman and Secretary of the clan to testify on 10 October 2015, just one day after the barricading.

At the Muting Police Station they were placed in separate rooms, and questioned for seven hours to provide investigation reports. A month later they were summoned again to provide the same information.

As it was a lengthy dry season, the affected forest areas had stacks of dry wood and various barks, increasing the risk of fire. The summoning of Mahuze leaders was more of a message that the police monitor the activities of clans protesting and barricading. This was a form of shock therapy and indirect intimidation to the Mahuze of Muting Village.

During the writing of this report, on 16 July 2016, army officers from the Muting Military District Command visited Agustinus Daewo, chief of the Mahuze Besar clan, in his home in Muting Village. The officers invited him to meet with the leadership of PT ACP in the plantation office, and gave him a copy of the Decree of Primary Cooperative Kartika Setya Jaya, Merauke District Military Command 1707, No. 816/VII/2016, dated 11 July 2016. The decree was a notice of permission for land clearing for PT ACP's oil palm plantation.

[39] Interview with Agus Mahuze on 26 June 2016.



Picture 1.[38]

This is how the military acts not just as the security apparatus, but also as an extension of the company, either in maintaining security interests, or as a contractor to clear indigenous forests on the company's behalf. Additionally, other clan groups and even the Indigenous Community Association (LMA) of Muting District have played an important role in conducting negotiations to transfer land rights.

The LMA held a series of meetings on various occasions and places to entice people into giving their land to the company. Various letters from the LMA circulated in Muting showed differences in the LMA stamp and logo, resulting in suspicion of manipulation. For the Malind and especially the Mahuze, no more recognition, much less trust, is given to the LMA. Various kinds of internal affairs of the clan are now settled in consultation with the parish priest of Muting.

On 25 June 2016, Muting LMA chairman Sebastian Ndiken told the people of Muting Village to relinquish their land to the company in the interests of development and prosperity. At this meeting, which was also attended by the new military commander Capt. Septian, Ndiken also rallied against Fr. Niko Rumbayan, the parish priest of Muting who was advising people not to sell their land, and even incited the public to oust Fr. Niko from Muting Village. All

forms of documentation, both picture and sound recording, were prohibited in the meeting. The invited chief of the Mandobo tribe had his camera seized by the customary police.[40]

This LMA meeting was also significant in introducing the new Muting military commander, Capt. Septian. During the meeting Septian stated that if individuals, clans or community groups hinder the company, he would be ready to back up the company. On 23 June, military personnel had patrolled the village in full gear. The secretary of the Mahuze clan quoted the commander. "'Anyone hindering the company, either clans or persons, I am prepared to stand behind the company and I will back the company! Because it is a government program.' That's what he said. So we did not talk, we kept silent."[41]

Security forces are characterized by arrogance and intimidation in their attempts to influence the people of Muting Village to release their lands to the company. According to Fr. Nikodemus Rumbayan, a parish priest who has accompanied the people of Muting for two years, the people are being taken as fools because they do not have enough knowledge about the various regulations on land. They are also given misleading examples and enticements. For example, in the meetings held by the government and the military, they were told that the people who sold their land to the company will become exceedingly wealthy. Furthermore, it was claimed that people in Borneo who sold their lands are now living prosperous lives.[42]

The low level of education among the indigenous people has enabled the adoption of non-Papuans into clans. As a result, they can be fully involved in every decision of the tribes and clans, especially regarding buying and selling of land between indigenous peoples and companies. The tendency of

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40 On 25 June 2016, there was an internal meeting held by the LMA. The customary police seized the camera of *Pak* Darius, and forbid him from recording voices and pictures of the meeting.

41 Interview with AM, 26 June 2016.

42 Interview with Pastor Niko Rumbayan, MSC, on 27 June 2016.

these persons adopted by indigenous peoples is to encourage the release of indigenous lands to the company. This is in fact a manipulation, a fraud that benefits themselves instead of the clan.

Moreover, if the adoptee is a former *Babinsa* (non-commissioned village military officer), he will definitely pave the way for the corporation and military leadership. Among these adoptees are Kasim Naresi and Ridwan Regobola, who are adopted into the Ndiken clan and obtained the post of clan secretary.

This researcher expected to confirm these events with MIFEE leadership in Merauke Regency on 30 July 2016. However, no separate MIFEE office was found in the regency; it is part of the office of the economics department of the Merauke Regional Planning and Assets Board. The person responsible for MIFEE, Mit Talubun, was to be succeeded by Yosafat, and he refused to provide information about issues in the field before the new official was appointed.

Boundary Dispute between Merauke and Boven Digoel Regencies

Land disputes are not only prevalent within the Malind tribe, or between companies and the Mahuze clan, or between the clan and the military. They also occur between the Malind who inhabit the border areas of Merauke regency and the tribes of Boven Digoel.

The chief of Mandobo tribe who lived in Muting told about PT Bio Inti Agrindo having cleared the forest for oil palm plantations on indigenous lands of the Mandobo tribe, but obtained approval from the Malind tribe of Merauke. The customary forest areas claimed by the Mandobo, straddling the boundary between Merauke and Boven Digoel, are now occupied by PT Bio Inti Agrindo.[43]

[43] Interview of Mandobo Chief Darius Nenop on 28 June 2016.

Protests submitted by the Mandobo chief and people to the company are ignored, because the company claims to have permission based on the transfer of rights from the Ndiken clan of the Malind tribe of Merauke. In anticipation of protests, the company received protection from the Army Special Forces Command (Kopassus).

On 5 July 2015 in Block 1 of PT Bio Inti Agrindo, a resident known as L.O. who was participating in a protest against the company was intimidated with a warning shot above his head. He claimed that the shooting took place when he had an argument with Kopassus. The Kopassus member, named Kalalu, held his M-16 rifle directed to L.O.'s head. When they argued, he fired his gun above the other person's head. It was presumed that the soldier emptied the entire contents of a magazine to frighten the protesters. After the shooting, the bullet casings were recovered by the Kopassus soldier, and only one casing was found by the residents as evidence. The victim stated, "Yes, they were aiming at us. I was almost shot, my head was almost grazed. He aimed the barrel here (pointing to his head). I dared him to shoot; he raised the barrel a bit and fired, emptying the magazine."[44]

Terror and intimidation are accompanied with verbal lashing that threatens and stigmatizes indigenous peoples. "This land belongs to the state, you are Papuan separatists, you should know where you live, in this republic no one is in power except the military," said a Kopassus soldier. However the indigenous Mandobo tribe remains adamant that the land is their ancestral lands.

The chief of the Mandobo claimed that another terror incident happened earlier in 2013. One evening, Kopassus members and security of PT Bio Inti Agrindo came to his house and invited him to attend a meeting, but he refused. The next day it was known that there was no meeting planned. He continued that there is a promise by the companies under the auspices of MIFEE that landowners would receive 30% of the yields without any work. However this promise was never realized.

[44] Interview with L.O. on 26 June 2016.

Informants from the community also explained that historically the indigenous lands have been divided by the ancestors of each clan, both Malind and Mandobo, in the border regions. The Malind and Mandobo had fought each other in ancient times; in order to make peace, the boundaries of indigenous lands of the two tribes were set out. This story was told from generation to generation among the Mandobo and Malind tribes in the border areas. It is important to have clear boundaries of customary lands recognized by the government, and for companies to respect the boundaries as they invest in the area.

Four major tribes in Boven Digoel near the border with Merauke (Mandobo, Muyu, Awyu and Jair) tried to find a way out of the disputes through a customary deliberation in Douval village on 28 November 2015. In the meeting, people referred to historical locations of customary lands that have been determined for generations. The indigenous groups also declared the land as their mother, and also prohibited sale of the land to companies. The meeting resulted in a "Declaration of the Land as Our Spiritual Mother".

Fr. Niko Rumbayan, MSC, also provided insight as parish priest of Muting Village about impacts to livelihoods if forests are replaced by oil palm and other plantations. In Holy Masses, several cross-shaped signs were erected, and blessed by the Father, in every village in Muting District. The one-meter tall signs were erected on their ancestral lands, with the hope that due to these signs, no evictions or forced sales would occur.[45]

[45] The photograph of the cross *sasi* was taken near the area of PT Bio Inti Agrindo.



Picture 2.[46]

The crosses, which double as customary *sasi* signs prohibiting deforestation, were raised by the Mandobo across the region on Mandobo customary land and forests that have not been seized by the company, according to chiefs who coordinated the raising of the signs. The Malind in Merauke who wanted to protect their ancestral lands also did the same. The Mahuze clan of the Malind tribe was well organized and continued to protect what remained of their forests.

The *sasi*, assertion of land ownership, and the cross itself, cause continuous debates among the people in the communities themselves who have been deceived by the LMA and the company. People who support the company with the name of development claim that people who reject the company are anti-development and anti-prosperity. The pastor who pioneered the cross signs is accused as a provocateur. The LMA of Muting District issued a call to expel Pastor Niko from Muting. On the other hand, for the Mandobo tribe and the Mahuze clan, the attitude of the LMA is caused by its collaboration with the company. They no longer trust the chairman of Muting LMA, Sebastian Ndiken.

[46] Researcher's own documentation.

The informational materials disseminated by the company to the indigenous peoples also show indications of abuse against indigenous peoples. There are images of scantily clad women at the end of each material. These are found in the materials titled "Program for Establishment of Community Plantation Primary Cooperative at the area of PT. Papua Agro Lestari by PPA Public Relations S & C Korindo Group" and "Cooperatives within the Framework of Socialization of Cooperative Formation" by the Office of Cooperatives, SMEs, Industry, and Trade of Merauke Regency in 2016.

Protection of Human Rights of Indigenous Peoples

Indigenous peoples depend on the forests for their entire life and livelihoods. Land, forests, air and water are the basics for human needs, including in Papua, where the forest provides various foodstuffs. In Papua, food provided by the forest includes sago and tubers as sources of carbohydrates; fish, prawns, tree kangaroo, deer, etc. give proteins; while fruits and vegetables provide minerals and vitamins. Forests also supply a variety of other materials, such as wood for building houses, boats, as well as bows and arrows. Forests also provide a wide range of medicinal plants for the local indigenous communities.

