



Papua: Another East Timor?

By Abigail Abrash, Harvard Law School Human Rights Program

Roughly the size of California, Papua forms the western half of the world's second-largest island, New Guinea. Papua has been known by many names, most commonly today as Irian Jaya (the official Indonesian name) and West Papua (adopted in 1961 by elected Papuan representatives and used by most Papuans). In the interest of simplicity, Papua will be used here.

Key Points

- Papua is a leading example of a failed decolonization process
- Indonesian integration-cum-colonization of Papua—implemented with U.S. complicity—has amounted to an undeclared war against the indigenous population.
- Indonesia's military buildup and East Timor-style militia activities threaten to destabilize Papua and the region.

Indonesia took control of Papua from the Netherlands in the 1960s through a highly controversial UN-sponsored process brokered by the United States. Since that time, the indigenous Melanesian population (known as Papuans) has protested Indonesian sovereignty. Indonesian integration-cum-colonization of Papua—implemented with U.S. complicity—has amounted to an undeclared war against the indigenous population. It has brought racial and

religious discrimination, wholesale seizure of local communities' lands, assaults on their livelihoods and cultures, and other severe human rights abuses, including extrajudicial killings, torture, and rape. Powerful foreign investors and approximately 1 million non-Papuan migrants dominate the territory's economy and civil and military administration, marginalizing and dispossessing the 1.2 million native Papuans.

Brutal human rights violations in Papua were a hallmark of the 32-year, authoritarian regime of Indonesian Army General and President Suharto. Violations continue under the government of President Abdurrahman Wahid, including shootings of peaceful demonstrators, torture, and arbitrary detention.

Intensifying Indonesian military and militia activities—aimed at derailing Papuans' nonviolent self-rule efforts—threaten to destabilize Papua and the region. The Indonesian military has moved thousands of additional troops into Papua in recent months and is supporting—with training, arms, and directives—the establishment of "pro-Jakarta" militias in Papua. These units, known as the Red and White Task Force, are similar to those that conducted a campaign of violence in East Timor last year and that continue to terrorize West Timor's refugee camps.

Indonesia's integration of Papua, through a decolonization process that violated international standards, is the foundation of the current conflict. After World War II,

Indonesia—newly independent from the Netherlands—sought to gain control of Papua by laying claim to all Dutch colonial lands. Papuan leaders explicitly rejected integration with Indonesia, and the Dutch launched an initiative to prepare Papua for self-rule. Under the Dutch plan, Papuans completed a territory-wide vote for representatives to the newly established New Guinea Council. In 1961, the Council ratified, with formal Dutch approval, the adoption of the national Papuan Morning Star flag, a national anthem, and a new name for the territory: West Papua. When the UN refused to support Indonesia's territorial claims, the Sukarno government employed military means, including a planned invasion to "liberate" Papua.

The Kennedy administration—seeking to defuse an all-out military confrontation between Indonesia and the Netherlands—initiated UN-sponsored negotiations between the two parties, which culminated in the 1962 New York Agreement. Papuans had no say in the agreement, which brought an end to Dutch sovereignty and established a temporary UN administration. The agreement also called for Papuans to exercise their right to self-determination "in accordance with international practice," including free and informed consent and universal suffrage. The UN turned over control of Papua to Indonesia in 1963, after a brief and inadequate administration period. Having triggered a severe reversal in the territory's political and economic development, Indonesia formally consolidated its sovereignty over Papua through the 1969 "Act of Free Choice" (AFC). Only 1,025 "representatives" (out of 800,000 Papuans) participated in the process, which Indonesia administered and controlled. Although the UN's observer reported serious violations of the self-determination process—and 15 countries strenuously contested the AFC's validity—the UN General Assembly accepted the AFC's results.

Like East Timor, Papua has withstood Indonesia's military operations and disastrous leadership. Indonesia justifies military operations in Papua on the basis of maintaining internal stability and combating the Free Papua Movement (*Organisasi Papua Merdeka* or OPM). Since the 1960s, the OPM—a popular, multifunctional national liberation movement—has employed tactics of armed resistance and international diplomacy in resisting Indonesia's takeover.

