

OPEN TO MANIPULATION: THE 2014 ELECTIONS IN PAPUA PROVINCE

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I. INTRODUCTION

The new government of Indonesian President Joko Widodo (Jokowi) could make a major contribution to better governance in Papua province by making an extra effort to actually count how many people live there and then to insist that all elections there be based on the one person, one vote system that applies in the rest of the country.

Papua is often portrayed as a place where too much control is exerted from Jakarta, but with respect to elections, it suffers from too little enforcement of national laws and standards. Elections in Papua are the worst-run in Indonesia; they have suffered from neglect by the central government and by under-resourced, poorly trained and corrupt local elections commissions.

In the July 2014 presidential election, as in the legislative elections three months earlier, large parts of Papua were denied the option of a secret ballot or in some cases, any ballot at all, in the name of respecting an allegedly traditional method of choosing leaders known as the *noken* system. The *noken* is a traditional string bag; *noken* voting refers to a variety of practices that often involve local leaders casting votes on behalf of entire communities. By handing local leaders this power and eliminating the secret ballot, it clearly has the potential to strengthen the power of a small elite. Defeated presidential candidate Prabowo Subianto used the questionable results from Papua in his demand that the Constitutional Court overturn the entire presidential election. While the court rejected his appeal, the way Papua votes deserves closer scrutiny because it is a symptom of a much larger problem.

Reliance on the noken system, particularly in Papua's central highlands, is itself a symptom of larger problems with electoral administration in Papua: there are no accurate census data or voter rolls there and population statistics have been steadily inflated over the last ten years to get access to various forms of spoils, including allocations from the central government. In some highland districts, the official count is believed to be three to five times the actual figure.

Many consequences flow from this inflation of the voter count: more money, more new districts, subdistricts and villages created, more power to highland politicians at the expense of their coastal counterparts, more public works projects for unscrupulous contractors, and more permits for resource extraction. If the one person, one vote principle were upheld, the whole house of cards could collapse.

Direct elections for local governors and district heads, introduced in 2005, increased the potential for fraud just by increasing the number of races in which the *noken* system could be used. The more that the *noken* system became the norm in the central highlands, and was legitimised by Indonesian courts, the lower the chance that anyone would question the voter rolls or population figures where it was used. Some Papuan politicians, with strong Jakarta backing, are now insisting that the 2001 Law on Special Autonomy mandates indirect elections of local executives by district and provincial legislatures. If their views prevail, the *noken* system will not be needed for these polls, though it will still be used for legislative and presidential elections.

But indirect elections, unlike genuine direct voting with no proxies allowed, offer no incentive to correct voter rolls and by extension improve population data. Unless and until Papuans are given the same electoral rights as other Indonesians, the *noken* system will remain a formidable obstacle to curbing corruption and improving governance.

This is separate from the national debate on direct vs indirect local elections that in late September 2014 produced a law eliminating direct elections (UU 22/2014) that had been in effect since 2005. The new law was then cancelled by government regulation in lieu of law (Peraturan Pemerintah Pengganti Undang-Undang, Perppu) No.1/2014. See Section VI for discussion of this regulation and its implications for Papua.

II. THE 2014 ELECTIONS: PAPUA'S PROBLEMS IN THE SPOTLIGHT

Prabowo's allegations that Jokowi's 72 per cent victory in Papua came about through fraud brought unprecedented public scrutiny to the election process there. Volunteers from both campaigns had been examining polling station results from across the country to respond to Prabowo's arguments that quick counts conducted on the day of polling had intentionally undercounted his votes. The results from Papua's highlands received extra attention because in many stations, all the registered votes had been given to just one candidate. In his Constitutional Court challenge, Prabowo argued that "no voting had taken place at all" in much of the highlands and called for a revote there.²

While the court ultimately threw out Prabowo's complaint, the focus on Papua showed how a province with just 1.2 per cent of the national population could nevertheless help determine the outcome of a national race.³ It also placed a rare spotlight on just how much voting in Papua diverges from national regulations.

A. How Indonesian Elections Should Work

Before looking at how voting was conducted in Papua province, it is worth reviewing how elections are supposed to work.

On 9 April 2014, voters across Indonesia went to the polls to elect candidates for four legislative bodies. At the national level, they voted for representatives to the national parliament (Dewan Perwakilan Rakyat, DPR) and the Regional Representatives' Council (Dewan Perwakilan Daerah, DPD), an upper house with little power.⁴ They also chose representatives to provincial legislatures (which in Papua is known as the Dewan Perwakilan Rakat Papua, DPRP) and district councils. On 9 July, voters returned to the polls, but were given just one ballot to vote for president.

Candidates represent specific electoral districts (*daerah pemilihan* or *dapil*). For the national parliament, Papua province is a single district that elects ten of the body's 560 seats. There were 114 candidates for these seats on the ballot. At provincial level, Papua has seven electoral districts, each with between six and ten seats to elect a total of 55 representatives (see Appendix A for a map). The province's 29 districts and municipalities are similarly divided up into three to five *dapil* each.

An independent National Election Commission (*Komisi Pemilihan Umum*, KPU) manages the election, with provincial and district commissions reporting to it. They are responsible for getting the basic supplies to each of some half million polling stations—Papua is supposed to

² Constitutional Court decision No. 1/PHPU.PRES-XII/2014, 21 August 2014.

According to the 2010 census, the population of Papua province is 2.83 million and the national total is 237.64 million. See sp2010.bps.go.id.

The DPR and DPD together form a kind of superstructure called the Majelis Permusyawaratan Rakat (MPR). One function of the combined body is to formally install a newly elected president. DPD candidates run as individuals without party affiliation.

These are Papua I, representing Jayapura city, Jayapura district, Keerom and Sarmi for a total of ten seats; Papua II, representing Biak Numfor, Waropen, Supiori, Mamberamo Raya, and Kepulauan Yapen, for five seats; Papua III, representing Nabire, Paniai, Mimika, Dogiyai, Intan Jaya, and Deiyai, for ten seats; Papua IV, representing Puncak Jaya, Tolikara and Puncak, for nine seats; Papua V, representing Pegunungan Bintang, Yahukimo and Yalimo, for seven seats; and Papua VI representing Jayawijaya, Mamberamo Tengah, Lanny Jaya and Nduga for eight seats; Papua VII, representing Merauke, Boven Digoel, Mappi dan Asmat for eight seats. See Appendix B for a map. Until 2014, the DPRP had only 45 seats; the allocation increased in 2014 because the official population rose above 3 million. A provision in the 2001 law allowed for the appointment of additional seats (equal to one-quarter of the number directly elected). It was widely assumed members appointed to these seats would represent indigenous Papuans, but this is not written into the law. An official mechanism for appointing these seats has not yet been formally established.

have 8,807 such stations in some of the most remote and inaccessible parts of the country. On voting day, most voters go to their neighbourhood polling place with identification to prove they are registered. They are given a ballot by election officials and go behind a booth, where they punch a paper ballot next to the name of the candidates and their parties. When they leave the booth, they dip a finger in indelible ink to prove they have voted.

When voting is over, the ballots are tallied by hand at each polling station and an official record produced known as the C-1 form, with copies provided to witnesses from different political parties. These tallies are then aggregated with results from other polling stations in a process known as *rekapitulasi* at subdistrict, district and provincial level before being finalised at national level. While *noken* voting has allowed different methods of casting votes, the administrative process behind recording and tallying those votes is supposed to be the same as in the rest of the country.

B. How They Worked in Papua

Actual practice in Papua in both elections diverged radically from these procedures, most notably in the highlands. While Prabowo's contention that no election had taken place at all was clearly an exaggeration, it was grounded in real irregularities. Some of those reported in the media and in subsequent court hearings were as follows:

- In many parts of the highlands, including areas of Paniai, Yahukimo, Jayawijaya, Tolikara and other districts, no polling stations appear to have been set up at all;
- In Enarotali, Paniai province, one voter who looked for a polling station was told there were none, and local election officials explained they had been up all night punching ballots on behalf of community members;
- Ballots arrived either on or after voting day in a limited number of areas such as Yahukimo, making distribution difficult;
- In some areas, such as in parts of Yahukimo, community leaders and polling officials announced on voting day that they had "combined" polling stations, in order to save time and effort;
- Tallies of votes at polling station level were often not signed by either party witnesses or by polling station officials, and sometimes the exact same signature appeared for both;
- No vote count took place at all below the subdistrict level in many parts of the highlands, with figures for individual polling station sometimes being filled in retroactively after the subdistrict count was finalised;⁶
- Tallies from subdistricts were allegedly altered before being recounted at the district or provincial level; and
- The result for the presidential election in two subdistricts in Dogiyai was thrown out by the elections commission; voting was never re-held due to time pressure.⁷

Similar problems were cited repeatedly in the over 100 complaints to the Constitutional Court following the legislative polls. Together, they show that the opportunities for fraud were far greater in Papua than elsewhere in Indonesia. But no factor made results so open to manipulation as the application of the *noken* system.

⁶ IPAC interview, member of KPUD Papua, 19 September 2014.

Votes from these two subdistricts, Mapia Barat and Mapia Tengah, were never registered, leaving them without any say in the presidential poll. The district Bawaslu called for voting to be re-held in both subdistricts, but the district KPU argued there was no time. See Constitutional Court decision No. 1/PHPU.PRES-XII/2014, op.cit.

