

PART ONE:

A struggle for change

Chapter One:

Conflict

Introduction

West Papua, the disputed territory currently governed by the Republic of Indonesia, is the western half of the island of New Guinea and borders the independent state of Papua New Guinea (see Map). West Papua has a population of approximately two million people, of which roughly 70% are indigenous West Papuan.¹ West Papua is one of Australia's closest neighbours, with land about half the size of New South Wales. Originally colonised by the Dutch and now controlled by Indonesia, West Papua has been struggling for self-determination since early Dutch colonial rule.²

This chapter will examine the causes of conflict in West Papua. I will argue that the West Papuan claim for self-determination is indisputable. The basis for this claim, I will argue, is that the transfer of sovereignty to Indonesia by the United Nations, the United States of America, the Netherlands, Indonesia and Australia, via the process of developing and delivering the 1969 Act of Free Choice, was illegal, undemocratic and fraudulent. I will also argue that this transfer fundamentally violated West Papuans rights. The Indonesian view of the integration of West Papua will be discussed before examining the recent Special Autonomy legislation. Finally, the impediments of state-centric institutions and processes will be analysed. This chapter will provide the political, economic and historical context for a strategic evaluation of the nonviolent struggle in West Papua.

The historical roots of a political problem

In 1848, the Netherlands Indies Government in agreement with the Germans and the British partitioned the island of New Guinea in two, along the 141st meridian east of Greenwich.³ Originally established as a buffer zone to protect the Dutch East Indies Company's lucrative spice trade, this artificial colonial boundary became the western extent of official Dutch rule in the archipelago.⁴ At no stage was any thought given to the indigenous people who had inhabited the

¹ International Crisis Group, 'Indonesia: Ending Repression in Irian Jaya', *International Crisis Group*, www.crisisweb.org/projects/asia/indonesia/reports/A400414-20092001.pdf, 20th September 2001, accessed 27th February 2001: pp. 5-6. This data is based on a mixture of Indonesian census data and the research of Papuan demographers from the University of Cendrawasih. Indonesian census data does not distinguish between Papuan and Non-Papuan populations, only religious affiliation (Papuans are overwhelmingly Christian whilst settlers are mostly Moslem).

² Osborne, *Indonesia's Secret War*; Budiardjo and Liong, *West Papua: The Obliteration of A People*; Peter Worsley, *The Trumpet Shall Sound: A Study of 'Cargo' Cults in Melanesia*, London, Paladin, 1970: pp 26-145; Kamma, *Koreri*.

³ The Dutch first laid claim to the western half of the island of New Guinea in 1606. An administrative presence in West New Guinea was established in 1828 but West Papua was not brought under permanent Dutch control until 1898, when the Netherlands government built an outpost in the southern part of the territory in response to British complaints of 'cross-border' raids from the Marind people (see Judith Bennett, 'Holland, Britain, and Germany in Melanesia', in Howe, K.R. et al (eds.), *Tides of History: The Pacific Islands in the Twentieth Century*, Honolulu, University of Hawaii Press, 1994: 50; and M.C. Ricklefs, *A History of Modern Indonesia Since C. 1200*, Hampshire, Palgrave, 2001: 178).

⁴ June Verrier, 'The Origins of the Border Problem and the Border Story to 1969', in R.J May. (ed.), *Between Two Nations: The Indonesia - Papua New Guinea border and West Papuan Nationalism*, Bathurst, Robert Brown and Associates, 1986: 21.

island of New Guinea for tens of thousands of years, some of whom now found an international border separating their food gardens and ancestral land from their homes.⁵

After a period of Dutch colonial rule West Papuans were prepared for self-government. Initially Australia supported self-determination for West Papuans, even going as far as signing a joint statement with the Dutch in November 1957, declaring the intention of the two countries to work cooperatively together. 'It was asserted that the two halves of the country were culturally and ethnically similar and through the commitment to self-determination the way was opened to the unification of New Guinea and the establishment a nation state covering the whole island, if the inhabitants so chose.'⁶ However, by 1962 Sir Garfield Barwick, the architect of the New Agreement, declared Australia's absolute support for Indonesia's territorial integrity: a 180 degree policy reversal!

During the Dutch supervised preparation for self-determination West Papuans were inducted into a national legislature. A national anthem, 'Hai Tanahku Papua', was adopted, and on December 1st 1961 the name *Papua Barat* (West Papua) was agreed upon and the West Papuan national flag, the Morning Star, unveiled.⁷ Although there was never a declaration of independence, many West Papuans believe that this date marks the beginning of West Papua as an 'independent' and 'Sovereign Nation and State'.⁸

In 1961, the Netherlands' government presented the 'Luns Plan' to the United Nations General Assembly, proposing that the United Nations administer West Papua until West Papuans were considered ready to exercise their right to self-determination. The plan won majority support but fell short of the required two-thirds majority to be passed. Prompted by Indonesian military aggression and fear of Indonesia's growing relationship with communist Russia,⁹ the United States Kennedy administration stepped in to broker a bilateral agreement between the United Nations, the

⁵ One example is the Mountain-Ok people (see for example Barry Craig and David Hyndman (eds.), *Children of Afek: Tradition and Change Among the Mountain-Ok of Central New Guinea*, Sydney, University of Sydney, 1990: pp. 2-3 and maps from page 211 to page 213).

⁶ Richard Chauvel, 'Decolonising without the Colonised: The liberation of Irian Jaya', in Dolores Elizalde (ed.), *Las Relaciones Internacionales en el Pacifico: Colonizacion, Descolonizacion y Encuentro Cultural*, Madrid, Consejo Superior de Investigacion Cientificas, 1997, pp. 553-574. See also Robert. C. Bone, *The Dynamics of the Western New Guinea (Irian Barat) Problem*, New York, Cornell University, 1958: pp. 77-78; Verrier, 'The Origins of the Border Problem and the Border Story to 1969', 21; Nonie Sharp, *The Rule of the Sword: The Story of West Irian*, Malmsbury, Victoria, Kibble Books in association with Arena, 1977: 41.

