

Response to Department of State's Papua and Aceh Report of April 2006

In the Statement of Managers accompanying the Foreign Operations, Export Financing, and Related Programs Appropriations Act, FY 2006 (P.L. 109-102), enacted on November 14, 2005, the Secretary of State was required to submit to Congress a report answering five queries primarily on Papua and Aceh. The State Department responded in April 2006. Below are the queries (in bold); the Dept. of State's responses and in italics, ETAN's comments (compiled in spring and early summer 2006).

-- East Timor and Indonesia Action Network (ETAN)

PAPUA AND ACEH REPORT

The conferees direct the Secretary of State to submit, within 90 days of enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, FY2006 (P.L. 109-202), the report required by the Senate provision:

- (1) the approximate number of Indonesian troops in Papua including trends in the number and deployment of security forces, the approximate number of armed separatists, and progress toward a political settlement of the conflict there including initiatives from Papuan civil society such as the "land of peace" proposal;
- (2) current humanitarian and human rights conditions in Papua, including access for international and domestic humanitarian and human rights groups and the media;
- (3) the extent to which international funding for reconstruction in Aceh is being contracted or subcontracted to firms controlled by or affiliated with the Indonesian military, and the involvement of the Acehnese local and provincial government and civil society in planning and decision-making in reconstruction efforts;
- (4) human rights conditions in Aceh, the approximate number of Indonesian troops in Aceh including trends in the number and deployment of security forces, and efforts by the United States Government to promote a political settlement of the conflict; and
- (5) activities of militia, including jihadist-oriented militia, and the extent to which members of Indonesia's security forces support these militia.

- (1) The approximate number of Indonesian troops in Papua including trends in the number and deployment of security forces, the approximate number of armed separatists, and progress toward a political settlement of the conflict there including initiatives from Papuan civil society such as the 'land of peace' proposal.**

State Department Response

The USG currently estimates the number of Indonesian army troops in the provinces of Papua and West Irian Jaya (henceforth to be referred to as 'Papua') to be about 11,500. There are approximately 9,000 organic (permanently assigned) army troops that serve within the territorial structure, comprising four KOREM (military area) level commands and six 1,050-man territorial Infantry battalions. Of the six battalions, three were formed over the last two years, while the three original battalions were expanded in strength from 650 men to 1,050 men over the same period, for a net gain of 4,350 troops. There are some 2,500 "non-organic" soldiers deployed for

year-long tours to Papua from elsewhere in the archipelago - some 2,000 along the border with Papua New Guinea and about 500 protecting the Freeport mine near Timika.

The Navy and Air Force presence in Papua is limited, with probably no more than 1,400 Navy and 700 Air Force personnel. The majority of the Navy/Marines are based at small installations in Sorong, Biak, and Jayapura. The Air Force personnel primarily serve as part of small administrative contingents assisting TNT aircraft that fly into Papua's larger airfields.

Future troop trends in Papua remain unclear. While military services have announced plans to increase troop levels, the TNI's limited budget leaves room for doubt that implementation of announced plans will move forward.

Current information suggests that the separatist Free Papua Movement (OPM) may have as many as 1,000 armed members. Reports of armed rebel activity are infrequent. TNI estimates OPM strength to be about 500, with a total of 112 firearms. Most OPM weapons are primitive implements such as bows and arrows.

Some progress has been made in the past six months toward a political settlement of the conflict in Papua. Early in his administration, President Yudhoyono announced plans to improve implementation of the 2001 "Special Autonomy" law, to establish the Papuan People's Assembly (MRP) called for in the law, and to seek more dialogue with Papuan leaders. The Special Autonomy law mandated that a greater portion of revenue derived from Papuan resources stay in Papua and that Papuan political bodies (including the MRP) have more authority over decisions affecting the province. The 42-member MRP was inaugurated October 31, 2005 and elected a chairman who has been critical of Jakarta. The government has accepted his election and entered into political dialogue with the MRP, which has boosted the MRP's credibility among Papuans. Gubernatorial elections for the provinces of Papua and West Irian Jaya were recently held with few reports of violence or opposition. Despite these advances, a broadly-accepted political settlement addressing the creation of West Irian Jaya and the future of Special Autonomy remains a long-term prospect.