III. THE NOKEN SYSTEM

The "noken system" is entirely unregulated and covers a wide variety of questionable practices. Its proponents argue that it is a traditional method of selecting leaders in the central highlands and that it has been used in Indonesian elections since 1971, but it only became an officially acknowledged part of electoral practice in Papua in June 2009, when the Constitutional Court accepted it in a ruling on an electoral dispute in the highland district of Yahukimo.⁸ Since then, the court has upheld the practice in five successive rulings but neither the elections commission, the government nor the parliament have any written regulations on the practice.⁹

The court has contributed to the legal confusion by never defining what *noken* voting entails. Initially, the practice seemed to refer to the substitution of *noken* bags for polling booths. A bag for each candidate would be hung on a stake, and people would place unpunched ballots in the bag of the candidate of choice. The number of ballots per bag would then be counted by election officials. Secrecy was thus dispensed with, since everyone could see who approached which bag, but the principle of one person, one vote was still intact.

Over time, the court has allowed its interpretation of *noken* practice to expand. In the 2009 decision, it suggested that *noken* referred to voting by general agreement (*kesepakatan warga*) or acclamation (*aklamasi*), which allowed whole communities to decide in favour of one candidate. By the time it ruled on the January 2013 governor's election, however, the court had widened its interpretation to include a far less democratic scenario: unilateral "decisions made based on the authority of the clan chief (*kepala suku*) in question, who acts as the political representative of the community". That exception effectively removes any requirement that voters to show up at polling stations or even that community members be consulted. This makes elections efficient—one argument in favour of *noken* has always been that it is an answer to the logistical challenges of running elections in remote regions—but it removes all pretence of public participation.

The court's reasoning in upholding this practice has rested on two different principles, both problematic. The first is that *noken* is a way of accommodating traditional practice in the highlands and thus fulfilling the constitutional recognition of the rights and practices of customary communities (*masyarakat hukum adat*).¹¹ It has never delved into whether the *noken* system really does reflect the local tradition of particular ethnic groups and if so, which ones and where. The court has accepted without question the assertion of the provincial KPU that it applies across the two customary areas (*wilayah adat*) of La Pago and Mee Pago, which together cover all or part of sixteen districts in Papua, stretching from Dogiyai on the western border with Papua Barat to Pegunungan Bintang on the eastern border with Papua New Guinea.¹²

The second principle is that the *noken* system promotes social harmony and helps prevent violent conflict in the highlands. By this reasoning, allowing customary leaders to make binding decisions on behalf the community prevents the emergence of any disagreement that could lead to violent confrontation. *Noken* supporters point to the violence that plagued local elections in

⁸ See Constitutional Court decision No. 47-81/PHPU.A-VII/2009, 9 June 2009.

⁹ The subsequent decisions by the court are as follows: 19/PHPU.D-IX/2011, 3 March 2011; 3/PHPU.D-X/2012, 17 February 2012; 14/PHPU.D-XI/2013, 11 March 2013; and 06-32/PHPU-DPD/XII/2014, 25 June 2014.

¹⁰ This expanded interpretation was based on testimony provided by Timotius Murib, the chair of the Majelis Rakyat Papua (MRP), a body established under Special Autonomy legislation to help preserve Papuan cultural values. Murib, a highlander, is a political ally of Enembe, the man whose electoral success was in question in the case. This description of *noken* voting has been repeatedly cited by the court since. See Constitutional Court Decision Number 06-32/PHPU-DPD/XII/2014, 25 June 2014, p.32.

¹¹ These were introduced into the Constitution by the MPR in August 2000 and are detailed in Article 18B.

¹² Papua and Papua Barat are together divided into seven *wilayah adat*, regions in which the customary traditions of local clans are similar. No court ruling has addressed how *noken* voting can be justified in communities with mixed ethnicities or *adat* traditions, such those found in many district capitals.

Tolikara and Puncak in 2011 and 2012, when clashes broke out between supporters of opposing candidates, killing more than 50 people. The argument that this violence was the inevitable product of direct local elections is simplistic. In each case, the source of the discord was refusal by candidates and their supporters to recognise decisions of the elections commission, so the problems lay in faulty registration and administration, not the application of a secret ballot. And the system does not prevent violence: in the 2013 governor's election in Tolikara, one district council member was beaten to death for violating a clan agreement to vote for Enembe.

The fact is that the wide variety of bloc voting, consensus voting, proxy voting and non-voting that is encompassed under the term "noken system" remains almost entirely unregulated. ¹³ Early in 2014, faced with the confusion over the practice, members of the provincial KPU stated publicly that the use of noken would be forbidden in the upcoming polls because it had no clear legal foundation. ¹⁴

Around this time, four election bodies—the provincial KPU, the national KPU, the elections oversight body (Badan Pengawasan Pemilihan Umum, Bawaslu) and the election officials ethics board (Dewan Kehormatan Penyelenggara Pemilu, DKPP)—met to draft clearer regulations on when, where and how the *noken* system would be permissible. But they failed to reach agreement on a solution, in part because they were nervous that clarifying the legality of *noken* in a regulation would create a formal precedent in Papua that other provinces would then seek to apply.¹⁵ The Constitutional Court had already upheld the practice of bloc-voting in the governor's election in Bali on the grounds that this was traditional practice; there were concerns that voters in Kalimantan, Aceh and elsewhere might argue for similar treatment and soon the whole principle of one person-one vote would be gone.¹⁶

The court appears to have actively resisted efforts to push for clearer definition of *noken* voting. One legislative candidate filed a petition in early 2014 to request that the court clarify when, where and how *noken* voting should apply in the national legislative elections. He was represented by the same lawyer who had represented Enembe in the 2013 case. An initial hearing in the case was held just a week before the April polls, but as of November 2014 there had been no follow-up.¹⁷ It seems the court does not want to say much more on the matter.

Meanwhile, several highlander district leaders (*bupati*) made clear in statements to the local press that no matter what the elections commission said, they would ensure the use of noken in the legislative elections. Confusion over what election procedures would be permitted therefore continued. These are just three examples of the various ways in which polling officials chose to administer voting and counting in the highlands:

¹³ The only regulation specifically referring to the system is a January 2013 decision by the Papua provincial elections commission that allows the *noken* bag to be used as a substitute for standard ballot boxes. Keputusan Komisi Pemilihan Umum Provinsi Papua Nomor 01/Kpts/KPU Prov. 030/2013 Tentang Petunjuk Teknis Tata Cara Pemungutan Suara Dengan Menggunakan Noken Sebagai Pengganti Kotak Suara, 12 January 2013. A copy of this decision is available at www.rumahpemilu.com/public/doc/2013_02_16_02_03_40_provinsi%20papua_.pdf.

^{14 &}quot;Pileg dan Pilpres Tak Memakai Sistem Noken", Tabloid Jubi online, 18 February 2014.

¹⁵ IPAC interview, member of KPUD Papua, 19 September 2014.

¹⁶ IPAC interview, Jimly Asshiddiqie, DKPP chairperson, Jakarta, 26 September 2014. For detail on the Bali case, see Constitutional Court decision No. 62/PHPU.D-XI/2013, 20 June 2013. In its decision, the court found that there were many clear examples of individuals voting more than once, allegedly on behalf of family members or others, but argued that because this had become a generally accepted practice in previous elections and because no complaints were filed, it was acceptable. The margin of victory was just 996 votes. Akil Mochtar, the head of the court at the time, was arrested a little over three months later and sentenced to life imprisonment in June 2014 for election fraud and money laundering, although the Bali case was not one of those cited in his trial.

¹⁷ IPAC interview, Habel Rumbiak, Jakarta, 18 October 2014.

- In Wamena, the capital of Jayawijaya and a transportation hub for much of the central highlands, one observer of the April 2014 vote saw a range of different practices at different polling stations, each involving a different mix of *noken* bags and regular voting boxes. At several polling stations, no ballots were distributed for national or provincial races. At one station, twelve *noken* bags were hung up, one for each of the parties that had put forward candidates. Two additional bags were hung up for each of the local candidates running in the race. Voters placed unpunched ballots in only one of fourteen bags. Voting in the national and provincial races was handled by polling station officials, who punched ballots without regard to voter preferences.¹⁸
- In Dekai, the administrative centre of Yahukimo district, only five of eight polling stations were operating; outside the town, no formal polling appeared to be conducted at all. ¹⁹ At one station, the community had gathered in an office with two rooms. In one, a table full of food had been laid out by a group of candidates, while in the second room, polling staff were busy punching ballots on behalf of all registered voters. The would-be voters got a free meal but no ballots.
- In Tolikara, vote-counting at the subdistrict level was suspended when it emerged that no local candidate looked likely to have gained enough to get a seat in the district council. Voting officials told the five local candidates present to pool their votes so that at least one of them would end up with a seat. One candidates and officials alike view the noken system as a licence to divide up all of the registered votes in a given district. For that reason, in fourteen highland districts, reported turnout was 100 per cent. In the other two, it was 99.5 per cent. These figures bore no relation to the numbers of voters who might have turned up.

The *noken* system allows for fraud on a massive scale because it rests on two slippery premises: that votes are not a reflection of individual choices but rather negotiation by unelected leaders to maximise the "collective" gain, and that all registered voters in a given district might plausibly vote for just one candidate. Because the record-keeping standards are so poor, and election supervision in highland Papua almost non-existent, the wholesale reapportioning of votes becomes all too easy at every level of the count.

IV. INFLATED POPULATION STATISTICS

The popularity of *noken* voting must be examined in the context of the systematic inflation of population statistics and voter rolls across the central highlands. Over the past decade, the officially recorded population in the highlands has more than doubled. That has made *noken* a more powerful electoral tool—more people means more voters and more seats in district councils and the provincial legislature. It has also meant more money from the central and provincial governments in the form of fiscal transfers. That means that any effort to bring population figures into line with reality is going to be very difficult.