⁶ Osborne, *Indonesia's Secret War*, pp 23 – 25.

⁷ Osborne, *Indonesia's Secret War*, pp 23 – 25.

⁸ Papuan Congress Resolution 4th June 2000, www.koteka.net/ppc.htm accessed 1st May 2002.

⁹ Budiardjo and Liong, West Papua: *The Obliteration of a People*, 9; Bone, *The Dynamics of the Western New Guinea (Irian Barat) Problem*, pp. 118-119; John Saltford, 'United Nations Involvement With the Act of Self-Determination in West Irian (Indonesia West New Guinea) 1968 to 1969', *Indonesia 69*, Cornell University, New York, 2000:72.

Netherlands and Indonesia.¹⁰ The hurried negotiations culminated in the New York Agreement,¹¹ which was signed on the 15th of August 1962.

The New York Agreement transferred the administration of the territory over to a United Nations transitional authority for a minimum of seven months before it passed to Indonesia on the 1st of May 1963. The New York Agreement was fundamentally flawed in terms of upholding democratic principles. There was a total absence of West Papuan participation, or even consultation, in a decision that would fundamentally effect their lives. Nonetheless, the agreement did give West Papuans certain rights, including the rights to free speech, freedom of assembly and freedom of movement. It also stipulated that the act of self-determination was ‘to be carried out in accordance with international practice’. Under the terms of the agreement the U.N. was to ‘advise, assist and participate’ in the preparations for an act of self-determination stipulated to take place within six years of the beginning of the Indonesian administration.¹²

The 1969 act of self-determination was called the Act of Free Choice. A cursory inspection of the process soon shows why West Papuans call it the Act of *No Choice*.¹³ Ortiz Sanz, the United Nations special representative to West Irian, didn’t arrive in West Papua until August 1968.¹⁴ Shortly after his arrival the United Nations acquiesced to Indonesian demands that the democratic principle of universal suffrage be abandoned in favour of ‘collective consultation’.¹⁵ Despite the spurious Indonesian claim that West Papuans were too primitive to vote, several democratic elections had already been held under the Dutch. Moreover, in 1971, two years after the Act of Free Choice, Indonesia was ‘cajoling Papuans to participate in general elections based on universal suffrage.’¹⁶

Leading up to the Act of Free Choice Indonesia bombed West Papuans from the air, strafed them with machine-gun fire, detained them without trial, and tortured, disappeared and executed

¹⁰ Saltford, ‘United Nations Involvement With the Act of Self-Determination in West Irian (Indonesia West New Guinea) 1968 to 1969’, *Indonesia 69*, Cornell University, New York, 2000. This article was adapted from his PhD thesis, which is due to be published as a book in 2003. See also Rumbiak, ‘Knowing and Understanding’, 1.

¹¹ According to David Marr, the biographer of the Australian Politician Garfield Barwick, Barwick was the chief architect of the New York Agreement (Osborne, *Indonesia’s Secret War*, 30).

¹² Saltford, ‘Indonesia 69’. In particular see Articles 16, 17, 18 and 22 of the New York Agreement.

¹³ Personal communications with West Papuans’, Jacob Rumbiak, for example. See also Rumbiak, ‘Knowing and Understanding’, 9.

¹⁴ The Indonesians asked Sanz to delay his departure for Irian Jaya until armed rebellion in West Papua particularly by the Arfak people was brought under control (Osborne, *Indonesia’s Secret War*, 40).

¹⁵ For the Indonesian argument see for example Bone, *The Dynamics of the Western New Guinea (Irian Barat) Problem*, 32. The agreement made between the Netherlands and Indonesian governments to forgo universal suffrage was known as the ‘Rome Agreement’.

¹⁶ Budiardjo and Liong, West Papua: *The Obliteration of a People*, 24. Nonetheless when free of an atmosphere of violence and intimidation the Indonesian process of collective community consultation, known as *musywarah*, can be an extremely effective and participative form of decision-making that generates high levels of community ownership.

those who dissented against Indonesian control.¹⁷ Two West Papuans, Willem Zonggonau and Clemens Runawery attempted to travel to New York to alert the United Nations to what was taking place. At the request of the Indonesian Foreign Minister at the time, Adam Malik, Australian officials on Manus Island forcibly detained the two when their plane stopped to refuel.¹⁸ Dr. Sam Blay, Professor of law and legal counsel to the West Papuan Independence body, the *Presidium Dewan Papua* (Papuan Presidium council), argues that the Dutch, United States, British, Indonesian and Australian governments acted in concert to intentionally stifle potential debate at the United Nations General Assembly and within the Dutch parliament.¹⁹ With the deliberate suppression of West Papuan appeals to the outside world, Indonesia was given a free reign to crack down on dissent. Thousands of West Papuans were forced to flee into Australian administered New Guinea. Eventually, 1022 West Papuans, less than 1% of the entire population, were handpicked by Indonesian officials,²⁰ held in isolation and under duress, intimidation and outright violence not surprisingly ‘voted’ unanimously to remain with Indonesia.²¹

Sanz’s final report to the U.N. should have alerted the General Assembly to the travesty of justice that took place. The report specifically mentioned violations of West Papuans political and human rights and the fact that the act of self-determination was not in accordance with international practice.²² Despite protest from West Papuans and some members of the United Nations General Assembly, notably a delegation of fifteen African States led by Ghana, on the 19th November 1969 the UNGA noted the results of the Act of Free Choice and the integration of West Papua into the Republic of Indonesia. With the passing of Resolution No. 2504 West Papua was removed from the list of countries awaiting decolonisation.

According to an important paper by the scholar John Saltford, the United Nations failed to both protect the political and human rights of the West Papuans and to ensure that the act of self-

¹⁷ Saltford, ‘United Nations Involvement with the Act of Self-determination in West Irian (Indonesia West New Guinea) 1968 to 1969’, pp. 73, 83-84. See also Budiardjo and Liong, *West Papua: The Obliteration of a People*, pp. 15-26. and Osborne, *Indonesia’s Secret War*, pp. 31-49.

