

The Paradox of Papuan Recognition After Two Decades of Special Autonomy: Racism, Violence, and Self-Determination

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Indonesia's relationship with Papua, its poorest and easternmost region, is still colored by racism. Despite 20 years of special autonomy law (OTSUS) and efforts to improve relations and the status of indigenous Papuans, a shocking incident of large-scale racism in Surabaya in 2019 brought back memories of anti-Papuan discrimination, which OTSUS has failed to solve. The incident triggered horizontal conflict sharpened by an identity contest between Papuans and non-Papuans, reverberating to the present day. Why do Papuans still face conflict after two decades of OTSUS? This paper argues that OTSUS, originally designed to provide legal and cultural recognition to Papuans and their rights within the state, paradoxically failed to guarantee Papuan recognition. This lack of recognition supports increasing calls for independence among Papuan activists and other proindependence organizations. Hence, this situation complicates efforts to reduce violence undertaken not only by state security personnel but also by members of the Free Papua Movement.

Keywords: Racism; Recognition; Self-Determination; Special Autonomy; Violence

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INTRODUCTION

"It is wrong to be born a Papuan" (interview with TA, 7 October 2019; PY, 2 November 2019; LI, 2 November 2019)¹ is an ironic statement that I consistently heard as the region approached two decades of special autonomy (*Otonomi Khusus*, or OTSUS) in 2020. It illustrates the deep wounds left by policies of discrimination and marginalization that the Indonesian government implemented after Papua was officially integrated into Indonesia in 1969 through the Act of Free Choice (*Penentuan Pendapat Rakyat*)². The stark instance of anti-Papuan

¹ All interviews were conducted confidentially. All informants agreed to participate in this study. To maintain confidentiality, only the initials of the informants are given.

² In West Irian, there was a dissonance on how to implement the act of free choice. Some Papuan wanted to implement the principle of 'one man one vote'. However, the Indonesian government

racism in Surabaya in 2019 was like rubbing salt into the wounds. The discrimination and marginalization faced by Papuans have become one of Papua's primary sources of conflict, alongside development failure, human rights violations, and different perceptions regarding integration, history, and the political status of Papua (Widjojo et al., 2009).

Papua and Papua Barat are the easternmost provinces of Indonesia; the region is known as Papua and is referred to as such throughout this article. Indonesia declared independence in 1945, but the sovereignty transfer from the Dutch occurred only after the Roundtable Conference in The Hague in 1949. At this conference, the status of Papua had vet to be decided. The New York Agreement of 1962 became the final negotiation between the Dutch and Indonesia. This agreement mandated the Dutch to hand over the Papuan administration to the United Nations Temporary Executive Authority (UNTEA), then gradually transfer it to the Indonesian government by 1 May 1963. This agreement disappointed Papuans, who expected Papuan independence and later formed the Papuan Freedom Organization (Organisasi Papua Merdeka, OPM). Even though the administration of Papua had been transferred to the Indonesian government, the agreement mandated that a referendum decide on Papua's status. Therefore, the Indonesian government conducted the Act of Free Choice in 1969. Through this vote, Papua officially became part of Indonesia's sovereignty. The referendum's result brought even more disappointment to Papuans who disagreed with the Papuan integration into Indonesia. This condition triggered conflict, which was responded to by military operations. Since then, Papua has had a long history of internal conflict with the Indonesian government, and numerous Papuan groups have continued to seek Papuan self-determination and independence. A period of open discussion and protest known as the Papuan Spring (1998-2002) created momentum for many such groups. In response to their demand, the Indonesian government developed the special autonomy law for Papua, or OTSUS Law No. 21/2001.

The Indonesian government passed OTSUS on 21 November 2001. Although the idea of giving broader autonomy to Papua was to recognize Papuan rights and reduce discrimination against and marginalization of Papuans, this law has failed to address the source of discrimination and marginalization. From a governmental perspective, Papuan recognition is no longer a problem. Indicators used by the central government to measure the success of recognition are based on the number of elite politicians in local government. All the critical positions in Papua, such as governor and head of local government, have been occupied by Papuans. Even the Cenderawasih regional military commander (*Panglima Komando Daerah Militer*, Pangdam) and Papua's regional police chief (*Kepala Polisi Daerah*, Kapolda) are Papuan. Therefore, according to the central government, Papuans can make their own decisions for Papua. The central government assumed that the problem of discrimination and marginalization

opted for deliberative consensus on the pretext of unfavorable geographical characteristics and the general political situation of the area. This decision disappointed Papuans and gave rise to a movement of resistance. Eventually, 1,026 Papuan were chosen as representatives and were quarantined for two months before they voted in the act of free choice in August 1969. Pro-Papuan-independence activists believe that the representatives have been intimidated by the Indonesian military during the quarantine to vote for integration.

ended in Papua with the granting of OTSUS as a form of legal recognition. This assumption prompts the following questions: Why does the demand for Papuan self-determination continue in Papua after Papua has been granted OTSUS? To what extent has OTSUS recognized Papuan rights?

These questions must be considered when evaluating OTSUS, since this law aims to provide Papuans self-determination rights. However, many evaluations of OTSUS are more concerned with problems of governance, budgeting, and infrastructure development. Central government evaluations, for example, merely focus on the allocation of autonomy funds – 2% of national general allocation funds – which ended in December 2022³. A comprehensive evaluation of OTSUS, primarily related to Papuan recognition issues, has yet to be conducted.

Two decades after the passing of OTSUS, Papuans are still victims of racist incidents, including the case of August 2019 in East Java that reached international attention. Development, as a governmental priority within the OTSUS framework, often causes other forms of marginalization and reproduces violence in Papua. An example is the massive investment in exploiting natural resources that caused many Papuans to lose customary rights and lands.