The Malind tribe takes materials to build houses and a variety of family needs from their customary forests, and obtain efficacious herbs that are processed into traditional medicine to cure illnesses.[47] In addition to being the source of food and shelter, the Malind has a spiritual bond with their forests. The forests are central to their belief system that affects all aspects of their lives, ranging from traditional ceremonies, sacred places, myths, legends, art, livelihood, etc. (seven elements of culture).[48] In fact, it is important to protect the forests because they indirectly hold the three main components of Malind life, with social, economic and religious functions.[49]

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47 This local knowledge in building houses and making traditional potions are part of ethnoscience.

48 *Hutan Hilang Hidup Menjadi Malang*, YPMD IRJA; 1993.

49 Koencoroningrat: "Pengantar Antropologi I," 1996, p. 81.

Malind mythology is also tied to the forest. There are seven major totems for the seven tribes of the Malind: Mahuze sago, Gebze coconut tree, Samkakai tree kangaroo, Kaize cassowary, Basik Basik pig, Balagaize eagle, and Mahuze dog. Changes in land use, the presence of companies with differing interests, and military-supported manipulation have changed the social life and destroyed the kinship system among the seven major tribes of the Malind. Of particular concern is the two-pronged approach to the community: persuasive and aggressive. Assimilation and diffusion continue to undermine the position of indigenous peoples, without any protection.

The condition of the Muting reflects the condition of indigenous peoples in various areas in Papua. They are vulnerable to violence directly and indirectly, in the name of development, due to the entry of companies, and due to military involvement. The situation has been documented since the Dutch colonial era up to the 1963 integration into Indonesia. Intentionally or not, discrimination and marginalization are committed by the state in the name of national development.

The development of industries has the stated goals of increasing revenues to the state and contributing directly to the communities, especially indigenous peoples, whose land areas are used by various industrial companies. In reality, landowners only work and earn low wages as company workers. Lacking the desired skills in various fields of industry, coupled with low education levels, reduces competitiveness between local workers and those brought in from outside Merauke. But when the government has an agenda of converting 4.26 million hectares of forests for MIFEE areas, or even 1.26 million hectares of land for initial use, what will happen to the indigenous peoples? The government should respect indigenous Papuans in accordance with the laws, namely the Papua Special Autonomy Law No. 21 of 2001.

The Government of Papua Province, as an arm of the central government, gives virtually no protection and preference to the indigenous peoples, especially the indigenous Malind. The implementation of Special Autonomy Law No.

21 of 2001 is questioned. This occurs despite Chapter I - General Provisions, Article 1(I), "The implementation of specific policies in question are based on the basic values that include the protection and respect of ethics and morals, the basic rights of indigenous peoples, human rights, rule of law, democracy, pluralism, and equality, rights and obligations as a citizen."

Article 43 also clearly confirms the government's commitment to the protection and preference of the indigenous peoples. In contrast, in the implementation, indigenous peoples are regarded only as objects of development. This strengthens the argument that between the special autonomy bill and the law, many substantial changes have occurred.[50]

The central government considers the failure of the implementation of Special Autonomy as the failure of the local government and political elites of Papua. For the central government, Special Autonomy for Papua is believed to be a solution to the problems in a comprehensive manner, including the fields of economy, social, culture, and politics. The Papua Special Autonomy Law also creates a representative body of the Papuan people, the Papuan People's Assembly or *Majelis Rakyat Papua* (MRP), which was founded in 2004 by Government Regulation No. 54 of 2004. Chapter I, Article 1 (vi) of the regulation states, "Majelis Rakyat Papua, hereinafter referred to as MRP, is the cultural representation of indigenous Papuans, which has certain powers within the framework of the protection of the rights of the Papuan people based on respect for local customs and culture, empowerment of women, and strengthening religious harmony."

The MRP has an equal position to the Governor and the Papuan People's Representative Council (DPR-P). The Special Autonomy Law assigns duties of protection and affirmative action for the MRP. However, in practice the MRP is regarded as a "toothless" institution. The MRP does not have adequate decision making powers, other than nomination, consideration and approval

[50] For an explanation of the bill and how it changed significantly when it was signed into law, see Theo van den Broek OFM, *Mengatasi Keterpecahan yang Melumpuhkan*, p. 13.

to policies of the provincial government and those of the national government related to Papua Province.[51] In 2010, the MRP was split into two; MRP in Papua Province and West Papua Province. This is a mistake as the MRP is a cultural institution, and not to be separated as public administration institutions.

In 2008, the Government of Papua Province published Special Regional Regulation (*Perdasus*) for Papua Province No. 23 of 2008 on the Land Rights of Indigenous Peoples and the Individual Rights of Members of Indigenous Peoples to Land. The special regional regulation is intended to bring political legitimacy to the existence and role of the indigenous peoples. However, there is also another intention: highlighting the powers of the local governments vis-à-vis the indigenous peoples. This regulation requires that the customary rights of the Papuan indigenous peoples are to be based on research results.

Such research is to be carried out on a specific indigenous community as determined by the regency/city. This study, too, will determine the boundaries of the land rights based on customary law. The results are then submitted to the regents/mayors or governor to determine whether or not the community has land rights based on customary law. The indigenous peoples generally do not approve of the regulation, because it allows the possibility of manipulation to benefit others. This difference of opinion makes Perdasus No. 23 of 2008 ineffective. Thus, the operation of the MIFEE mega projects in southern Papua, especially in Merauke, goes unsupervised by regulations that protect the community.

At the national level, the state does recognize and respect customary law along with traditional rights. This is despite constitutional protections and guarantees in the 1945 Constitution, Article 18b (2). After the 1998 reform, the government issued Law No. 39 of 1999 on Human Rights. Article 3 (1) of the Act states that, "Everyone is born equal in dignity and human rights, and is bestowed with the intellect and reason to live with others in a spirit of

[51] Special Autonomy Law No. 21 of 2001, Article 20.

brotherhood." Further, Article 6 (1) of the Human Rights Law states "In the interests of upholding human rights, the differences and needs of indigenous peoples must be taken into consideration and protected by the law, the public and the Government." Paragraph (2) states, "The cultural identity of indigenous peoples, including indigenous land rights, must be upheld, in accordance with the development of the times."

Regional Autonomy Law No. 32 of 2004 also accommodates the protection of indigenous peoples. Article I (12) states, "Village or the like means a unity of constitutional community which has borders and the authority to govern and manage the interest of the local people based on the history and custom of the local community acknowledge and respected within the frame of the Unitary Republic of Indonesia."[52] This means that respecting human rights of indigenous peoples can be satisfied without injuring this right.

The Universal Declaration of Human Rights, promulgated by the United Nations on 10 December 1948 through Resolution 217 A (III), which Indonesia has ratified, states that "the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world" (Preamble of the UDHR). Furthermore, Article 1 of the UDHR states, "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

The International Covenant on the Economic, Social and Cultural Rights (ICESCR), announced by the United Nations on 16 December 1966 by resolution 2200 A (XXI), states that "the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights" (Preamble ICESCR).

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[52] From the English translation by Akbar & Akbar Law Office, accessed via the ILO NATLEX database.

There are various other international covenants and agreements ratified or endorsed by Indonesia, including: International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), UN Declaration on the Rights of Indigenous Peoples (UNDRIP), International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD), and the Convention on Biological Diversity (CBD).

However, the lack of knowledge about national and international laws on the part of local government and security forces active in the MIFEE area inevitably results in various violations against the rights of indigenous peoples in Muting. These violations have injured the good intent of the central government to Papua, particularly Merauke, as a region intended to support national food self-sufficiency. National and multinational companies continue to increase large scale agribusiness every year in MIFEE, with a land area expected to reach 1.26 million hectares in the short term, and an eventual target of 4.26 million hectares.

Moreover MIFEE is a national program. It is the responsibility of the government to ensure protection and supervision to any company that operates in Merauke. The security forces (military and police) are appointed as security at all company locations. This happens despite the role of the military, as established in Law No. 34 of 2004 on the Indonesian National Armed Forces, (a) that the national objective of Indonesia is to protect the people and the country of Indonesia, promote general welfare, educate the nation, and participate in implementing world order based on freedom, lasting peace and social justice; and (b) that national defense is all efforts to uphold the country's sovereignty, defend the territorial integrity of the Unitary Republic of Indonesia, and the safety of the entire nation from the threat of military and armed threats to the integrity of the nation and the state.

Looking at the facts, the practice of military forces acting as company security does not fit the mandate. The military's presence should not be directed to

secure the companies from the indigenous peoples. The same behavior is also committed by the police in Muting, violating Law No. 2 of 2002 on the Police of the Republic of Indonesia. The police should protect and guide society, not act as the guarantor of the security of MIFEE. Human rights violations are inevitable when repressive military/police are the means used to solve disputes between the community and the company. Yet this is done by the security apparatus, both as individuals and as agencies (district military command/sector police) in Muting.

The ongoing investment of MIFEE, which continues to expand its land in Muting, is a serious humanitarian threat that is not considered by both the central and provincial governments, despite various reports that indicate human rights violations, marginalization of indigenous peoples, and loss of forests as a source of livelihood. The project even endangers customs and traditions of indigenous peoples, because of the damage to the forest as a source of cultural inspiration. Despite the principles of the 1989 Indigenous and Tribal Peoples Convention (ILO 169), the government never gives attention to protect rights in development.

Things get worse with the practice of military business, involving a variety of military officers and the regional government. A condition that is difficult to change by the civil society in remote areas is the limited facility of technology and information. The low level of education, lack of understanding of rights, and equality before the law result in victimization of indigenous peoples.

Patterns of Human Rights Violations in Muting

Although Muting has become relatively well known because of human rights violations uncovered through the advocacy work of NGOs, the release of the documentary "The Mahuzes" gives strong exposure to the advocacy of indigenous peoples in the area. The movie was screened at the United Nations on 16 May 2016. However, the practice of human rights violations in Muting still continues to occur as this report is written.

According to Pastor Niko Rumbayan, "human rights observers from various NGOs, even from the National Commission of Human Rights, have visited us. We take them to meet the victims, see the disputed locations, but the condition in Muting remained as is. Community members continue to be victimized on their lands."[53]

During the field research, the researcher also found indications of military and police involvement, from the village level up to the Merauke regency level. This can be seen from the appointment of Joko Setiawan, a police officer, as the police chief of Muting, by the head of the Merauke police. Joko was formerly known by the people of Muting Village as a contractor for clearing indigenous forests. As a victim stated, "After a few months, in early December, no, in October, he was moved here and became police chief. Previously he was a contractor, now he is the police chief in Muting district."