¹⁸ Mark Worth, ‘Act of No Choice’, *Dateline*, SBS Television, 25th August 1999.

¹⁹ Sam Blay, ‘West Papua After East Timor’: The Options’, *West Papua: Past, Present, Future*, ACFOA Development Issues 8, ACFOA, Canberra, February 2000: pp 15-16.

²⁰ Osborne and Budiardjo and Liong all write that 1,025 West Papuans ‘participated’ in the Act of Free Choice whilst Rumbiak in ‘Knowing and Understanding How the West Papuans Were Robbed of their Right to Independence’ cites 1,026. Saltford, who has written the most authoritative work on the subject, clarifies the matter. According to his extensive research the original number was 1,025 with one late addition. However, 4 people were sick and did not participate, thus bringing the number to 1,022.

²¹ Sanz and his United Nations team witnessed the election of only 195 of the 1,026 selected for the consultative assembly (Osborne, *Indonesia’s Secret War*, 46). For examples of violations of West Papuans political and human rights during the 1969 Act of Free Choice see John Saltford, ‘United Nations Involvement with the Act of Self-determination in West Irian (Indonesia West New Guinea) 1968 to 1969’, www.fpcn-global.org/united-nations/wp-68-69.html, accessed 23rd April 2001: pp. 17-19; Osborne, *Indonesia’s Secret War*, pp. 46-48.

²² Even the Indonesian account of the Act of ‘Free’ Choice reveals that of 1,026 participants originally selected to participate only 175, fifteen per cent, signed a statement recognising West Papua’s integration into Indonesia. Over eight hundred, or eighty-six per cent, a clear majority, did not sign the statement. See RI, *PEPERA di Papua Barat, Departemen Penerangan*; cited in Rumbiak, ‘Knowing and Understanding’, 11.

determination was 'carried out in accordance with international practice'. In fact, Saltford goes on to argue that this failure was deliberate and that 'self-determination was never seen as an option' by the United States, the Netherlands or Indonesia.²³ 'It was cold war politics,' says Saltford, 'and the rights of Papuans counted for nothing'.²⁴ The United Nations Under Secretary for the Act of Free Choice, Chakravarthy Narasimhan agrees. In a recent interview with Associated Press reporter Slobodan Lekic, he admitted that the whole process was a sham:

It was just a whitewash. The mood at United Nations was to get rid of this problem as quickly as possible Nobody gave a thought to the fact that there were a million people who had their fundamental rights trampled How could anyone seriously believe that all voters unanimously decided to join his [Suharto's] regime? Unanimity like that is unknown in democracies.²⁵

The Indonesian view of the transfer of sovereignty

There are three prevailing reasons why Indonesia wanted and still wants to rule the territory. These reasons are necessary to understand because of the way they work to reinforce Indonesia's determination to retain the province. Not only is the territory of historical and ideological importance to Indonesia, it is also important economically.

The historical importance of the territory to Indonesia. After an intense struggle for freedom that was actively supported by the Left in Australia, including an extremely effective solidarity campaign waged by Australian unions, particularly the stevedores union,²⁶ Indonesia finally won its independence from The Netherlands in 1949.²⁷ However, West Papuans were only marginally involved in the struggle for independence from the Dutch. Consequently, the Indonesian revolution did not shape West Papuan identity in the way that it formed a national Indonesian identity in the rest of the archipelago.²⁸

After Indonesia gained independence, the Dutch retained control of the territory²⁹ arguing that West New Guinea was a distinct political entity from Indonesia because it had been administered separately from the rest of the Dutch East Indies and had no significant historical or cultural connection with the rest of Indonesia.³⁰ This claim was vehemently rejected by Indonesian representatives to the United Nations who insisted that West Irian was 'part and parcel of the territory of the Republic of Indonesia.' Any attempt by the Dutch to retain control of the territory

²³ Recently declassified documents from The Netherlands confirm this. *ABC Radio National* 'Asia Pacific Program', 17th April 2001.

²⁴ Saltford, 'United Nations Involvement with the Act of Self-determination in West Irian (Indonesia West New Guinea) 1968 to 1969'.

²⁵ Slobodan Lekic, 'Historic Vote was a Sham: Ex-UN Chiefs Admit', *Sydney Morning Herald*, 23rd of November 2001.

²⁶ Rupert Lockwood, *Black Armada*, Sydney, Australasian Book Society, 1975.

²⁷ For an excellent overview of the formation of the Indonesian state and a national Indonesian identity see Ricklefs, *A History of Modern Indonesia Since c.1200*.

²⁸ International Crisis Group, 'Indonesia: Ending Repression in Irian Jaya', 3.

²⁹ Bone, *The Dynamics of the Western New Guinea (Irian Barat) Problem*, pp. 55-56.

³⁰ See Taylor in Bone, *The Dynamics of the Western New Guinea (Irian Barat) Problem*, 57.

was merely a holding action, asserted Indonesia, a desperate refusal by a colonial power to relinquish the last vestiges of a crumbling empire.³¹ According to Indonesian representatives, the 'Luns Plan' was simply a 'plot' that constituted a 'continuation of the Netherlands colonial policy of divide and rule...under the guise of self-determination.'³²

For many Indonesians West Irian was a place of exile for nationalist heroes who resisted Dutch rule and the territory became in Ben Anderson's words, a 'sacred site in the national imagining';³³ a rallying point for Indonesian nationalism.³⁴ It was a matter of national pride, therefore, that Sukarno launched a "liberation campaign" for an independent Indonesia that included the entire former Dutch East Indies, from 'Sabang to Merauke'.³⁵