A. Drivers of Inflation

Beyond a simple desire for more resources, the strategic use of the noken system by highland politicians to increase their influence is aimed at redressing two grievances: the political and

¹⁸ IPAC interview, informal election observer, Jayapura, 30 October 2014.

¹⁹ IPAC interview, informal election observer, Jayapura, 30 October 2014.

²⁰ DKPP decisions No. 119/DKPP-PKE-III/2014, No. 119/DKPP-PKE-III/2014, No. 119/DKPP-PKE-III/2014, No. 119/DKPP-PKE-III/2014, S November 2014.

developmental neglect of the highlands, and the failure of government to address the exponentially more expensive price of basic goods.

The Dutch colonial state came late to the highlands; the initial presence in the early 1950s was largely confined to missionaries. Highlanders had no access to the limited educational opportunities that existed in coastal areas or to jobs in the colonial administration. After Indonesia's 1969 annexation of the territory then called Irian Barat, highlanders continued to find themselves largely left out of mainstream politics. All of the Papuans appointed to serve in key civil service positions were from the coastal areas and while development indicators and infrastructure there were poor, they were much worse in the highlands. Enembe and the other highlanders who have come to political power have campaigned on the theme that highlanders need representation and a greater share of the province's infrastructure spending.

A second problem is the high cost of basic goods and construction materials in the highlands. President Jokowi has highlighted the difference between the price of a sack of cement that sells for Rp. 60,000-80,000 (\$6 to \$8) in Java but over Rp. 1 million (\$100) in the highlands.²¹ He hopes a program of sea lanes (*tol laut*) could help solve this, but the real cost multiplier is the air freight—throughout much of the highlands, all basic goods must be flown in by private planes.

Many politicians in the highlands argue that fiscal transfers from the central government, the most significant of which is the General Funds Allocation (*dana alokasi umum*, or DAU), do not sufficiently take into account these massive price disparities. The DAU constitutes roughly two-thirds of each district budget across the highlands.²² One component of the formula for calculating how much each district receives is a construction price index, but it appears to have only a limited effect on what the districts receive. This is true even though the average value of this index in the highland districts is nearly off the charts—off-Papua, the values range from roughly 75 to 125; but in the highlands, the average value is 338.²³ This has provided an extra incentive for local officials to inflate population figures, because the allocations increase with population size.²⁴

B. More People, More Voters

Population figures in Papua have grown at an accelerating rate over the past two decades, especially in the highlands, as financial benefits under the 2001 Special Autonomy law have also increased.

No official population data on Papua is completely reliable, but figures from the Central Statistics Bureau (Badan Pusat Statistik, BPS) come closest. Between 1995 and 2002, the provincial population grew from 1.44 million to 1.77 million, an annual rate of growth of 3 per cent. In 2002, the province and districts in Papua began to receive increased payments under Special Autonomy funds (*dana otonomi khusus* or *dana otsus*), the distribution of which is based in part on population figures. In the eight years that followed, the provincial population grew considerably faster to 2.83 million, or an annual rate of roughly 6 per cent.

^{21 &}quot;Jokowi Sebut Harga Semen di Papua 25 Kali Lebih Mahal di Jawa, Ini Kata Produsen", Detiknews, 10 November 2014

The outlier is Mimika, where resource revenue-sharing (*dana bagi hasil*) makes up 37 per cent of revenues and the DAU 36 per cent. In the other highland districts, DAU represents between 63-71 per cent of revenues.

²³ Figures from 2012. The index at district level exceeds 150 in only two other districts off Papua: the Mentawai islands off Sumatera Barat and the Anambas islands in a far-flung corner of Kepulauan Riau province. See "Indeks Kemahalan Konstruksi Provinsi dan Kabupaten/Kota, 2012", Badan Pusat Statistik, October 2012.

²⁴ The per capita size of the allocation falls as population grows, however, providing an added incentive for further administrative division into new districts (*pemekaran*). For more on this phenomenon in the Papuan highlands, see IPAC Report No.2, *Carving Up Papua: More Districts, More Problems*, 9 October 2013.

The Ministry of Home Affairs keeps separate statistics as part of its population register. These figures, which are used to generate voter rolls, set the number of seats in district and provincial legislatures, and calculate fiscal transfers, have grown even faster. By March 2013, shortly before the 2014 polls, Home Affairs data had the provincial population at 4.22 million, nearly 50 per cent more than the 2010 census figure and one-third more than its own 2011 figures.²⁵

The largest proportion of this growth has been in the highlands. According to BPS, Jayawijaya, the once-sprawling highland district that has been divided into ten since 1999, grew by 25 per cent between 1995 and 2002. Between 2002 and 2010, the same area doubled in population, to just over 1 million people. According to Home Affairs, the same ten districts in 2013 now boasted 1.81 million people. Something is not quite right.

The rise in the number of registered voters in Papua province has been even more striking, from just under 750,000 voters in 1999 to over 3.2 million (exceeding the 2010 census population figure—counting all residents, not just those of voting age—by 13 per cent).²⁷ The increase has been greatest in the past five years alone: in 2009, the total number of registered voters was only 2.06 million, meaning it has since grown by 56 per cent. Even in the fifteen months since the January 2013 governor's election, the voter rolls grew by 18 per cent. It is difficult to see how these figures can be accurate—with life expectancy rates below the national average, child mortality rates considerably higher, and much of the economic activity drawing migrants into the province located on the coasts, the natural growth rate cannot be that high.²⁸ Again, growth in the highlands has been more extreme, and that has brought a dramatic shift in the region's electoral muscle. In 1999, just 30 per cent of Papua's voters were in the highlands; this has now doubled to 60 per cent. Sky-high turnout rates under the *noken* system mean an even larger share of the actual votes cast: in 2014, it was 69 per cent.²⁹

Figure 1: Change in Registered Voters Province-wide, 2006-2014

	2006	2009	2013	2014
Voters in Papua province	1,429,649	2,064,532	2,712,215	3,198,372

Source: KPU official results for 2013 and 2014. 2006 figures cited in testimony before the MK in Constitutional Court decision 14/PHPU.D-XI/2013, 11 March 2013.

The pressure to inflate voter numbers makes them the subject of often contentious political negotiation. IPAC has already reported on how in one highland *kabupaten*, Nduga, a unilateral decision by the *bupati* in 2012 increased the number of subdistricts from eight to 32 and set the population figure at nearly two and a half times the 2010 census figure.³⁰ Tensions between the district council and the *bupati* over the decision led to the death of two men: one from the

^{25 2011} figures contiained in attachment to Permendagri Nomor 66 Tahun 2011 tentang kode dan data wilayah administrasi, 23 December 2011.

In 1995, Jayawijaya had a recorded population of 423,275. By 2002, the district was split in two: Puncak Jaya (99,764) and Jayawijaya (431,338). By 2010, the total population of 1.05 million was spread across an area that was now ten separate districts. *Papua Dalam Angka 2002*, op. cit., and 2010 census.

²⁷ Figures taken from *Papua Dalam Angka 2002*, op. cit., with adjustments made to exclude those districts that cut away in 2003 to form Papua Barat.

The provincial average life expectancy is 68.6; in all the highland districts it is lower. See data.tnp2k.go.id/file_data/Data/IKD/94_Papua.pdf. The child (under-five) mortality rate (115 per 1,000 births) is three times the national average (43). See BPS data at www.bps.go.id/eng/tab_sub/view.php?tabel=1&daftar=1&id_sub-yek=12¬ab=5.

Records from the 1999 election show that turnout rates were actually far *lower* in the highlands than elsewhere. See *Papua Dalam Angka 2002*, op. cit.

³⁰ See IPAC Report No. 2, Carving Up Papua, op. cit.

Figure 2: Increase in Voter Rolls between 2009-2014 in Six Highland Districts

	2006 Governor's Election	2013 Governor's Election	2014 Legislative Election
Jayawijaya	175,222	185,548	208,175
Puncak Jaya	99,322	141,657	165,919
Puncak	**	117,454	157,154
Yahukimo	104,078	258,522	257,886
Tolikara	49,452	171,470	177,384
Mimika	99,685	175,987	222,226

Source: KPU official results for 2013 and 2014. 2006 figures cited in testimony before the MK in Constitutional Court decision 14/PHPU.D-XI/2013, 11 March 2013.

district administration in March 2013 and one district council member two months later. Opponents of the *bupati* then forcibly shut down the local elections commission office to stop the inflated figures from being used. By late October 2013, no agreement had been reached and Nduga was the only district in the country not to have reported voter roll figures for the 2014 polls. The provincial KPU had to intervene, explaining that voting would be cancelled if no voter roll was agreed, and that in turn would mean no district council, which could lead to a decision by Jakarta to dissolve Nduga district, making it once more a part of Jayawijaya. The KPU brokered an agreement that the inflated voter amount would be divided evenly between all 32 subdistricts, so that at least the fictive voters would be evenly distributed.³¹

The rise in reported population has also brought a shift in the division of seats in the provincial legislature. As population statistics have grown in the highland districts, the number of seats in each district council has grown. The number of seats in the DPRP has grown to 55 seats, along with an extra electoral district at provincial level in the highlands, reserving 34 of the 55 seats for highland voters. There are plans to appoint members to a further fourteen seats (one-quarter of the total number directly elected), as was foreseen in the 2001 Law on Special Autonomy, but thirteen years after its passage, there is still no regulation or even consensus on how those members will be chosen.