The case of the military district commander (Danramil), Captain Septian, is similar. According to the people, Captain Septian was unlike the previous Danramil, who was more persuasive and respectful of indigenous people's land rights. On one occasion in 2016, Captain Septian stated, "Anyone hindering the company, either clans or persons, I am prepared to stand behind the company and I will back the company! Because it is a government program."[54] The community members did not respond.

Intimidation and repression from the security apparatus is highly visible, not only through statements by the military and police at the village level, but also through the approach conduct, in the form of excessive security attention on the activities of the society, even the military personnel patrolling every afternoon fully armed.

PT ACP, as the only company attempting to grab Mahuze clan lands, is strongly suspected of intimidation and terror to the people of Muting. Starting with

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53 Interview with Pastor Niko Rumbayan, on 27 June 2016.

54 Interview with Agus O. Mahuze on 26 June 2016.

controlling the military and police to carry out terror and intimidation, after failing to negotiate with the Mahuze clan, PT ACP imposes its will through the LMA of Muting district. This is done by way of continuously facilitating meetings between clans of the Malind tribe in Muting to release the land to the company (PT ACP) in the name of welfare and development.

Muting LMA also facilitates 'adoption' of non-indigenous persons who are members of the TNI (Babinsa) to support clan organizations in Muting, except the Mahuze clan. The adoptees have a role of persuading the clans to sell their land to the company.

Such is the current state in military and police interference in land disputes in the agroindustry megaproject in Muting, Merauke. It shows a deliberate and controlled attempt by the company, military, police and LMA, down to the 'adopted' persons to obtain land, by whatever means possible. The local government does not perform its functions of protection and supervision in this case involving the clans in Muting.

Conclusion and Recommendations

Lack of respect, protection and fulfillment of basic rights by the government to the indigenous communities in Muting are seen from the lack of attention of the misbehavior of the military and police of Muting, who freely do business as contractors with the company. The LMA, as one of the institutions of indigenous representation in Muting, is also lacking proportionality, and becomes the "accomplice" of the military and the company. The presence of LMA instead causes conflict within the indigenous peoples in the area.

At present, the company commits arbitrary forest clearing, based on manipulative agreements. It insists that it has full rights to the indigenous forests of the Mahuze and Mandobo of Muting. Even the agreement granting 30% of the profit for the landowners is an empty promise. Instead the company imposes its will by running a cooperative program, reasoning that it is for the people's welfare, without any socialization to the local community.

The government, from the national down to Muting district level, turns a blind eye to all complaints. The complaints have been made at the district level, up to various reports of findings filed by various national and international NGOs to the UN committee, which provided recommendations that should be made by the central government for the fulfillment of human rights of the Papuan people, especially in Muting, Merauke. However, until the time of writing this report, none of the issues were settled by the central government or the Papuan provincial government.

In the name of national development and on behalf of national and international food self-sufficiency, Merauke still serves as the main area of the MIFEE megaproject. Various issues that arise from the region such as those in Muting district are considered to be trivial. The national food crisis in 2020 is considered to have much greater importance than the state of human rights issues in Muting. This is likely to be the reason why the issues of human rights, discrimination and marginalization of the indigenous peoples in Papua are not given attention by the Government, as the authority passing large-scale programs such as MIFEE.

From the above, the researcher proposes the following recommendations for follow-up by the parties most responsible for the societal conditions in Merauke, especially the Mahuze clan and the tribes in the border region. This is in order to minimize not only horizontal conflicts among people, but also vertical conflicts with the company, society and the government, or worse, reinforcing the problem of national disintegration. The recommendations include:

1. The necessity to change the view or paradigm of the government towards indigenous Papuans, especially people subjected to the MIFEE megaproject in Merauke. This paradigm shift is the key of each approach taken towards the community, respecting the decisions of indigenous people towards sale of land. The formation of this paradigm can be done through respecting the local culture.
2. Eliminating the stereotype and stigmatization of separatism to the indigenous peoples of Papua, especially the people of Merauke affected by

the presence of the MIFEE megaproject. This is so that issues of indigenous land disputes can be viewed objectively by siding with the indigenous people of Papua.

3. The necessity for an in depth study of the Special Autonomy Law No. 21 of 2001 Article 12, as amended by Law No. 35 of 2008, point (a) Indigenous Papuans. This article has been misinterpreted through customary adoption of non-Papuans to satisfy certain purposes. There should be sanctions for such misinterpretations.
4. The need for supervision from the Papua People's Assembly (MRP) of the performance of the LMA in the province and district levels. This is so that the LMA can perform its duties and functions proportionally without harming indigenous peoples, as happened in Muting.
5. The need for strict monitoring of the performance of the military and police at the Merauke regency down to Muting district levels for various acts of violence and violations of human rights. This is because of military involvement in the contracting business in the district.
6. The need for decisive action to members of Kopassus who work for PT Bio Inti Agrindo Block 1, who employ terror, intimidation, and even physical threats to society who protest against the permitless operation of the company.
7. Withdraw all members of TNI and police who are convicted of violent acts or conduct business practices that harm communities.
8. The importance of providing knowledge and understanding to the indigenous people of what is rightfully theirs, and guaranteed by the Constitution and national and international laws and regulations, as well as various regulations related to land in Indonesia. This is so that people can make decisions based on both awareness and their basic needs. ***

KNPB: Fighting against NKRI

By: Benny Mawel

INTRODUCTION

Since its founding on 19 November 2008, the West Papua National Committee (KNPB) has grown into a movement of Papuan youths that is most vocal in exclaiming "Free Papua!" The organization is consistently vocal and fearlessly cries out "Resist" against the government, which is labeled as an occupational government in the Land of Papua.

KNPB is an observable phenomenon in the map of the political conflict between Papua and Jakarta, because KNPB is a political movement created out of the hands of young people, and then mushroomed across Papua. The people of Papua greet this new political faction with its goals, despite the allegations about KNPB's agenda and activists from the Papuans themselves (even disputes among KNPB leaders) and from the Indonesian government.

The Government of Indonesia responded to the action of these youth with repressive measures that result in arbitrary arrests, extrajudicial killings and destruction and looting of property of KNPB activists, not only in Papua, but also in other areas outside Papua such as Manado and Makassar.

The following article reviews the dynamics of the KNPB resistance movement and the government's reaction that culminate in policies and actions that violate human rights. First, the author describes the history of the formation of KNPB, followed by state action against KNPB, and finally a closing note to round off this analysis.

ON KNPB'S HISTORY AND STRUGGLE

KNPB's formation

In 2006, the All-Indonesia Association of Students of the Central Mountains of Papua (AMPTPI) held its second National Congress in Manado, led by Secretary General Markus Haluk and Deputy Secretary General Buchtar Tabuni. This congress gave rise to a number of important recommendations, including consolidating the Papuan people for peaceful demonstrations in Papua and across Indonesia demanding the closure of PT. Freeport Indonesia.

The recommendation split the students into two opposite groups. The first group believed that the Papuan people themselves should stage demonstrations demanding the closure, without Papuan students studying elsewhere involved in the actions. The second group said that Papuan students who are studying outside Papua should be the prime movers of the actions and return to Papua. As a result, thousands of Papuan students left their universities in various places in Indonesia and returned to Papua between the end of 2007 and mid-2008.

In the process, a number of Papuan students who arrived early staged demonstrations. Buchtar Tabuni, deputy secretary general of AMPTPI began leading the rallies. On 1 April 2008, Buchtar Tabuni led the masses of the Coalition of Students and People Concerned of Papua (KMMPTP) at a rally in front of the office of the Governor of Papua. KMMPTP demanded the Indonesian government revoke Law No. 21 of 2001 on Special Autonomy and immediately hold an international dialogue to resolve the conflict between Papua and Jakarta.

"The Papuan People's Assembly (MRP), the Governor and the Papuan Legislative Council (DPRP) should immediately send a letter to President Susilo Bambang Yudhoyono to hold the international dialogue," demanded

Buchtar Tabuni. KMMPTP threatened to boycott the 2009 presidential election if the government did not pay attention to their aspirations.[55]

Many students returned to Papua. The last group to return to Papua in mid-2008 established an action center in the funeral park of Theys Hiyo Eluay, in the village of Sere, Sentani. Day and night, the students held discussions under a makeshift tent. They met with a number of student and opposition organizations. One of the results of the discussion was the formation of the National Action Committee of West Papua (KANPB) in the secretariat of the National Front of Papuan Students and Youth (FNMPB) in Waena in September 2008.

KANPB was formed to demand resolution of the case of the murder of Opinus Tabuni in Wamena during the celebrations of the International Indigenous Peoples Day on 9 August 2008. KANPB continued to hold various demonstrations and press conferences. From press conference to press conference, Buchtar Tabuni's prestige continued to rise, and further improved as he and his colleagues appeared as the driving force of the Papuans in welcoming the launch of the solidarity group of parliamentarians, the International Parliamentarians for West Papua (ILWP) in the UK on 15 October 2008.

Under the coordination of Buchtar Tabuni, Secretary Victor Yeimo, General Coordinator Sebby Sambom and Field Coordinator Elly Sirwa led a demonstration welcoming the ILWP. Thousands of students and citizens thronged the streets in Expo, Waena, Jayapura, with Morning Stars flag in hand. Buchtar bravely convinced the people that independence was a certainty for the people of West Papua.

Meanwhile the police, through statements in the media, declared that Tabuni's highly provocative speeches would result in his arrest. Buchtar Tabuni was

55 *Memoria Passionis di Papua 2008*, SKPKC Fransiscan Papua, p. 179.

not concerned with the announcement. Along with colleagues, ILWP leaders and a number of political factions of the Free Papua, he held a meeting at the Walter Post Theology College in Sentani on 19 November 2000. The meeting resulted in the founding of the West Papua National Committee (KNPB) with Buchtar Tabuni as the Chairman. Thus 19 November is celebrated as the anniversary of KNPB.

KNPB's developments

Although KNPB is relatively new as a political faction in Papua, it has enjoyed fairly rapid development throughout the territory. There are 29 KNPB regions, with corresponding sectors, bases, families, individual members and sympathizers. The number of sympathizers is in proportion to the number of KNPB active members.

KNPB's development in the 29 regions occurs through two pathways. The first is through socialization. The second is spontaneous through people welcoming KNPB after learning about KNPB's resistance actions. Much of the development was due to this second pathway; the spontaneous movement of the people. "KNPB Timika was established on 9 January 2009. We moved first, and the decree only arrived later. The movement of KNPB in Timika is born from inside, not from external recommendations. We obtained our decree in 2011; two years after our establishment. The central board of KNPB never questioned about the existence of KNPB in Timika," explained Mario Yatipai, the founder of KNPB Timika.