This article analyses the paradox of Papuan recognition in the context of OTSUS. It argues that OTSUS has failed to guarantee Papuan recognition, because the law has been only partially implemented, and what recognition has been given to Papuans has been 'corrupted'. This argument is founded on data that has been collected through observations and interviews with local and central government representatives, Papuans, and NGOs in Papua and Jakarta between 2019 and 2021. This study also benefited from data that the researcher collected throughout her extended fieldwork in Papua since 2005. The paper's argument is presented as follows: First, the article discusses, in theory, the aim of granting autonomy to allow internal self-determination instead of external self-determination. Second, the article explains Papuans' dissatisfaction with the recognition mandated by OTSUS by addressing the different indicators applied to measure it. The paradoxical relation between OTSUS and Papuan recognition manifests in the case of racism in 2019 and in the reproduction of violence, which are analyzed in the third and fourth sections, respectively. The last section scrutinizes President Joko Widodo's (Jokowi) commitment to solving the conflict in Papua through OTSUS during his second presidential term (2019-2024).

OTSUS FOR PAPUA: AUTONOMY, RECOGNITION, AND SELF-DETERMINATION

The utility of autonomy as an alternative to conflict resolution and a mechanism to overcome the demand for self-determination is debatable. State actors usually interpret self-determination as secession or independence: In secession, a region

³ The parliament passed the OTSUS revision, Law No. 2/2021, on 15 July 2021. The parliament revised 18 articles of Law No. 21/2001. Revisions included continuing the OTSUS fund for Papua (2.25% from the national general allocation budget) in 2022. The extension of OTSUS for Papua was followed by a division of Papua province into four provinces (Papua, Papua Tengah, Papua Pegunungan, and Papua Selatan Province) and Papua Barat Province into two provinces (Papua Barat and Papua Barat Daya Province) at the end of 2022. Currently, Papua consists of six provinces. It caused a conflict escalation, especially in the highland areas that became new autonomous provinces (Papua Tengah and Papua Pegunungan).

aims to gain broad recognition by separating itself from the host state; in independence, a region aims to gain broad recognition as a sovereign state (Bertrand, 2007; Hannum, 1996; Hipold, 2017; Weller & Wolf, 2005). This kind of self-determination is often addressed as external self-determination. Most host states are reluctant to grant external self-determination; therefore, autonomy as a form of internal selfdetermination is considered an alternative (Hipold, 2017; Weller & Wolf, 2005). According to Weller and Wolf (2005, p. 1), "autonomy is rightly or wrongly associated with self-determination struggle".

Autonomy is often seen as a win-win solution for the issue of separatism. Autonomy is higher than the protection of indigenous or ethnic minority rights but lower than an independent state; it becomes an alternative that the government offers to the separatist group in question. As separatist movements typically grow out of dissatisfaction, powerlessness, and marginalization, combined with repression, autonomy defuses conflict only if the decision is based on mutual respect and all parties pursue the common goal of conflict resolution (Hannum, 1990, 1996).

Autonomy is used to guarantee a minority group's systematic participation and involvement on an equal footing with the majority population through positive discrimination (Hipold, 2017, p. 328). Autonomy, once granted, can contribute to a group obtaining legal recognition under national law, which is expected to guarantee that a person/group will be able to enjoy the same rights as all other members of society (Honneth, 2003; van den Brink & Owen, 2007, p. 13).

However, legal recognition can become a 'corrupted' recognition when the dominant party/majority group maintains the will to dominate. Such corrupted recognition can be assessed through deviations in the implementation of the recognition policy (Monahan, 2006, p. 393). It can be observed in the government's attempts to reduce the agreed scope of autonomy, or even to withdraw provisions of autonomy. When this happens, the demand for secession or external self-determination increases (Hipold, 2017).

In Indonesia, military action has become central in Papua since 1963, and numerous military operations have been conducted to secure the region's integration. Prolonged military operations, especially during Suharto's authoritarian regime, have brought human rights violations against Papuans. This security approach was and continues to pose a 'nightmare' to Papuans. The central government's approach towards Papua changed after the fall of Suharto's regime in 1998. During Indonesia's post-Suharto democratic transformation (1998-2002), Papuan demands for independence grew louder, particularly after holding the Second Papuan Congress⁴ in 2000 (Dewi, 2017a). The Indonesian government, however, did not grant Papua independence, opting instead for OTSUS to theoretically reduce independence demands. The government believed that OTSUS and the enshrining of Papuan rights through

⁴ The Papuan Presidium Council (*Presidium Dewan Papua*, PDP) held the Second Papuan Congress from 29 May to 4 June 2000. The name of the Second Papuan Congress referred to the First Papuan Congress, conducted by the Papua Council (*Nieu Guinea Raad*, NGR) on 1 December 1961. This congress tried to convince Papuans that Papua had declared independence on 1 December 1961. 2,700 participants who represented all Papuan regions attended. The second congress elected Theys Eluay as chairman of the PDP and inaugurated him as Papua's leader. This event successfully mobilized Papuans to support the PDP's declaration of independence (Dewi, 2017a).

recognition and autonomy would improve the relationship between Papua and Jakarta and become a comprehensive solution to the region's conflicts.

OTSUS endeavored to engage affirmative policies towards Papuans to provide them with more opportunities to participate in Papua's politics and economy. Positive discrimination is crucial for Papuans, given the long periods of political, economic, and social domination by non-Papuans, ensued by transmigration and other Indonesianisation policies⁵, for example. It aims to preserve the Papuan population and prevent its ousting by non-Papuan population (Elmslie & Webb-Gannon, 2013, pp. 142-166). Papuans have long felt dominated and threatened by the increasing number of transmigrants, especially from Java, Sulawesi, and Maluku, and their increasing political and economic influence. This resulted in a sense of inferiority imposed on them, re-enforced by economic and political marginalization (Dewi, 2017a).

Papua's OTSUS was the result of political negotiation towards conflict resolution. It mandated the recognition of Papuan rights as an *adat* (customary) community through the formation of the Papuan People's Assembly (*Majelis Rakyat Papua*, MRP) to provide cultural representation. Local political parties would be allowed, and local symbols would be recognized. Furthermore, the law also allowed the formation of a Truth and Reconciliation Commission (TRC) to solve past human rights violations and bridge the different interpretations of Papua's political status. However, the conflict has continued throughout the two decades of special autonomy. Reasons therefore are, among others, the MRP's delayed formation, the division of Papua into two provinces in 2003 without the consultation of the MRP or the local government⁶, the TRC's unrealized formation, and the 'hijacking' of Papuan organizations and representation.