C. More People, More Money

While some of the demographic change may be due to natural growth, local officials have strong incentives to inflate it further for both political and economic reasons. The dramatic growth in the number of districts in Papua has been described in an earlier IPAC report.³² It showed how officials want higher population totals to create new districts, which then make it possible for them to access greater government funds. Clusters of families also have an incentive to inflate their numbers in order to meet thresholds for formally establishing a village (*kampung*), which then can apply for large development grants under a provincial program started in 2008.³³

According to BPS figures, 31 per cent of the 11,395 new villages established nationally since 2004 were in Papua province. The rate of growth appears to be increasing: between 2011 and

^{**} Puncak district was created in 2008. Until then, residents were included in Puncak Jaya voter rolls.

³¹ IPAC interview, KPUD Papua member, Jakarta, 8 December 2014.

³² See IPAC Report No. 2, "Carving Up Papua", op. cit.

³³ The RESPEK program provided block grants of Rp. 100 million (roughly \$8,333 at today's exchange rate). After Enembe took office, the program was renamed Prospek. In 2015, village grants under the Law 6/2014 on Village Governance will be roughly Rp. 250 million per *desa*.

2013 alone, over 1,000 new Papuan villages were created. A new Law on Village Governance (Undang-Undang Desa) approved in January 2014 changed the rules on setting up new villages, making it more difficult across much of the country but making it easier in Papua, by lowering the number of residents required. The law will also mean a new additional annual payment by the central government to every village.

As the number of districts has grown, the amount of central government money pouring into the highlands has risen as well. More districts mean more fiscal transfers from the central government, and the greater the population per district, the greater the transfer. One of Enembe's first moves in office, widely interpreted as a form of payback to the highlander *bupati* who helped get him elected, was to increase the share of special autonomy funds received by the districts from 60 to 80 per cent (the balance goes to the provincial government). A new political class has thus been enriched, with several *bupati* now having oversight over budgets that exceed Rp. 1 trillion (roughly \$83 million). That budget includes a large portion used to fund the work of the election commissions, giving the *bupati* an informal control over their operations and likely increased influence over legislative elections.

V. THE 2014 RESULTS

Noken voting effectively cedes control over elections from voters to three groups: community leaders who are empowered to make voting decisions on behalf of their members; election officials, who have far more leeway to sell votes; and elected officials, who can use their budgetary powers and patronage to influence the results. Community members tolerate this because for the most part, they have not received any civic or specifically voter education. The highlander political elite support *noken* voting in the belief that it increases their influence. Some in Jakarta have support it in the mistaken belief that it represents "local wisdom" and thus is a way of recognising indigenous rights. Others in the central government, particularly in the security services, believe that it keeps violence down. Political interests may also be involved—the last administration may have liked it because Partai Demokrat was a major beneficiary.

The *noken* system was used widely in twelve of the sixteen highland districts in the 2014 polls.³⁴ Its actual impact nevertheless appears to have been mixed. It produced a group of members from Papua in the national parliament—the so-called Papuan Caucus—that is largely unrepresentative of the population (and includes only three highlanders). It helped increase the number of Partai Demokrat seats in the provincial legislature, as the party picked up twelve of its sixteen seats from the highlands. Not all results at the district council level are available, but one impact of *noken* appears to have been to render the results the subject of negotiation well after polling day—in many districts, extending into late November, as *bupati*, elections commissions and provincial administrations battled over the final lists.³⁵ And while there was almost no reported violence, something election officials and the police alike take pride in, there are nevertheless signs that *noken* may simply have deferred the risk of violence, particularly in the local races, until the results are finally announced.

If Papua produced results in the presidential poll that seemed broadly in line with the popular enthusiasm for Jokowi, it was in spite of *noken* and not because of it.

³⁴ The exceptions were Nabire and Mimika, where there appears to have been almost no use of the *noken* system, Pegunungan Bintang, where its use is declining, and Yalimo, where this year there was no *noken* voting at all. IPAC interview, KPUD Papua member, Jakarta, 8 December 2014.

^{35 &}quot;Enembe: Kepala Daerah Stop Hambat Pelantikan DPRD", Suluh Papua, 27 November 2014.

A. Legislative Results in Six Highland Districts

Six districts in the highlands offer a snapshot into the impact of *noken* voting in the legislative election. All but one (Mimika) are areas where *noken* is widely practiced; all saw turnout rates of 100 per cent and spoiled ballot rates of zero or under 0.05 per cent, rates that deviate markedly from the national average. Combined, they account for 1.19 million voters, even though the total population recorded across all six districts in 2010—men, women and children—was just over 850,000 people.³⁶ And each of them provided the vast share of votes for at least one of the ten members elected to the DPR.

Across the six districts, *noken* had a different impact on each level of the legislative election, in part because the incentive to control the results was different in each race. The DPR race generated the most glaring examples of bloc voting—in one district, over 99 per cent of all available votes went to just one candidate. Each of Papua's ten representatives to the DPR gained the vast share of their votes from just one of these six districts, though not all had links to the region—five of the ten are non-Papuan (in a province that is 70 per cent indigenous Papuans), and five are Muslim (Papua is 80 per cent Christian).³⁷ One reason why the effect of *noken* is clearest at this level may be because from a local perspective, the DPR contest is least important with the candidates least known, so few pay attention if huge numbers of votes are directed to one individual.

In the DPRP race, the clustering of votes in the hands of fewer candidates meant that the required number of votes per seat was far higher than in coastal areas. Because the next governor's election in Papua may be run through the DPRP, Enembe and his Demokrat party had more incentive to ensure friendly candidates were elected.

Competition seems to have been most intense in the local races. Comprehensive data on vote counts for these races were never made publicly available, but where data exists, the victory margins for candidates were considerably lower than in the provincial and national contests. The spectre of indirect elections did have an impact here as well, however. Because the next round of local elections—at least in Papua—will likely see district councils elect *bupati*, the latter had increased incentive to support the election of friendly candidates.

While the results in each district were the product of local dynamics and relationships, the role of the *bupati* is central to all races given their political and economic clout. In some instances, there is evidence of their having made out-of-pocket payments to election officials; elsewhere, they offered the reward of prioritising public works projects, such as roads, in those subdistricts that voted in line with their orders.³⁸ Because *noken* often offers all-or-nothing results, it makes it far easier to determine what areas deserve patronage as reward.

1. Jayawijaya

The elections in Jayawijaya provide an example of how a very small number of family and party connections can shape the results. Regular polling stations seem to have been set up in the capital, Wamena, the most important population centre and transportation hub in the highlands, though some used *noken* bags instead of booths. Elsewhere, however, ballots seem to have been returned in subdistrict-level blocs.

In the DPR race, in which all candidates for Papua's ten allocated seats appeared on the ballot across the province, two men split just under 80 per cent of the vote, providing over half of the votes each needed to get elected. Both had important local ties. One, Komarudin Watubun, the

In all six districts but Timika, a vote was counted for every single registered voter and every vote was reported as official (*sah*). In Timika, turnout was 99.6 per cent and the spoilage rate for ballots under 0.1 per cent.

³⁷ These figures based on 2010 census data. See sp2010.bps.go.id.

³⁸ IPAC interview, informal election observers, Jayapura, 30 October 2014.

Maluku-born provincial chair of the PDIP party, has close links to the *bupati*, John Wetipo, who heads the party at district level and is a favourite to replace Watubun as provincial chair. Wetipo's older brother is also the chair of the local election commission. The second is Roberth Rouw, a member of the Gerindra party and brother of the deputy *bupati*, Jhon Richard Banua.

In the provincial legislature race, Wetipo's wife, Yakoba Lokbere, a native of neighboring Nduga district, ran as a PDIP candidate for the provincial assembly and received the most votes of any candidate across Papua and twice as many as her closest competitor. That was Jonny Banua Rouw, another brother of the deputy *bupati*.

By late November, nearly eight months after the polls, there was still disagreement on who was to be sworn in as members of the district DPRD. The list apparently remained a subject of a tug of war between the district elections commission, the outgoing DPRD, the *bupati*, and the governor, who ultimately signs the administrative order approving the swearing-in ceremony.³⁹

2. Puncak Jaya

Results in Puncak Jaya, home to Governor Enembe, show the power of *noken* voting when paired with a strong party machine—in this case Partai Demokrat. *Noken* appears to be used across the district, just as it was in the May 2012 election for *bupati* and the January 2013 election for governor, and it has consistently returned strong showings for Partai Demokrat. In the January 2013 governor's race, 99.5 per cent of the district vote went to Enembe; the 2012 *bupati* vote was won by his former deputy, Henock Ibo.

This year, Ibo's son, Libert Ibo, ran for the DPR and received 70 per cent of Puncak Jaya's votes (these 116,856 votes in turn provided 70 per cent of the votes that got him elected). Libert Ibo is not just the *bupati*'s son; he is also a lawyer who in recent years has successfully defended highlander candidates from Partai Demokrat in electoral disputes at the Constitutional Court.

Only two other DPR candidates received any votes at all here and neither appears to have much of a tie to the district: a PDIP candidate originally from Kalimantan Selatan and the Sulawesi-born party representative of Partai Kebangkitan Bangsa, a party rooted in the Muslim social organisation Nahdatul Ulama.⁴⁰

In the DPRP race, Puncak Jaya forms one electoral district with Puncak and Tolikara; this is where Partai Demokrat performed strongest, earning five of its sixteen seats. The use of bloc voting is apparent in the number of seats each successful candidate won. In Jayapura, where votes were dispersed widely among different candidates, the sole winning Partai Demokrat candidate won a seat with just 9,000 votes. In Puncak Jaya, by contrast, each of the successful candidates polled between 38,000 and 56,000 votes, indicating the kind of clustering that the *noken* system produces.