There is no exact figure of KNPB members and sympathizers, because the membership is fluid and without any formal criteria of selection. People can freely establish a KNPB branch, thus automatically becoming member. There are people registering after the establishment, while others register after the socialization with voluntary teams from KNPB.

"We never force people to join KNPB. Those who want to oppose colonialism come to us, and we accept them as members. We could not reject their desire to unite in resistance as a people," said Chairman I of KNPB, August Kossay.

Aspirations of KNPB

Several KNPB activists stated that since its establishment, KNPB has had one single issue 'self-determination through referendum'. KNPB demands a referendum because the referendum in 1969, called the Act of Free Choice (PEPERA), did not take place democratically. Those involved in PEPERA were not only the Papuan people, but also people of Kei and Javanese descent in Papua. Under military pressure, they voted for Papua to become part of the Republic of Indonesia.

"It is the root of the problem in Papua. The implementation of the PEPERA, that model where selected persons were questioned whether to join the Unitary Republic of Indonesia (NKRI)? Where's the logic in it? Such a model forced the Papuans to become part of NKRI. But what do we get? There is no guarantee of livelihood for Papuans in being part of NKRI," said Agus Kossay.

Kossay continued, "The fate of the Papuans is to continue being victims of military violence since the military invasion of Papua on 19 December 1961. Military operations have been conducted in succession. Thousands of Papuans have become victims, but there was never any legal process. The state seemed to legalize all the barbaric behavior on behalf of territorial integrity and security of vital objects, and mining in Papua."[56]

The Indonesian government tried to resolve the problems accumulated through Law No. 21 of 2001 on Special Autonomy. This, too, by many, including the government and the parliament of Papua, and the national House of Representatives, is considered to have failed. The government did not enforce all of its plans. Local political parties and the Commission of Truth and Reconciliation, set out in the Special Autonomy Law, have never materialized. There have not been solutions to human rights violations so these problems continue to accumulate.

[56] Interview with Kossay.

For Kossay, the solution is a referendum, or in his words, "We want to see indigenous Papuans choosing between NKRI or self-determination. We will accept the result of the people's self-determination. Before any honest referendum is conducted, Indonesian rule in Papua remains illegal. We will not step backward, we will take the fight, uphold truth and our rights in our country."[57]

Objectives of KNPB

KNPB's existence of in the struggle for Papuan independence has very clear objectives and agendas. The political speeches, statements issued by KNPB orally and in writing in press conferences and in open campaigns, and leaflets all refer to these objectives:

The first and foremost agenda of KNPB is uniting the people of Papua in self-determination through referendum. "We are fighting for self-determination through referendum; it is an international mechanism. It is the best solution to resolve the Papua issue," said Agus Kossay.[58]

The second agenda is rectification of history through mechanisms of international law. KNPB wants to take the Indonesian government to the International Court of Justice on the manipulation of the 1969 Act of Free Choice and the human rights violations resulting from military violence against indigenous Papuans. Therefore, the leader of KNPB's overseas network Benny Wenda launched the International Lawyers for West Papua (ILWP) on 5 April 2015, led by a well-known international lawyer Jennifer Robinson.[59]

"Indonesia must take responsibility for its actions. Before taking responsibility, Indonesia will never develop Papua. Indonesia will continue to

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57 Ibid.

58 Interview with Agus Kossay.

59 http://bennywenda.org/international-lawyers-for-west-papua/ accessed on 2 August 2015.

commit violations of laws and human rights on this land," said Bazoka Logo, spokesperson of Central KNPB on 26 August 2015.

Third, KNPB clearly wants to end the systematic killings that took place since Indonesia forced the Papuan people into becoming Indonesians. The systematic killing is still going on through the militarization of the region, rearrangement of administrative boundaries, and poor education and health care systems. "Break the chain of murder. We want to free Papuan people from invaders."[60]

Fourth, KNPB struggles for political independence, establishing the West Papua state and expelling the Indonesian government. "We are very confident of our struggle, which is our right. Whether we want to join or reject Indonesia, it is our right. Indonesia cannot force us to be part of Indonesia against our will," said Bazoka Logo on 26 August 2015.

Those beliefs make all KNPB activists stalwarts, never retreating from the ranks of the resistance for any reason. "We fight for the liberation of the people of Papua from oppression. We will never retreat from this resistance. We will do our fight tirelessly. Our reward in this struggle that is known by all activists are getting arrested, detained, beaten, imprisoned and killed,"[61] said Agus Kossay.

Models of Resistance of KNPB

According to KNPB activists, their resistance against the Indonesian government is not based on hatred or negative emotions towards Indonesian persons coming to Papua to seek a better life. KNPB is only opposed to the Indonesian government system, which dominates, oppresses and robs the basic rights of indigenous Papuans.

KNPB opposes the oppressive system through peaceful ways, by bringing

60 Bazoka, Press release dated 26 August 2015.

61 Interview with Agus Kossay.

legal, political, economic and cultural arguments. The legal argument that they put forward, ironically, is derived from the 1945 Constitution: "Freedom is the right of all peoples." Papuans as a nation has the right to self-determination, as does the nation of Indonesia.

The economic argument is very clear. The people of Papua never receive shares of the Papua's natural wealth that have been exploited. Papuans instead become the target of military operations, with the argument that they are part of armed civilian groups or the Free Papua Movement (OPM).

The cultural argument believes that Papuans are Melanesians, in contrast to most of Indonesia, which has the Malay culture. This cultural difference leads to racism and discrimination towards Papuans. "We are not Malays. We are Melanesians."

In all their demonstrations, KNPB always conveys these arguments. They never have any ill will towards other peoples in their demonstrations – except those who disturb their course of action. KNPB always tries to organize peaceful resistance.

"We have been conducting peaceful resistance. We have shown to the people of Papua, Indonesia, and the world that our resistance is peaceful. We choose peace because we know we are on the right side," said Mario Yatipai, representative of the National Parliament of West Papua.[62]

According to Mario, they conduct their peaceful resistance in the following manners: first, peaceful demonstrations. KNPB mobilizes the masses to take the streets and express their aspirations honestly and openly in public, both orally and in writing. Second, information sharing of human rights violations in Papua in each region through the mass information media. KNPB also does press conferences, uploading information on the Internet and the

[62] Interview with Mario Yatipai.

official Facebook account of KNPB. Third, KNPB conducts joint prayers, for Christians and Muslims. Their prayers reflect their struggle against the evils of government in accordance with the gospel. "People misunderstand Jesus. Jesus is a world-class separatist. He opposed the Romans who colonized the Jews," said Sebby Sambom, in a 2001 talk at Doyo Narcotics Prison in Jayapura regency.[63]

Stigmatization of KNPB

KNPB's peaceful resistance and its arguments have proven to be a stumbling block for the government. The government tried to block the movement of KNPB by stigmatizing them, in order to narrow the space for the organization and activists of KNPB. For example, KNPB is regarded by both the military and police as an illegal organization, because it is not registered in the Office of National Unity and Political Institutions. KNPB is also labeled as anarchist and interfering with the daily activities of the people when conducting rallies. Their peaceful demonstrations were limited, as they were never issued with a permit to hold rallies.

"The Deputy Police Chief of Papua, Brig. Gen. Paulus Waterpauw stated that there were several organizations filing notices to organize demonstrations, but KNPB's notice was rejected because it is not registered in the Office of National Unity, Politics and Public Protection of Papua (Kesbangpol)."[64]

The government not only limited KNPB by not publishing a permit, but also did not even acknowledge receipt of the notice and made this an excuse to block a peaceful demonstration, which ended forcibly with a murder. Dissolution of demonstrations and restrictions ensue repeatedly on unsubstantiated charges.

"They always block us by not giving permits, but what they really want to do is to prevent us from openly expressing our aspirations," said Mario Yatipai,

63 Writer's private notes on the history of KNPB.

64 *Memoria Passionis di Papua 2012*, SKPKC Fransiscan Papua, p. 90.

former chairman of KNPB Timika who is currently the Vice Chairman of the National Parliament of West Papua.[65]

Those who led the resistance were later charged with acts against the State. The State prosecutes and imprisons activists with charges of treason as stipulated in the Criminal Code. The houses of members and the secretariat of KNPB are also often searched.

In these raids, the police or joint apparatus often collect evidence in the form of KNPB documents, machetes, kitchen knives and explosives. The finding of explosives is used as a reason for detention, conviction and imprisonment of KNPB activists. In fact, KNPB does not know anything about the explosives.

"They are trying to criminalize KNPB as if it were a terrorist organization. There are people who plant explosives. They arrest us as if we were terrorists. Detachment 88 forces milled around the house. They conducted the arrests outside the rule of law," said Mario Yatipai.

A very typical conclusion of the accusations leveled towards KNPB came from the mouth of the Head of the Papua Police Public Relations, I Gede Jaya Sumerta, in his statement rejecting KNPB's notice to hold a demonstration related to the shooting of citizens in Aimas in early May 2013. "The actions of the group of Victor Yeimo (chairman of Central KNPB) are always disturbing the activities of the community activities, resulting in traffic jam and throwing rocks, and Victor Yeimo's organization is not registered in the *Kesbangpol*."[66]

Forms of repression against KNPB

Repressive measures against KNPB do not stop at mere stigmatization, but continue in various forms of repression that directly affect the physical safety of the members of KNPB. The following are the patterns of the crackdown against KNPB committed by security forces, as identified by the researcher:

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65 In-depth interview with Mario Yatipai.

66 *Memoria Passionis di Papua 2013*, SKPKC Fransiscan Papua, p. 129.

a. War of ideas in the media

The war of ideas between the Indonesian government and the KNPB through the mass media colors the local newspapers in Jayapura. During 2012-2015, there have been arguments between the government and KNPB. KNPB attacked the government with sharp, assertive and sweeping arguments questioning the legitimacy of the government of Indonesia in Papua.

KNPB first attacked the government about the misinformation of history. KNPB claimed that the Indonesian government did not implement the Act of Free Choice (PEPERA) in 1969 according to the New York Agreement of 1962, which stated that the referendum was to be carried out by means of 'one person, one vote'. What happened was that the government used a system of representation; and even then did not give the freedom to choose, but coerced the participants to vote for Indonesia. "Indonesia violated the New York Agreement of 1962," said Bazoka Logo.