The ensuing military struggle against the Dutch, and the military invasion of West Papua was viewed as a continuation of Indonesia's revolution and fight against colonialism. This belief is still a strong part of Indonesian nationalism: recalling her father, Sukarno, the current Indonesian president Megawati Sukarnoputri recently said that '... without Irian Jaya, Indonesia is not complete.'³⁶ Many Indonesians still perceive Indonesia as the liberator of Papua.³⁷ The endorsement of the 'return' of the territory by the international community through the United Nations, serves to further reinforce Indonesian perceptions of legitimacy of Indonesian sovereignty over West Papua.³⁸

The ideological importance of the territory to Indonesia. For the Indonesian nationalists the idea of self-determination was not related to either religion or ethnicity, but 'rather a shared history, suffering, [and] fight against a common adversary.'³⁹ According to Richard Chauvel, an academic and political analyst specialising in Indonesian politics, it was precisely because there was

³¹ A view reinforced by the attitude of right-wing politicians and opinion makers in the Netherlands at the time. See for example Bone, *The Dynamics of the Western New Guinea (Irian Barat) Problem*, 104.

³² Cited in Bone, *The Dynamics of the Western New Guinea (Irian Barat) Problem*, ix. See also page 26.

³³ Ben Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, London, Verso, 1991 (Revised Edition): 176.

³⁴ Herb Feith, *The Decline of Constitutional Democracy in Indonesia*, New York, Cornell University Press, 1962.

³⁵ From Sukarno's Independence Day anniversary speech cited in Bone, *The Dynamics of the Western New Guinea (Irian Barat) Problem*, pp. 85-86. Sabang is a small island off the northern tip of Sumatra and Merauke is a town in southern West Papua, close to the Papua New Guinea border. Some Indonesians also allege that West New Guinea fell under the jurisdiction of the small Maluku feudal states, the foremost of which was the Sultanate of Tidore (see for example Bone, *The Dynamics of the Western New Guinea (Irian Barat) Problem*, pp. 9-23. For a dissenting West Papuan view see Rumbiak, 'Knowing and Understanding').

³⁶ International Crisis Group, *Indonesia: Ending Repression in Irian Jaya*, 1.

³⁷ For example, in 1998 when members of FORERI (Forum for Reconciliation in Irian) addressed one of Irian Jaya's Indonesian parliament representatives, Abdul Gafur, about Indonesian treatment of West Papuans and West Papuan aspirations, Abdul Gafur responded by saying that Indonesia had liberated West Papua from Dutch colonialism (from a presentation by FORERI member Yohanis Bonay at the West Papua: Promoting Reconciliation as a Way Towards Peace Dialogue, the second workshop organised by the *West Papua Project*, Centre for Peace and Conflict Studies, University of Sydney, December 12th – 13th 2001).

³⁸ See for example, Republic of Indonesia Embassy – Canberra, The Restoration of Irian Jaya into the Republic of Indonesia, <http://www.kbri-canberra.org.au/7/irianjayav.htm>, accessed 26th May 2002.

³⁹ Chauvel, 'Decolonising without the Colonised'.

some recognition of the ethnic difference between Papuans and other Indonesians, that the incorporation of the territory became so important. According to the Indonesian argument, it was necessary that West Irian becomes part of the Indonesian state precisely 'to demonstrate that Indonesia was a political concept' and not based on religion or ethnicity.⁴⁰

The economic importance of the territory to Indonesia. Whilst a potent combination of colonial history and nationalism motivated Indonesia's initial push into West Papua, the continued occupation is significantly sustained by the abundance of natural resources and the high levels of wealth this generates for Indonesian and international corporate, government and military elites. West Papua has extensive mineral deposits including nickel, gold and copper as well as oil, natural gas, valuable tropical timber and fisheries.⁴¹ West Papua's nickel mine operated by BHP-Billiton on Gag Island in the ecologically diverse Raja Ampat archipelago is believed to hold as much as 10% of the world's nickel deposit.⁴² The gold and copper mine in West Papua's highlands, Freeport, is the world's largest mine. Freeport McMoRan, the United States based company which owns and operates the mine (with substantial support from the Australian and British mining giant, Rio Tinto),⁴³ is one of Indonesia's 'largest corporate taxpayers, among the biggest private employers and one of the top exporters'.⁴⁴ The revenue from BP's proposed Liquefied Natural Gas Project in Bintuni Bay, home to the South East Asia's largest intact tropical mangrove forest, is expected to dwarf even that of Freeport.⁴⁵

These multinational resource extraction industries not only generate substantial revenue for Jakarta, they are a lucrative source of income for the Indonesian military. According to Lesley McCulloch⁴⁶ and retired Australian Army officer, Robert Lowry,⁴⁷ the Indonesian military only receives 20%-30% of its operating budget from the state. The remainder is made up from legal and

⁴⁰ Chauvel, 'Decolonising without the Colonised'.

⁴¹ AWWA - Sydney, *West Papua Information Kit*, Australian West Papua Association, Sydney, AWWA, pp. 9-18. Recent articles on logging include Tempo, 'Squeezed by logging', *Tempo*, April 28, 2002; and a report on illegal logging in Sorong, 'Sorong (Papua): A Haven for Illegal Logging with Government Support', emailed to the author by the 'Forest Peoples Alliance' in West Papua and posted on *Indymedia Melbourne* www.melbourne.indymedia.org, 6th April 2002.

⁴² See Mineral Policy Institution, www.mpi.org, accessed December 10th 2001.

⁴³ Rio Tinto has a 12% stake in the overall project and a 40% interest in any expansion of the Grasberg deposit, one of the deposits of the mine. See Project Undergrounds report, Project Underground, *Risky Business: An Independent Annual Report on P.T Freeport Indonesia*, Berkeley, 1998.

⁴⁴ Freeport McMoRan, <http://staging.fcx.com/mr/fast-facts/ff-econimpact.htm>, accessed 2nd March 2001.

⁴⁵ Chris Ballard ANU, *West Papua Project* second workshop, 12th-13th December, 2001. See Keith Hyams, 'Petrol in Papua', *The Ecologist*, Vol 31 No. 5, June 2001.