The Indonesian military's use of force against civilians—generally indiscriminate and excessive, often brutally sadistic—has included massive air assaults and the use of napalm on rural villages. Although the total number of Papuans killed is unknown, estimates by church officials and international observers place the figure at more than 100,000 (roughly ten percent of the population).

Problems with Current U.S. Policy

Washington's complicity with Indonesia's domination of Papua dates to the central U.S. role in brokering the 1962 New York Agreement, which paved the way for Indonesian sovereignty over Papua and subverted Papuans' right to self-determination. That complicity continues through an effective disregard for Indonesia's massive human rights violations in the territory and by direct support for U.S. corporate ventures in Papua that degrade the environment and undermine Papuans' livelihoods.

Both Washington policymakers and the U.S. media paid keen attention to Papua during the 1960s. But after playing a major part in defusing the Dutch-Indonesian conflict over the territory, the U.S. abdicated any further meaningful engagement. Papua and the plight of its people sank into obscurity. The Indonesian government—free to do as it pleased and backed politically and financially by the U.S.—obstructed international scrutiny of events in Papua by blocking access to UN monitors and foreign journalists, among others.

Despite ample evidence of rights violations, reported annually by the U.S. State Department, Washington has provided the Indonesian military with equipment and training for decades. Indonesian security forces have used U.S.-supplied equipment—including helicopters, B-26 bombers, Bronco OV-10 counterinsurgency planes, F-5E Tiger jet fighters, and M-16 machine guns—in their attacks on Papuan civilians. More recently, the Pentagon has engaged in joint military exercises with Indonesia and trained Indonesian troops through its Joint Combined Exchange Training (JCET) and International Military Education and Training (IMET) programs.

U.S. corporations—interested in Indonesia's natural resources, low-wage labor, and lax regulatory environment—have dominated U.S. policy toward Indonesia and Papua. Chief among these corporations is New Orleans mining multinational Freeport McMoRan, whose gold and copper mine in Papua's glacial mountains is the world's largest. Lobbying by Freeport board member and former U.S. Secretary of State Henry Kissinger, large-scale campaign contributions to U.S. politicians, and maneuverings through groups like the Washington-based U.S.-Indonesia Society have combined to block effective U.S. policy responses to repressive Indonesian practices. The U.S. embassy in Jakarta has provided considerable diplomatic support to these corporate interests in the face of attempts by Papuan communities, Indonesian civil society, and, more recently, the Wahid government to hold companies accountable for their

social and environmental impact and allegedly unfair business deals with the Suharto regime.

Papuans widely view Freeport as a foothold of Indonesian control over their lands and have unrelentingly protested the human rights abuses and environmental degradation associated with the company's operations. These have included: extrajudicial killings, torture, the takeover of indigenous lands, the forced resettlement of local communities, the overwhelming influx of non-Papuan migrants, the destruction of local livelihoods and spiritually significant landmarks, and severe restrictions on Papuans' freedom of movement. Since the early 1970s, the Indonesian military has used Freeport-built infrastructure (an airport, roads, a port site) as a staging ground for deadly assaults against the original Papuan landowners in the mine's vicinity—actions designed to protect the mine and eliminate popular resistance to Indonesian sovereignty.

In an unprecedented move, the Overseas Private Investment Corporation (OPIC) revoked Freeport's \$100-million political risk insurance in 1995, concluding that the company's social and environmental impact was in violation of U.S. regulations. OPIC stated that the mine had "created and continues to pose unreasonable or major environmental, health or safety hazards with respect to the rivers that are being impacted by the tailings, the surrounding terrestrial ecosystem, and the local inhabitants."

In general, however, U.S. support—bilaterally through the Export-Import Bank and multilaterally through the World Bank, Asian Development Bank, and International Monetary Fund (IMF)—for socially and environmentally harmful economic activities and social programs in Papua has contributed to severe human rights abuses and reinforced Papuan self-rule demands. Such programs include the Indonesian government's transmigration and national birth control programs and the establishment of agricultural plantations, mining, and other natural resource exploitation operations.