ETAN Response

First and foremost, it must be noted that the Secretary's report did not at all address the 'land of peace' proposal.

Troop numbers and deployments:

It is quite difficult to know accurate levels of troops numbers, the figure used in the Secretary's report is very likely conservative. According to Damien Kingsbury, Director of International and Community Development at Australia's Deakin University, "The [State Dept.] estimate of troop numbers in Papua appears to conform to TNI statements. The most accurate total number I have is around 22,000, many of whom were deployed from Aceh after September 2005. They are mostly 'non-organic'. Very few of the 'organic' troops are actually Papuan; same with most of the paramilitary police." (Organic troops are part of the regular territorial forces in an area.) Even according to the State Department's own figures, however, territorial troop presence has more than tripled over the past two years (from 1,950 to 6,300 soldiers).

The report - apparently relying on TNI claims - does not consider higher estimates by reputable non-governmental organizations. The report also fails to discuss the likely role of plain-clothed security personnel, intelligence agents, and the role of security force-backed militia in West Papua, which together constitute a crucial support foundation for security force operations. Further, in its discussion of troops numbers in West Papua, the report does not mention the inauguration of a new sub-regional military command (Korem 174) at Merauke in June 2005 and fails to address the TNI's announced plan to establish a new Kostrad in West Papua. According to the Jakarta Post (March 19, 2005), "Army spokesman Brig. Gen. Hotmagaradja Pandjaitan said...that the plan would involve the gradual deployment of up to 15,000 troops from the Army's Strategic Reserves Command (Kostrad) from 2005 through 2009."

The Navy and Air Force presence may also be greater than presented in the report. In addition to the Navy installations mentioned in Sorong, Biak, and Jayapura, there have been reports of plans to move the Eastern Indonesia Fleet from Surabaya in Java to Sorong in Papua. Additionally, a third Navy division, with 3 frigates, is being deployed to Manokwari.

The report discusses ongoing and previous deployments only in military terms and fails to note the deep involvement of the security forces in legal and illegal business activities, which constitute a key impetus for these deployments and a key barrier to demilitarization. The report states, "While military services have announced plans to increase troop levels, the TNI's limited budget leaves room for doubt that implementation of announced plans will move forward." However, the vast majority of the TNI's funding does not come from government funds. Additional troops would be largely self-financed through various legal and illegal means, including vast illegal logging and extortion.

The State Department fails to note that according to the Special Autonomy law, the security force deployment in West Papua requires consultation with provincial authorities. No such consultation has taken place.

Political settlement of the conflict, including civil society initiatives:

The Secretary's report contends there has been progress toward reaching a political settlement in West Papua, crediting the Indonesian government for its much-delayed creation of the Papuan People's Assembly (MRP). The report fails to acknowledge that the government ignored objections of the MRP, as well as the Papuan parliament (DPRP), the Papuan Presidium Council, and Papuan civil society to the creation of the new province of the "West Irian Jaya." Indeed, splitting the province contravenes the Special Autonomy law, which requires the central government to consult with Papuans on a wide range of policy decisions, not least of which is any division of the province. The report's failure to acknowledge this fundamental dispute between Jakarta and all elected bodies in West Papua misrepresents and underestimates the depth of political differences between them.

Moreover, the creation of the MRP and the Special Autonomy law were controversial. Mass demonstrations occurred in August 2005 to "return" Special Autonomy back to Jakarta, largely because the protesters viewed its implementation so lacking as meaningless. Further, many organizations refused to nominate MRP members, and MRP selection was done by appointment, not election.

