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PAPUA: CHALLENGES FOR INDONESIA'S NATIONAL INTEGRITY

Marc Frings

"This is sport, not politics," was Franklin Ramses Burumi's response to attempts to politicise his performance after he won sprint gold medals for Indonesia at the 2011 Southeast Asian Games.¹ A remarkable comment for a sportsman whose home region, Papua, is rarely out of the headlines.² Currently, a conflict over independence is smouldering away in Indonesia's most easterly region, partly as a hangover from Dutch colonial times as partly because of the Cold War. In the past, the Indonesian government was able to treat the unrest in the region as a domestic matter, but recently it has started to attract more and more international criticism. Although it is now ten years since the introduction of the Special Autonomy Law relating to Papua, 2011 was still a year of rising tension in the region. There were more and more violent demonstrations against the presence of the Indonesian military and police, who are seen as an "occupying force", while there was an intensification of the social and economic issues surrounding the Grasberg mine, the world's biggest gold mine.

- 1 | Damar Harsanto and Niken Prathivi, "Glittering stars from troubled, resource-rich land", *The Jakarta Post*, 16 Nov 2011, <http://thejakartapost.com/news/2011/11/16/glittering-stars-troubled-resource-rich-land.html> (accessed 1 Jan 2012).
- 2 | In December 1961, the people of Papua called the region West Papua, in 1969 Suharto introduced the name Irian Jaya, before President Wahid renamed it Papua in 1999. The Special Autonomy Law referred to the region as Papua in 2002, while in 2003 the province was divided into Papua and West Papua. In this article, the western half of the island of New Guinea is referred to as Papua throughout, while the (indigenous) people who live there are referred to as Papuans. The terms Papua and West Papua are only used if the two provinces are being referred to as separate administrative areas.

Papua lags well behind the more prosperous provinces of central Indonesia. While the city of Jakarta and its people enjoy modern services and shopping malls, the people of Papua still rely on subsistence farming, and they live in harmony with their local culture and customs based on their traditional religion.

Fig. 1

Pacific island New Guinea with Indonesian provinces Papua and West Papua and the country of Papua New Guinea



GENESIS OF THE CONFLICT: BIPOLARISM AND POSTCOLONIALISM

To understand the conflict in the region, it is necessary to differentiate between two very different narratives.³ On the one hand, there is the narrative of the people of Papua and their own culture and sense of national identity, and on the other hand there is that of the people of Indonesia.

In 1949, when the former Dutch colonial power recognised Jakarta's independence, which had been declared in 1945, Papua was specifically excluded. Like the Australians before them – the country had taken over Eastern New

3 | Socrates Sofyan Yoman, "Why Papua's integration history needs straightening", *The Jakarta Post*, 18 Mar 2011, <http://thejakartapost.com/news/2011/03/18/why-papua-%E2%80%99s-integration-history-needs-straightening.html> (accessed 16 Dec 2011).

Guinea after the Second World War – they wanted to take advantage of the peninsula's huge natural resources themselves. It was only during the years that followed that the Dutch got round to developing a concrete political agenda, with the aim of national independence in 1970. The First Papuan People's Congress was held in 1961 and national symbols, such as the Morning Star flag, were allowed to be used. The Papuans turned this into their national flag and it is still regarded as the central symbol of the independence movement today. During this time, many of the people were being converted to Christianity by evangelical missionaries.

President Sukarno opposed the Dutch plan in 1961 with his TriKoRa doctrine.⁴ He basically wanted to bring an end to the colonial presence on Indonesian soil and, in his view, Indonesia was simply trying to "liberate" West Irian, as Western New Guinea was known in Indonesia. However, an invasion in 1962 proved to be unsuccessful. Concerned by Indonesian-Russian plans for a military deal worth 400 million dollars, U.S. President John F. Kennedy decided to become involved and called for a resolution of the conflict

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mediated by the United Nations (UN). There were mounting fears that the non-aligned Indonesia might end up siding with the Soviet Union in the Cold War. The Dutch had little room for manoeuvre, and on 15 August 1962, the governments of Indonesia and the Netherlands signed the New York Agreement, which set out a timetable for the ending of Dutch occupancy.

Initially, the UN took over jurisdiction of the region before Indonesia took power and obtained a mandate through a referendum on independence. During later secret negotiations, this requirement was watered down to a simple opinion poll aimed at obtaining a consensus view. In the summer of 1969, around 1,000 members of the electorate were asked to decide on their country's future in a public vote. Despite the lack of transparency in the selection of

4 | TriKoRa stands for "Tri Komando Rakyat" and means "people's triple command". The commands were to prevent the establishment of an independent state, to raise the Indonesian flag in the region instead of the Morning Star flag and to be ready for mass mobilisation for Papua and to Papua.

electors, the ignoring of basic voting principles and the threat of violence by the Indonesian military – all under the noses of the UN – the poll entered the history books as an 'Act of Free Choice'.⁵ With Resolution 2504, the UN recognised the polling process and its results and, in so doing, confirmed Indonesia's sovereignty over Papua.⁶

This decision, which owed much to Cold War political manoeuvrings, led to courses of action being taken that would have consequences right up to the present day, many of them initiated by General Suharto, President of Indonesia from 1967. These included a cooperation agreement with the U.S. American mining company Freeport-McMoRan Copper and Gold Inc. (Freeport), the setting up of a Javan transmigration programme, and the designation of the region as a military operations zone. One consequence was the strengthening of the Free Papua Movement (Organisasi Papua Merdeka, OPM), which had been formed at the beginning of the 1960s and was prepared to use violence to support its aims.

THAW – ICE AGE – SPRING: POLITICAL CLIMATE CHANGE IN THE POST-SUHARTO ERA

It was not until the end of General Suharto's New Order in 1998 and the beginning of the process of democratisation in Indonesia that an era of political thawing was ushered in, especially during the time of President Jusuf Habibie (1998 to 1999) and President Abdurrahman Wahid (1999 to 2001). Habibie brought an end to martial law, and in February 1999 met with 100 leaders from Papua's civil society. The group, drawn from church, cultural and student associations hoped for a "national dialogue", though Habibie was not prepared to

In 1999 President Habibie met with 100 leaders from Papua's civil society. They hoped for a "national dialogue", though Habibie was not prepared to have this officially institutionalised.

