

## *Position paper, May 2008*

### **Decentralisation in Papua**

After more than 30 years under a highly centralized authoritarian government, decentralisation (*pemakaran*: the process in which the status of a district is upscaled to that of a province) is regarded as one of the main elements in the democratization process, and key to its success. Decentralization has effectively devolved authority to governors and lower level district heads. In Papua, even more means and powers have been shifted to local governments in the context of its Special Autonomy. Special Autonomy has been granted to Papua in 2001 as a solution to resolve the conflict between the Government of Indonesia and the Independent movement in Papua.

The case of Merauke however, shows several problems stemming from this process. Due to *pemakaran* many new positions have become available within local government. Since the level of education amongst the native Papuan population is comparatively low, people from other parts of Indonesia fulfil the key positions in the newly formed local government structures. Another tendency is to invite Papuans working in the villages, as teachers or nurses, to take up positions in local government. This negatively affects basic services in the regions and causes a brain drain in remote areas.

The newly appointed bureaucrats often prioritize economic development through large scale enterprises, such as palm oil plantations, over participation of the local population. Due to the territorial structure of the Indonesian army, the forming of new provinces and districts automatically leads to an increase of army units; resulting in incidents and human rights violations around army posts.

The Special Autonomy funds that have become available for Papua are released by the national government without strict demands for accountability; this leads to high corruption and local officials pursuing their own (business) interests. While the Special Autonomy Law guarantees access to education and health care, most of the Special Autonomy funds are spent on the bureaucracy (90%, according to Barnabas Suebu, Papua's governor), hardly anything on the delivery of services such as education and health care. Activist from civil society organizations, human rights defenders or church workers who address issues of budgeting or corruption receive threats, including physical intimidation.

#### **Facts**

- **The 'Law on Local Government' that became effective on the 1<sup>st</sup> of January 2001** has devolved central government powers and responsibilities to local governments in most government sectors. The main objectives of decentralization include promoting better delivery of government services and increasing local government accountability.

#### **Facilitated by:**

- **The Special Autonomy Law for the Papua province**, passed in 2001, like the Special Autonomy Law for Aceh, aimed to resolve the conflict in Papua in a peaceful way. Amongst others the law states that: “The Government of the Papua Province is obliged to manage and utilize the living environment in an integrated manner (...) taking into account the rights of the adat community and welfare of the people.
- According to Transparency International, Indonesia ranks 143 on the **corruption** index (out of 179).
- According to the **International Crisis Group** conflicts over local power and between palm oil companies and the native Papuans are becoming important dimensions to the conflict in the Papua provinces (International Crisis Group “Indonesian Papua: A Local Perspective on the Conflict”, 19 July 2007).
- The UN Special Rapporteur on Human Rights Defenders describes in her 2008 report how especially activists defending the rights of Indigenous peoples and the preservation of their natural habitat are at particular risk.

#### The EU could contribute by:

- Stimulating good governance and capacity building of local governance by:
  - Making an inventory of opportunities regarding capacity building and promotion of good governance programs at district level and lower levels;
  - Providing quick training for Papuan students, educating them to work for local governance or companies;
  - In dialogue with the Indonesian government create incentives for good governance, such as creating an award for those local bureaucrats who have done most for the community;
  - Providing legal training for local bureaucrats, on how to formulate new regulations, respecting local needs, and in compliance with national and international law;
- Stimulating a positive and balanced role of military and police by:
  - Prioritizing conflict sensitive areas (Papua, Maluku, Sulawesi and Aceh) when providing trainings for security forces;
  - Assisting the government of Indonesia with security sector reform (SSR), to make military and police more accountable to the government, for instance by supporting the enforcement for the draft law on military in business;
- Rebuilding the trust in the Special Autonomy Law and thus contributing to the stability of Papua by:
  - Facilitating a consultation between Papuan communities and other stakeholders, evaluating seven years of Special Autonomy Law, assessing progress, obstacles and changes that need to be made due to new developments (the divide of West Papua into two provinces was not foreseen in the Special Autonomy Law);

#### Facilitated by:

- Increasing its attention for the human rights situation by:
  - Fully operationalising the EU Guidelines on Human Rights Defenders;
  - Reporting on the human rights situation to the European Parliament;
  - We recommend the EU to translate the EU guidelines on torture and human rights defenders into Bahasa Indonesia.
- The European Commission could contribute by adopting a conflict sensitive approach in its development policies, stated in the Country Strategy Paper and Annual Plans. A conflict sensitive approach will allow a more holistic view of society, where security of all citizens and democratic checks and balances are a precondition for development.

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