⁴⁶ Lesley McCulloch, 'Trifungsi: The Role of the Indonesian Military in Business', a paper presented at the *International Conference on Soldiers in Business: Military as an Economic Actor*, Jakarta, October 17-19, 2000, www.bicc.de/budget/events/milbus/confpapers.html, accessed October 15th 2001. See also the ICG report, 'Keeping the Military under Control', www.crisisweb.org/projects/showreport.cfm?reportid=54, September 2000, accessed 27th February 2002.

⁴⁷ Robert Lowry, *The Armed Forces of Indonesia*, Allen and Unwin, St Leonard's, NSW, 1996.

illegal business activity.⁴⁸ Through businesses operated by the Indonesian military, the TNI has its fingers firmly in the economic pie.

The hand-in-glove relationship between global capital and the TNI is characterised by shared interest and mutual dependency. If multinationals resist the TNI's involvement in places like West Papua, the military seeks to extort money and/or engineer incidents that create the pretext for them providing a security presence with the aim of leveraging greater economic advantage.⁴⁹ Consequently, many corporate elites feel that they have to engage the military to protect business interests, whilst the TNI view multinational investment as a legitimate source of personal income and institutional financial support. In fact, the distinguished outspoken Indonesian academic, George Aditjondro, who has spent many years studying the financial interests of the Indonesian military, argues that it is impossible for *any* company to do business in Indonesia without some links to either the police or the military.⁵⁰ This is certainly the case with Freeport. Megawati Sukarnoputri's civilian Defence minister, Juwono Sudarsono, recently conceded that the military incited unrest at Freeport to highlight the benefits of their presence. The local commander requested and received payments considered 'necessary' for operational costs. As a result, Freeport/Rio-Tinto paid TNI a one off payment of U.S \$35 million and pledged annual contributions of U.S \$11 million.⁵¹

Structural and cultural violence in West Papua

Conflict in West Papua cannot be solved by addressing the historical and political causes alone. Unless the structural causes of violence in West Papua are transformed both at the level of institutions and processes and at the level of culture and consciousness then conflict will continue, even after political questions are resolved. Peace researcher, Johan Galtung defines structural violence as violence in the form of oppression or exploitation that is built into the structures of society, manifested as unequal power and consequently as unequal life chances.⁵² Because structural violence (in particular militarism, violence against women, forms of governance that

⁴⁸ In West Papua this includes official corruption, appropriation of land by force for commercial activity, the appropriation of military equipment for financial gain, extortion rackets, smuggling of wildlife (especially Birds of Paradise), drugs, gunrunning, security operations on behalf of corporations, gambling, mercenary work, illegal mining, illegal logging (including in National Parks and Nature Reserves) and prostitution. See for example McCulloch, 'Trifungsi: The Role of the Indonesian Military in Business', pp. 12-31; and personal communication with a *Tapol* (U.K based human rights organisation focusing on Indonesia) researcher. For a recent discussion on TNI's links with illegal logging in West Papua see *Tempo*, 'Squeezed by Logging'.

⁴⁹ McCulloch, 'Trifungsi: The Role of the Indonesian Military in Business' and Chris Ballard (an academic from ANU specialising on Freeport and West Papua speaking at the *West Papua Project* workshop, December 12th 2001. See for instance, Simon Montlake, 'A Test for Big Oil in Indonesia', *Christian Science Monitor*, 21st May 2002.

⁵⁰ George Aditjondro cited in McCulloch, 'Trifungsi: The Role of the Indonesian Military in Business', 27 (my emphasis).

⁵¹ McCulloch, 'Trifungsi: The Role of the Indonesian Military in Business', 29. Also at www.bicc.de/budget/events/milbus/confpapers.html.

⁵² Johan Galtung, 'Violence, Peace, and Peace Research', *Journal of Peace Research* No. 3, 1969: 171.

alienate indigenous communities, and social dislocation and ecological destruction created by resource extraction and capitalism) in West Papua is a major cause of conflict, a strategy of nonviolence that aims to transform the root cause of conflict itself must go beyond the goal of instituting protection for human rights, recognising West Papua's distinct cultural identities, and reviewing the 1969 Act of Free Choice, to incorporate a structural analysis of the conflict. In practice this will involve developing a constructive program of economic self-reliance and ecological sustainability (to address the problem of exploitation and environmental destruction caused by global capital), developing structures and processes to address militarism, patriarchy, racism, corruption and political process that are not inclusive and participatory.⁵³ More fundamentally, a program to address structural violence will need to look at ways of instituting values that transform the underlying culture and consciousness that creates oppression.

A particular manifestation of structural violence is cultural violence. Galtung defines cultural violence as 'any aspect of a culture that can be used to legitimise violence in its direct or structural form.'⁵⁴ One example is the popular belief internalised by many Indonesians, that Javanese culture is inherently superior to Papuan cultures. This attitude of cultural chauvinism combined with the project of constructing a national Indonesian identity, has resulted in the practice of 'Indonesianising' West Papuans. The day after the transfer of West Papua to Indonesia, one of Indonesia's first acts as administrator on behalf of the United Nations was to burn books and artefacts connected with West Papuan culture.⁵⁵ In the initial period of the occupation Indonesian foreign minister Subiandrio explained that the Indonesian policy towards West Papuans was 'to get them out of the trees, even if we have to pull them down'.⁵⁶

In an effort to displace indigenous and national West Papuan identity Jakarta introduced the policy of transmigration. The policy, funded for many years with substantial support by the World Bank, involved the relocation of settlers from other parts of Indonesia, particularly from Java, Bali and Sulawesi to West Papua.⁵⁷ Settlers, often poor farmers, are given appropriated land, often unsuitable for agricultural techniques practised in their places of origin, and a small start up kit. One Indonesian Minister for Transmigration, Mr. Mortono, explained that 'by way of transmigration we will try and integrate all the different ethnic groups into one nation, the Indonesian nation and the different ethnic groups will disappear because of the integration and there

⁵³ Many West Papuans are already considering these factors. See for example a West Papuan law student's proposal of a democratic tribal confederacy in Eben Kirksey, 'Playing up the primitive', *New Internationalist* 344, April 2002: pp. 20-21.