5 | Telephone interview by the author with Andrew Smith, Labour MP in the British House of Commons and member of the Parliamentary West Papua Group, Oxford/Jakarta, 15 Dec 2011; Fernando Ortiz, UN Representative overseeing the referendum, suggested in his final report that the majority in Papua was in favour of a split from Indonesia and therefore supported the idea of an independent state. Cf. Appendix A/7723 of Resolution 2504 (1969) of the UN General Assembly.

6 | Resolution 2504 (1969) of the UN General Assembly refers to the final report on the Act of free choice, cf. <http://un.org/documents/ga/res/24/ares24.htm> (accessed 16 Dec 2011).

have this officially institutionalised because of the delegation's self-confident demands for independence. Habibie saw that the country's territorial integrity was at risk, so he refused to discuss politically-sensitive issues and instead introduced a reform of the region's administration that saw Papua later divided into two provinces. The Papuans saw this as a deliberate attempt by Jakarta to divide their people and to make them politically weaker.⁷

While Habibie's successor, Wahid, also saw independence for Papua as impossible, he did try to resolve the conflict. He visited Papua, agreed that Indonesia's central government must share some of the blame for the situation, put a stop to the planned continuation of the expansion of

Habibie's successor Wahid set up a new organ for representing Papua's interests with a council to act as its executive arm. A second Papuan People's Congress was held.

the number of provinces and districts and allowed the Morning Star flag to be flown for a short time. A new organ for representing Papua's interests was set up, with a council to act as its executive arm.⁸ A second Papuan People's Congress was held. The congress was dominated by two fundamental issues: the strengthening of Papua's self-image as a sovereign nation and calling upon the government to enter into dialogue.⁹ These demands were seen by Wahid as going too far and prompted him to declare the congress illegitimate.

Habibie and Wahid both proved that they were willing and able to tackle these internal political separatist conflicts. Even though a whole series of territorial and cultural conflicts broke out after 1998, Habibie's agreement to a referendum in East Timor and the efforts of both presidents to diffuse the tensions in the province of Aceh were evidence of their desire to deal with these conflicts step by step.¹⁰ While the foundations were laid for a long-term

7 | Indonesian Institute of Sciences, Current Asia, Centre for Humanitarian Dialogue (ed.), "Conflict Management in Indonesia – An Analysis of the Conflicts in Maluku, Papua and Poso", 6/2011, Geneva, 35, <http://hdcentre.org/files/Conflict%20Management%20in%20Indonesia.pdf> (accessed 16 Dec 2011).

8 | At the end of 2001, the executive council was dissolved after the Chairman, Theys Eluay, was killed by Indonesian army special forces.

9 | Centre for Humanitarian Dialogue, n. 7, 35.

10 | President Habibie agreed to a referendum on the future of East Timor after initially refusing to sanction it. The majority of the people voted for independence in 1999, which finally ▶

resolution of both these conflicts – East Timor became independent in 2002, and, in 2005, a peace deal was agreed on with the Aceh independence movement – it turned out to be to the disadvantage of the situation in Papua that Megawati Sukarnoputri took over as president in 2000. The new President did sign the Special Autonomy Law, the foundations of which were laid by Habibie and Wahid, but lacked the necessary conviction of her predecessors to give the legislation any real power. Instead of improving matters, Sukarnoputri took two steps backwards: the implementation of the legislation was delayed and more power was decreed to the military in Papua. In 2003, during her time in office, the earlier decision to divide Papua into two provinces (Papua and West Papua) was also implemented.

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The election of the current president, Susilo Bambang Yudhoyono, in 2004 signalled the beginning of the latest chapter in the conflict over Papua. As early as 2005, he made his position on the Papua question clear to parliament. He wanted to see the issue resolved peacefully, fairly and with dignity and referred back to the Papua Special Autonomy Law.¹¹ As a basic principle, Yudhoyono wants to honour political and economic decisions that were made by governments in the past, so no attempt has been made to alter Papua's division into two provinces.

THE CONFLICT MATRIX: PLAYERS AND ISSUES

As we can see by looking back at history, there are social, economic, cultural and political aspects to the conflict that make it impossible to categorise them into 'blocs' that can be discussed as separate items during peace talks.

Culture and Understanding of the Conflict: the Indigenous Papuans

In contrast to the Malay Indonesians, who make up the majority of the population, the Papuans are of Melanesian

became a reality in May 2002 following three years of interim administration by the UN. The first peace talks in Aceh between the independence movement GAM and the government in Jakarta took place in January 2000.

11 | Centre for Humanitarian Dialogue, n. 7, 38.

descent.¹² They are different to the Indonesians not only physically, in that they are dark-skinned, but also in their traditions and tribal cultures.¹³ Family and clan structures are the main instruments for dealing with conflicts and problems.¹⁴ In the event that a dispute cannot be settled internally or a fundamental issue needs addressing, the *big man* principle that is a characteristic of Papuan society comes into play. In each community a strong leader is chosen who is responsible for making the final decisions. These particular cultural aspects of Papuan life have taken on increasing importance in view of the marginalisation of Papuans within Indonesian society.

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Christian missionaries have succeeded in rupturing some of these spiritual and ancestral traditions, with the result that many people now live their lives according to a mixture of elements from both belief systems. This missionary work, which was initially tolerated by Jakarta, has actually helped to strengthen the Papuan people's awareness of themselves as an ethnic group with their own identity, and the local church now plays an important role in disseminating information from this remote part of Indonesia to the rest of the world.¹⁵

While more than half of all Papuans support the idea of independence, it is often seen more as the next chapter in a mythological story than as a concrete political step. Some hope it will mean more fish in the river, others that it will lead to peace with an enemy village nearby. Some form of "rationalisation" of the conflict is therefore required.¹⁶ It is predominantly the younger generation who are calling for "Merdeka" (freedom), while the older generations complain

12 | Within Indonesia itself, the inhabitants of the Maluku and Maluku Utara provinces also have Melanesian ethnic ancestry.