3. Puncak

Puncak was carved out of the larger Puncak Jaya district in 2008, and results there show the powerful dividends that national politicians can earn from lending their support to campaigns for new districts. In 2007, Tony Wardoyo, a Javanese from Jakarta, was on the DPR commission responsible for regional autonomy and played a key role in the approval of Puncak. He had also played a key role in brokering a peace agreement between Simon Alom and Elvis Tabuni, opposing candidates in the 2011-12 *bupati* election that had turned into a protracted violent feud. In the 2014 legislative elections, 99 per cent of all the votes he received came from Puncak.

^{39 &}quot;Pelantikan DPRD Jayawijaya Tunggu SK", Bintang Papua, 21 November 2014.

⁴⁰ See testimony in Constitutional Court decision 39/PHPU.D-X/2012. The latter, Natsyer Bonto, had led the campaign team for Henock Ibo's leading opponent in the 2012 Puncak Jaya district head election.

Wardoyo switched parties to run as a candidate for Jokowi's party, the PDIP, maybe less because of Jokowi's personal appeal than because the most powerful man in the district, Puncak *bupati* Willem Wandik, was a PDIP supporter and one of the top campaigners for Jokowi in the highlands.⁴¹ Only two other candidates got any votes at all.⁴²

4. Tolikara

Tolikara is another Partai Demokrat stronghold. One of the party's DPR candidates, native son Willem Wandik (no relation to the Puncak *bupati* above), won 73 per cent of the district's votes, despite having no political experience. Only two of the 114 other DPR candidates in Papua got any votes.⁴³

Following the election, all five of the local KPU members were declared criminal suspects for electoral fraud. One local polling official claimed that all 45 subdistrict polling officials (PPD) had been given Rp. 50 million (roughly \$4,500) to ensure that all votes were registered to one party (not named in the proceedings, but presumably Partai Demokrat).⁴⁴ The result of any criminal investigation remains unknown. A separate investigation, conducted by the Electoral Ethics Council, resulted in a serious warning (*peringatan keras*) to all five members after it determined there was evidence they had also taken money from the *bupati*.⁴⁵ Tension over results at the district council level were continuing in late November; provincial officials expected they would have to hold the swearing-in ceremony in Jakarta to avoid violence.⁴⁶

5. Yahukimo

Yahukimo, home to more registered voters than any other district but Jayapura city, shows how *noken* can be used to support the apparently opportunistic divvying up votes. Allegations of electoral fraud have repeatedly surfaced in Yahukimo. In 2006, Enembe argued that fraudulent returns from this district led him to lose the governor's election by just 30,000 votes. In 2009, voting in Yahukimo was the basis for the first challenge to *noken* voting in the Constitutional Court; the court upheld the practice but ruled that voting had to be re-held in 37 subdistricts where it appeared no vote had been held on polling day.⁴⁷

In the 2014 election, the DPR vote was largely split among five candidates, three of whom were ultimately successful. Elion Numberi, the man who brought the 2009 case and who had served as a DPD representative from 2009-2014, picked up 50,270 votes, or nearly 60 per cent of his votes, in highland Yahukimo, though he is from the coastal district of Serui. The 48,407 votes picked up by Sulaiman Hamzah, a Nasdem politician from Flores, represented a similar share of his bid; he received only spotty support elsewhere but Yahukimo's votes put him over the top. The third was the PAN incumbent, Jamaluddin Jafar, a Muslim Bugis businessman. The two unsuccessful candidates actually picked up more votes from Yahukimo than these three but failed to sufficiently match that support elsewhere.

One factor in the vote might be the role of the bupati, Ones Pahabol, who was once a can-

⁴¹ Wandik was the winner of Puncak's first local election in 2013, and had received the support of both Partai Demokrat and PDIP.

One was Triwibowo, the Jayapura-born provincial head of the PKB party of which Tony Wardoyo was once a member.

Oktasari, a senior Hanura party figure from Jakarta once married to the Papua province head of MUI with few other links to the province, and Willem Frans Ansanay, an unsuccessful Demokrat candidate.

^{44 &}quot;DRPD Minta Semua Anggota KPUD Tolikara Diganti", Tabloid Jubi online, 22 June 2014.

^{45 &}quot;DKPP Jatukan Sanksi Kepada KPUD Tolikara", Tabloid Jubi online, 5 November 2014.

⁴⁶ IPAC interview, DPRP member Yunus Wonda, Jayapura, 30 October 2014.

^{47 &}quot;KPU Yahukimo Harus Gelar Pemilu Ulang", VivaNews, 9 June 2009. See also Constitutional Court decision number 47-81/PHPU.A-VII/2009, op. cit.

didate for the provincial Golkar party chairmanship but ultimately fell out with the party leadership. 48 Perhaps as a result, Yahukimo delivered no votes at all for three incumbent Golkar candidates—Yorrys Raweyai, Paskalis Kossay and Agustina Basikbasik—and thus helped unseat them. 49

6. Mimika

Mimika is an outlier among the highland districts for several reasons. It is among the most demographically diverse districts in Papua, in part due to the strong economic pull of the Grasberg mine, operated by the Freeport McMoran company, and all the economic activity that surrounds it, bringing migrants from across Papua and the country. For that reason, the growth in population statistics here may reflect a real influx into the area; the 47,000-person increase in the voter rolls between the January 2013 governor's election and October 2013 *pilkada* nonetheless raised many eyebrows. Mimika also straddles the divide between the central highlands and the southern coastal plains; *noken* voting does not appear to have been used here. While in the districts highlighted above, sometimes only two or three of the 114 DPR candidates on the ballot got any votes, in Mimika, every single candidate received at least a handful. 151

But even if the *noken* system did not apply here, there were still serious irregularities. Turnout was over 99.5 per cent, and the spoilage rate was under 0.1 per cent—clearly unachievable rates. Four of the five members of the KPU had been fired at the end of 2013 for fraud related to the October 2013 *bupati*'s election; a new commission was only sworn in two months before the April 2014 poll, meaning many of the necessary preparations never took place. Election officials claim this was the reason why the "final" tally of results at district level was established and then changed three times over the course of one week. The Election Ethics Council was not convinced and issued the commissioners with a stern warning for unprofessionalism.⁵²

The biggest winner was incumbent Peggi Pattipi, the Muslim wife of the former *bupati*, Abdul Moeis. She picked up 95 per cent of the 106,371 votes that earned her a seat in the DPR from Mimika.⁵³ Notable losers were the Golkar candidates, who together received only 13 per cent of the votes in a district where the provincial party chair, Klemen Tinal, had been *bupati* until he took up the deputy governor's post in 2013.

At the district council level, confusion continued through late November, when the governor said the elections commission had submitted four different lists of members to be sworn into the 35-seat DPRD, and that each time not only the names but even the allocation of seats between parties had changed.⁵⁴

All this underscores that poor election administration and electoral fraud are not the sole preserve of districts that use the *noken* system, but the widespread acceptance of such a poorly regulated practice with its questionable results may contribute to the acceptance of fraud elsewhere.

⁴⁸ The *bupati*, Ones Pahabol, had invested heavily in trying to succeed the current vice governor Klemen Tinal as provincial head of the Golkar party in 2013 but he was ultimately shunned by the party leadership, allegedly after Tinal offered more money. IPAC interview, Jakarta, 12 September 2014.

⁴⁹ All three were relatively vocal two-term incumbent members of the DPR. Raweyai is mixed ethnic Chinese and Papuan from Serui, Kossay is a highlander from Jayawijaya and Basikbasik is from Merauke. Kossay had run for election in the 2013 Jayawijaya *bupati* election and lost to incumbent Wetipo.

^{50 &}quot;Sejumlah Pihak Desak Agar Pilkada Mimika Tak Molor", PortalKBR, 23 September 2013.

⁵¹ The puzzling exception to this were the ten candidates on the Hanura ticket.

⁵² DKPP decision in Case No. 103/DKPP-PKE-III/2014, 1 July 2014.

In 2009, Pattipi was elected to the DPR with just 23,641 votes, another reflection of how *noken* is having impact on the DPR race: by significantly driving up the votes required to gain a seat.

^{54 &}quot;Gubernur: KPU empat kali ganti SK penetapan anggota DPRD Mimika", Antara, 20 November 2014.

B. Legislative Results Elsewhere in Papua

The pattern of results along the north and south coasts of Papua was markedly different, but fraud was still widespread. It is possible that the tolerance of electoral manipulation that *noken* encourages has spread beyond the areas where it is actually used, or that lowland elites, seeing their influence declining, have taken a leaf from highland tactics.

In Jayapura city, candidates seem to be moving toward replicating the incredible turnout rates in the highlands. Reported turnout in 2014 jumped from 62 per cent in the January 2013 governor's poll to 86 per cent. Observers reported the use of mass convoys of voters, moving between locations as a group and voting at multiple polling stations for just one candidate (using bleach to remove the purple ink from their fingers).⁵⁵

The increase in voter numbers may have simply reflected more widespread use of such tactics. While voting proceeded normally at polling stations on election day, officials reportedly sold ballots they deemed unlikely to be used (*suara sisa*) in advance of the polls, for between Rp. 50,000 and 100,000 a vote. Prices fell as low as Rp. 30,000 a vote in the last hours before polling stations opened. Outside the city, in Kabupaten Jayapura, three members of the KPU were fired by the ethics board for receiving alleged amounts of between Rp. 10 million and Rp. 75 million (roughly \$830 and \$6,250, respectively) to ensure one candidate's success.