DEFINING RECOGNITION: THE GAP BETWEEN GOVERNMENT AND PAPUAN PERCEPTIONS

As explained, OTSUS can be interpreted as internal self-determination to gain (legal) recognition. However, after two decades, there is still a wide gap between the law's implementation and what was and is expected by Papuans (Dewi, 2017b).

The central government of Indonesia claims that Papua has been fully recognized through the implementation of special autonomy. The existence of the MRP, including *adat*, religious, and women representatives (McGibbon, 2004), is one of several

⁵ Indonesianisation was a nation-building policy for maintaining the integration of Papua into Indonesia through military and non-military approaches. On the pretext of equitable development, the Indonesian government intensified transmigration programs. A massive transmigration program introduced during the Suharto era (in the 1970s) gradually changed the proportion of the population in Papua: In 1971, the population of non-Papuan migrants in Papua was around 5%; the migrant population increased to 35% of the population by 2000; by 2010, Papuans formed only 49% of the population; and by 2020, the proportion of Papuan to non-Papuan was estimated at 25% Papuan versus 75% migrant (Elmslie & Webb-Gannon, 2013, pp. 142-166; Dewi, 2017a, pp. 11-12).

⁶ The division of Papua into two provinces generated resistance from many parties, such as the government of Papua Province, Papuan activists, and the DAP. The National Defense Institute and the Ministry of Home Affairs believed that dividing Papua into several provinces was the best way to weaken separatism and national disunity (see Dewi, 2017a).

indicators used by the government to claim that it has fully recognized Papuans. The MRP was formed to protect the basic rights of Papuans based on *adat* values and would represent an important step towards institutionalizing the recognition of Papuans.

Besides the formation of the MRP, Papuans have occupied the positions of governor and vice governor in the two provinces of Papua and Papua Barat, following strict criteria defined by the MRP.⁷ The position of district heads in Papua has been dominated by Papuans as well. Papuans have gradually become an essential part of the bureaucracy in Papua, a process defined as Papuanization. A Papuan also occupies the position of the regional police chief in Papua Province.⁸ Even the Cenderawasih regional military commander, Herman Asaribab, became the first Papuan to hold this position.⁹ These positions serve as indicators for the central government to measure the success of recognition in Papua.

Furthermore, OTSUS funds, which had reached 2% of the national general allocation fund by 2019 and were planned to be increased, are also a form of recognition in the perception of the central government. Policy development based on seven customary regions¹⁰ in Papua is also part of the government's claim to Papuan recognition. Indonesia's current President Jokowi added in a press release on 3 September 2019 that the central government had only taken IDR 16 trillion (USD 1.1 billion) from Freeport¹¹, but the government had returned IDR 92 trillion (USD 6.5 billion) to Papua through OTSUS funds. Accordingly, the central government had 'given' more to Papua than it has 'taken' from the region (Suwarjono, 2019).

However, Papuans' perception regarding Papuan recognition differs from that of the central government. A wide-held opinion is that the government is "releasing the head, but holding the tail" (*melepas kepala, tapi masih pegang ekor*) in implementing OTSUS (personal communication with JW, 23 October 2015; DM, 11 July 2019; SM, 1 August 2019; YW, 1 August 2019; AS, 1 August 2019; ANS, 2 August 2019).

10 Papua – Papua and Papua Barat Province – was divided into seven customary regions, five customary regions (Lapago, Mepago, Animha, Saireri, and Mamta) in Papua Province and two customary regions (Doberai and Bomberay) in Papua Barat Province.

⁷ The MRP provided a detailed definition of (native) Papuan or *Orang Asli Papua* (OAP). The candidate must be someone who was born of a native Papuan father and mother, or a native Papuan father, and someone who has an *adat* background (see Dewi, 2022).

⁸ Paulus Waterpauw was appointed regional police chief of Papua Province in September 2019. He was re-appointed after the chaotic anti-racism protests that same year, which caused additional riots. After the riot in Wamena (the capital of Jayawijaya district), 33 people were killed, and many non-Papuans had to flee from Papua. As a Papuan, he was expected to stabilize the situation and assure the riot victims' safety.

⁹ He was appointed on 30 August 2019. Similar to Waterpauw, his appointment was related to the antiracism protest that sharpened the segregation between Papuan and non-Papuan in Papua. As a Papuan, he was expected to reduce the wave of anti-racism protests in Papua through a cultural approach. After the situation returned to normal, he was promoted to Deputy Chief of Staff of the Indonesian Army on 18 November 2020. He was the first Papuan to hold this high-rank position in the military.

¹¹ Freeport was the first foreign company to sign an investment contract in Papua in 1967 before the Act of Free Choice was conducted in Papua in 1969. It was signed a week after Suharto issued Law No. 1/1967 about foreign investment. Later, this company became the backbone of economic development in Papua and Indonesia. During the Suharto regime, Freeport became the most significant taxpayer and the largest employer in the province, and it supported more than 50% of the province's gross domestic product (Leith, 2003). Until now, foreign investment in the Mimika district is the biggest in Papua due to Freeport and mining resources (Dewi, 2017a, p. 140).

The formation of the MRP, in 2004, was delayed for more than three years, even though OTSUS mandated that the MRP had to be formed within a year after the enactment. The central government was very 'careful' in drafting the government regulation for the MRP formation to ensure the limits of its authority. The central government feared that the MRP would become a 'super body' against the central government or that the MRP could mobilize Papuan solidarity to secession, which indicated the government's distrust and suspicion towards Papua. Eventually, it only became a cultural institution, not a political one, which considerably weakened its authority (McGibbon, 2006).

Moreover, the division of Papua (*pemekaran*) into two provinces – Papua and Papua Barat Provinces – in 2003 was considered a betrayal to Papuan autonomy. Papuans argued that the central government deliberated to deteriorate Papuan solidarity. *Pemekaran* would undermine Papuan nationalism by creating different and new identities (Chauvel, 2019; International Crisis Group, 2003). The division of Papua into more provinces is still part of the central government's agenda to maintain national integration. The Minister of Home Affairs, Tito Karnavian (former chief of the Indonesian National Police), together with the Coordinating Minister of Politics, Legal, and Security, Mahfud MD, announced that the central government would divide Papua into at least five provinces, which resulted in protests on 11 September 2020. This announcement was related to the central government's plan to revise several parts of OTSUS No. 21/2001, especially those related to funds and provincial division.