⁵⁴ Johan Galtung, 'Cultural Violence', *Journal of International Peace Research*, vol. 27, no. 3, 1990: 291.

⁵⁵ Budiardjo and Liong, West Papua: *The Obliteration of a People*, 15.

⁵⁶ Osborne, *Indonesia's Secret War*, 136.

⁵⁷ Marcus Colchester, 'The Struggle for land: Tribal Peoples in the face of the Transmigration Programme', *The Ecologist*, Volume 16. No 2/3, 1986.

will be one kind of [person]'.⁵⁸ The prevalence of widespread cultural violence view was reinforced when I visited West Papua in 1991 and confirmed in interviews and extensive conversations with West Papuans. Transmigrants and voluntary Indonesian settlers now threaten to outnumber West Papuans in parts of the country.⁵⁹ The repression of cultural identity, however, only exacerbates violence.

The Special Autonomy proposal: could it be a solution?

Regional Autonomy for outlying provinces was implemented in January 2001 and Special Autonomy was granted to Papua in November 2001. This was a genuine effort to address long-standing conflict in Indonesia. The Special Autonomy package was designed to satisfy Indonesia's need for security, West Papuans' need for identity and to address economic disadvantage in the province. At a material level, the initiative returns 70% of oil and gas royalties and 80% of mining, fishing and forestry royalties from West Papua to the province (a substantial difference from the small amount received in the past) and hands over greater decision making power to the Papuan people.

In the absence of a clearly articulated policy on autonomy from Jakarta and mindful of the short timeframe before parliament deliberated on the Special Autonomy draft, the Papuan Governor, Dr. Jap Solossa, seized the initiative and with the help of a team from the University of Cendrawasih (UNCEN) in Jayapura, embarked on a process of drafting an autonomy proposal that reflected the aspirations of the Papuan people.⁶⁰ Widespread Papuan elite support for independence notwithstanding,⁶¹ the Papuan Special Autonomy proposal draft was designed to avoid the 'paralysation of polarisation' of either *otonomi* (autonomy) or *merdeka* (independence) and recreate the political space necessary to move the conflict forward.⁶²

After intense lobbying by the Governor and the UNCEN team in Jakarta, a new draft of the Papuan proposal, stripped of its most controversial elements, was accepted by Indonesian national parliament. The demand for greater economic returns to the province formed the core. Key symbols of Papuan cultural identity such as the flag and anthem were also accepted provided they

⁵⁸ Quoted in Tracey Groome, *Arrows Against the Wind*, Australia, Land Beyond Production, 1992; See also Budiardjo and Liong, *West Papua: The Obliteration of A People*, pp. 48 – 49, 54, 56; Mathew Jamieson, 'West Papua: Hidden Land', *Habitat* 21 (2), 1993: pp. 31, 32.

⁵⁹ ICG, 'Ending Repression in Irian Jaya', pp. 5-6.

⁶⁰ For an excellent discussion of the process of adopting special autonomy see Sekretariat Keadilan dan Perdamaian (Office for Justice and Peace or SKP), *Special Autonomy: It's Process and Final Contents*, SKP Jayapura, December 2001.

⁶¹ SKP, *Special Autonomy*; ICG, *Ending Repression in Irian Jaya*, pp. 9-10, 15, 23. According to the ICG; 'There are few Papuans who publicly advocate that remaining part of Indonesia represents the preferred future for the territory.' The key differences between moderates and the majority of the population are over 'the timeframe, means and likelihood rather than the objective.' (ICG, *Ending Repression in Irian Jaya*, 15).

⁶² SKP, *Special Autonomy*.

constitute an expression of identity and not independence, although how this would be determined has not been spelt out, providing an opening for a return to the repression of West Papuans displaying these symbols by the TNI. Proposals that reopen dialogue on the political future of West Papua and 'rectify history'⁶³ were rejected along with demands to oppose further transmigration and to insist on being consulted about the deployment of the security forces.

Jakarta's underlying 'basic assumption is that Papua is and will always be an integral part of the Indonesian Republic'.⁶⁴ The feeling of some key people who helped draft the proposal is that in the eyes of Jakarta the problems in West Papua have again been reduced to a 'mere failure of development policy'.⁶⁵ Despite the attempt by the UNCEN team, NGOs and some of the Papuan elite to communicate that Special Autonomy should not be seen as the opposite to independence, but a partial (but nonetheless real) response to West Papuan demands, opposition to the proposal has been 'widespread and intense'.⁶⁶

According to Jacob Rumbiak there are several reasons for this. Essentially large numbers of West Papuans simply do not trust Jakarta. West Papuans were promised 'special autonomy' in 1969⁶⁷ but all it resulted in was 'a litany of horrors'.⁶⁸ In the short period since Special Autonomy was introduced, human rights violations have continued.⁶⁹ The International Crisis Group (ICG) agrees Jakarta has a significant 'credibility' problem that needs to be addressed if the cycle of repression and alienation is to be broken.⁷⁰

The assassination of the nonviolent leader, They's Eluay, shortly after the package was introduced certainly did not help the process. Eluay's murder, widely believed to be carried out by the TNI's special forces (KOPASSUS), as part of a policy by Jakarta to derail West Papuan demands for independence,⁷¹ profoundly damaged the hopes that Special Autonomy would lead to the protection of human rights. More fundamentally, the package does not sufficiently address the deep seated West Papuan need for self-determination nor examine the historical cause of the problem, the delivery of the Act of Free Choice and the transfer of West Papuan sovereignty to Indonesia. For this reason broad sections of West Papuan society including students, the *Dewan Papua*, the PDP, OPM and many sections of the rural and urban poor, reject the proposal.