The report entirely ignores Papuan civil society efforts to advance West Papua as a "land of peace," notwithstanding Congressional direction to address this and other civil society initiatives toward conflict resolution. Consequently, the report fails to acknowledge that the troop buildup in West Papua contradicts a central tenet of the "Papua land of peace" proposal - the demilitarization of the province. According to Damien Kingsbury, "West Papuan groups are attempting to organize themselves to present a united front to the government for possible future talks. However, there has been no formal approach by the government on this matter, nor has there been a response to approaches made by third parties on behalf of the West Papuan groups."

Taken together, the report's omissions and failures reflect a U.S. government preference to accept central government rationales for the activity of Indonesian security forces that have been historically injurious to the Papuan people. The State Department regularly overlooks West Papuan perspectives and initiatives aimed at reducing political differences with Jakarta.

(2) Current humanitarian and human rights conditions in Papua, including access for international and domestic humanitarian and human rights groups and the media.

State Department Response

Indigenous Papuans' concerns and grievances derive from decades of human rights abuses, the government's mismanagement of the province's natural resources, underdevelopment, poverty, lack of adequate health care and education, and their belief that they are rapidly becoming a minority in their own land. In many parts of the country—but particularly in Papua—local residents believe that the government-sponsored transmigration program interferes with their traditional ways of life, land usage, and economic opportunities. Although Indonesia continues to have a national transmigration program, it has not transmigrated any families to Papua since 2004.

In 2005, the Indonesian Government largely failed to hold soldiers and police accountable for serious human rights abuses in Papua, and made limited progress in establishing accountability for numerous human rights violations committed in Papua in previous years, including those committed in Biak (1998), Abepura, Wasior, and Wamena. There has also been no progress in prosecuting those responsible for disappearances that occurred in the previous year, including those of Martinus Maware, Mathius Rumbapuk, or Hubertus Wresman.

The Legal Aid Foundation in Papua (LBH-Papua) and Komnas HAM (Indonesia's national human rights commission) in Papua reported that there were a total of 35 cases of torture by security forces in Papua this year. Police frequently and arbitrarily detained persons without warrants, charges, or court proceedings. Although the Papua Special Autonomy Law permits flying a flag symbolizing Papua's cultural identity, police arrested two persons, Philep Karma and Yusak Pakage, for flying the Papuan Morning Star flag, identified with the armed separatist struggle, in December 2004. There are also reports of police using excessive force in controlling demonstrations. August demonstrations related to Indonesia's national independence day, however, were largely peaceful.

According to Indonesia's Department of Foreign Affairs (DEPLU), all foreigners must obtain written permission from DEPLU for travel to Papua. In practice, the requirement is irregularly enforced. The extent to which foreigners are challenged to show letters authorizing their presence in Papua appears to vary greatly from locality to locality. While there are active

international NGOs and a sizeable missionary presence in Papua, NGO representatives have at various times cited difficulties, including obtaining permission from DEPLU and an overall restrictive atmosphere on the ground. The activities of foreign journalists in Papua tend to be more strictly regulated. In February 2006, Defense Minister Juwono Sudarsono publicly confirmed the GOI's policy, singling out its applicability to foreign media. The U.S. Government has urged the Government of Indonesia (GOI) to allow increased access to Papua.

ETAN Response

The Secretary's report failed to consider access to West Papua by domestic humanitarian and human rights groups, despite Congressional direction to do so. The report correctly acknowledges that "the Indonesian Government largely failed to hold soldiers and police accountable for serious human rights abuses" past and ongoing in West Papua. These human rights violations in West Papua are routine and systematic. Papuan human rights advocates are regularly intimidated and threatened. Indonesia's Kopassus Special Forces assassinated West Papua's most prominent civilian leader, Theys Eluay, in 2001. The flight abroad of Papuan human rights activists underscores the severity of the repression they have faced. The late March decision by the Australian government to grant asylum to 42 Papuans who fled there in January, citing "genocide" in West Papua, is not mentioned in the Secretary's report.

The Secretary references reporting from the Legal Aid Foundation in Papua and Komnas HAM (Indonesia's national human rights commission). However, it does not include reporting from ELSHAM, a very important - and arguably more relevant - NGO working in West Papua.