As an important element of recognition, Papuan representation is still problematic in Papua. The Papuan Customary Council (*Dewan Adat Papua*, DAP), formed in 2002 as an *adat* organization, is not formally recognized by the government, although DAP incorporates Papuan grass-root aspirations and *adat* structures. The forerunner of DAP was the Customary Deliberative Council, or LMA (*Lembaga Musyawarah Adat*), formed in 1996 and led by Theys H. Eluay.¹² DAP attempted to register as an *adat* community organization at the Office of National Unity and Politics to obtain legal recognition, but the application has never been approved because DAP has been suspected of supporting the Papua pro-independence movement. Furthermore, the role of DAP, as an *adat* institution recognized by the *adat* community, has been "hijacked" by an *adat* organization, also abbreviated LMA¹³ (*Lembaga Masyarakat Adat Papua*, Community Customary Council) and initiated by the government in 2010. It largely served to justify the implementation of government policies in Papua (Dewi, 2017b). For example, instead of consulting the MRP in the revision of OTSUS, the central government actively involved the LMA.

The situation became worse after the latest local elections in December 2020. In Merauke district, several candidates supported by national parties, such as the

¹² Theys Eluay was the *adat* leader of Sentani district. He was a former member of Golkar, which had close relations with the Indonesian Army during Suharto's era. After the fall of the New Order regime, demands for Papuan independence intensified under Theys' leadership. He was murdered by special command forces (*Komando Pasukan Khusus*) on 10 November 2001 because he was active in advocating the independence of Papua through the PDP.

¹³ The same abbreviation between the LMA (*Lembaga Musyawarah Adat*), formed in 1996 and chaired by Theys Eluay, and the LMA (*Lembaga Masyarakat Adat*), formed in 2010 and chaired by Lenis Kogoya, deliberately caused confusion. The central government used the politics of dualism to weaken the DAP.

Indonesian Democratic Party of Struggle (*Partai Demokrasi Indonesia Perjuangan*, PDIP), the People's Conscience Party (*Hati Nurani Rakyat*, Hanura), and the United Development Party (*Partai Persatuan Pembangunan*, PPP), to run the elections were non-Papuans. To gain more support from the *adat* community, one non-Papuan candidate was 'crowned' an *anak adat* (customary heir) by the LMA.¹⁴ This raised the polemic of *adat* representatives and ignited the anger of the Marind tribe as a major *adat* community in Merauke. It caused friction among the *adat* communities in the district. They argued that this case would undermine the opportunity for a Papuan, a true *anak adat*, to become a leader in Papua.

The representation of Papuans in the Regional People Representative Council (*Dewan Perwakilan Rakyat Daerah*, DPRD) is still limited, indicating Papuans' limited political access – a concern voiced by the DAP. Non-Papuans continue to dominate the elected members of DPRD in the Merauke district. In the General Elections of 2019, Papuans only obtained three seats out of 30. This condition also concerns other districts in Papua (see Figure 1).

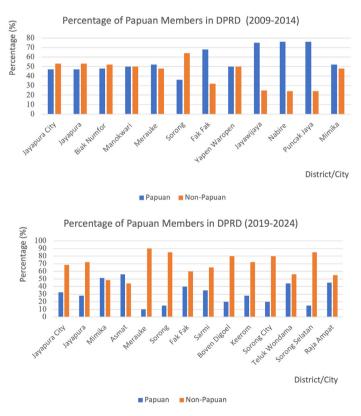


Figure 1. Papuan members of DPRD in Papua. (Dewi, 2022; HumasDPRP, 6 November 2019; Musa'ad, 2013; Republika, 20 November 2019).

¹⁴ Buying the status of anak adat has become a trend for non-Papuan candidates in running elections since Papuan autonomy. The current debate is not only limited to the distinguishment between Papuans and non-Papuans, but extends to the question of authenticity in Papuan representation (see, Dewi, 2022)

The restriction of Papuan local parties' formation is one factor contributing to the current situation. To accommodate the formation of local parties, DPRD drafted a local legislation (*peraturan daerah*), but the Ministry of Home Affairs did not approve it. These difficulties in gaining access to national parties to run in the General Elections have reduced the number of Papuans in the DPRD in several districts/cities of Papua.¹⁵ Papuans have questioned why Aceh could form local political parties under the Aceh OTSUS, but Papua could not.¹⁶ There is also an argument that forming local political parties could channel the conflict by replacing bullets with ballots.

Historically, Papua had 12 local parties that joined the General Election of members of the New Guinea Council in 1961. These local parties were banned after Papua's integration into the Indonesian Republic (Singh, 2008). In 2014, the Unity Papua Party or *Partai Papua Bersatu* (PPB) was formed to participate in the General Elections of 2019. However, Papuans and the central government had a different interpretation of OTSUS Article 28. The central government insisted that Article 28 only stated that Papuan could form political parties (*"penduduk Papua dapat membentuk partai politik*"), but did not specify the formation of local parties in Papua. Therefore, in 2015, PPB was frozen by the Ministry of Legal and Human Rights on the pretext that there was no regulation on forming local parties in Papua. The party filed a judicial review at the Constitutional Court on 29 May 2019, but the Constitutional Court rejected it. This has led to the conclusion that the central government is not interested in fully implementing OTSUS or reconciling the relationship between Papua and Jakarta.

The fact that the central government has not yet formed the TRC supports Papuan opinion that the government is not serious enough to solve the conflict in Papua. The TRC forms the core of OTSUS regarding Papuan reconciliation. The law mandated that reconciliation would be an alternative solution for human rights violations in the past as well as for clarifying the pros and cons of Papuan integration into the frame of Indonesian sovereignty. Through reconciliation, the law has been expected to reduce the narration of *memoria passionis* as the bitter collective memories of human rights violations since Papuan integration. It is important to address this issue since the demand for a referendum or external self-determination is almost always related to the narration of human rights violations in Papua.