⁶³ Examine the events surrounding the Act of Free Choice.

⁶⁴ SKP, *Special Autonomy*.

⁶⁵ SKP, *Special Autonomy*.

⁶⁶ Richard Chauvel, *Otonomi Indonesia Seminar*, Victoria University, 4th April 2002.

⁶⁷ Republic of Indonesia Law No. 12/1969. Jacob Rumbiak, 'Why the Majority of West Papuans Oppose Special Autonomy', a paper delivered at the *Otonomi Indonesia Seminar*, Victoria University, 12th April 2002: 2.

⁶⁸ Rumbiak, 'Why the Majority of West Papuans Oppose Special Autonomy', 3.

⁶⁹ For a list of West Papuans confirmed killed and injured by the Indonesian security forces see for example Rumbiak, 'Why the Majority of West Papuans Oppose Special Autonomy', 5.

⁷⁰ ICG, *Ending Repression in Irian Jaya*, 22.

⁷¹ See for example Abigail Abrash, 'Hit List in Papua', *The Progressive* response Vol 4 No.45, December 12th 2000, www.fpif.org/progress/volume4/v4n45_body.html#hit, accessed 1st May 2002; Dateline, *The Martyrdom of They's Eluay*; ELS-HAM, accessed 18th January 2002.

Impediments to conflict solving processes

These problems partly stem from differing perceptions of the conflict. Jakarta considers the conflict about lack of economic development, while West Papuans view the conflict as primarily about violations of human rights⁷² and self-determination.⁷³ Jakarta has certainly been able to reassert its authority in West Papua, but with every human rights abuse its legitimacy is further undermined. If Jakarta is serious about Special Autonomy to convince West Papuans that their preferred political option is to remain within the Indonesian state then serious confidence building measures need to follow. Most importantly, trust needs to be restored by examining past human rights violations, holding the TNI accountable for human rights violations. Furthermore, West Papuan grievances about ‘rectifying history’ and a people’s inalienable right to self-determination need to be respected.

Unfortunately, Jakarta does not appear to take seriously West Papuan’s concerns about human rights and the legitimate need for self-determination. The legislation does provide for a Papuan only governor, a Papuan only Upper House (elected by Papuans) and incorporates traditional leaders into provincial decision-making processes. The legislation does not provide for a process to examine the events surrounding West Papua’s integration into the Republic of Indonesia. With the opening of political space in 1998 now closed, Jakarta is embarking on a dangerous and contradictory path of offering Special Autonomy on the one hand, whilst returning to the familiar policy of repression, on the other, suggesting that it has ‘few ‘assets’ in its political control of the province, other than its near monopoly of military force.’⁷⁴

On the positive side, Special Autonomy appears to acknowledge West Papuans’ the lack of development. However, the legislation still does not empower local communities to address environmental, human rights, economic and social concerns surrounding resource extractive industries such as logging and the BP and Freeport projects.

The options therefore are clear. West Papuans can accept Special Autonomy and use the policy framework to expand the space for change whilst continuing to work towards independence. This is the path currently being pursued by many moderates in West Papua. Alternatively, West Papuans can reject Special Autonomy and work towards independence or another solution that meets their needs, either by active nonviolence or by military means. Either way it appears clear that at this stage Jakarta’s determination to retain West Papua at all costs remains strong.

⁷² Bonay and Giay, *West Papua Project – Second workshop*, 12th – 13th December, 2001.

⁷³ Neles Tebay, *The Role of the Catholic Church in Defending and Promoting Human Rights in West Papua*, Jayapura/Port Numbay, Papua, April 2002.

⁷⁴ ICG, *Ending Repression in Irian Jaya*, 21.

Indonesian and West Papuan needs

Conflict theorist John Burton, defines *needs* as universal, unchanging and fundamental drives, essential for the growth of individuals and the development of a cooperative and harmonious society.⁷⁵ According to Burton the fulfilment of human needs are necessary for the organisation of society itself and will be pursued by all means available, 'acting alone or in association with others, regardless of consequences to self and society'.⁷⁶ Burton distinguishes needs from *values*, which are culturally specific, and *interests*, which are motivations that change according to circumstances.⁷⁷

It is clear that both Indonesia and West Papua are trying to satisfy a number of needs and pursue a range of interests. For Indonesia, the occupation of West Papua is tied up with preserving its territorial integrity and enforcing an imagined national identity.⁷⁸ For the last forty years, however, these interests have been pursued at the cost of West Papuan needs for identity, if not survival. West Papuan's need for self-determination is inextricably tied up with their identity.

Indonesia has been trying to meet its need for economic security. However, the economic benefit of resource extraction has only flowed to Indonesian elites. Indonesia promotes resource extraction at the expense of many West Papuans being able to participate meaningfully in the local economy and at the expense of the environment and social relations. Under Suharto's New Order, national economic security has given way to institutional corruption and unbridled greed by those with close personal connections to the Suharto family. In West Papua this is especially true in the case of the TNI which has protected its economic interests through intimidation and violence. Therefore, in reality this need can be considered an interest. The key question is: can Indonesian and West Papuan needs be met within the existing framework?

The impotence of state-centric institutions and processes

There is another fundamental impediment to resolving the conflict in West Papua: the impotence of traditional state-centric processes and institutions. According to Benjamin Reilly from the Australian National University, institutions such as the United Nations are unable to resolve intra-state conflicts. States are founded on the assumption that they are 'the basic unit of international order and not, as so many of the Asia-Pacific's conflicts suggest, artificial and

⁷⁵ John W. Burton, *Conflict: Resolution and Prevention*, London, Macmillan, 1990: pp. 36-39.

⁷⁶ John W. Burton, *Global Conflict: The Domestic Sources of International Crisis*, Sussex (England), Wheatsheaf Books, 1984: 39.

⁷⁷ Burton, *Conflict*, pp. 36-39; Burton, *Global Conflict*, 145.