13 | Interview by the author with a member of staff from an international donor organisation, Jakarta, 4 Apr 2011.

14 | Result of interviews by the author with representatives of Papuan civil society, Wamena, May 2011.

15 | Oswald Iten, "Stachel im Fleisch Indonesiens. Westpapua wird von Jakarta brutal ausgebeutet. Ein langer Konflikt ist programmiert", *Neue Zürcher Zeitung*, 22 Oct 2011, 18; Smith, n. 5.

16 | Interview by the author with Muridan Widjojo, The Indonesian Institute of Sciences (LIPI), Jakarta, 9 Dec 2011.

about the usual day-to-day problems.¹⁷ The majority view is that the Act of Free Choice should be repealed and that they should have a right to self-determination.

The OPM independence movement also plays a central role, along with its military arm, the TPM, and the West Papua National Coalition for Liberation. They are waging a guerrilla war and are using the area around the Papua New Guinea border as an area to retreat. The OPM, TPN and the Coalition are made up of various groups, some of which are hostile towards each other, and with a correspondingly wide range of political affinities. It is true that all the groups claim to be in favour of dialogue, but in reality it is unclear what conditions would lead them to give up their fight against the Indonesian army.¹⁸

Alien Infiltration: Transmigrants in Papua

The transmigrants particularly serve to remind the Papuans how different they are, both ethnically and culturally. The transmigration project was set up at the end of the 1960s with the aim of resettling people from Java, the most densely-populated island, to the economically under-developed provinces at the country's periphery. As a result, around 2.5 million people changed their place of residence between 1979 and 1984.¹⁹ Since then, this government-sponsored transmigration has been replaced by spontaneous economic migration, which has had a dramatic impact on Papua's demographics. In 1959, non-Papuans made up just 2 per cent of the population,

Since 1984, the government-sponsored transmigration has been replaced by spontaneous economic migration, which has had a dramatic impact on Papua's demographics.

17 | Interview by the author with TB. Hasanuddin, PDI-P member of the Indonesian Parliament and Deputy Chairman of Commission on Defence, Foreign Affairs and Information, Jakarta, 15 Dec 2011.

18 | Centre for Humanitarian Dialogue, n. 7, 47 et seq.; International Crisis Group (ed.), "Indonesia: Hope and Hard Reality in Papua" (Update Briefing, Asia Briefing, No. 126), Jakarta and Brussels, 22 Aug 2011, 7 et sqq., <http://crisisgroup.org/~media/Files/asia/south-east-asia/indonesia/B126%20Papua%20-%20Hope%20and%20Hard%20Reality.pdf> (accessed 16 Dec 2011); Interview by the author with someone close to the OPM, Wamena, 18 May 2011.

19 | Aris Ananta, "Migrants and Political Instability in Indonesia", 12 Aug 2011, http://asiasentinel.com/index.php?option=com_content&task=view&id=3380&Itemid=403 (accessed 16 Dec 2011).

whereas by 2010 this had grown to over 50 per cent of the 2.8 to 3.5 million inhabitants.²⁰

This flood of largely Muslim migrants into Christian Papua has brought with it the danger that religion will develop into an area of conflict of its own. But up to now, the impression is that religion is being used as an outlet for economic conflicts between migrants and indigenous peoples. That said, there are signs of increasing Islamization, such as the building of mosques.²¹

The main areas of conflict between migrants and the indigenous population are politics and the economy. Many skilled workers have been attracted to Papua because of its wealth of natural resources.²² Transmigrants have largely moved to the urban areas, and many of them have set up small businesses. It is true to say that the economy is dominated by non-Papuan. They tend to have better access to social services and education, and a deeper understanding of the economy and market conditions,

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which strengthens still more the disparity between the two population groups. Schools which were previously run by missionaries are now closed because government agencies fail to provide compensation. So whereas the older generation was able to attend school, even in remote areas, today the illiteracy rate is increasing.²³

20 | Cypri Jehan Paju Dale, "Demographic tensions in Papua: A time bomb?", *The Jakarta Post*, 2 Dec 2011, 6; Interview Stefanie Hess and Remco van de Pas, *Suara*, 3/10, 11-14.

21 | Interviews by the author with two representatives of a non-governmental organisation, Wamena, 18 May 2011.

22 | International Crisis Group (ed.), "Indonesia: The Deepening Impasse in Papua" (Update Briefing, Asia Briefing, No. 108), Jakarta and Brussels, 3 Aug 2010, 11, <http://crisisgroup.org/~media/Files/asia/south-east-asia/indonesia/B108%20Indonesia%20-%20The%20Deepening%20Impasse%20in%20Papua.pdf> (accessed 16 Dec 2011).

23 | Official figures give the illiteracy rate in Papua as 30 per cent, but teachers in secondary schools in rural areas complain that 70 per cent of their students cannot read or write. Interview by the author with a representative of a non-governmental organisation, Wamena, 18 May 2011. According to the *Human Development Report* from the UN Development Agency, the country-wide illiteracy rate for people over 15 years of age in Indonesia is 7.8 per cent. Cf. UNDP (ed.), "International Human Development Indicators, Indonesia: Country Profile", <http://hdrstats.undp.org/en/countries/profiles/IDN.html> (accessed 16 Dec 2011).

The Papuans complain about the way they are economically disadvantaged. On the one hand, they see the growing prosperity as a result of mining and business in the cities, but when it comes to sharing the profits they are reduced to the rank of onlookers. Hereby, the cultural factor should not be underestimated in economic life: the lack of prospects, widespread passivity and a basic mistrust of anyone who is not part of their close family or clan tend to prevent Papuans from genuinely contributing to the economy.²⁴

The lack of prospects, widespread passivity and a basic mistrust of anyone who is not part of their close family or clan tend to prevent Papuans from genuinely contributing to the economy.