The central government, especially the military, hesitates to form the TRC body. With this reconciliation mechanism, the central government is anxious that it would have to acknowledge and apologize for the past 'mistreatment' of Papua. Therefore, with the withdrawal of the national TRC law No. 27/2004 by the Constitutional Court in 2006, the government argues that there is no basic law for forming the

¹⁵ Papua's OTSUS mandated seats for Papuan-appointed members (1/4 of total members) in the Papuan People Regional Representative Council (DPRP). There are 14 Papuan-appointed members out of 68 DPRP members in Papua Province and 11 Papuan-appointed members out of 56 DPRP members in Papua Barat Province. Until March 2024, these numbers have stayed the same. After the division of Papua into six provinces, the new General Elections might alter this distribution. This mechanism was used only at the provincial level. However, after the enactment of the revised OTSUS No. 2/2021, there will be appointed members (1/4 of DPRD's total members) at the district/city level.

¹⁶ Aceh is a province in Indonesia that has also asked for secession from the Indonesian Republic. It had suffered prolonged conflict with the Indonesian government and was a military operation area (*Daerah Operasi Militer*, DOM) from 1989 to 1998. Like Papua, the central government granted OTSUS to Aceh to reduce independence demands. In Aceh, OTSUS allowed the formation of local parties.

TRC in Papua, even though OTSUS has mandated it. This argument, however, is still debatable. Human rights activists argue that the Papuan TRC can be formed because Papuan autonomy law has a *lex-specialist* nature; therefore, no other law is needed as a basis for the establishment of the Papuan TRC. While the commission has not yet been established, the news of military deployment in Papua continues. It sharpens the image that the central government is not serious about solving the conflict or stopping the military approach towards Papua.

Other recognition-related issues pertain to land rights. For example, the existence of *adat* land has been legally recognized by OTSUS. However, many Papuan *adat* communities still lose their *adat* land due to large scale investment (Dewi, 2016; Hadiprayitno, 2015; Ito et al., 2014; Lamonge, 2012; Savitri & Price, 2016). Even *adat* leaders have been used as local brokers to persuade, or sometimes even to 'represent' their community (Dewi, 2016; Savitri & Price, 2016). The national transmigration program to Papua continues, even though Papuans have asked to discontinue this program to control the number of non-Papuans in Papua. Since its launch, this program has spurred competition over resources and lands between Papuans and non-Papuans. The proportion of the Papuan population has become less than that of non-Papuans arguably because of this program (Elmslie & Webb-Gannon, 2013; Widjojo et al., 2009; Widyatmoko & Dewi, 2019). This demographic shift is a sensitive issue because it is closely related to the experience of discrimination and marginalization as a source of conflict, especially during the new order period.

The OTSUS funds, which have always been the 'pride' of the central government as an indicator of successful Papuan recognition, have a different meaning for Papuans (based on my interviews and collected data in several villages in Papua). Many informants regarded the OTSUS fund as a form of compensation for human rights violations during military operations in Papua and as a means to keep Papua part of Indonesian sovereignty. This fund as a return for Papuan natural resources' exploitation is another perception among the Papuan community. Therefore, they assumed they could have direct access to this fund (interview with LM, 8 January 2014; JB, 15 August 2014; MK, 20 August 2014; SL, 2 November 2014; AS, 1 August 2019; Ll, 2 November 2019).

The perception gap between the central government and Papuans regarding the definition of recognition shows that the relationship between them is still dominated by distrust. The central government has fixed its criteria for justifying its claim that Papua has been recognized. Papuans, on the other hand, have different indicators assessing that the central government has failed to recognize their rights. The racism incident in August 2019 further 'drained' Papuans' trust in the Indonesian government.

THE INCIDENT OF RACISM AGAINST PAPUAN DURING THE OTSUS PERIOD

The voices questioning Papuan recognition under the mandate of OTSUS became louder after the incident of racism against Papuan students that occurred on 16 August 2019 in Surabaya, East Java. It was followed by riots that spread quickly across Papua. Many human rights activists accused the Indonesian government of 'discrimination' in handling the case. The suspect who persecuted and racially abused Papuan students in Surabaya was only charged with a light sentence compared to Papuans who were charged with treason (*makar*) due to their massive demonstration in Papua following the incident. For example, Buchtar Tabuni, the leader of West Papua National Committee (*Komite Nasional Papua Barat*, KNPB) was charged with 17 years, even though he did not attend the demonstration that caused riots in Jayapura on 29 August 2019 (see Table 1).

| No | Name | Affiliation | Charged | Verdict |
|---|--------------------|--|-----------|-----------|
| Demonstration in Jakarta (Trial in Jakarta) ^a | | | | |
| 1. | Surya Anta Ginting | Spokesperson of FRI-WP | 17 months | 9 months |
| 2. | Ambrosius Mulai | Student Activist | 17 months | 9 months |
| 3. | Dano Anes Tabuni | Student Activist | 17 months | 9 months |
| 4. | Charles Kossay | Student Activist | 17 months | 9 months |
| 5. | Ariana Lokbere | Student Activist | 17 months | 9 months |
| 6. | Isay Wenda | Student Activist | 10 months | 8 months |
| Papua Riots (Trial in Balikpapan, East Kalimantan) ^b | | | | |
| 1 | Buchtar Tabuni | Vice-Chairman of ULMWP (former chairman of KNPB and NPWP founder) | 17 years | 11 months |
| 2 | Agus Kossay | Chairman of KNPB | 15 years | 11 months |
| 3 | Stevanus Itlay | Chairman of KNPB Mimika Branch | 15 years | 11 months |
| 4 | Ferry Gombo | Former of Student Executive Council Chairman of Cenderawasih University | 10 years | 10 months |
| 5 | Alexander Gobay | Chairman of Student Executive Council of USTJ | 5 years | 10 months |
| 6 | Irwanus Uropmabin | Student activist of USTJ | 10 years | 10 months |
| 7 | Hengky Hilapok | Student activist of USTJ | 5 years | 10 months |

Table 1. Activist and Papuan treason suspects in the demonstration against Papuan racism. *KNPB is the pro-Papua independence movement established in 2008. NPWP is the National Parliament of West Papua that also supported the Papua independence movement and is affiliated with the ULMWP (United Liberation Movement of West Papua), led by Benny Wenda.* (Santoso & Aranditio, 24 April 2020; The court verdict read by judges on 17 June 2020).