The report mentions the arrest of Philep Karma and Yusak Pakage for raising the Papuan Morning Star flag, but leaves out that last year these two Amnesty Prisoners of Conscience received 15 and 10-year prison sentences, respectively, under draconian anti-sedition laws.

While the report addresses some concerns about central government-imposed constraints on travel to and within West Papua by internationals, it does not convey the extent of such concern. For example, in May, the UNHCR publicly criticized the Indonesian government for effectively barring it from the province.

The report inadequately presents the state of the humanitarian crisis in West Papua. According to the United Nations Development Program, West Papua "stands out as one of the few declining regions, actually suffering deterioration in (Human Development Index) status which is mostly attributed to declines in education coverage and income levels." Papua has the highest concentration of HIV/AIDS cases in Indonesia.

- (3) The extent to which international funding for reconstruction in Aceh is being contracted or subcontracted to firms controlled by or affiliated with the Indonesian military, and the involvement of Acehnese local and provincial government and civil society in planning and decision-making in reconstruction efforts.**

State Department Response

International assistance pledges for tsunami reconstruction in Indonesia total approximately USD 6.1 billion, including USD 3.6 billion from bilateral and multilateral donors and USD 2.5 billion from NGOs. Of this, the USG is providing USD 400.1 million. In addition, the Government of

Indonesia has committed to providing USD 2.8 billion (equivalent) in budget support for reconstruction programs.

Through the Multi-Donor Trust Fund for Aceh and Nias (MDTF) the United States is contributing USD 10 million in assistance. As of February 14, 2006 the MDTF has received pledges of USD 526 million from fifteen donor countries and agencies, including the United States. Of this amount, USD 300 million has been committed to twelve projects. These projects are jointly approved by a donor Steering Committee, co-chaired by the European Commission (EC), World Bank (which serves as the trustee for the fund), and the Rehabilitation and Reconstruction Agency for Aceh and Nias (BRR).

The involvement of Acehese local and provincial government and civil society representatives is a key element of the planning and decision-making of the MDTF and the BRR. With the recent approval by the Steering Committee of a new BRR-developed strategy for the use of the remaining MDTF resources, the role of local government officials will be further reinforced and institutionalized in the operations of the BRR. Six Indonesian Government officials sit on the Steering Committee, including the Acting Governor of Aceh and the Acting Governor of North Sumatra. Two prominent Acehese civil society representatives also sit on the Steering Committee.

With regard to USG-financed reconstruction projects, the Banda Aceh to Meulaboh road project was initiated in August 2005 with a contract signed with PT Wijaya Karya, an Indonesian construction firm. Wijaya Karya is a state-owned company (known as a Persero) that is providing the initial rehabilitation and renovation of certain parts of the road. It is managed by the Agency for State Owned Enterprises. There is no indication that it is owned in any way by the TNI. Road design and construction supervision support is provided under a contract with Parsons Corporation. The international contractor(s) and Indonesian subcontractors for the largest parts of the road reconstruction program have not yet been selected. The extent to which other international assistance, if any, is being contracted or subcontracted to firms controlled by or affiliated with the Indonesian military is not known.

The BRR manages concerns and needs of donors while also communicating regularly with local communities and local government officials. Better coordination with local governments has been recognized as a high priority by both the BRR and the concerned donors. This concern has led, among other initiatives, to the restructuring of the BRR around local offices, decentralizing some authorities from the BRR head office in Banda Aceh, and is being supported by the new BRR/MDTF strategy. BRR intends to establish field offices in at least ten more local districts in 2006. As part of its expanding responsibilities, the BRR has received approval to act as a direct "implementing agency" for the commitment of GOI budget resources for reconstruction programs, further enhancing its coordination and management role in Aceh and Nias reconstruction. With support from the MDTF, the BRR will be developing a new, technically qualified infrastructure project design and construction oversight team that will work closely with responsible local governments to assure that reconstruction projects both meet international technical standards and address the most critical community priorities.