The coercion resulted in KNPB's conclusion that Indonesian occupation of Papua is invalid. Indonesia occupied Papua by force without consent or approval of the Papuans. "Indonesia is illegal. Are we, or is Indonesia illegal? Indonesia is illegal, illegal, illegal," yelled Buchtar Tabuni in a demonstration in Jayapura on 2 August 2011.[67]

Second, the Indonesian government committed murder under the pretext of eradicating armed separatists (OPM) that continue to fight and disrupt security. OPM is scapegoated to justify murder of Papuans. "Since the irregularities [of the PEPERA], Indonesia has always killed Papuans."[68]

The Government replied to these accusations with direct and indirect denials. The Government made their statement to the people of Papua through the local governments. The local governments claimed the Papuan people do not

[67] Writer's private notes on the history of KNPB.

[68] Bazoka, Press release dated 26 August 2015.

need to protest against the history of integration on 1 May 1969, because it is already final.

The plan to hold a demonstration on 1 May by several groups (including KNPB) was rejected by the Governor of Papua Lukas Enembe. Enembe said that he disagreed with their plan of holding demonstrations on 1 May.

The indirect response was given through pro-Indonesian groups in Papua. Ramses Ohee and Ondoafi Waena are spearheading efforts to respond to KNPB's argument about Indonesia's illegal occupation in Papua. "Murders no longer occurred after the Reformation of 1998. We are now enjoying development through special autonomy," said Frans Albert Yoku, who accompanied Nicolas Meset and Suriel Mofu in a public lecture at the National University of Fiji in 2014.[69]

Ramses Ohee continues to defend the legality of Indonesian authority in Papua. He continually denies the claims that it was illegal. "The 1969 Act of Free Choice cannot be contested. What is needed now is to unite with the Republic of Indonesia, and the whole society should not be affected by the issues surrounding PEPERA lawsuit in the International Court of Justice."[70]

Later, other figures also expressed opposition against the struggle for Papuan people. Jimmy Asso, Amandus Mabel, and Ardik Asso, for example, reject the establishment of IPWP, which was founded in the United Kingdom on 15 August 2008 to legally address human rights violations in Papua.[71] They represent the pro-independence groups from mountainous areas.

b. Forced dismissal of demonstrations

Since the establishment of KNPB, a number of KNPB demonstrations have been dispersed by the police throughout Papua. Jayapura City and Jayapura

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69 Writer's private notes on the history of KNPB.

70 *Memoria Passionis di Papua 2011*, SKPKC Fransiscan Papua, p. 165.

71 *Memoria Passionis di Papua 2008*, SKPKC Fransiscan Papua, pp. 184-185.

Regency, where this research was conducted, are subject to various blockading and dispersal of peaceful demonstrations by force by the police.

Outside Jayapura, on 24 October 2012, the police in Fakfak dispersed a peaceful demonstration by the KNPB of Fakfak region. The Fakfak police chief, Adjunct Senior Commissioner Rudolf Michael, explained that the activities of KNPB Fakfak that was to be conducted in the parking lot of the Thumburuny market was dispersed due to the Police not issuing a permit. "The dispersal of the KNPB activity in the Thumburuny market is because no permit has been issued by the Fakfak Police," said Police Chief Rudolf Michael to Radar Sorong on 24 October 2012.[72]

On 13 May 2013 the Jayapura City Police blocked a KNPB rally and arrested seven activists in front of the gate of the Cenderawasih University, Perumnas II Waena, about 20 km from the city of Jayapura. These arrests, according to Jayapura police chief, Superintendent Alfred Papare, were merely for questioning. One of them, Victor Yeimo, Chairman of KNPB, was entered in the Wanted List (DPO) of the Regional Law and Human Rights Office of Papua Province, because he was serving a prison sentence of 9 years. Therefore, Victor was detained to serve the remainder of the punishment, while six other colleagues were released.[73]

Not long after, on 6 October 2013, the Jayapura Police forcibly dispersed KNPB's demonstrations in support of West Papua's entry to the Melanesian Spearhead Group (MSG) to be performed at the MSG Summit Meeting in New Caledonia, 18 June 2013.[74]

About five months later, in November 2013, the Jayapura City Police restricted democratic space for KNPB, with the argument that KNPB did not have the

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72 http://www.jpnn.com/read/2012/10/25/144541/Serukan-Referendum,-Polisi-Bubarkan-Aksi-KNPB

73 *Memoria Passionis di Papua 2013*, SKPKC Fransiscan Papua.

74 http://tabloidjubi.com/2013/06/10/polisi-bubarkan-aksi-knpb/ accessed on 28 August 2015.

necessary permit. On 16 November 2013, the police arrested 16 activists who were distributing leaflets calling for a peaceful demonstration on 26 November 2013. The arrests continued with restrictions on the demonstration on 26 November 2013. The Jayapura police chief, Alfred Papare, led the dismissal of the peaceful demonstration, "The march does not have a permit, so we are asking you to understand. If you want to continue, please move to the Expo Building," Papare directed the masses into the courtyard of Waena Expo pavilion. The participants agreed to accept the offer and then went to the Waena Expo pavilion, putting up banners and making speeches.

But the police still dispersed demonstrators who entered the Waena Cultural Park. Papua Police Public Relations Head AKBP Sulistyo Pudjo Hartono said that the KNPB demonstration did not have the receipt of notification (STTP). "The permitless demonstration was initially safe, but later the demonstrators quietly go out of the pavilion through the bridge on the side of the building, and moved to Mega Waena shopping area," he said via text message.[75]

A year later, in 2014, police dispersed a peaceful demonstration in Dogiyai Regency held by the Paniai Region KNPB. The report issued by Central KNPB, based on reports by KNPB members and citizens in Dogiyai, mentions that the KNPB demonstration was forcibly disbanded. Police did not conduct negotiations with the people before dispersing the peaceful demonstration in Moenamani Terminal. The police arrived at the scene and dispersed the masses with gunshots.[76]

In 2015, the police much more tightly restricted democratic spaces. Throughout Papua, the police dispersed peaceful demonstrations held by KNPB in support of the MSG summit meeting in Honiara, Solomon Islands. Blockading and dispersal occurred in Jayapura, Nabire, Mimika, Manokwari and Fakfak. The Kaimana Police confronted and dispersed a peaceful demonstration of

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75 http://tabloidjubi.com/2013/11/26/penangkapan-tak-mengurungkan-niat-knpb-untuk-demo/

76 http://tabloidjubi.com/2014/11/23/knpb-polda-papua-menyampaikan-berita-bohong/

the people of West Papua in support of the ULMWP proposal to MSG and in support of Papua's entry as a member of MSG, mediated by Kaimana Region KNPB, 6 April 2015.

Two weeks later, the Manokwari Police confronted and dispersed a peaceful demonstration conducted by Manokwari Region KNPB. "We have mediated the West Papuan people for a peaceful protest. But, having arrived at the front of the UNIPA campus, we were confronted by the combined forces that dispersed us by force. The security forces occupied all the rallying point of the masses," said Samuel Mabel to JUBI, 24 June 2015 in Manokwari.[77]

c. Arbitrary arrests and detentions

The forced dispersal of demonstrations often leads to arbitrary arrests and detentions. In 2012, KNPB noted that 11 of its members were arrested by the police in Manokwari in a mass rally held by KNPB at Jalan Gunung Salju Amban, in front of the Papua University (UNIPA) campus at Manokwari, on 23 October 2012.

The Public Relations Head of the Papua Police, AKBP I Gede Jaya Sumerta, justified the arrests. "Initially a mass of approximately 100 people held a long march from Amban to Borarsi Field. They were then blocked by the police in Amban, so the masses just made speeches in front of the UNIPA campus... The police then dispersed the crowd and arrested 11 people."[78]

A year later, the Jayapura City Police arrested 16 people when the KNPB activists held a protest on International Day of Democracy in Imbi Park, Jayapura, on 16 September 2013 at around 8:00 a.m. EIT. The police argued that the protest did not have a permit and disrupted the flow of traffic in the city of Jayapura.

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77 http://tabloidjubi.com/2015/06/24/aparat-hadang-dan-bubarkan-aksi-demo-damai-knpb-di-manokwari/

78 http://tabloidjubi.com/2012/10/23/demo-knpb-di-manokwari-11-ditangkap-dua-polisi-terluka/

The Public Relations Head of the Papua Police, AKBP Sulistyo Pudjo Hartono said the situation in Papua for the International Day of Democracy was conducive, and there were several activists who were arrested and detained in several police stations for questioning. "I have not been able to obtain detailed information related to the arrests, I do not know the names," he said.[79]

Then in 2014, demonstrations demanding the release of two French journalists were carried out simultaneously in several locations by KNPB activists on 13 October. These demonstrations led to the arrest of a total of 66 KNPB activists by the police, with the demonstrations blocked and forcibly disbanded.

General Secretary of Central KNPB, Ones Suhuniap, said that KNPB successfully staged demonstrations in Jayapura, Mimika, Merauke, Fakfak, Kaimana, Yahukimo, Nabire and Manokwari. Dissolution and mass arrests ensued against these peaceful demonstrations. 17 KNPB members were arrested in Jayapura while 46 activists were arrested in Merauke. In Fakfak, Kaimana and Manokwari, according to Suhuniap, the demonstrations were only blockaded and dispersed. "The demonstration in Fakfak was dispersed. In Kaimana, pamphlets and banners were confiscated, while in Manokwari the protesters were blockaded. The demonstrations in Yahukimo, Nabire and Timika ran smoothly without any arrests and dispersal," said Suhuniap.[80]

The largest number of arrests in the history of KNPB occurred during the two days of 30 April and 1 May 2015. A total of 264 people were arrested and arbitrarily detained by the police in Jayapura, Nabire, Merauke, Manokwari and Kaimana. The majority of them were youths and students who are KNPB members and sympathizers, and one journalist. "The arrests were made by the Police Mobile Brigade and the Papua and West Papua Special Teams, when the masses were preparing and conducting peaceful protests as well

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79 http://tabloidjubi.com/2013/09/16/usai-diamankan-polisi-16-anggota-knpb-akhirnya-dilepas/

80 http://tabloidjubi.com/2014/10/13/demo-tuntut-pembebasan-jurnalis-prancis-66-aktivis-knpb-ditangkap-polisi/

as distributing leaflets of their action plans," said Zely Ariane, Coordinator of #PapuaItuKita, the Jakarta-based Papuan human rights advocacy group.[81]

d. Criminal prosecution and imprisonment

Dispersal of demonstrations, searches and arrests of KNPB activists often end with arrests, criminal prosecution and imprisonment. Punishment and imprisonment on charges that contradict the peaceful struggle agenda of KNPB was first experienced by KNPB activists in 2008.