The law enforcement process after the incident gave rise to the Papuan Lives Matter movement, which was inspired by the Black Lives Matter movement in the USA. This movement protested against the arrest of several Papuans alleged to be the masterminds behind the anti-racism unrest. The intense campaign of Papuan Lives Matter, especially on social media, influenced the trial results for seven Papuan political prisoners. The judge found them guilty, but the decisions were not as harsh as the prosecutors demanded; the defendants were only sentenced to 10/11 months in prison.

The movement gained momentum in the discourse on revising Papua's OTSUS at the end of its fund allocation in 2021. Seventeen organizations declared their rejection of the government's plan to revise OTSUS.¹⁷ This declaration further exposed the failure of OTSUS to respect and recognize Papuan rights and led to political mobilization campaigning for a referendum. This incident was not the first time OTSUS has been rejected. Waves of objection arose in 2001 because of the Papuan independence

¹⁷ Those organizations were KNPB, AMP, Gempar-P, Garda-P, Sonamappa, FIM-WP, WPNA, FNMPP, SPMPB, MAI, APAP, LEPEMAWI Timika, AMAN Sorong, BABEOSERBIKAR, ULMWP, Green Papua, and Papua Customary Council (DAP) Bomberay Region.

movement's increasing demand for independence. The leader of PDP, Theys Eluay, demanded Papuan independence, and his resistance towards the implementation of OTSUS was believed to be the reason behind his murder on 10 November 2001. In 2005, the DAP symbolically returned OTSUS to the government because it failed to protect the rights of Papuans. DAP objected to the elected members of the MRP inaugurated by the Ministry of Home Affairs in October 2005 because of an unsatisfactory selection process. Several candidates who were elected by Papuans and considered pro-Papuan independence were not summoned. Resistance also came from the central government's side under President Megawati Sukarnoputri (2001-2004), who was unwilling to grant OTSUS. She feared that OTSUS would be used to enhance the Papuan independence movement.¹⁸ Besides the limitation of the MRP's authority under government regulation No. 54/2004, President Susilo Bambang Yudhovono (2004-2014) also enacted government regulation No. 77/2007 that restricted the use of the head of the Victoria-Crowned Pigeons (Burung Mambruk) or the raising of the Morning Star flag (Bendera Bintang Kejora) as Papuan local symbols, as proposed by the MRP (Dewi, 2017a).

THE CYCLE OF VIOLENCE AND THE DETERIORATION OF PAPUAN RECOGNITION

After riots broke out in several areas in Papua following the racism incident, the central government decided to deploy security personnel – the Indonesian National Military (*Tentara Nasional Indonesia*, TNI), and the Indonesian National Police (*Polisi Republik Indonesia*, Polri) – to stabilize the situation. This security approach is not new, as a series of military operations have been conducted in the name of securing national integration after Papua was integrated into Indonesia. Several cases of human rights violations have been investigated since then.

Ironically, the circle of violence has grown wider after two decades of Papuan special autonomy. Violence is perpetrated not only by the TNI and Polri, but also by the West Papua National Liberation Army (WPNLA). Continuous retaliatory acts of violence have impacted the community. WPNLA infiltration in the villages has become a justification for sweeping arrests by TNI/Polri. Several WPNLA members have allegedly become *adat* key persons, and therefore, TNI/Polri consider it legal to conduct their operations in the villages (Supriatma, 2013; Wangge & Webb-Gannon, 2020). A similar narrative has been offered by the spokesperson of the WPNLA concerning a shooting incident involving Istaka Karya workers at the Trans-Papua Highway construction site in Nduga in 2018. The WPNLA spokesperson stated that these workers were not civilians but military personnel (Mambor & Dianti, 2018); but whether the workers were military personnel or civilians is still contested (Chauvel, 2019; Wangge & Webb-Gannon, 2020).

¹⁸ President Abdurrahman Wahid (Gus Dur) (1999-2001) initiated the discussion of OTSUS for Papua. During the discussions of the drafts, he was impeached and replaced by the then Vice President Megawati Sukarnoputri. The Indonesian Democratic Party of Struggle (PDI-P), her government party, was against the Papuan's draft version of OTSUS. The team from Papua forced the central government to withdraw the government version of OTSUS by giving it the choice of withdrawing the draft or giving independence to Papua. After the draft was finalized on 20 October 2001, Megawati initiated several policies inconsistent with the core idea of the law, such as the acceleration of *pemekaran* and the delaying of the formation of the MRP (Dewi, 2017a).

This incident initiated a conflict in Nduga, which caused a massive exodus of the community. Approximately 44,821 residents from 123 villages of 11 sub-districts were forced to leave their houses (Wangge & Webb-Gannon, 2020). The government deployed military personnel to secure Nduga as a 'troubled region'. In 2020, the Vice Minister of Public Works and Housing directly asked the chief of staff of the Indonesian Army (*Kepala Staf Angkatan Darat,* KASAD), General Andika Perkasa, who is believed to have been involved in the conspiracy behind Theys Eluay's murder, to help secure the Trans-Papua Highway construction. Since then, TNI combat troops have been deployed to secure vital national assets (Wicaksono, 2020).

In 2018, the WPNLA declared an open war to challenge TNI/Polri in Tembagapura, the highland area of the Mimika district in Central Papua. This armed conflict has caused repetitive violence, which has threatened the civilian community and led to another wave of internally displaced population from several villages near the mining areas of Freeport, such as Banti, Untikini, Longsoran, Batu Besar, and Kimbely (Media Indonesia, 2020). The involvement of military personnel in securing the Freeport mining areas is, however, problematic. Although internal security in Papua has come under the authority of Polri, the involvement of TNI is still significant, especially its involvement in military operations other than war.¹⁹ The existence of a joint regional defense command (Komando Gabungan Wilavah *Pertahanan*) based in Timika, the capital city of Mimika district.²⁰ adds complexity to the conflict. After the launch of the Presidential Instruction No. 9/2020, investment in Papua increased. The opening of mining and plantation areas further escalated the armed conflict, such as in the gold mining area of Wabu Blok in Sugapa, Intan Jaya district, where civilians have become victims since February 2020 (Costa, 2022; Kogoya, 2023; Walhi, 2021).