Key Problems

- Washington's complicity with the Indonesian colonization of Papua and with the denial of Papuans' right to self-determination dates to the central U.S. role in the 1962 New York Agreement.
 - U.S. support for the Indonesian military and for socially and environmentally harmful economic activities and social programs in Papua has contributed to severe human rights violations against Papuans.
 - Washington subordinates human rights concerns and self-determination in Papua to narrow commercial and strategic interests in Indonesia.
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Papuan Demands for Independence

Papuan community and church leaders have sought a peaceful resolution of the conflict through dialogue with Indonesia. The first attempt, the National Dialogue on Irian Jaya, launched in February 1999 with the short-lived Habibie government, quickly stalled. Continuing their own internal dialogue, Papuan leaders recently convened a Peoples Congress, which attracted more than 20,000 Papuans from across the territory. It concluded in June 2000, with resolutions rejecting the validity of the 1969 AFC and declaring that Papua has been independent, in a legal sense, since December 1, 1961: the day on which Papuans declared Papua an independent state.

Indonesian authorities have categorically rejected Papuan independence and have called on the international community to support the "territorial integrity" of Indonesia.

Toward a New Foreign Policy

Indonesia's current political transition offers unprecedented possibilities for achieving a lasting solution to the decades-old conflict in Papua. The Indonesian government has, for the first time, publicly acknowledged the human rights atrocities and inequitable social and economic dynamics that have strengthened Papuan independence aspirations. Government officials have moved to hold Freeport accountable for its environmental impact and have promised human rights investigations. They have also suggested that Papuans draft their own terms for autonomy, including special recognition of customary land rights and a far-greater

share of the financial proceeds from resource exploitation.

These measures are important first steps, but they are inadequate: too little and too late to address Papuans' long-suppressed concerns regarding governance, land rights, natural resource use and management, and human rights. Such *ad hoc* measures are also destined to fail, because they lack an overall framework of bilateral and inclusive dialogue that does not presuppose outcomes.

The window of opportunity for peaceful conflict resolution is rapidly closing. The Wahid government's energies are dissipated amongst the myriad challenges of addressing the Suharto regime's

legacies: endemic corruption, weak civilian law enforcement structures, a powerful and rights-abusing military, a failed economy, and interethnic and religious conflict. Meanwhile, Papuan leaders have toughened their stand for independence in the wake of renewed violence by Indonesian security forces in Papua.

The experience of the past four decades shows that Indonesia's use of military force will not achieve a lasting solution to the conflict. Simply reiterating U.S. support for the territorial integrity of Indonesia is an inadequate policy response. Instead, Washington should pursue a nuanced policy of officially recognizing the Papuans' legitimate aspirations for self-determination and explicitly stating U.S. readiness to support efforts to resolve the Papuan conflict peacefully, preferably through dialogue between Papuans and the Indonesian government or, if necessary, via a proper and valid self-determination exercise.

U.S. policy should use four guiding objectives: 1) demilitarization of—and an end to human rights violations in—Papua; 2) support for the consolidation of civilian-led democracy in Indonesia as a means of enhancing conditions for a nonviolent resolution of the conflict in Papua; 3) ensuring that U.S. foreign aid and export and investment assistance programs only strengthen Papuans' efforts for community-based and sustainable development; and 4) mobilizing international support for a nonviolent resolution of the conflict.

U.S. suspension of military engagement with Indonesia—in the wake of the Indonesian military's violent role last year in East Timor—is a welcome step.

Washington should continue this abeyance until the Indonesian government has withdrawn troops from and disarmed and disbanded militias in Papua, prosecuted military and militia personnel responsible for human rights violations there, and entered into serious talks with the Papuans.

Effective support for an end to the conflict in Papua also means removing obstacles to Indonesia's stability by canceling the Indonesian government's foreign debt, supporting full civilian oversight of the military and an end to the military's role in political and economic affairs, and cooperating fully with the Indonesian government's prosecution of Suharto. It will require U.S. support for efforts by nongovernmental organizations, Indonesian agencies, and international bodies to investigate human rights conditions in Papua.