KNPB Chairman Buchtar Tabuni and his colleague Sebby Sambom were arrested on 3 December 2008 at his home in Sentani, near Jayapura, for allegedly organizing protests on 15 October 2008 in support of the launch of IPWP in the UK Parliament. The prosecutor demanded 10 years imprisonment on three counts: treason (Article 106 of the Criminal Code), sedition (article 160 of the Criminal Code), and acts against the state (Article 212 of the Criminal Penal Code). Both were sentenced to three years in prison.

In 2012, 12 activists of the Timika Region KNPB were arrested and prosecuted. Six activists were released while six others were charged. Those charged were Mario Yatipai, Steven Itlay, Yohanis Womsiwor, Alfred Masyom, Paul Marsyom, and Yanto Dowekyon. Yanto was charged with making *dopis* (explosives for catching fish) and penalized based on Article 1 (1) of the Emergency Law No. 12 of 1951 *juncto* Article 55 paragraph 1 (1) of the Criminal Code, while his colleagues were charged with making *wayar* arrows (traditional Biak arrow), and were penalized based on Article 106 of the Criminal Code *juncto* Article 55 paragraph 1 (1) of the Criminal Code.

"They put forward a kitchen knife, a kitchen machete as evidence. They found explosives and pressed the activists to admit that it was Romario who planned the act. The trials were protracted, up to 15 hearings, and we were sentenced to 8 months in prison,"[82] stated Mario Yatipai.

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81 http://tabloidjubi.com/2015/05/05/dua-hari-264-orang-ditangkap-karena-kebebasan-berekspresi/

82 Interview with Mario Yatipai, former chairman of Timika Region KNPB.

On 11 July 2014 in the village of Wara, Pisugi District, Jayawijaya Regency, the Jayawijaya police arrested and detained five Baliem Region KNPB activists, namely Ibrahim Marian, Yali Walilo, Joni Marian, Marthen Marian and Joseph Siep. All were accused of carrying explosives to disturb the 2014 general election.[83]

Then in 2015, the West Papua Police arrested KNPB activists in Manokwari: Alexander Nakemen, Oten Gombo and Novi Kumawak were detained at the headquarters of the West Papua Police Mobile Brigade. They were accused of inciting influencing the society to conduct demonstrations that threaten the sovereignty of the State in accordance with Article 160 of the Criminal Code.

"The chairman of Manokwari Region KNPB, AN, the secretary, and three members who are students, have been named as suspects in accordance with article 160 of the Criminal Code," said the West Papua Police Chief Brigadier General Paulus Waterpauw in Manokwari, on 23 May 2015.[84]

The Secretary General of Central KNPB, Ones Suhuniap, questioned the place of detention of KNPB members by the police, as they were arrested and detained at the Command Headquarters of the Mobile Brigade (Brimob) during a peaceful demonstration in Manokwari, on 20 May. "They should be detained at the police station not in the Brimob HQ. The police have to explain the reason."[85] The legal process against these detainees is still unclear. KNPB activists of the Manokwari region continued to question their presence until the legal process is clear. Their fate is the same as their counterparts in other regions of Papua.

e. Wanted Status for KNPB activists

Allegations against KNPB activists of provocation and storing explosives led to these activists being entered in the police's Wanted Persons List (DPO).

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83 http://tabloidjubi.com/2015/02/18/sidang-kasus-4-anggota-knpb-yang-dituduh-menggagalkan-pemilu-ditunda-yang-ke-5-kali/

84 http://tabloidjubi.com/2015/05/23/ketua-dan-sekretaris-knpb-manokwari-jalani-proses-hukum/

85 Interview with Ones Suhuniap.

In 2013, the Papua Police released the names of 54 Papuans who were wanted. There are a number of KNPB activists on that list. These include the Baliem Region KNPB Chairman Simeon Daby, Baliem Region KNPB member Herry Kossay, and other activists whose names were not given in detail.

In the same year, the Papua Police declared Buchtar Tabuni, former chairman of KNPB, and the spokesman of Central KNPB as wanted persons. They were put in the wanted list due to leading the demonstration that ended in chaos at Expo Waena, Jayapura, on 26 November 2013. They were summoned by the Papua Police, but did not respond. As a result, the Papua Police put their names on the wanted list. "Both names are already put on the wanted list, and the documents have already been issued," said the Papua Police Head of Public Relations Superintendent Sulistyo Pudjo, as published by the Cenderawasih Pos newspaper on 3 December 2013.

The Chairman of Central KNPB, Victor Yeimo, states that there are more people wanted, but the list is classified. These people are targeted by intelligence operations, but it is still a secret of the Indonesian security. "There are many wanted people that we do not know," he said.[86]

f. Torture and deprivation of property rights

The forced dispersal of KNPB's peaceful demonstration on 4 June 2012 demanding the investigation of the murder of a German tourist in Base G beach (29 May 2012), in addition to the murders of Panuel Tapblo and Yesa Mirin, also resulted in acts of arbitrary arrests and torture against the following KNPB activists:[87]

- Ericson Suhuniap (24 years old), hit in the head by the police, stabbed with a bayonet knife, and his moustache cut with a bayonet knife.
- Enos Yoal (23 years old), beaten on his face until bleeding, strangled on the neck, and stepped on the back.
- Efesus Payage (30 years old), beaten on the head and trampled by three policemen resulting in ten stitches required.

86 Press conference at ELSHAM Jayapura, 9 October 2014.

87 Writer's field research.

- Yobet Bahabol (31 years old), hit in the abdomen and the head, trampled and stabbed in his left and right calves resulting in ten stitches required.
- Jursen Suhuniap (27 years old), beaten on the head resulting in severe injuries and trampled in the waist and legs resulting in ten stitches required.
- Jekson Wenda (22 years old), shot in the lower back, stabbed in the right arm with a bayonet knife, kicked in the ribs and beaten on the head resulting in severe injuries.

In addition, the police seized the victims' belongings such as cameras, cash, laptops, mobile phones, bags and watches. The police also confiscated property of Sentani Region KNPB including a generator, loudspeaker, amplifier, microphone and KNPB flags. All the seized items have not been returned despite the KNPB activists having been freed.

g. Murder of five KNPB activists in Jayapura

Throughout the six years of KNPB's activity, the security apparatus have sought extraordinary control over KNPB activists. This often ended in murder, occurring in many locations in the Land of Papua. KNPB recorded that dozens of its activists have been murdered in peaceful demonstrations as well as during operations of the military and police.

"Members of KNPB were summarily executed. Martinus Yohame is the 29th victim," said Victor Yeimo, Chairman of KNPB, to the media on 10 September 2014 in Abepura.[88]

KNPB activists have been murdered in all 29 regions of KNPB. In the city of Jayapura from 2012 to 2014 at least five KNPB activists were killed. Two activists, Panuel Tapblo and Yesa Mirin, were killed during a demonstration. Matias Tengket was found dead after a demonstration. Terjoli Wea was shot dead by the police when he returned from a demonstration and Mako Tabuni was shot by the police while chewing betel. The following description gives more details of their murders:

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88 http://tabloidjubi.com/2014/09/10/knpb-29-dibunuh-40-terpenjara-5-dpo-polda-papua/

- Terjoli Wea

Terjoli Wea (23 years) was shot by an unknown party when returning from a demonstration on 1 May 2012. The rally was in rejection of the annexation of West Papua by Indonesia, and was held in Imbi Park in the city of Jayapura. The shooting occurred at the junction between the Jayapura University of Science and Technology (USTJ) and the Military District Command HQ in Padang Bulan, Abepura, Papua at about 19:00 EIT.

"At that time, I was riding my motorbike to go home. The command card and the motorbike escorted trucks carrying the demonstration participants on the way home. Near the campus of Cenderawasih University (UNCEN) Jayapura, the command car and the motor escort moved to the front of the truck carrying the protesters," said Mako Tabuni, Chairman I of KNPB, who took the victim to Dian Harapan Hospital (RSDH) in Perumnas II Waena, Abepura.[89]

Mako said that when the command car and the motorbike was in front of the truck carrying the demonstrators, in front of the USTJ campus facing St. Paul Junior High School in Padang Bulan Abepura, between the campus and the military command HQ, a stray bullet shot by an unknown person hit Terjoli in the stomach. Terjoli, who was standing on the truck, fell down and died instantly.

Mako also made a statement to 68H News Agency that, "He was shot dead in the truck. The bullet hit the abdomen, and he was brought at once to Dian Harapan Hospital. At around 10 he was autopsied and at 12 midnight he was returned to Tolikara Boarding House. He died on the truck. He stood on the right side of the truck from this location [from Jayapura], the side near the military HQ (Koramil) office. The people would immediately 'know' that it was the military. It is clear because it happened in front of the Koramil office."[90]

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89 Radio KBR 68 H.

90 http://portalkbr.com/katarina_lita_/11-2012/ungkap_pelaku_penembakan_anggota_knpb/63944.html

During the autopsy in the hospital, doctors managed to remove a projectile from the victim's body. Dr. John Paat, who performed the autopsy, said he found a foreign object lodged in the body of the victim, allegedly a bullet. "The foreign body entered the body, lodged in the bone and caused damage to vital organs," said Dr. John, director of Dian Harapan Hospital in Waena, Jayapura. The projectile was then handed over to the Papua Police, accompanied by KNPB officials on 2 May 2012.[91]

Papua Police Superintendent Wayono could not ensure that the item submitted was a bullet projectile or some other foreign object. "This is very strange. We are not sure. We are waiting for laboratory test results from Makassar," he said.[92]

Wayono said that they also required additional or other evidence, such as the victim's shirt, crime scene investigation and witnesses to support whether the item was part of the lead bullet or another object. "We cannot say this is a bullet or not. We need other evidence and crime scene investigation," he said. To the present day, no forensic test result has been forthcoming, and thus no clear evidence of the perpetrator of the murder of Terjoli Wea in 2012.

The funeral of Terjoli Wea was held in the public cemetery in Waena on 2 May 2012. After the funeral, the victim's family ran amok and began throwing rocks at a number of houses. A resident named Dedy Kurniawan, 28 years old, was stabbed with a sharp object. Dedy was helped by others and taken to a hospital, but did not survive his injuries.