The killing of Pastor Yeremia Zanambani in Hitadipa, Intan Jaya district, on 19 September 2020, added to the conflict. The TNI alleged that the perpetrators of the shooting were members of the WPNLA, but the WPNLA denied this accusation. In another version of the story, local religious leaders suspected that TNI personnel were responsible for the incident. This incident has been the third killing of a pastor since 2004. The firefight between TNI and WPNLA and the shooting of Pastor Yeremia led to the speculation that this war was to 'clear out' the gold-rich area of Sugapa to be followed by an investment in the area, where Aneka Tambang Company has a holding. This event is said to be similar to Nduga, where a pastor was killed in 2018 to maintain limited access (interview with RT, 2 October 2020). As reported by a Papuan NGO (*Aliansi Demokrasi untuk Papua*, ALDP) in 2022, the number of cases

¹⁹ The internal security in Papua became the authority of Polri after the police and military separated through the military reform in 2002. However, as regulated in the TNI Law No. 34/2004, military operations other than war created a space for TNI's involvement in Papua as a security issue. TNI can conduct counterinsurgency in Papua. It is also involved in border, troubled regions, and national vital assets security operations. No other region in Indonesia has become the subject of multiple military operations as Papua. Operations are undertaken not only by the existing army in Papua, often called organic troops, but also by outside forces known as BKO (*Bawah Kendali Operasi*, Under Operational Control), or non-organic troops, to help the organic troops (see Supriatma, 2013; Syailendra, 2016).

²⁰ This Kogabwilhan was formed together with two other Kogabwilhan – Kogabwilhan I in Tanjung Pinang, Riau, and Kogabwilhan II in Balikpapan, East Kalimantan – by TNI Commander Chief Hadi Tjahjono in 2019.

of violence in Papua is still high. There were 63 cases in 2021 and 53 cases in 2022 associated with the armed conflict. Of the 53 cases in 2022, 43 occurred in the high-land areas (Figure 2).

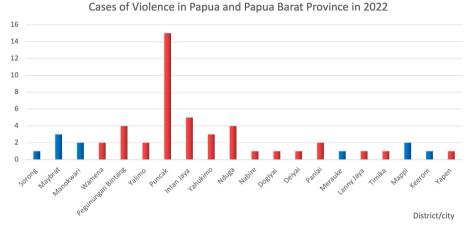


Figure 2. Cases of violence in Papua based on district/city. *The red color indicates a district/city in the highland areas*. (ALDP, 5 February 2023).

The continuation of TNI/Polri personnel deployment in Papua has caused anxiety among Papuans. They are worried that this situation will end in massive violence and human rights violations. The past events in Nduga, Mimika, and Intan Jaya support their argument. On 7 September 2020, former army general and back then Minister of Defense, Prabowo Subianto, agreed to recruit 1,000 non-commissioned officers through an OTSUS mechanism called Bintara OTSUS to increase the number of military personnel, especially Papuans, in the new regional military command (*Komando Daerah Militer*, KODAM) of Kasuari, Papua Barat (Antara Papua, 2020). On the one hand, this was interpreted as an affirmation policy for Papuans. On the other hand, human rights activists became concerned that this policy intensified the government's security approach and continued to increase the number of TNI/Polri in Papua. Repeated violence has created a space for the independence movement to voice its demand for external self-determination even more loudly.

QUESTIONING JOKOWI'S COMMITMENT TO PAPUA AFTER TWO DECADES OF OTSUS

The current conditions in Papua have made several parties question the implementation of OTSUS as an instrument for conflict resolution or Papuan recognition. The security approach, which the implementation of OTSUS should have replaced, is still well in place. Where is Papuan recognition if this approach is the government's main policy towards Papuan?

This question has been directed at former President Jokowi (2014-2024). Many activists had placed their hopes in him when he became elected as president in 2014. He seemed to promise to bring peace to Papua. His determination to win Papuan

hearts was symbolized by visiting Papua several times. Jokowi visited Papua nine times during his first term, more than any previous president had. He visited several districts in Papua, including Asmat, Nduga, Wamena, and Merauke, to directly meet the Papuan community. His visit to Nduga had an important message against its status as a 'troubled region'. Jokowi promised to replace the security approach with a welfare approach by improving access to education, health services, and infrastructures (Sebastian & Syailendra, 2015; Wangge, 2014). He also expressed a desire to resume the long-stalled Jakarta-Papua dialogue. In 2017, Jokowi appointed Pater Neles Tebay, Wiranto, and Teten Masduki²¹ as key persons in the initiation of a sectoral dialogue. He moreover released several Papuan political prisoners, including Filep Karma²², to show his commitment to solving the conflict in Papua.

Jokowi also promised to solve the problem of human rights violations in Papua. He instructed former Coordinating Minister of Political, Legal, and Security Affairs (2015-2016) and retired army general, Luhut Binsar Pandjaitan, to form an integrated team (*tim terpadu*) to work from 25 April to 25 October 2016 on the investigation of alleged human rights abuses in Papua. Of the 22 cases investigated, the team concluded that only three cases constituted human rights violations. After Wiranto replaced Luhut on 27 July 2016 as Coordinating Minister of Political, Legal, and Security Affairs, he continued the investigation of those cases. Eventually, the investigation team concluded that only one of the three cases could be classified as a severe human rights violation. However, this process was not continued until the end of Wiranto's office, and the case has remained unresolved until today.

Jokowi's approach towards cases of human rights violations in Papua and his appointment of General Andika as KASAD in 2018 disappointed Papuans as well as human rights activists.²³ The conflict in Nduga and prevailing racism added to the problem of human rights violations towards the end of his first presidential term. Shortly after the anti-racism unrest in Papua in 2019, Jokowi invited 61 Papuans to join a 'dialogue'. However, DAP strongly criticized this move because the 61 invited Papuans had no background in the Papuan conflict; they were not essential figures. Moreover, how Jokowi dealt with the unrest in Papua, including the internet ban during anti-racism protests from 19 August until 9 September 2019,²⁴ augmented Papuans' grievances.

²¹ Neles Tebay was the leader of Papua Peace Network. He actively advocated peace dialogue between Papua and the Indonesian government. Wiranto was the Coordinating Minister of Political, Legal, and Security Affairs (2016-2019) and leader of the Hanura political party (2006-2016). Teten Masduki was the Chief of the Presidential Staff Office (2015-2018). He was appointed Minister for Cooperatives and Small and Medium Enterprises in 2019.