ETAN Response

The Secretary's report insufficiently and lazily answers the question of involvement of TNI-affiliated firms in international funding for reconstruction in Aceh by stating, "The extent to

which other international assistance, if any, is being contracted or subcontracted to firms controlled by or affiliated with the Indonesian military is not known.” Congress directed the State Department to answer this question, and the Secretary’s report clearly fails to make an effort to do so. Documented examples of corruption and trade in illegal timber and other commodities – some of which benefit the military – do not appear to be a concern for the road-building project or other U.S. government assistance. However, these are widespread problems affecting a number of private international development organizations. The director of an Indonesian NGO engaged in housing construction told Human Rights First in 2005 that, due to shortages, it buys illegal timber from members of the military, paying 40% over market prices. A deputy director of the Rehabilitation and Reconstruction Agency for Aceh and Nias (BRR) privately told a human rights expert that some military businesses, notably Tommy Winata's Artha Graha, were receiving contracts.

(4) Human rights conditions in Aceh, the approximate number of Indonesian troops in Aceh including trends in the number and deployment of security forces, and efforts by the United States Government to promote a political settlement of the conflict.

State Department Response

Human rights conditions in Aceh have greatly improved following the signing of a Memorandum of Understanding (MOU) between the Indonesian Government and Free Aceh Movement (GAM) on August 15, 2005, which ended the almost thirty-year insurgency in the province. Violent incidents between Indonesian security forces and GAM rebels have stopped. In compliance with the terms of the MOU, the Government of Indonesia withdrew over 24,000 security forces (military and police) from the province. The withdrawal left approximately 14,500 TNI troops and some 9,000 police in Aceh. For its part, GAM turned in 840 weapons to the joint EU-ASEAN Aceh Monitoring Mission (AMM), which subsequently destroyed the weapons. The AMM will extend its mission by at least three months, until June 15, at the request of the GOI.

The next step in implementation of the MOU is the passage of a Law on Governing Aceh (LOGA). The Yudhoyono administration submitted a draft LOGA to the Indonesian House of Representatives (DPR) on January 26, 2006. The MOU calls for the law to go into effect by March 31, 2006. While the law will likely be passed; it appears doubtful that the DPR will be able to meet the deadline. GAM and Acehnese civil society are watching closely to see if the LOGA passed by the DPR adheres to the terms of the MOU, particularly a key aspect of the law that covers the formation of local political parties. Other important elements cover economic activity and enhance the role of Islamic Law to a greater extent than the 2001 Law on Special Autonomy did. The MOU calls for local elections to be held by the end of April 2006, but technical preparations will likely cause the local elections to be delayed at least until June/July 2006.

The USG has long supported a peaceful resolution to the conflict in Aceh and has actively supported the Helsinki negotiations and implementation of the accord. USG contributions to the implementation of the MOU total over \$12 million. These funds have gone to programs that support the establishment of political institutions in Aceh capable of incorporating all stakeholders in the process of MOU implementation, most notably the "Forum Bersama," a multi-stakeholder body in which local government, GAM, civil society, and others cooperate to make basic MOU-implementation and governance decisions. The United States has also

established programs to support the reintegration of ex-combatants, redevelop communities affected by the conflict, provide technical assistance to drafters of the LOGA, , train locally-based police, conduct public information campaigns, and assist in preparation for local elections.

ETAN Response

While cautious optimism for long-term peace in Aceh appears to be warranted, the peace agreement is still a delayed work in progress that faces many obstacles. As noted in the report, conditions in Aceh are indeed significantly better since the end of the conflict, but problems remain, particularly with human rights violations (though at reduced levels), demobilization of ex-combatants, and rights aspects of the implementation of syariah law. The Aceh NGO Human Rights Coalition reported that 79 out of more than 220 human rights violations in 2005 took place after the signing of the Memorandum of Understanding (MOU). Although the Aceh Monitoring Mission's mandate includes monitoring of the legal process, rights groups are concerned that scrutiny of legal actions against security forces accused of abuses has not been adequate. Furthermore, while most GAM members and supporters charged with treason (makar) were given amnesty, approximately 90 of those charged with ordinary criminal offenses remain in jail, despite claims that their actions—and prosecution—were politically motivated.