The police claimed that the stabbing of Dedy Kurniawan was done by a KNPB member. It was denied by Chairman I of Central KNPB, Mako Tabuni. "I saw myself that the angry mob consisted of Terjoli Wea's family, not KNPB members," he explained.[93]

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91 Writer's private notes on the history of KNPB.

92 http://portalkbr.com/katarina_lita_/11-2012/ungkap_pelaku_penembakan_anggota_knpb/63944.html

93 http://suarabaptis.blogspot.com/2012/05/knpb-bantah-dalangi-kekerasan-di-papua.html

The case of Terjoli Wea was never followed up. The results of the forensic laboratory tests on the bullet have not been announced to the public, thus it is still unknown who owned the bullet that killed Terjoli Wea.

- Panuel Tapblo and Yesa Mirin

The forced dispersal of the peaceful demonstration on 4 June 2012 to demand an investigation of the murder of a German tourist at Base G beach (29 May 2012) resulted in the murders of Panuel Tapblo and Yesa Mirin. Both were KNPB members from the Ngalum Tribe, Pegunungan Bintang regency.

Yesa Mirin was registered as a second semester student at the Faculty of History at Cenderawasih University. According to the victim's family, Yesa died at about 2:00 p.m. at Kampung Harapan. His body was then taken by security forces along with the wounded to the Yowari hospital. "He died at 2:00 p.m., but the family only was told at 7:00 p.m.," said J. Bitibalyo, Yesa's uncle. According to Bitibalyo, Yesa died from the shooting and beating committed by the security forces in dispersing the crowds. According to the family, "He was sitting on the edge of a pick-up truck, facing forward, and shot from behind. He fell down to the road. Then the police came, grasped and twisted his neck, killing him instantly. The bullet is still lodged in the victim's body," said Bitibalyo. The incident was misreported by the local media as if Yesa were trampled to death during the demonstration. "That's simply not true," said Jesman Bitibalyo.[94]

Once the family learned that Yesa died at 7:00 p.m., the family came to the hospital immediately. The family could not see the body because the police controlled access to the hospital. "I came here at 6:30 p.m. The police prevented Papuans from going into the hospital. I ventured to go in and found his body at the morgue. I contacted another family member," said a woman, Yesa's friend from primary school.

The second victim was Panuel Tapblo. Melly Tapblo, the victim's younger sister, said that her brother died in the ICU of Yowari Hospital on 6 June

[94] Writer's private notes on the history of KNPB.

2012 after undergoing medical treatment. Melly said that Panuel died from a broken neck bone. “My brother was in a critical state already. The doctor checked this morning at 9:30 and discovered that he has a broken neck bone and would not recover. The family was informed about it,” said Melly to the media on 6 June morning. According to Melly, Panuel suffered from a broken neck bone as a result of torture and severe beating to the head. “During the incident, the police broke his neck.” From the hospital, Panuel was brought by his family to the student dormitory for Pegunungan Bintang students at Jalan Durian Komba Sentani. The following day Panuel’s body was flown to his hometown for burial.

Besides the shooting and beating resulting in the deaths of Yesa Mirin and Panuel Tapblo, the police chased and arrested another 45 persons, and took them to the Sentani police office.

- Mako Tabuni

Musa Tabuni, also known as Mako, Chairman I of Central KNPB was shot dead by the police near the taxi area at Perumnas III Waena on 14 June, accused of being the mastermind of the shootings in Jayapura throughout May-June 2012.

The Papua Police Chief said that he tried to arrest Mako, but he resisted. The authorities were forced to open fire against Mako, who was suspected to carry firearms. “Mako Tabuni was shot dead, because when he was going to be arrested, he was carrying weapons and was resisting,” said the Papua Police Chief, Inspector General Drs. Bigman Lumban Tobing, SH.[95]

The statement was contradictory to what the eyewitnesses reported. Witness I said that before Mako Tabuni was shot on 14 June around 9:30 a.m. EIT, there were three cars parked at the location. As Mako Tabuni was passing on the road to the UNCEN campus in Perumnas III Waena, District Heram, he was

[95] http://arsip.tabloidjubi.com/?p=15174

immediately shot by people who were in one of these cars. "Mako Tabuni was walking along with several colleagues. But I do not know for sure how many times he was shot. After being shot, one of the cars, with the number plate DS 447 AJ, came forward and Mako Tabuni was taken into the car," said Witness I. According to the eyewitness, after the incident, residents around the scene were enraged and torched cars, motorcycles as well as homes and several shop houses.[96]

"There were three cars at the UNCEN gate. One was a black Jeep with the number plate DS 447 AJ," said Witness II to the media on 14 June at the location of the incident. According to Witness II, "they wore civilian clothes. They brought rifles such as the ones you carry," pointing at the guns of the Papua Police Mobile Brigade members who listened to his explanation. "Who would not feel pity? He fell dead like an animal. He turned round several times and fell, his blood gushing out," said Witness II.

A similar statement was given by Witness III. According to him, there were several armed plainclothes police who shot the victim. After that they ran away. "It was the police who really caused the problem. At that time an Avanza car was moving in front, following it was a pick-up. The gunman in the pick-up did the shooting. It was after witnessing the incident that the residents went berserk and committed anarchic actions," said Witness III.

Witness III also regretted that the security forces arrived late to the scene, resulting in the angry masses torching motor vehicles, shop houses and houses. "The vandalism occurred for one hour and only then did the police arrive. What kind of job are the police doing? We were trying to contact Abe[pura] police, but the phone was disconnected. If they were going to make an arrest they should have backup to prevent such incidents," he complained.

Meanwhile Mako's colleague Sebby Sambom said that he was shot while chewing betel nuts. "There were five of them going to Perumnas III. Two of

[96] Ibid.

them were intending to go to Sentani. One of them was younger brother DK. He told Mako that there were two cars (one of which was a white Avanza) following them, but Mako ignored the warning and bought betel from a woman. The people came from their cars and shot Mako."

The Bhayangkara hospital explained to the mass media that Mako Tabuni was shot six times in the abdomen and both thighs.

Data collected by tabloidjubi.com show that the damage caused by the angry mob was in the range of hundreds of millions of rupiahs, in which there were four cars and 26 motorcycles burned, and shops and houses damaged.

- Matias Tengket

Matias Tengket (26 years) was a member of Sentani Region KNPB. He was found dead in the estuary of Kamp Wolker River at Lake Sentani on 27 November 2013, a day after the Jayapura City police, led by police chief Alfred Papare and deputy Kiki Kurnia, dispersed a peaceful mass demonstration.

Notes from the Sentani Region KNPB claimed that the murder case originated from the dispersal of the peaceful demonstration. KNPB members gathered in front of the pavilion of Waena Expo Museum, and were about to move to Abepura. The Jayapura police chief Alfred Papare prohibited the demonstrators from going to Abepura so they were driven into the courtyard of the Expo pavilion.

When the demonstrators were making speeches, the police entered and seized several paraphernalia, such as loudspeakers and pamphlets. KNPB tried to negotiate with the police to return these items, but the police insisted to take these items to the Abepura police station.

Buchtar Tabuni, who led the KNPB demonstration, tried to find another exit through a back road passing the Mega Shopping Mall, the Jayapura Administrative Court and Mega Star Hotel. As the masses reached the

junction, the police blockaded them and prevented them from walking to the Abepura circle. That was when the police and the demonstrators exchanged blows. The police fired warning shots into the crowd, which dispersed to save themselves.

Among the demonstrators was Matias Tengket who fled in the direction of Lake Sentani. "Matias ran there. A black Avanza car chased him from behind and stopped in front of him. Armed people came out and arrested him," said Alen Halitopo, Chairman of Sentani Region KNPB in the deceased's home in Hawai, Sentani on 28 November 2013.

According to Alen, at that time there were children fishing. The armed people chased them away, pointing their guns at them. They immediately ran away, but one child saw when Matias was executed. "He saw that Matias was pulled into a boat, and he was hit with the rifle's butt," said Alen.

According to Alen, the witness suspected that Matias was killed in the boat. "They pushed the boat a bit out in the lake, threw the body and returned to the Avanza car and drove to Mega Mall Waena," he said.

The eyewitness was very familiar with the victim's family in Sentani. "He immediately called us when there were gunshots in the estuary. Three people fell into the water," said Alen. At that time, said Alen, KNPB members could not go to confirm the information, because it was already late and the police were on guard. "The next morning, I sent two people to the location. It was correct. We found Matias' body tangled in fishing net. They pulled his hair and turned his body to take two to three pictures," he said. KNPB members could not take more pictures. "We waited. *Pak* Pilipus Halitopo contacted us to go see if we could identify any of the bodies in the Bhayangkara hospital. We went and checked it out, and it was indeed a member of KNPB from the Sentani Region," said Alen.

When the KNPB members went to Bhayangkara hospital, the Abepura police chief Decky Rumpasanny also came. "He told us, why do you eat each other?

Probably the police chief was implying that the murderer was also a man from Sentani. But we did not believe him," said Alen. KNPB did not believe the Abepura police chief because they already knew what happened from witnesses. "We do not need to accuse anyone else but the Indonesian security forces. Who else?" stated Alen.

Jayapura City Police Chief Superintendent Alfred Papare, S.IK explained to the public that the corpse later identified as Matias Tengket was found by citizens and was taken to the Bhayangkara Police Hospital in Kotaraja. According to him, the hospital did not find signs of violence or abuse on the body of the victim, so it could be ascertained that the victim had no connection with the dispersal of the KNPB demonstration. The bruised condition of the corpse, according to the police chief, was allegedly because the victim had died for some time before he was discovered by local residents.

BRIEF ANALYSIS

From the above description, we can obtain a picture of the dynamics of the struggle of KNPB confronted by security forces acting with an iron fist. The police do not hesitate to use all means to repress the political expressions of KNPB, including physical repression. Judging from the understanding of human rights set forth in national and international laws, KNPB is experiencing patterns of state violence that directly threaten the most fundamental human right, and also non-derogable in any circumstances: the right to life. Other rights of KNPB activists being violated include:

a. Deprivation of the right to life

During 2012-2013, 29 KNPB activists were murdered in Jayapura City and Jayapura Regency as described above, which is clearly a violation of the right to life guaranteed for KNPB activists in national and international laws. "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."[97]

[97] Article 6 paragraph (1) of the International Covenant on Civil and Political Rights.