In the island district of Kepulauan Yapen, all five members of the district KPU were fired by the ethics board in connection with a series of irregularities. In at least one area in Yapen Utara, polling officials openly withheld national and provincial level ballots from voters.⁵⁸ The district KPU made repeated changes to the official results.⁵⁹ The *bupati* was accused of direct intervention in the polls; in late November he was arrested on separate corruption charges linked to his 2010 re-election and misuse of KPU funds.⁶⁰ In early December 2014, there was still confusion over who would take seats in the district council.

C. The Presidential Results

While the *noken* system often appears to be an effective method for buying votes, it can nevertheless sometimes produce unpredictable results. That appears to have been true in the presidential election, where a mix of apparently genuine popular enthusiasm for Jokowi actually trumped a coordinated strategy by the Prabowo campaign to use *noken* to ensure victory.⁶¹

Prabowo's party, Gerindra, had already returned strong showings in the coastal population centres, becoming the party with the most votes both in Jayapura and Merauke. It made sense to renew its campaign efforts in the highlands, where it was far weaker and where more than half the votes in Papua were to be won. The roughly two million votes in the highlands could be the difference between winning and losing nationally in a close race (ultimately, the margin of Jokowi's victory was only eight million votes). Prabowo's people recruited Yunus Wonda, the deputy head of the DPRP and ranking Partai Demokrat member, to head up its provincial campaign team, along with deputy governor Klemen Tinal. Enembe had been publicly offered the job but he demurred, perhaps because Partai Demokrat only made its decision to support Prabowo in the final stages of the campaign.

⁵⁵ IPAC interview, informal observers, Jayapura, 30 October 2014.

⁵⁶ Ibid.

⁵⁷ DKPP decision in cases 195/DKPP-PKE-III/2014 and 297/DKPP-PKE-III/2014.

^{58 &}quot;Warga Yapen Dipaksa Coblos", Suluh Papua, 10 April 2014.

⁵⁹ DKPP decision in cases No. 150/DKPP-PKE-III/2014 and No. 158/DKPP-PKE-III/2014, 7 October 2014.

^{60 &}quot;Bupati Yapen Dinilai Intervensi Hasil Pileg 2014", 3 November 2014.

⁶¹ Jokowi-Kalla received 76 per cent of the vote in Sulawesi Barat.

Wonda and Tinal are both highlanders, and they made clear from the outset that the *noken* system was the centrepiece of their strategy to get Prabowo elected. Asked about it by one newspaper at the campaign launch, Wonda replied, smiling, "We will make use of [*noken* voting] in our own ways and all [of you] can work out what that means".

But ultimately, the strategy was unsuccessful. Prabowo was routed in the central highlands, where *noken* voting delivered *all* the votes in 60 per cent of subdistricts for Jokowi. Even in areas with large migrant populations and no *noken* voting such as Kota Jayapura, Jokowi maintained at least a narrow lead (58 per cent). Similarly, he won with 53 per cent in Keerom and 51 per cent in Merauke. Prabowo carried just two districts, Lanny Jaya and Mamberamo Tengah.

Four factors help explain Jokowi's strong showing. Almost everyone IPAC spoke to, including Yunus Wonda, agreed the primary factor was Prabowo's human rights record in the province, pithily summarised by many with just one word: Mapenduma. They were referring to the 1996 Kopassus military operation led by Prabowo to free 26 hostages captured by OPM commander Kelly Kwalik. Two hostages were killed, more violence followed in military operations that followed. Anonymous text message campaigns circulating in the days before the election told voters not to choose Prabowo unless they wanted to see Papuans killed again. Others suggested that Papuans were more broadly repelled by a figure so closely identified with both the military and the New Order regime.

A second factor was the significant support the Jokowi campaign mobilised in the highlands, primarily through PDIP party structures. This helps explain why some of his strongest showings were in Puncak (95 per cent) and Jayawijaya (85 per cent), the two districts with PDIP *bupati*. Yakoba Lokbere, the Nduga-born wife of the Jayawijaya *bupati* elected in April to the DPRP, headed one of a variety of Jokowi volunteer networks, helping buoy Jokowi's votes in Nduga (73 per cent), among others.⁶⁴

Prabowo won in only two districts: Lanny Jaya (57 per cent) and Mamberamo Raya (94 per cent). Both are headed by strong Demokrat *bupati*, Befa Yigibalom and Demianus Kyeuw Kyeuw, each the district-level chair of the party.

A third factor was the interest Jokowi had shown in Papua during the campaign, visiting both in March 2014 to support the PDIP's legislative campaign, and three months later 2014 to campaign for president. His informal style focused on direct interactions with voters, and speeches in which he highlighted the possibility for political dialogue on Papua and the need for Papua to receive a greater share of its own resource income, seem to have convinced many voters that his election would herald change.

Finally, one of the messages spread by the Prabowo campaign in an effort to bolster its appeal among migrants may have cemented Jokowi's appeal among indigenous Papuans. Gerindra sought to position its candidate as tough on separatism. The Gerindra governor of neighbouring Papua Barat province, Bram Atururi, made repeated public predictions that if Jokowi were elected, Papua would break away. That messaging appears to have been effective among some migrant communities, including particularly Bugis voters who might otherwise have supported

^{62 &}quot;Tidak Ada Lagi Darah dan Air Mata Menetes di Tanah Papua", Suluh Papua, 18 June 2014.

⁶³ IPAC interview, Jakarta, 16 October 2014.

⁶⁴ In Nduga, where the total registered number of voters of 146,784 was divided exactly evenly between the 32 subdistricts, with 4,587 voters each, Jokowi swept twenty-two, Prabowo eight, and the remaining two split their votes 1:3 Jokowi and roughly 1:1, yielding exactly 40,000 votes for Prabowo. Nduga is the district that is now home to Mapenduma; that Prabowo could receive so many votes in neighbouring subdistricts (he received none in Mapenduma itself) suggests the 1996 incident is not quite as strong a determinant of voting preferences as some have argued.

^{65 &}quot;Kalau Jokowi Presiden, Papua Bisa Lepas Dari NKRI", Tabloid Jubi, 21 June 2014.

the ticket with fellow Bugis Jusuf Kalla.⁶⁶ But the unintended consequence may actually have been to strengthen Jokowi's appeal across the highlands, attracting votes for Jokowi from independence sympathisers.

D. The Complaints

Interviews with election officials and the more than 100 complaints filed in the Constitutional Court after the elections show that in much of the highlands, vote-counting and sometimes voting itself below the subdistrict level was abandoned altogether, except in the main administrative centres. In many areas, there were no C-1 forms kept at polling stations; in some cases, the forms were later filled out only to retroactively justify the tallies at the subdistrict or above. ⁶⁷ Across the country, 81 per cent of polling stations submitted C-1 forms; in Papua province the rate was just 16 per cent (see Appendix D for an example of one such form). ⁶⁸ In many areas, polling stations were never set up, the polling committees never staffed and voting never took place.

Many losing candidates alleged that official vote tallies had been changed between the polling station, subdistrict, district and provincial level. This is a common pattern of fraud across Indonesia but may have been worse in Papua because poor or non-existent record-keeping made it impossible to go back and check.

Other problems were caused by the Constitutional Court's decision to allow "political representatives" to make binding decisions on how communities will vote, without ever clarifying who qualifies as such. In some cases they were clan chiefs (*kepala suku*), in others local *adat* bodies, government-approved *adat* councils (*lembaga masyarakat adat*, *LMA*) and in at least one case, a body formed to support the creation of a new district. ⁶⁹ Many of the plaintiffs tried to use letters signed by these various bodies to challenge provincial KPU tallies. The court nearly always upheld the latter, but in doing so simply added a new layer of confusion: if decisions by these individuals and bodies are not accepted as evidence, what is the point to agreeing to proxy voting in the first place?

The problems in Papua were so widespread and so varied that the head of the election ethics board explained that they could not hold election officials in Papua to the same standard as elsewhere because if they did, most election officials in the province would have to be fired. As it was, sixteen of the 145 district KPU members have been removed from office; a greater number have been given warnings. 1

Out of all the complaints from Papua filed with the Constitutional Court, only one was suc-

The most important of these groups was the Kerukunan Keluarga Sulawesi Selatan (KKSS). IPAC interview, Jokowi campaign volunteer, Jayapura, 31 October 2014.

⁶⁷ IPAC interview, member of KPUD Papua, 19 September 2014.

⁶⁸ Scans of these forms are available at pemilu2014.kpu.go.id/c1.php.

⁶⁹ Baliem Center is a candidate *kabupaten*, consisting of four subdistricts in Lanny Jaya that have been lobbying to become a new district. It was one of over sixty proposed *kabupaten* awaiting approval by the outgoing DPR in 2014; the fate of these districts is now unclear. An ethnic Toraja (from Sulawesi) Nasdem candidate for the DPR in 2014, Jhon Rende Mangontan, presented evidence in the party's case before the Constitutional Court that 80 different clans had come together in March 2014 in Wamena to nominate him as a member of the Wenda clan and pool over 50,000 votes for him in the election in exchange for his support for Baliem Center's aspirations.

⁷⁰ IPAC interview, Jimly Asshiddiqie, DKPP chairperson, Jakarta, 26 September 2014.

