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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2021]

* Issued as received, in the language(s) of submission only.



Indonesia: New Regulation on Special Autonomy for Papua, Indonesia must ensure protection for Indigenous Papuans

The Asian Legal Resource Center (ALRC) wishes to draw the attention of the UN Human Rights Council to the problem of amendment of Law on Special Autonomy for Papua, Indonesia.

The House of Representatives of Indonesia has officially ratified the second amendment to Law Number 21 of 2001 concerning Special Autonomy for the Indonesian Province of Papua to become a law. The decision was made at the Plenary Meeting of the Closing of Session Period V for the 2020-2021 Session Year.

In total, 18 Articles underwent changes and two new Articles were added. However, many parties, especially human rights activists and indigenous Papuans regret that the revision of the Special Autonomy Law has not fully accommodated the demands of the Papuan people. The new law on special autonomy for Papua, Indonesia becomes evidence that the central government in Jakarta tend to resolve human rights problem in Papua merely from economic approach, without touching fundamental problem, which is human rights violations, impunity and various problems emerging from unfair trials and consistent discriminations.

There are 20 revised Articles, 3 Articles are government proposals, then 15 revised articles are not proposed by the government. In addition, there are new Articles added, namely Article 6A and Article 68A. One of the revised articles concerns the sustainability of the Special Autonomy Fund for Papua.

With the revision of Article 34 in the Special Autonomy Law, the special autonomy fund allocation was extended until 2041. The amount was also increased from the original 2 percent to 2.5 percent of the ceiling of the national general allocation fund.

Article 6A concerning members of the Regency/City House of Representatives (DPRK) in Papua, Indonesia. 25 percent of DPRK members are appointed from Papuan natives, of which 30 percent are women. However, this article does not provide political affirmations for native Papuans to enter politics. Meanwhile, Article 68 regulates the special agency for the acceleration of Papua, Indonesia's development, this body will be directly responsible to the President and chaired by the vice president.

This Special Autonomy Bill is a bill proposed by the president to be discussed together with the DPR through Presidential Letter Number: R-47/Pres/12/2020.

The urgency of the change in norms proposed by the president through this draft law, regarding receipts in the framework of the special autonomy fund which requires a new legal basis in 2021 for the sustainability of the validity period of the special autonomy fund and as an effort to mitigate fiscal turbulence in Papua, Indonesia.

The special autonomy funds must be extended to the two provinces for two more decades to boost sustainable development there.

The government is planning to increase the amount of special autonomy funds, from two percent to 2.25 percent of the General Allocation Funds (DAU).

In order to ensure that the Law on Special Autonomy for Papua, Indonesia guarantee protection for indigenous Papuans, the Council must urge the Government to:

1. Immediately and publicly review the law of Special Autonomy for Papua, Indonesia;
2. Ensure protection and avoid discrimination against indigenous Papuans;
3. Officially invite the Special Rapporteur on the rights of indigenous peoples, to visit Papua, Indonesia as soon as possible. Let him or her appraise the grass roots problem on the ground for themselves and from their own opinion.