It is as if the national law that should have guaranteed the life of Indonesian citizens is inapplicable to KNPB activists. The security apparatus instead ignored the law and legitimized the murder of activists, as can be observed from the statements from the security forces. They always state clichés, such as the victim were shot because of resisting, or the shooting was according to procedure. Mako Tabuni was shot dead, because when he was going to be arrested, he was carrying weapons and was resisting, said the Papua Police Chief, Inspector General Drs. Bigman Lumban Tobing, SH.

The statement of the police chief regarding Mako's murder is considered normal for the public in Papua. Such an opinion makes Papuans think that such killings are ignored by the state. In fact, deprivation of life is in violation of Law No. 39 of 1999 on Human Rights, Law No. 26 of 2000, and Regulation No. 8 of 2009 on Guidelines for Human Rights for the Police.

b. Torture

Police torture of KNPB activists is the second pattern that is often encountered in the various attempts by the police to deal with the organization. The documentation of the cases above is just the tip of the iceberg of torture in West Papua committed by security forces to silence the resistance movement of KNPB and other Papuan youth organizations.

Such actions clearly violate national and international law and human rights conventions, in particular Law No. 5 of 1998 on Ratification of the Convention Against Torture, Law No. 39 of 1999 on Human Rights, Law No. 26 of 2000 on Human Rights Court and Law No. 12 of 2005 on the Ratification of the International Covenant on Civil and Political Rights. In addition, torture is in violation of the Criminal Procedure Code and Regulation No. 8 of 2009 on Guidelines for Human Rights for the Police. With so many regulations being violated, it is clear that this practice is never justified legally.

c. Arrests and arbitrary detentions

Arrests of KNPB activists never comply with the procedures set out in the Criminal Procedure Code. The police make arrests on the basis of unilateral

suspicion, or because KNPB criticizes unfair government policies. Such actions are contrary to Law No. 12 of 2005 on the Ratification of the International Covenant on Civil and Political Rights Article 9, paragraph 1: "No one shall be subjected to arbitrary arrest or detention."

An example is the case of the arrest of Mario Yatipai along with 11 fellow members of Timika Region KNPB. The Mimika police entered the KNPB Secretariat, searched the office and made arrests without an arrest warrant. "We did not do anything. The police searched the office. They arrested us as if we were terrorists. The police did not follow the procedures as they never showed an arrest warrant."[98]

Such arbitrary arrest is clearly in violation of the Criminal Procedure Code and Law No. 12 of 2005 on the Ratification of the International Covenant on Civil and Political Rights Article 9 (2). That article guarantees: "Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him."

Mario said that the arrests were accompanied by torture. Some of them were beaten with rifle butts. They were held in different rooms and interrogated. Mario Yatipai was accused of being responsible for the evidence, documents and fish bombs found in the KNPB secretariat.

"During the interrogation everyone was forced to admit that I was the responsible person. Alfred Masyom was wrapped in plastic sheet, had a gun pointed at his forehead and then forced to admit that Mario had the fish bombs. The same thing occurred to Yakonias Womsiwor. His body was wrapped in plastic sheet, and he was taken out by car. On the trip he was threatened of being killed, to be thrown away, so he would admit that it was I who had all the documents," said Mario.

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98 Interview with Mario Yatipai, former chairman of Timika Region KNPB, about the story of his arrest in 2012.

The acts of violence committed by the police are coercion with terror and intimidation to testify. Such coercion is contrary to various national laws, particularly Law No. 5 of 1998 on the Convention Against Torture and the Law 12 of 2005 on the Ratification of the International Covenant on Civil and Political Rights Article 14 paragraph (3) g, which states that each person is entitled to the minimum guarantee to not be compelled to testify against themselves or to confess guilt.

d. Restrictions on freedom of assembly and expression

The restriction of democratic space against KNPB by the police is carried out under the pretext of lack of permit to conduct a demonstration, and that the organization is not registered at the Kesbangpol of Papua Province. Such restrictions do not only restrict the holding of demonstrations, but have led to fatalities. The Papua Deputy Chief of Police Brig. Paulus Waterpauw and the Governor of Papua have prohibited Papuans from holding demonstrations on 1 May 2013 to commemorate the annexation of Papua on 1 May 1963. "The police did not give permission to the people to take to the streets protesting in commemoration of 1 May 1963."[99]

Such restrictions are contrary to the Law No. 12 of 2005 on the Ratification of the International Covenant on Civil and Political Rights, Article 21, which states, "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law." It is also in violation of Regulation No. 8 of 2009 on Guidelines for Human Rights for the Police. Restrictions are only allowed as necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

The restrictions that happen to KNPB are not in order to maintain morals, but purely as a limitation to the public expression of aspirations. "The police prevented us from openly expressing our aspirations. Essentially they want to silence us," said Mario Yatipai.

[99] *Memoria Passionis di Papua 2013*, SKPKC Fransiscan Papua, p. 125.

CONCLUDING NOTES

The above shows clearly that we are witnessing a pattern of impunity that continues to occur. Peaceful protests result in acts of arbitrary arrests, torture and even murders. All of these are never resolved through legal measures. The actors, who should be held accountable for their actions, remain immune from the law, as if the law does not apply to the security apparatus. In fact, those responsible of the shooting and killing often enjoy promotions and awards.

The silencing of democratic space and murder of KNPB activists who demand justice has injured Indonesia's democracy. The approach which emphasizes a violent solution to the problem has proven to only heap insult upon injury in the hearts and minds of the youth of Papua. These have become a collective story, and instead turn into a source of energy for the resistance of Papuans against the Indonesian government.

KNPB activists who declared resistance against the government, bringing aspirations for a referendum, have been told stories from their parents, including those who witnessed the unfair and undemocratic PEPERA. Therefore, the Indonesian government should have given space to the aspirations of the people of Papua, and not promote violence and repression. Presumably the following three main points are worthy of consideration.

Recommendations

Fulfillment of the rights of victims

First of all, the Indonesian government should fulfill the rights of victims that have been ignored. Victims of murder, arrest, torture, persecution, terror, intimidation and unfair trials leading to imprisonment should obtain justice. The perpetrators need to be investigated and prosecuted before the law, in order to prove whether the actions of the police and military violated the existing legal system or not. In this case the role of the National Commission

for Human Rights should be brought forward, as an independent state agency authorized to investigate cases that affect KNPB activists.

In addition to the legal process, the government should run a psychological and physical recovery program for the victims. This should include restitution of damages to property caused by forced searches. To this effect, the Witness and Victim Protection Agency (LPSK) could be involved in this effort.

Reconciliation and peace

Second, the government needs to restore relations with the people of Papua in the reconciliation process as mandated by Law No. 21 of 2001 on Special Autonomy. This can be done through a Truth and Reconciliation Commission. At least the reconciliation agenda is already very clear: that there should be a recognition and apology for human rights violations that have occurred since 1961 to the present day. If there is such acknowledgment and apology, the Papuan people will be helped in restoring the fractured relations with the Indonesian government.

Remedy through dialogue

Third, of all aspirations, the call for dialogue and referendum has become the main aspiration of the people of Papua at the present day. The referendum has been initiated by KNPB, while the Jakarta-Papua dialogue has been carried by the Papua Peace Network (JDP). The Indonesian government should seriously respond to these two aspirations. The government must decide for a dialogue or referendum to resolve the Papua issue. The government cannot keep dodging, ignoring or not responding to these things, by stating the issue in Papua is already resolved. Such a rejection by this reason will not resolve the Papuan issue.

The rejection of any attempt to address the problems or recall the mistakes made by the Indonesian government in implementing the referendum in 1969 only makes the Papuan people more suspicious of the government

of Indonesia. The conviction certainly makes resistance even stronger. Furthermore, state violence without any law enforcement will only stoke up the emotions of hatred, which in turn fans the flame of resistance among the young people of Papua such as KNPB. Without any acknowledgment and apology, the Indonesian government will never succeed in building Papua. Any solution, including trillions of rupiahs, would be meaningless. As stated by the Spokesman of Central KNPB Bazoka Logo on 27 August 2015, "Jokowi must take into account, resolve what the government has done, and only then we can talk about the development of Papua. Otherwise, the government will only kill and kill." ***

About the Authors

Delince Gobay participated in the Second Cohort of the Basic Course for Human Rights Defenders. Delince was recommended by the KINGMI Church of Papua, Jayapura, where she dedicates herself to humanitarian work.

Gabrielinda Assem participated in the Second Cohort of the Basic Course for Human Rights Defenders. She was active in BELANTARA, a non-governmental organization in Sorong. In February 2016, she created and nurtured a community of youth and mothers called *Toki Toki Noken*.

Simon Oriengel Sani participated in the Second Cohort of the Basic Course for Human Rights Defenders. Simon does advocacy work in Sorong with Akawoun Tambrauw Institution.

Mina Basik Basik participated in the First Cohort of the Basic Course for Human Rights Defenders. She was recommended by SKP Kame Merauke, where she is involved in humanitarian work in Merauke and the surrounding hinterland.

Yason Ngelia participated in the Third Cohort of the Basic Course for Human Rights Defenders. He is a partner of the advocacy work of the SKPKC Franciscan of Jayapura Papua in Merauke. Yason is also an activist in GEMPAR, the Papuan Youth, Student and People Movement.

Benny Mawel participated in the First Cohort of the Basic Course for Human Rights Defenders. Benny is active in JUBI-Jujur Bicara Tabloid of Papua, an independent media outlet in Jayapura.

PROFILE OF ELSAM

The Institute for Policy Research and Advocacy (ELSAM), established in August 1993 in Jakarta, is a policy advocacy organization with limited association as its legal entity. ELSAM's 'driving' objective is to actively participate in the efforts to develop, promote and protect civil and political rights and other human rights, as mandated by the 1945 Constitution and Universal Declaration of Human Rights (UDHR). From the outset, ELSAM has committed itself to developing a democratic political order in Indonesia by empowering civil society through advocacy and promoting human rights.

ELSAM's main activities are: 1) Policy and law research and their impacts on human rights; 2) Human rights advocacy in various forms; 3) Human rights education and training; and 4) Publication and dissemination human rights related information.

ELSAM's working programs are: 1) The integration of the principles and norms of human rights in state policies and laws; 2) The integration of the principles and norms of human rights in policies about corporate operations related to local communities; and 3) Capacity building of civil societies in advancing human rights.

Address
Jl. Siaga II No. 31, Pejaten Barat, Pasar Minggu, Jakarta Selatan (12510)
Phone/Fax. (+62 21) 7972662, 79192564 / (+62 21) 79192519
E-mail: office@elsam.or.id
Website: www.elsam.or.id
Twitter: @elsamnews - @ElsamLibrary

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