In the first eleven months of 2014, sixteen KPU and three Panwaslu members from Papua were fired by the DKPP. Ten KPU members were given stern warnings (*peringatan keras*) and eleven were given warnings (*peringatan*). Four members of the Mimika KPU were also fired in December 2013 for misconduct during the October 2013 local election. Decisions of the DKPP are available at www.dkpp.go.id.

cessful: a district council candidate from PAN party in Nabire.⁷² The rate of success among plaintiffs was low largely because the burden was on them to prove that KPU data were false, but in the absence of solid record-keeping, this was almost impossible. Even though the court keeps coming back to the principle that community leaders can make unilateral decisions on behalf of voters, it was not willing to accept proof of such decisions as evidence that the official figures held by the KPU could be fraudulent. Among the evidence the court threw out was the following:

- Helina Murib, a DPD candidate, claimed that she had been robbed of all her votes in her native district of Puncak. She presented as witnesses two clan chiefs (*kepala suku*), who testified that based on binding community agreements, all the votes in the district should have gone to her. The court said that in the absence of verifiable polling station records (C-1 forms), it was impossible to make a legal case.⁷³
- Samsudin Mandja, a Golkar candidate for the DPR, argued that he was legitimately awarded over 94,000 votes from Nduga district, including all the votes from 21 of 32 subdistricts, but that some 70,000 were taken away from him in the tabulation process at the provincial level. He presented a letter attesting to the vote signed by local representatives of eleven political parties and the chairman of the Nduga election oversight body (Bawaslu), as well as the testimony of the *bupati*. The court did not question the legitimacy of the letter, but rejected the complaint, saying that an agreement by political parties was not a democratic basis for a voting decision.⁷⁴
- Yorrys Raweyai, a Golkar incumbent candidate for the DPR, claimed that 13,146 votes he received in Intan Jaya district disappeared between the subdistrict-level tally and the provincial tally.⁷⁵ To bolster his claim, he had the provincial Bawaslu head testify that the subdistrict-level tally was authentic. The court said it remained unconvinced of the tally's authenticity and threw out the complaint.
- The Nasdem party claimed that an agreement by the LMA in Paniai to award all 90,632 votes to Paniai-born Yulianus Yogi was not reflected in the results, which saw the vote split between three candidates from PPP, PDIP and Demokrat parties (and none to Yogi). Witnesses produced a letter signed by members of the LMA that read "These 90,632 votes we bind together using the *noken* method for the native son of Paniai named Father Yulianus Yogi, S.Th., M.A. on the condition that the future development of Paniai will be discussed with the central government". They explained that whatever tallies of the vote did exist must have been fabricated because there were no polling stations or polling officials on election day and ballots "to this day have never been punched". ⁷⁶

⁷² This decision related to voting for the DPRD that did not involve *noken*. The court restored 965 votes the candidate claimed had gone missing from five different polling stations. Because he presented C-1 forms that clearly showed the discrepancy and that the court accepted as valid, they restored the votes. See Constitutional Court decision 11-08-32/PHPU-DPR-DPRD/XII/2014, 27 June 2014.

⁷³ See Constitutional Court decision 06-32/PHPU-DPD/XII/2014 (Provinisi Papua), 25 June 2014.

⁷⁴ Constitutional Court decision 03-05-32/PHPU-DPR-DPRD/XII/2014, 27 June 2014.

The Like several other incumbents, he says he chose to focus his campaigning on the coastal areas, considering the highlands "a lost cause" due to likely manipulations of the *noken* system. Only in four of the sixteen highland districts did he receive any votes at all (including Lanny Jaya, where he received just two). IPAC interview, Yorrys Raweyai, Jakarta, 12 June 2014.

⁷⁶ Constitutional Court decision number 01-01-32/PHPU-DPR-DPRD/XII/2014 (Provinsi Papua), 27 June 2014.

VI. THE POLITICAL IMPACT OF THE ELECTIONS

The 2014 elections in Papua have strengthened the political power of Enembe but at the expense of widening the highland-costal divide. They have probably increased the possibility that Papua will opt for indirect local elections in the future, regardless of what happens on the issue in the national parliament. It is unclear what the impact will be on relations with Jakarta. Enembe no longer has the direct line to the palace that he had through Partai Demokrat when Yudhoyono was president, and whatever Jokowi's popularity and own intentions toward Papua, the statements coming out of some of his Cabinet members hark back to an era when Papua policy was driven largely by the military.

The 2014 elections have strengthened Enembe's influence in the DPRP, not only with the Partai Demokrat bloc increasing from nine to sixteen seats but with the number of highlanders increasing to 34. The legislative base is only one part of Enembe's political network but it means he can more easily control the provincial budget.⁷⁷

The increased dominance of highlanders and those with political ties to Enembe is creating resentment among politicians and civil servants from northern coastal areas, particularly Biak, Serui and Jayapura, traditionally home to the province's administrative and political elite. The combination of loss of influence in terms of both votes and political appointments and inability to compete in *noken* voting may convince this elite to campaign more strongly for a separate province. Ideas for a new coastal province that would unite Jayapura and the north coast with the Cenderawasih Bay districts and leave the highlands as a province by itself have come up from time to time. Enembe remains implacably opposed to any new provinces to be carved out of his domain, but the new Minister of Home Affairs, Tjahjo Kumolo, has already come out strongly in support of new provinces in Papua, both to speed up development and to fight back against generic "foreign intervention." He singled out Papua Tengah, a long-discussed province that would run north to south from Biak to Mimika, as a priority.⁷⁸

Enembe and others immediately rejected the proposal, but if resentment at the dominance of highlanders continues to grow, future division of the province that cut east to west (rather than north-south), could prove more palatable. A central highlands province would unite highlanders and hold on to the Freeport mine and the sizeable associated income. A north coastal province would restore the influence of the Biak, Serui and Jayapura elite, while the southern plains might get its own province, with its capital in Merauke. None of these are likely to be made law any time soon, but the local political interests behind this kind of administrative fragmentation (pemekaran) may be changing.

The 2014 elections and Prabowo's court challenge, even though unsuccessful, have highlighted the extent of Papua's electoral problems—bad to begin with and exacerbated by the *noken* system. It is not clear that evidence of widespread manipulation by itself will lead to any change, in the absence of a decision from Jakarta to scrutinise population data or pressure from disenfranchised Papuans to end proxy voting. Ironically, the same people in Jakarta and Papua who champion the *noken* system also support indirect elections for local executives—district and provincial—which would remove the need for any pretence of consultation with communities because local legislatures would make the choice.

⁷⁷ Enembe loyalists in the provincial administration include Muhammad Musa'ad, head of the provincial planning board, BAPPEDA; Kupang-born Hery Dosinaen, provincial secretary and previously Enembe's district secretary in Puncak Jaya; and Benny Sweny, head of a new institution established to disburse the Rp. 77 billion (roughly \$6.5 million) in *otsus* funds that Enembe is providing mostly to churches to support social service delivery. Sweny was the head of the KPU when Enembe was elected. All three are from outside the highlands. The head of the MRP, Timotius Murib, is also an Enembe ally.

^{78 &}quot;Lawan Intervensi Asing, Pemerintah Prioritaskan Pemekaran di Papua", Tribunnews.com, 31 October 2014.

On 30 September 2014, the outgoing national parliament, pushed by a coalition led by Prabowo Subianto, passed a law removing direct elections for *bupatis* and returning Indonesia to the pre-2005 practice of having local executives elected by district councils. It caused a public uproar with polls showing that more than 80 per cent of the public wanted a restoration of direct voting. The law was overturned—temporarily—by a government regulation issued by President Yudhoyono that the current parliament has to approve if it is to become law.

In Papua, the dynamics are somewhat different. The 2001 special autonomy law stated that the governor would be elected by the provincial legislature, and some in the political elite have argued that if Papuan autonomy is to be upheld, then regardless of what happens in Jakarta, it has a right to keep the indirect vote. In 2010-2011, the Papuans making this argument were those who believed they could not win in a direct vote. But highlander Papuans led by Enembe, who have demonstrated they *can* win in direct elections as long as they have the *noken* system to help them, have become supporters of indirect elections. It all comes down to vote management. With the *noken* system, they can control the outcome more than if a one person-one vote principle were upheld, but they can exert even more control if it comes down to influencing only a few dozen legislators. The 2014 elections thus may have increased elite support for indirect elections.

Papua's overwhelming support for Jokowi, plus the president's own attention to Papua during his campaign, briefly raised hopes of a new approach to Papua's problems, but the initial pronouncements of cabinet ministers suggested a return to the darker days of the administration of Megawati Soekarnoputri, Yudhoyono's predecessor and Jokowi's leading patron. During her presidency (2001-2004), Papua policy was seen as driven almost exclusively by military and intelligence interests. In the same week that the Home Affairs Minister suggested creating more provinces, another minister suggested that his priority was to open up as much of Papua as possible for transmigration.⁸²

Both policies are politically poisonous in Jayapura for the same reasons that they are attractive to hardline nationalists in Jakarta. The creation of new provinces, especially if Jakarta-driven, is seen as damaging Papuan political identity, while transmigration is seen as helping make indigenous Papuans a minority in their own land.⁸³ Enembe, a keen supporter of *pemekaran* at district level but who has always opposed further break-up of the province, warned the new administration not to cause problems in Papua.⁸⁴ Unless Jokowi moves quickly to set his own policies and distance himself from his ministers, his honeymoon in Papua is likely to be shortlived.

⁷⁹ The Constitutional Court has not always interpreted Special Autonomy this way. Law 21/2001 gives the DPRP the right to elect the governor (Article 7.1.b) but also stipulates that the manner of selection must be in keeping with broader legislation (Article 13).

The three Papuan politicians who took the case believed this was the most promising way to unseat the incumbents in both Papua and Papua Barat, which is also governed under the 2001 Special Autonomy Law. See International Crisis Group, "Indonesia: Dynamics of Violence in Papua", 9 August 2012.