Those who do graduate from secondary schools and universities find themselves responsible for supporting their families, so they tend to try to get secure jobs in provincial bureaucracy. But this is the safe option and has little to do with providing a service, so young academics are failing to make the right kind of contribution to their homeland.²⁵ Instead, the clientelistic structures just serve to help people gain and hold on to power. In 2009, the cultural council, the MRP adopted law SK14, which stipulated that all top political positions in the provinces of Papua and West Papua should be held by Melanesians – an attempt to fight the excessive power of the transmigrants. This decision was very popular among indigenous Papuans, but in the end it was overturned by the Indonesian interior minister. The political standpoint of the transmigrants themselves in the Papuan conflict is unclear. Their main concern is that they could be driven out of Papua as a result of the conflict, despite the fact that the transmigrants feel that Papua is their home.²⁶

24 | Interview by the author with Martin Müller, economist, Jakarta, 7 Aug 2011; see also Martin Müller, *Kultur und ökonomische Entwicklung: eine empirische Untersuchung kultureller Umwelt und unternehmerischer Fähigkeiten in der indonesischen Provinz Papua (West-Neuguinea)*, Marburg, 2005.

25 | Representative of a western non-governmental organisation, n. 23; International Crisis Group, "Indonesia: Hope and Hard Reality in Papua" n. 18, 11.

26 | This was the majority opinion in recent group discussions run by LIPI, cf. n. 16.

Show of Force by the Distant Government: the Security Apparatus Establishes Itself

The army believes that it is its role to defend the territorial unity of Indonesia and that it does not always have to be bound by the rule of law when carrying out this task.

The army and police believe they are the real authorities in Papua. This is partly due to the army's belief that it is its role to defend the territorial unity of Indonesia and that

it does not always have to be bound by the rule of law when carrying out this task.²⁷ Human rights organisations, including the Indonesian NGO Imparsial, have accused the army of carrying out 242 acts of violence between 1998 and 2007,²⁸ including illegal killings, torture and rape.²⁹ Despite this, the independent human rights commission Komnas HAM has not managed to pursue and prosecute any human rights abuses.³⁰ It is also unclear how many deaths there have been since the outbreak of violence began.³¹ At the moment it seems there are around 16,000 soldiers stationed in Papua, and this military presence is to be doubled by 2024.³²

In autumn 2010, a video came to light that showed soldiers torturing two civilian Papuans during questioning. Three soldiers were sentenced to 8-10 months in jail for insubordination, but the military court ignored the evidence of human rights abuses.³³ President Yudhoyono now finds

27 | In the Indonesian language, the phrase "NKRI harga mati" (the unity of the Indonesian Republic is unchangeable) is constantly used.

28 | Dicky Christanto and Ina Parlina, "Komnas HAM's Papua probe just a formality, council says", *The Jakarta Post*, 10 Jan 2011, 3; Office for Justice and Peace of Jayapura, Imparsial Jakarta, Progressio Timor Leste, The Synod of the Christian Evangelical Church in Papua, Franciscans International (ed.), *The Practice of Torture in Aceh and Papua 1998-2007*, Jayapura and Jakarta, Nov 2007.

29 | Centre for Humanitarian Dialogue, n. 7, 46.

30 | Christanto and Parlina, n. 28, 3.

31 | LIPI estimates that since 1963 between 100,000 and 500,000 people have been killed in the Papua conflict. Cf. Muridan Widjojo, Adriana Elisabeth, Amiruddin, Cahyo Pamungkas and Rosita Dewi, *Papua Road Map, Negotiating the Past, Improving the Present and Securing the Future*, Jakarta 2008, 27, http://sydney.edu.au/arts/peace_conflict/docs/PAPUA_ROAD_MAP_Short_Eng.pdf (accessed 16 Dec 2011).

32 | Bagus BT Saragih, "Academics, rights groups call for end to military approach in Papua", *The Jakarta Post*, 13 Aug 2011, 3.

33 | Franciscans International (FI), Asian Human Rights Commission (AHRC) (ed.), "Human Rights in Papua 2010/2011", Nov 2011, Hong Kong, 25.

himself faced with the accusation of neither being sufficiently involved in the military decision-making processes nor taking notice of the UN Convention against Torture.³⁴

According to the Military Act (2004), all military operations against separatist movements must be approved by the President and the national parliament. While Tubagus Hasanuddin, MP, member of the opposition PDI-P and Deputy Chairman of the Committee for Defence and Foreign Affairs, has voiced the criticism that the local military commanders are inadequately supervised, the government simply denies that it is carrying out any military operations in Papua.³⁵ It is, however, hard to sustain the financial and political costs of this partitioning (journalists are only allowed to carry out limited investigations in Papua, if at all), in light of the string of human rights abuses that are taking place.³⁶

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Economic Powerhouse? Part of the Conflict? Industrial Relations and Disputes at the Grasberg Mine

Journalists are particularly interested in the Grasberg Mine in Papua. The largest gold mine and third largest copper mine in the world has been the scene of friction due to labour disputes and action by Papuan independence movements. The U.S. company Freeport, one of Indonesia's biggest taxpayers, has set up a major security operation since the mine opened in the 1960s.

The company pays the army and police to look after the security of its mine workings. Journalists from the *New York Times* managed to spend several months at the site studying operations. In their article they reported that between 1998 and 2004 payments were made in excess of 20 million U.S. dollars, and another 35 million dollars

34 | The government ratified this convention in 1999. Banjir Ambarita, Markus Junianto Sihaloho and Nivell Rayda, "Anger at Light Sentences for Papua Torture", *The Jakarta Globe*, 25 Jan 2011, A1; Hasanuddin, n. 17.

35 | Sat, "Legislator slams TNI operations in Papua", *The Jakarta Post*, 16 Nov 2011, 3; Hasanuddin, n. 17.