The report notes U.S. support for reintegration of ex-combatants but does not mention obstacles to that process. Funds have been allocated for former GAM fighters, originally estimated at 3000. However, there is serious concern that the funds may not cover the much larger than estimated number of ex-combatants and their supporters, as well as concerns over transparency. The failure to carry out this step effectively could destabilize a post-conflict environment on the eve of elections.

Implementation of syariah law was one of the few special autonomy provisions implemented prior to the MOU. It will be further elaborated by the new law. The move has been well-received by some religious groups, but it has also led to infringement of rights by syariah police, including intimidation of women due to their dress and the introduction of caning.

(5) Activities of militia, including jihadist-oriented militia, and the extent to which members of Indonesia's security forces support these militia.

State Department Response

Militia activity of all kinds has been declining since 2001, when sectarian violence in Sulawesi and the Malukus in eastern Indonesia began to substantially decrease. However, violent Islamist groups have recently been involved in pressuring and attacking what they see as unauthorized churches and a minority Muslim sect, and have been involved in violent protests over the European cartoons incident. Security forces have taken a "no-nonsense" attitude toward militant groups nationwide over the last several years, and there is no recent evidence that security forces have supported their violent activities. In addition to enforcing the law, security forces appear to be working to control militias' activities, tone down their rhetoric, and redirect their efforts toward non-violent pursuits. In Aceh, security forces monitored and managed members of militant groups who entered the province following the tsunami to ensure that they did not stray from peaceful and aid-related activities. Fears that pro-Jakarta militias would spoil the Aceh

peace process have not been fulfilled. Indonesian security forces have largely prevented disruptive activities by former Timorese militia members along the border with East Timor.

ETAN Response

Of the five areas Congress directed the Secretary of State to address, this is perhaps the most cursorily done. The report does not even mention widespread anecdotal evidence of militia activity in West Papua.

The description of a new “no-nonsense” approach by security forces is premature. Many militant groups continue to take vigilante action with no police response. Furthermore, the statement that security forces “appear to be working to control militias’ activities, tone down their rhetoric, and redirect their efforts toward non-violent pursuit” is a misleading overstatement and - in some areas of Indonesia – simply false.

According to Kingsbury, militia “have certainly been harassing people in Aceh, and the threat appears to be focused on the coming gubernatorial elections.” Though the report noted, “Fears that pro-Jakarta militias would spoil the Aceh peace process have not been fulfilled,” militia, known to have been created and supported by the military to help fight insurgents, remain a significant potential source of instability. One Indonesian NGO estimated there are tens of thousands of members in more than 21 pro-Jakarta groups throughout the province, and especially in South and Central Aceh. Many have taken part in police and military operations in the past, although not all are armed. Some militia leaders in Aceh are known to be behind efforts to divide Aceh into two or more provinces. It is important to note that a similar division took place in Papua, putting the autonomy process at risk, allegedly the product of an intelligence operation masterminded by Lieutenant AM Hendropriyono, head of Indonesia's central intelligence agency, BIN. According to TAPOL Bulletin 173 (December 2003), “In an October 2002 article, the Far Eastern Economic Review Jakarta Bureau Chief, John McBeth, quoted an unnamed senior military source as saying that one of the primary reasons for the proposed division was to cement control by the TNI over the richest of the three provinces...According to the International Crisis Group (ICG) think tank, Hendropriyono was later warned that 'leaving Papua as a single province would nurture Papuan nationalism, and the threat of separatism and national disintegration could be effectively confronted only by dividing it.'” Clearly, the division of Aceh would be a threat to the implementation of the Memorandum of Understanding, even without the use of violence.

Kingsbury further notes, “In West Timor, the TNI still controls the now united [East Timorese] militia (PPI - Pasukan Perjuang Integrasi/Indonesia), which continues along with the TNI to engage in cross-border smuggling, primarily of gasoline and kerosene, but also other household goods.”

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