²² Filep Karma is a prominent figure in the West Papua freedom movement.

²³ Andika Perkasa is a son-in-law of Hendropriyono, former chief of the National Intelligence Agency. There was a controversy regarding his fast promotions, until he was appointed as KASAD in 2018.

²⁴ After the racism protests, the central government limited access to the internet in Papua, starting from 19 August 2019. This action was followed by blocking the internet in 29 districts/cities in Papua Province and 13 districts/cities in Papua Barat Province from 21 August 2019 until 4 September 2019. Then, the central government decided to continue its strategy in 4 districts/cities in Papua (the district of Jayapura, Mimika, Jayawijaya, and the city of Jayapura) and Sorong city and Manokwari district in Papua Barat Province until 9 September 2019. Eventually, the central government was brought to court, and the court decided that it had violated Article 40 (2a and 2b) of the Electronic Information and Transaction Law No. 11/2008 (BBC, 2020).

Violence continued to recur in Papua after Jokowi became re-elected as president for a second term (2019-2024). The shooting of Pastor Yeremia in 2020 made human rights activists again question Jokowi's commitment to solving human rights violations in Papua. Even though Jokowi instructed the formation of a joint factfinding team (*Tim Gabungan Pencari Fakta*, TGPF) on 1 October 2020 to prevent conflict escalation in Papua, Papuan human rights activists, academics, and churches expressed their doubt over this team. They argued that the appointment of TGPF members was elitist and exclusive. The lack of capacity to understand the Papuan conflict became another argument. The previous Coordinating Ministers of Political, Legal, and Security Affairs had failed to take concrete action against serious human rights violations in Papua raised their skepticism over TGPF as well.

Jokowi's approach towards Papua during his second presidential term reaped more criticism than during his first term, mainly due to his planned revision of OTSUS in 2021. Policy inconsistencies occurring until the present have created deep-seated distrust between Jakarta and Papua. Jokowi's President Instruction (*Instruksi Presiden*, Inpres) No. 9/2020 mentioned a new framework for Papua, which aimed at accelerating development in Papua. It would apply dialogue to accommodate Papuan society, culture, and custom (*adat*) towards Papuan development. However, a careful reading of the Inpres reveals that it is heavily weighed on how to attract and debottleneck investment in Papua. Investment in Papua has been closely related to misrecognition, marginalization, *adat* land grabs, and the (re)production of violence, as experienced by the Papuan community in the Freeport Mining Project, the Merauke Integrated Food and Energy Estate (MIFEE) Project, the Intan Jaya Mining Project, and others.

CONCLUSION

Granting special autonomy to Papua in 2001 aimed at reducing Papuans' demand for independence from Indonesian sovereignty. It was treated as a 'remedy' to Papuans' demand for external self-determination by granting them internal self-determination through OTSUS. Its principles include Papuan recognition and the protection of Papuan rights. The racism case of 2019 once again revealed the irony and paradox of OTSUS. As evidence shows, the implementation of OTSUS has not worked as expected. There is a broad perception gap between the central government and Papuans in measuring Papuan recognition. Furthermore, the problem of human rights violations in Papua still needs to be solved. However, pro-Papuan-independence organizations have continually utilized this issue to articulate their calls for independence. The TRC, as mandated by OTSUS to solve past cases of human rights violations, has not been formed yet. Moreover, the continuation and escalation of violence, which has caused a humanitarian crisis, made Papuans doubt the existence of Papuan special autonomy at all. Political access has become an empty rhetoric after the Constitutional Court decision to restrict the formation of Papuan local parties.

In February 2021, the central government proposed to revise OTSUS without the active involvement of the MRP. As representatives of Papua, the MRP rejected the revision draft, arguing that the central government had failed to include the MRP as a formal representation mandated by OTSUS. Besides, the draft did not address the main problems of OTSUS during its implementation period. It only focused on the

extension of funds and the acceleration of *pemekaran*. Hence, Papuans continue to question whether OTSUS still aims at Papuan protection and recognition. This condition has incited further conflict in Papua.

Although the revision draft was opposed by the MRP and by 17 Papuan organizations, the revision process continued, and the parliament finally passed the OTSUS revision, Law No. 2/2021, on 15 July 2021. It revised 18 articles. These revisions included the continuation of OTSUS fund for Papua (2.25% from the national general allocation budget), the abolition of the article on local party formation in Papua, following the decision of the Constitutional Court on 26 October 2020, and the acceleration of the division of Papua and Papua Barat Province. The revision of OTSUS and the acceleration of *pemekaran* of Papua and Papua Barat Province into six provinces caused further disappointment because Papuan participation and the MRP, as a representation of Papuans, have been further limited. This situation has given rise to more pessimism regarding whether OTSUS would be able to protect Papuan rights and to fears against attempts at re-centralization as indicated by the central government.

In theory, the idea of autonomy is to grant internal self-determination to a marginalized, powerless, or minority community through legal recognition. Internal self-determination entails the right of people to choose their political, economic, social, and cultural systems by respecting territorial integrity. In the case of Papua, political decision-making processes often do not involve Papuans actively. This exclusion is a misrecognition that provokes Papuan disappointment with the central government. The central government would need to regain the trust of the Papuan community by fully implementing OTSUS. Dialogue could open communication between Papua and the Indonesian government and promote trust between the two parties. However, what is needed is a wider Papuan involvement and participation in policy decisionmaking to realize the promise of Papuan internal self-determination through OTSUS.

In 2024, Prabowo Subianto, Jokowi's previous Defense Minister, was elected president and Papuan human rights activists are already sceptic that he is able to reduce violence in Papua. A look into Prabowo's vision and mission document shows that there is no specific discussion on how to solve the conflict. During the presidential debate on human rights issues in Papua, Prabowo mentioned that the government had to protect Papuan. He argued that separatism and international intervention have caused problems in Papua. Therefore, law enforcement, strengthening the existence of TNI/Polri, and economic development are his solution to the conflict in Papua. This approach has become a major concern of human rights activists. They fear that this tactic, especially the strength of TNI/Polri in Papua, will only continue the cycle of violence. Prabowo's involvement in human rights violations in Timor-Leste during Suharto's authoritarian regime supports their perspective.

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DISCLOSURE

The author declares no conflict of interest.