36 | Neles Tebay, "Ending the human rights abuse in Papua", *The Jakarta Post*, 4 Nov 2011, 7; FI, AHRC, n. 33, 17 et seq.

were paid out for military infrastructure.³⁷ In 2010 alone, Freeport reports spending in the amount of 14 million U.S. dollars on security.³⁸ Today, 3,000 police officers and soldiers are paid to handle security.³⁹

Unusual about the strikes in July 2011 was that most of Freeport's employees are transmigrants and that they joined forces with the company's 3,000 indigenous miners in order to strike.

In July 2011, strikes by around 13,000 miners meant that, for the first time ever, Freeport had to halt production.⁴⁰ The unusual thing about this particular industrial action was the fact that most of Freeport's employees are transmigrants, and that they joined forces with the company's 3,000 indigenous miners in order to strike.⁴¹ By coming together with the goal of increasing their wages from 1.50 U.S. dollars an hour, they showed how, in this case, social and economic factors take precedence over nationalistic arguments.⁴² During the summer of 2011, Freeport promised to address the strikers' demands. But nothing happened, so at the end of September new strikes were called. In October 2011, the action culminated in violence when five workers were shot and a policeman died after clashes.⁴³ There was increased political clamour for these

37 | Jane Perlez and Raymond Bonner, "Below a Mountain of Wealth, a River of Waste", *The New York Times*, 27 Dec 2005, <http://nytimes.com/2005/12/27/international/asia/27gold.html?pagewanted=all> (accessed 16 Dec 2011).

38 | Karishma Vaswani, "US firm Freeport struggles to escape its past in Papua", 9 Aug 2011, <http://bbc.co.uk/news/mobile/world-asia-pacific-14417718> (accessed 16 Dec 2011).

39 | "Westpapas tote Autonomie und der Zorn der Indigenen. Indonesiens ressourcenreicher Osten kommt nicht zur Ruhe", *Neue Zürcher Zeitung*, 29 Aug 2011, 11.

40 | Benir Ambarita and Ronna Nirmala, "Thousands of Freeport Workers Strike in Papua", *The Jakarta Globe*, 05 Jul 2011, A3.

41 | Muridan Widjojo calls it a "melting pot", cf. Widjojo, n. 16.

42 | First they demanded between 35 and 200 U.S. dollars, then in the end between 7.50 and 33 U.S. dollars. Cf. Nethy Dharma Somba, "Freeport halts work amid sabotage, separatist pleas", *The Jakarta Globe*, 18 Oct 2011, <http://thejakartapost.com/news/2011/10/18/freeport-halts-work-amid-sabotage-separatist-pleas.html> (accessed 16 Dec 2011); Arientha Primanita and Markus Junianto Sihaloho, "Jakarta Open to Papua Dialogue, With Conditions", *The Jakarta Globe*, 10 Nov 2011, <http://thejakartaglobe.com/news/jakarta-open-to-papua-dialogue-with-conditions/477466> (accessed 16 Dec 2011).

43 | Two of the five workers killed were shot by the police. Cf. Nethy Dharma Somba, "Papua on the brink of chaos", *The Jakarta Post*, 22 Oct 2011, 1.

incidents to be investigated, and attention was particularly drawn to the accountability of the security forces.⁴⁴

By mid-December 2011, Freeport had been forced to reduce its capacity to five per cent before it finally reached agreement with the unions. A pay increase of 37 per cent and additional benefits was less than the workers had demanded, but it provided an opportunity for some sort of return to normality.⁴⁵ However, there are still points of conflict which have not been addressed, such as the increase in the rate of HIV/AIDS caused by the presence of the mine and the environmental damage caused by mining operations.⁴⁶ For years, the mine has been breaching environmental regulations by allowing chemical waste to leach into Papua's rivers and groundwater.⁴⁷

There are still points of conflict which have not been addressed, such as the increase in the rate of HIV/AIDS caused by the presence of the mine and the environmental damage caused by mining operations.

In its publicity, the company only mentions the conflict indirectly. On its website it condemns all forms of human rights abuses and claims that the company is run in accordance with the Universal Declaration of Human Rights. However, in Indonesia the company faces challenges caused by separatist movements, illegal gold diggers and tensions within local communities.⁴⁸

So far, Freeport has tried to co-opt the local community and its critics as a way of resolving the conflict.⁴⁹ The growth of an active civil society that focuses on environmental and human rights issues and the fact that central government

44 | Ezra Sihite and Benjir Ambarita, "Freeport Clash Sees Second Fatality as Rights Groups Urge Police Investigation", *The Jakarta Globe*, A5.

45 | Samantha Michaels, "Freeport, Union Reach Deal to End Strike", *The Jakarta Globe*, A1.

46 | Papua has the second highest rate of HIV/AIDS in Indonesia. Between August and December 2010, the number of people infected grew from 13,000 to over 17,000. One reason for this is the increase in prostitution, particularly around the Grasberg mine. Cf. Banjir Ambarita, "HIV/AIDS Infections Jump Sharply in Papua", *The Jakarta Globe*, 6 May 2011, <http://thejakartaglobe.com/health/hivaids-infections-jump-sharply-in-papua/439358> (accessed 16 Dec 2011).

47 | Perlez and Bonner, n. 37.

48 | Information taken from the company's website, http://www.fcx.com/envir/soc_hr.htm (accessed 16 Dec 2011).

49 | Widjojo, n. 16.

is now less willing to give Freeport a free hand provide the first indications that the company has to start taking its corporate social responsibility issues more seriously.