In addition, as requested by the Indonesian government, the U.S. should provide assistance—humanitarian aid and peacekeeping forces—in addressing the conflict in the Maluku Islands. The arrival in Papua of 20,000 refugees from the neighboring Malukus threatens to destabilize Papua even further. Military training and weapons among the new arrivals have spawned fears that the Indonesian military may be attempting to ignite interethnic and interreligious communal violence in Papua similar to the violence that has killed 4,000 people in the Malukus since 1998.

Washington must ensure that its foreign aid and export and investment assistance programs uphold and promote full respect for U.S. and international standards concerning human rights, environmental protection, and the rights of indigenous communities to ownership and management of customary lands. U.S. companies operating overseas should be required to adopt independently monitored codes of conduct to ensure respect for human and worker rights, and environmental protection. And the U.S. should continue to provide financial assistance and political support to civil society groups that enjoy the trust of constituent communities and that are working at the grassroots level in the areas of legal rights education, legal aid, human rights monitoring, community-led development, and environmental protection.

In an effort to rectify past injustices, Papuan leaders have called on Indonesia, the U.S., and other parties to review the circumstances leading to Papua's integration into Indonesia. The Dutch Foreign Ministry announced in December 1999 that it will do so by mounting a historical reexamination of the transfer of sovereignty. At the same time, the South Pacific island nations of Vanuatu and Nauru have declared support for Papuans' self-determination efforts, thereby shattering the international consensus that Papua must remain under Indonesian control. As U.S. Congress members have urged, the U.S. should act similarly by calling upon the UN Secretary-General to undertake a thorough review of the 1969 Act of Free Choice.

Abigail Abrash <aea@igc.org> is a Visiting Fellow with Harvard Law School's Human Rights Program. She has monitored human rights issues in Indonesia, with a special focus on Papua, since 1993.

Key Recommendations

- The U.S. should recognize Papuans' legitimate aspirations for self-determination and offer concrete U.S. support for efforts to resolve the Papuan conflict peacefully.
- Washington should call for the immediate cessation of Indonesia's military build-up in Papua and for the withdrawal of all Special Forces and other troops.
- Through its foreign assistance and subsidies to corporations, the U.S. should ensure full respect for U.S. and international standards concerning human rights and environmental protection.

Sources for More Information

Organizations

Australia West Papua Association

Box 65
Millers Point
Australia 2000
Voice/Fax: +61-2-9960-1698
Email: iris@matra.com.au

ELSHAM (Lembaga Studi dan Advokasi Hak Asasi Manusia)

Institute for Human Rights Study and Advocacy
Jl. Kampus STTJ
Padang Bulan, Jayapura
West Papua
Voice/Fax: (6296) 758-1600
Email: elsham_irja@jayapura.wasantara.net.id

Human Rights Watch/Asia

1630 Connecticut Av. NW, Ste. 500
Washington, DC 20009
Voice: (202) 612-4321
Fax: (202) 612-4333
Email: hrwdc@hrw.org
Website: <http://www.hrw.org/>

Robert F. Kennedy Memorial Center for Human Rights

1367 Connecticut Avenue NW, Ste. 200
Washington, DC 20036
Voice: (202) 463-7575
Fax: (202) 463-6606
Email: hrcenter@rfkmemorial.org
Website: <http://www.rfkmemorial.org/>

Survival International

11-15 Emerald Street
London WC1N 3QL U.K.
Voice: +44-181-242-1441
Fax: +44-181-242-1771
Email: info@survival-international.org
Website: <http://www.survival-international.org/>

TAPOL, the Indonesia Human Rights Campaign

111 Northwood Road
Thornton Heath
Surrey CR7 8HW U.K.
Voice: +44-181-771-2904
Fax: +44-181-653-0322
Email: tapol@gn.apc.org
Website: <http://www.gn.apc.org/tapol/>

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Orders and subscription information:

Mail: PO Box 4506
Albuquerque, New Mexico 87196-4506
Voice: (505) 842-8288
Fax: (505) 246-1601
Email: infocus@irc-online.org

Editorial inquiries and information:

IRC Editor
Voice: (505) 388-0208
Fax: (505) 388-0619
Email: tom@irc-online.org

IPS Editor
Voice: (202) 234-9382/3 ext. 232
Fax: (202) 387-7915
Email: ipsp@igc.org

Website: <http://www.foreignpolicy-infocus.org/>



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