⁷⁸ Indonesian author Goenawan Mohamad argues that since the illegitimate and forced incorporation of East Timor into Indonesia in 1975, Indonesia was transferred from an 'imagined community' into a 'forced coherence'. He wonders whether 'being Indonesian' could be about genuinely being open, inclusive and mutual? Mohamad, Goenawan, *On being Indonesia*, an unpublished talk presented at a recent conference in Tasmania, year unknown (1999?).

ephemeral creations of colonialism and circumstances'.⁷⁹ Consequently, states such as Australia, the United States and members of the European Union, become locked into supporting the territorial integrity of other states with little room to address 'non-negotiable claims to separate statehood'.⁸⁰

Similarly, state-centric international processes are increasingly unable to resolve intra-state conflicts. Processes such as 'preventative diplomacy', 'international intervention', 'peace agreements' and even 'autonomy packages' may work when negotiating over interests.⁸¹ But they are completely inadequate when trying to negotiate compromises over fundamental human needs such as the need for security, identity, protection of human rights and self-determination, because needs cannot be compromised. Indeed, as Burton argues, fundamental human needs like identity, self-determination and the protection of human rights, in the case of West Papua, will be pursued regardless of the consequences.⁸² John Rumbiak agrees.⁸³ The question of identity and self-determination, he explains, '... is a deep psychological need. It is about the self-identity of a people or group that have been denied and oppressed for many years. The Indonesian Government needs to recognise and address this before anything can go forward.'⁸⁴

Jakarta's commendable desire to resolve the conflict through introducing Special Autonomy certainly goes a long way to address conflicting *interests* surrounding the distribution of wealth between Jakarta and Papua and some way to addressing West Papuan needs for identity and self-determination (in the form of representation in provincial parliament). However, Special Autonomy does not address West Papua's more fundamental need to open an examination of the historical roots of the problem and the protection of human rights. While the prevention of the vast majority of human rights abuses could be secured through withdrawing the security forces from West Papua, and reforming the military and judiciary, addressing West Papua's need for self-determination will require more fundamental changes. West Papua's fraudulent and aggressive integration into the Republic of Indonesia needs to be examined and reviewed coupled with concerted commitment to transforming structural and cultural violence. Unless there is a genuine process for addressing legitimate West Papuans' needs, such as the protection of human rights and self-determination, it seems clear that the conflict will continue to escalate.

⁷⁹ Benjamin Reilly, 'Internal Conflict and Regional Security in Asia and the Pacific', *Pacifica Review* Vol. 14 No. 1, February 2002: 16.

⁸⁰ Reilly, 'Internal Conflict and Regional Security in Asia and the Pacific', 16. See also John Birmingham, 'Appeasing Jakarta: Australia's complicity in the East Timor Tragedy', *Quarterly Essay* Issue 2 2001, Melbourne, Black Inc, 2001.

⁸¹ John Burton, *Conflict: Resolution and Prevention*, London, Macmillan, 1990: pp. 36-38.

⁸² John Burton cited in Burrowes, *The Strategy of Nonviolent Defense*, 57.

⁸³ John Rumbiak works with ELS-HAM (*Lembaga Studi dan Advokasi Hak Asasi Manusia* - Institute for Human Rights Study and Advocacy) in West Papua.

⁸⁴ John Rumbiak, 'Underlying causes and a way forward'.

Conclusion

West Papua's claim for self-determination is indisputable. Self-determination is an inalienable right enshrined in international law. West Papuans have been denied this right. The transfer of West Papua into the hands of Indonesia in an atmosphere of intense repression through the design of the undemocratic 1962 New York Agreement and the delivery of the fraudulent 1969 Act of Free Choice is a 'blot' on the history of decolonisation. Since Indonesia assumed control in 1963 its rule in West Papua has been characterised by repression and neo-colonialism. The West Papuan struggle for self-determination has been made more difficult not only by the 1969 failure of the international community to protect the rights of West Papuans and ensure that an internationally acceptable act of self-determination took place, but also because of the great historical, ideological and economic importance of West Papua to Indonesia. The conflict in West Papua will not be solved, however, just by addressing these political challenges. More fundamental structural change is also needed.

While Special Autonomy has the potential to provide a framework that could help create institutions and policies to address some of the causes of disadvantage in the territory it does not address the historical roots of the problem. The process by which the international community delivered West Papua into the hands of Indonesia without the consent of West Papuans themselves. Nor does it sufficiently address West Papuans' need for identity, self-determination and survival. It appears that Jakarta's overriding reason for the introduction of Special Autonomy is to protect Indonesia's territorial integrity by trying to convince West Papuans that their preferred political option is to remain within Indonesia.

An explicit and widespread commitment to nonviolence will certainly meet the need for safety of Indonesians living in West Papua. Jakarta's insistence on a policy of security and identity *based on the territorial integrity of the existing state*, however, is an interest distorted by ideology and mythmaking, and made more complex by the involvement of global capital in resource extraction as well as the TNI's lucrative economic interests. Yet there are always creative solutions. West Papuan politician and Presidium leader, Willy Mandowen, has suggested that West Papua could help address the TNI's lack of funds by establishing a special trust fund to pay the military.⁸⁵ Regardless of the merits of this suggestion, creative options like this could act as 'circuit-breakers' to ridged thinking and hardened attitudes.

Indonesia's original identity is of a people committed to self-determination and resisting colonialism. Yet Jakarta continues to use military aggression as a means to assert its authority. Unfortunately for Jakarta, repression only stokes the fires of dissent. The more Jakarta tightens its

⁸⁵ Chris Richards, 'Reach for Morning Star', *New Internationalist* 344, April 2002:27.

grip on West Papua through force, the more West Papua will slip through Jakarta's fingers. One example of this are the large sectors of West Papuan society that have rejected Special Autonomy and continue to resist Indonesian rule and campaign for self-determination. It is to this history and active nonviolent resistance that we will now turn.