SPECIAL AUTONOMY LAW: A TANGLED SITUATION EMERGING FROM THE CRISIS

In 2001, the government passed Law 21/2001 on Special Autonomy for Papua (Otonomie Khusus, OTSUS), hoping to set a course for economic and political advancement. But today there is general agreement that the OTSUS has failed to deliver.⁵⁰ In Papua, the law is viewed as “part of the conflict, not the solution”, largely due to the fact that Papuans were not sufficiently involved in its formulation.⁵¹

In theory, OTSUS assigns wide-ranging powers to the two provincial governments in Papua and West Papua.⁵² Morning Star flags and Papuan national anthems are allowed, as long as they are not used as separatist symbols. Particular attention is paid to the traditional laws and rights of the indigenous people. In addition, the law stipulates that 80 per cent of tax income should remain in Papua, and

The main focus of the passage of the Law on Special Autonomy for Papua was the founding of a people’s council set up to speak on behalf of Papuan religious and tribal communities.

that the local population is to be consulted on large-scale investment projects. There has been talk of setting up institutions such as a human rights commission and a truth and reconciliation commission, bodies which have never existed before. The main focus of the passage of OTSUS was the founding of Majelis Rakyat Papua (MRP), a people’s council set up to speak on behalf of Papuan religious and tribal communities (Adat).

The delays in creating the MRP – it was only finally set up in October 2005 – and the subsequent curtailment of its powers are evidence of Jakarta’s lack of will to act upon the OTSUS legislation.⁵³ This just reduces the MRP

50 | For an English translation of the text of law 21/2001 see <http://pauweb.org/goi/otsus/files/otsus-en.html> (accessed 16 Dec 2011).

51 | Centre for Humanitarian Dialogue, n. 7, 38; Interview by the author with a member of the first MRP, Wamena, 18 May 2011; Interview by the author with an Adat leader and former member of the first MRP, Wamena, 17 May 2011.

52 | Foreign policy, defence and monetary and financial policies are excluded from OTSUS.

53 | Centre for Humanitarian Dialogue, n. 7, 37.

to an apolitical forum for empty rhetoric that is ignored by the country's youth.⁵⁴ In an attempt to smooth relations between the MRP and the people, in June 2010 a consultative assembly came together comprising the MRP, civil society and cultural councils. The moderate MRP found itself dominated by radical elements, which led to a strong final resolution being made.⁵⁵ This demanded an end to OTSUS, a new referendum and the recognition of Papua's sovereignty.⁵⁶ The MRP's first legislative session ended in disappointment, and some of their prominent members resigned.⁵⁷ At the inauguration of the second MRP in April 2011, the interior minister, Gamawan Fauzi, warned that political topics would henceforth be considered taboo.⁵⁸

The people's council MRP demanded a new referendum and the recognition of Papua's sovereignty. Its first legislative session ended in disappointment.

So far, Jakarta has invested 2.5 billion euros in OTSUS, and in 2012 this total will be increased by a further 460 million euros.⁵⁹ It is believed that of this between 250 and 330 million euros have been misappropriated.⁶⁰ Part of the reason for this is the practice of giving government

54 | Widjojo et al., n. 31, 15.

55 | International Crisis Group, n. 22, 6-7.

56 | Ibid. The 11 points of the final resolution include: rejection of OTSUS, promotion of an internationally-mediated dialogue, a referendum on Papuan independence, recognition of Papuan sovereignty, rejection of international aid from those countries that recognise OTSUS as a solution mechanism, rejection of local elections and stopping the financing of electoral processes, stopping the influx of transmigrants, release of political prisoners, demilitarisation and closure of the Grasberg Mine.

57 | An Adat leader and former member of the first MRP, n. 51.

58 | Nethy Dharma Somba, "MRP Told Not To Politicize", *The Jakarta Post*, 13 Apr 2011, <http://thejakartapost.com/news/2011/04/13/mrp-told-not-politicize.html> (accessed 16 Dec 2011). In an interview with the author, a new member of the MRP held back and refused to answer political questions, Wamena, 16 May 2011.

59 | Bagus BT Saragih, "No security escalation in Papua: Govt", *The Jakarta Post*, 24 Oct 2011, 2; Sat, "SBY's Papua Team Ready to Roll", *The Jakarta Post*, 30 Oct 2011, <http://thejakartapost.com/news/2011/10/30/sby-s-papua-team-ready-roll.html> (accessed 16 Dec 2011).

60 | Result of an audit by the Supreme Audit Agency. Cf. id., "Papuan call for probe into alleged misuse of 'Otsus' fund", *The Jakarta Post*, 28 Jun 2011, 3; Kartika Candra and Bunga Manggiasih, "Policy of Special Autonomy in Papua to be Evaluated", *Tempo Interactive*, 20 Apr 2011, <http://tempo.co.id/hg/nasional/2011/04/20/brk,20110420-329023,uk.html> (accessed 16 Dec 2011).

payouts to local authorities.⁶¹ This has led to the creation of more and more administrative districts (Pemekaran), in order to get access to the funds. The chief administrators of the districts and villages, who still see themselves as *big men*, distribute the money directly to the people, rather than investing in infrastructure or education. This creates a flourishing local network of patronage.⁶² A vicious circle has developed where money from Jakarta flows into the hands of the Papuan people, whose culture has left them inexperienced in money matters, and so they go off and spend it at Javanese-run kiosks. Meanwhile, the transmigrants send their money home to their families, rather than spending it in Papua. In this way, it can be a matter of just a few hours before the OTSUS money floods back out of Papua.⁶³ The lack of budgetary and administrative expertise at provincial and district level means little can be done to prevent this.

The fear has been voiced that Jakarta wants to pump as much money into Papua as possible, in order to undermine its local cultures and structures. No-one is keen to take the blame for the OTSUS debacle.

In the political and civil society arenas, there is increasing criticism that Papua doesn't need more money, but more education.⁶⁴

The fear has also been voiced that Jakarta wants to pump as much money into Papua as possible, in order to undermine its local cultures and structures.⁶⁵ At present, no-one is keen to take the blame for the OTSUS debacle. Jakarta is blaming the provincial governments for not implementing the legislation, while the governments claim they have been given no assistance in carrying out this implementation.⁶⁶

LIPI AND UP4B: ACRONYMS FULL OF HOPE

In light of the multitude of aspects and actors involved in the conflict, it is surprising to see the simplicity of the proposed solutions that are on the table. The LIPI think tank has carried out a thorough analysis of the conflict and

61 | Widjojo et al., n. 31, 15. In the Strategic Village Development Plan (Rencana Strategis Pembangunan Kambung, RESPEK) each village receives 8,300 euro to use as it wishes.