A draft law prepared by a tem working for Enembe in 2013 would have revised special autonomy, including by ending direct local elections in the province at the district level as well. For more on the substance of and debate around "Otsus Plus", see IPAC Report No. 4, Otsus Plus: *The Debate over Enhanced Special Autonomy for Papua*, 25 November 2013 and IPAC Report No. 7, *Papua Update: The Latest on Otsus Plus*, 27 February 2014.

^{82 &}quot;Menteri Marwan Ingin Buat Orang Jawa Tertarik Transmigrasi ke Papua", detikNews, 31 October 2014.

Even the provincial chair of the conservative Gerindra party responded that it was "not yet" the time to expand transmigration. "Yanni: Belum Tentu Papua Terima Transmigrasi", *Tabloid Jubi*, 30 October 2014.

^{84 &}quot;Pusat Jangan Sembarang Mekarkan Daerah di Papua", Tabloid Jubi, 2 November 2014.

VII.CONCLUSION: WHAT JOKOWI CAN DO

The Jokowi administration has an opportunity to set a new tone for how the central government approaches governance problems in Papua. Addressing the complex problems around *noken* voting and inflated population statistics in the highlands is going to be difficult but it is one prerequisite for improving the quality of government, reducing corruption and ensuring that Papuans enjoy the same democratic rights as other Indonesians.

The first step is to make a concerted effort to actually count the number of people in Papua, perhaps with a special census tied to the provision of electronic identity cards. Major resources would have to be allocated from the central government for training of enumerators, training of Papuans in why the count is taking place and logistics, including transport. If billed as a way to end election fraud, it will not be popular with the highland elite. If billed as a way to establish the exact number of indigenous Papuans and non-Papuans, it may be more acceptable, particularly if tied to specific programs for the former. A network of civil society volunteers such as that mobilised to monitor the 2014 vote could be mobilised to help ensure the accuracy of the count, because only one that is seen as objective will serve to untangle the inflated voter rolls and population statistics, particularly those maintained by the Ministry of Home Affairs.

At the same time, to lessen resistance to an accurate head count on economic grounds, the central government would need to introduce revisions to the formula used to determine fiscal transfers. This should ideally take place within a broader effort to rationalise the many different transfers that districts in Papua receive, as well as strengthen oversight of how the money is spent.

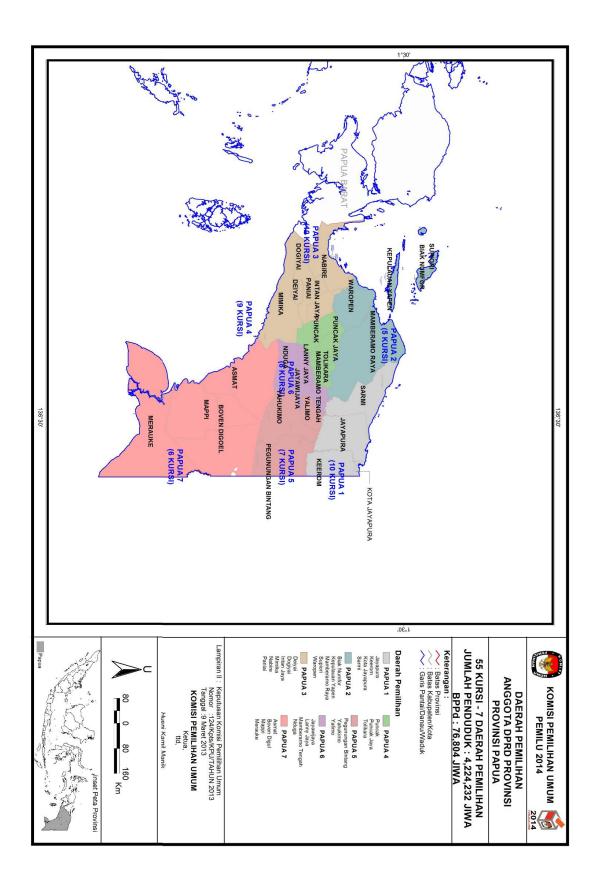
Voting practice could then be pulled into line with the rest of Indonesia, with a new national elections law outlawing all voting by proxy and mandating that all areas of Indonesia, including those benefiting from special autonomy, would be required to uphold the principle of one person, one vote. Finally, the government would have to devote increased resources to the running of elections in Papua, starting with voter education efforts, strengthening of the local election commissions, and increased election monitoring. Righting election wrongs in Papua may be only one part of a broader program to improve governance, but could be a useful place to start.

Appendix A: Map



 $@AB\ carto\ /\ Crisis\ Group,$ March 2013; amended by IPAC

Appendix B: Map of Electoral Districts (Dapil)



PBB

Appendix C: Results of DPR and DPRP Races

DPR Votes & Seats			DPRP Seats	
Party	Votes (DPR)	Seats	Party	Seats
Partai Demokrat	700,150	2	Demokrat	17
PDIP	491,591	2	PDIP	7
Gerindra	303,396	1	Gerindra	6
Nasdem	298,176	1	Golkar	6
Golkar	257,767	1	Hanura	5
PKB	251,772	1	PKB	4
PAN	193.145	1	Nasdem	3
PKS	159,653	1	PKS	3
Hanura	135,257		PKPI	2
PPP	105,766		PAN	2
PKPI	50,342		PPP	1

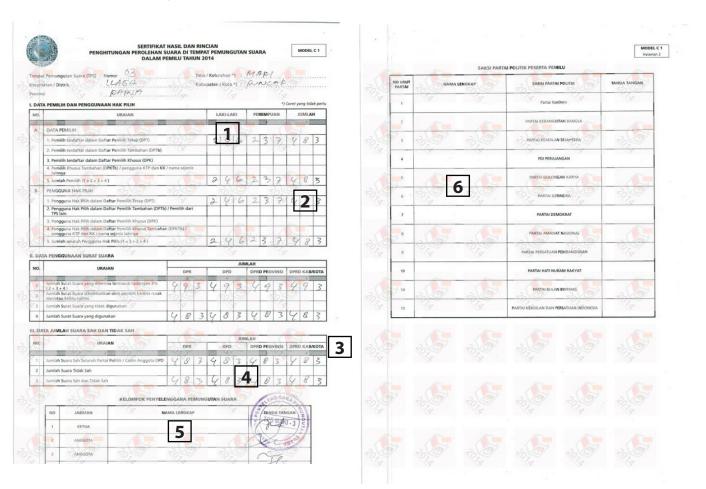
1. Willem Wandik	Demokrat	178,682
2. Libert Kristo Ibo	Demokrat	166,734
3. Tony Wardoyo	PDIP	136,642
4. Roberth Rouw	Gerindra	128,598
5. Komarudin Watubun	PDIP	120,724
6. Peggi Pattipi	PKB	106,371
7. Muhammad Y Kotouky	PKS	102,536
8. H. Jamluddin Jafar	PAN	91,179
10. Elion Numberi	Golkar	85,374
10. Sulaiman Hamzah	Nasdem	80,623

16,265

Appendix D: A Polling Station Record

Below are excerpts from one of the 445,037 polling station tallies (the C-1 forms) from the legislative election uploaded by the KPU to the website pemilu2014.kpu.go.id. The reporting rate in Papua province was just 15.6 per cent, far below the national average of 81.5 per cent. This tally is from Ilaga subdistrict in Puncak, one of the few highland districts that actually provided scans. Note the following points, all of them characteristic of many of the tallies from polling stations that reported:

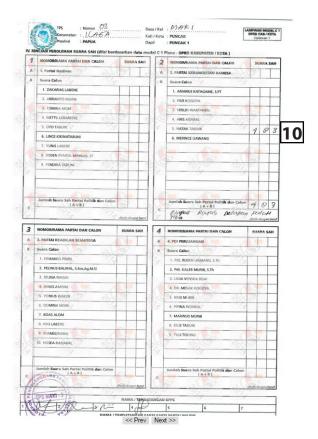
- 1. No votes recorded from any of the provisions for late registration or for voters who show up on the day of voting
- 2. 100 per cent turnout: number of registered voters = number of votes cast
- 3. No spoiled ballots (suara tidak sah)
- 4. Same number of votes cast in all races: national, provincial, district and DPD
- 5. Incomplete records on polling officials
- 6. No party witnesses
- 7. All votes recorded went to just one DPR candidate
- 8. All votes recorded went to just one DPD candidate
- 9. All votes recorded went to just one DPRP candidate*
- 10. All votes recorded went to just one DPRD candidate*
- *Elsewhere in the highlands, there appeared to be more variation at these lower levels.











Appendix E: Glossary

Government

DPR National parliament

(Dewan Perwakilan Rakyat)

DPRP Provincial legislature in Papua, in other provinces known as the DPRD

(Dewan Perwakilan Rakyat Papua)

DPRD District or city legislatures

(Dewan Perwakilan Rakyat Daerah)

DPD Regional Representatives' Council

(Dewan Perwakilan Daerah)

MPR Superstructure containing DPR and DPD

(Majelis Permusyawaratan Rakyat)

distrik Term used in Papua for a subdistrict, elsewhere known as kecamatan

kampung Term used in Papua for a village, elsewhere known as desa

Election Management Bodies

DKPP Electoral Officials Ethics Board

(Dewan Kehormatan Penyelenggara Pemilu)

Bawaslu Election oversight body

(Badan Pengawasan Pemilu)

KPU National Elections Commission

(Komisi Pemilihan Umum)

KPUD Provincial or Kabupaten-level Elections Commission

(Komisi Pemilihan Umum Daerah)

PPD/PPK Subdistrict-level polling officials

(Panitia Pemilihan Distrik, or Panitia Pemilihan Kecamatan)

PPS Polling station officials

(Panitia Pemungutan Suara)

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