62 | Widjojo, n. 16.

63 | Observation by a representative of an international NGO in Papua during an interview with the author, Wamena, 18 May 2011.

64 | Bagus BT Saragih, n. 59, 2.

65 | An Adat leader and former member of the first MRP, n. 51.

66 | Widjojo, n. 16.

made recommendations for political action.⁶⁷ The team, headed up by Muridan Widjojo, focuses on four topics in its Papua Road Map:

1. recognition of Papua's problems by Jakarta;
2. a new paradigm for development, in order to counter the marginalisation of the indigenous people;
3. the need for a new platform for dialogue; and
4. reconciliation to overcome the contradictory beliefs about the conflict and its causes.⁶⁸

One hurdle for the Road Map is posed by the conflict between moderate and nationalist parties in Jakarta who find it almost impossible to conduct a dialogue. In parliament, a cross-party majority has spoken out in favour of dialogue,⁶⁹ and President Yudhoyono has at last taken the same line. This has put supporters of a more security-oriented (military) approach on the back foot. Because the idea of "dialogue" is something of a taboo in nationalist circles, since 2010, Yudhoyono has been talking of "constructive communication". It wasn't until November 2011 that he finally spelled out what he meant by that: the inviolability of national unity and adherence to the Special Autonomy Law.⁷⁰

Because the idea of "dialogue" is something of a taboo in nationalist circles, President Yudhoyono has been talking of "constructive communication".

In view of recent developments, institutionalised communication is absolutely essential. After 19 Papuans were killed in July 2011, in early August thousands of protesters gathered to demonstrate in favour of a new referendum.⁷¹ A declaration of independence was finally made at the

67 | Widjojo et al., n. 31.

68 | Ibid., 11 et sqq.

69 | Hasanuddin, n. 17.

70 | Centre for Humanitarian Dialogue, n. 7, 41; Primanita and Junianto Sihaloho, n. 42; Adianto P. Simamora, "Papuans demand more attention", *The Jakarta Post*, 5 Aug 2011, 1; Muridan Widjojo explains that the LIPI has been courting dialogue in order to find a negotiated solution. The government was not prepared to use the term "dialogue" but instead introduced the new phrase, "constructive communication". The LIPI accepted this new term, as long as it was taken to mean a process of negotiation, cf. Widjojo, n. 16.

71 | Nivell Rayda and Banjir Ambarita, "Deadly Papua Ambush Heightens Tensions Again", *The Jakarta Globe*, 2 Aug 2011, A1; Vidhyandika D. Perkasa, "WPapua lacks modalities to promote good governance", *The Jakarta Post*, 5 Aug 2011, 7.

Third Papuan People's Congress in October, and a president was selected. The military moved in and used violence to break up the meeting, causing the deaths of six attendees and arresting 300 others.⁷²

The protests at the Grasberg mine and the Third Papuan People's Congress have led to the formation of the long-promised Unit for the Acceleration of Development in Papua and West Papua.

Since mid-2010, the Papuan people have been waiting for the promised review of the Special Autonomy Law.⁷³ Since then, the protests at the Grasberg mine and the Third Papuan People's Congress have led to the formation of the long-promised Unit for the Acceleration of Development in Papua and West Papua (UP4B) under Vice-President Boediono. Bambang Darmono, commanding officer in Aceh from 2002 to 2005 was appointed as the head of UP4B. Since the end of October 2011, his team have been working on a "new deal" for Papua, based on three main pillars:⁷⁴ the political implementation Yudhoyono's "constructive communication"; the advancement of education, healthcare and business; and finally infrastructure projects. LIPI and the lead author of the Road Map, Muridan Widjojo, have contributed significantly to drawing up the mission of UP4B. The LIPI seems to be very happy with the appointment of Darmono, who was the first general to call for dialogue with Papua.⁷⁵

EXTERNAL VIEWPOINTS

Papua has increasingly been attracting the attention of the international community. Australia, the United Kingdom and the USA have been particularly active in this respect, whereas the European Union has so far tended to hold back.

72 | Nethy Dharma Somba, "Two found dead after violent end to congress", *The Jakarta Post*, 21 Oct 2011, 1; Banjir Ambarita, Markus Junianto Sihaloho and Ezra Sihite, "6 Dead After Papua Rally", *The Jakarta Globe*, 21 Oct 2011, A1; Sat, "Excessive security measures in Papua blamed for rising violence", *The Jakarta Post*, 22 Oct 2011, 3.

73 | After the protests in summer 2010, President Yudhoyono announced on 29 July 2010 that he would allow a review of the Special Autonomy Law for the first time. Art. 78 OTSUS actually stipulates a yearly review. Cf. International Crisis Group, n. 22, 12.

74 | Sat, n. 59.

75 | Widjojo, n. 16.

In 2006, Australia granted asylum to 40 Papuans and agreed to allow them to apply for refugee status. But a bilateral crisis was triggered when the decision was later reversed. Regional powers are particularly interested in creating a stable environment. The "Road to Freedom" conference held in Oxford, England, in August 2011 attracted a great deal of attention, including in Indonesia, where there were widespread demonstrations of support. Even the foreign minister, Marty Natalegawa, got involved in order to play down the significance of the event.⁷⁶ In their conference communiqué, the attendees (who included some British MPs) called for a review of the Act of Free Choice. Andrew Smith, MP, who chaired the conference, stresses the responsibility of the international community who supported the UN resolution and now needs to stand up for Papua's right to self-determination.⁷⁷

Out of the USA, the Netherlands and the United Nations, 3 parties the Papuans consider to be guilty of complicity because of their participation in the New York Agreement, to date only Washington has got involved in attempts to resolve the conflict. The U.S. position goes back to the human rights policies of the Clinton administration in the 1990s, when arms exports to Indonesia were banned because of crimes carried out by the military in East Timor. Two congressmen, Eni F.H. Faleomavaega and Donald Payne, specifically kept an eye on developments in Papua. In 2008, UN General Secretary Ban Ki-moon published an open letter, in which he called for a new referendum. And in September 2010, under the aegis of Faleomavaegas, the U.S. House of Representatives got involved in the Papuan conflict.⁷⁸ The U.S. Department of State's annual report criticised Indonesia for the increase in

The U.S. Department of State's annual report criticised Indonesia for the increase in human rights abuses in Papua that were attributed to the military.

76 | From 2005 to 2007, Marty Natalegawa was the Indonesian Ambassador to the United Kingdom. Cf. Banjir Ambarita, Camelia Pasandaran and Ronna Nirmala, "Thousands Join Pro-Referendum Rallies in Papua", *The Jakarta Globe*, 3 Aug 2011, A3; Nethy Dharma Somba, "Govt Plays down Papua rally", *The Jakarta Post*, 3 Aug 2011, 1.

77 | Andrew Smith makes it clear that he is standing up for Papua's right to self-determination so that it can decide its own future. Cf. Smith, n. 5.

78 | The minutes of the hearing of 22 Oct 2010 can be viewed online at <http://foreignaffairs.house.gov/111/58430.pdf> (accessed 16 Dec 2011).

human rights abuses in Papua that were attributed to the military.⁷⁹ In July 2011, Secretary of State Hillary Clinton clearly set out the U.S. position during a visit to Indonesia: yes to dialogue, to the Special Autonomy Law and to the territorial integrity of Indonesia, including Papua. U.S. President Barack Obama also confirmed this position during his state visit in November 2011. On this occasion, he held private talks with President Yudhoyono, in which he laid equal stress on the need to respect human rights and Indonesia's territorial integrity. However, it is not clear how much the involvement of the Obama administration is tied up with the Grasberg mine and the role of the U.S. company Freeport.⁸⁰

SUMMARY

Gold, copper, oil, gas, tropical timber – Papua is Indonesia's treasure chest, as much as it is its poorhouse. In order to ensure that fruitful initiatives can really take root, it is important for people in both Papua and Jakarta to bear in mind the lessons of the past and the presence.

The Grasberg conflict, with its many economic overtones, means that Jakarta has to review its contracts with Freeport if international human rights standards are not being upheld.⁸¹ From Papua's point of view, this is made even more urgent by the fact that the current agreement with the U.S. company guarantees them mining rights until 2021, with an option to extend twice until 2041. By then all the resources will be depleted and the fish in the rivers that have for so long provided an important food source for the local people will have died out because of pollution.⁸² The case of Freeport also proves that the military continues to be inadequately controlled and is failing in its duty of accountability.

By 2041 all the resources will be depleted and the fish in the rivers that have for so long provided an important food source for the local people will have died out because of pollution.

79 | U.S. Department of State (ed.), "2010 Country Reports on Human Rights", Washington D.C., Practices, <http://state.gov/documents/organization/160460.pdf> (accessed 16 Dec 2011).

80 | Abdul Khalik, "US supports RI's stance on Papua", *The Jakarta Post*, 24 Oct 2011, 1.

81 | Budi Hernawan, "They ask for wages, not for bullets", *The Jakarta Post*, 24 Oct 2011, 8.

82 | Vaswani, n. 38.

With its praiseworthy launch of UP4B, the government is continuing with its imbalanced approach to the conflict: once again it has missed the chance to consult with the indigenous people before creating a political instrument. This is how the Papuans' often-expressed feeling that Jakarta does not treat them as equal Indonesian citizens takes root. Peace activist Neles Tebay produced a greater sense of identification when he consulted with local people in creating the Papua Peace Network as a preparatory step for dialogue with Jakarta.⁸³ The later has to do its homework as well.⁸⁴ UP4B has the potential to break through the choke point of the conflict created by barriers to economic development because it takes into account the political framework. And for the first time, there is a clear point of contact in the government for Papuan issues.⁸⁵

UP4B has the potential to break through the choke point of the conflict because it takes into account the political framework.

But Papua also needs to do some catching up. Since the assassination of charismatic leader Theys Eluay in 2001, who had been a respected representative of Papua for many years, there was no-one to act as a mediator between the various interest groups. Better communication between the MRP and decentralised government bodies (governors, provincial parliaments) is, therefore, urgently needed.⁸⁶

In cultural terms, Papua is a multi-dimensional mosaic with conflicts made up of both horizontal and vertical strands. Both top-down and bottom-up approaches are needed to manage this conflict and push forward Papua's development. A birds-eye perspective is needed in order to implement uniform standards in the areas of education, healthcare and human rights, while also tackling local issues at grass-roots level.

83 | An analysis of the peace conference organised by the Papua Peace Network held in July 2011 can be found in: International Crisis Group, "Indonesia: Hope and Hard Reality in Papua", n. 18.

84 | Interview by the author with the head of a local non-governmental organisation, Wamena, 18 May 2011.

85 | A representative of a European NGO criticised this purely economic way of looking at things in an interview with the author, Jakarta, 7 Apr 2011; Muridan Widjojo praised it, n. 16.

86 | Interview by the author with Adriana Elisabeth, LIPI, Jakarta, 22 Apr 2011.

If it turns out that the assistance of an international mediator is needed, then the EU will have to stop hanging back and step up to the plate, because unlike the USA, the Netherlands and the United Nations, it was not involved in the New York Agreement. Alternatively, this role could be played by the Pacific Islands Forum, a regional organisation of the small independent states to the east of Australia which are also populated by Melanesians.⁸⁷ The main thing is that the international community should not only see Indonesia as providers of political stability and as a model Muslim democracy, but that it should at the same time keep track of developments in Papua.

87 | Centre for Humanitarian Dialogue, n. 7, 51.