Political and Constitutional Conflict in the West Papua Region of Indonesia
Overview and Recommendations for the UK and the International Community

The Foundation for Law, Justice and Society
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The Politics of Papua Project

The Politics of Papua Project at the University of Warwick conducts research and provides informed political analysis to policymakers in order to facilitate a peaceful resolution to the conflict in Papua.

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Executive Summary

- The consultation on whether the West Papua region would become an independent country or join Indonesia took place in 1969 — the so-called ‘Act of Free Choice’. The 1962 New York Agreement established the ‘eligibility of all adults’ and required a ‘one man one vote’ system. However, Indonesian military officials selected 1,022 representatives, who were largely coerced into voting in favour of West Papua becoming part of Indonesia.

- Since West Papua was incorporated into Indonesia, Papuans have been subject to extremely serious human rights violations. The region is de facto controlled by the Indonesian military, with an estimated 15,000 troops currently deployed in the West Papua region. The Indonesian government has pursued a process of so-called ‘Indonesianization’, trying to incorporate Papuans into the Indonesian nation state through the transfer of thousands of Indonesian families to West Papua.

- Promises made to end restrictions on the access of foreign media made by current President Widodo have not been followed by official instructions, and several political prisoners remain behind bars. President Widodo has also initiated a regulation increasing military operations in the West Papua region.

- Britain has strong economic and political ties with Indonesia. The UK is Indonesia’s fifth largest foreign investor. In 2015, then Prime Minister David Cameron promised up to £1bn to help finance infrastructure development. Britain provides training and delivery of military equipment to Indonesian special forces and police, including units deployed in West Papua. The UK has also granted asylum to Benny Wenda, current spokesperson for the United Liberation Movement for West Papua. This puts the UK in a unique position to take effective leadership to resolve the conflict in West Papua, both for moral reasons and to protect vital British interests in the region.

- A resolution of the conflict could be achieved through a new approach to Special Autonomy, Indonesia’s preferred route, or by encouraging dialogue between Jakarta, Papuan exiles, and civil society groups working in West Papua. International mediation might help the parties to make progress in agreeing a common agenda for discussion.

- An important element of Papuan grievances concerns the 1969 Act of Free Choice, which is widely reported not to have been a genuine consultation. Because of this, several Papuans and supporters of the Papuan independence movement ask for a second consultation to take place. If Papuan organizations were to set up a referendum without Indonesia’s approval, the international community would need to work with both sides from an early stage to secure Indonesian approval for a peaceful and internationally monitored referendum, in order to avoid potentially widespread violence and loss of life.
The area including the Indonesian provinces of ‘Papua’ and ‘West Papua’ (referred to collectively as ‘the West Papua region’ or ‘West Papua’ in this report) covers the western part of the island of New Guinea and borders Papua New Guinea to the east. The area became part of the Dutch colonial territory known as the Netherlands Indies in the nineteenth century. When the Netherlands Indies gained its independence as Indonesia in 1945 (internationally recognized in 1949), disagreements ensued between the newly formed country and the Netherlands on whether West Papua should be part of Indonesia. Tension escalated and open conflict broke out between the two states.

At the beginning of the sixties, the United States took an active role in the management of the crisis. As the Cold War intensified, the US made it a priority to ensure that Indonesia would not be driven towards the Soviet Union. Under American supervision, the Netherlands and Indonesia signed the New York Agreement, according to which the administration of the West Papua region would be assigned to the United Nations for a short time, and would then pass to Indonesia.

In the years between the 1940s and the 1960s, Indonesia’s politics declined from constitutional democracy to an authoritarian regime. After the UN withdrawal, Indonesia’s President Sukarno banned all political parties and activities, and clashes started breaking out between Papuans and Indonesian military units. It is estimated that from the beginning of the UN administration to the consultation that took place in 1969, the Indonesian military killed thousands of Papuans.

In 1967, Sukarno stepped down and Suharto became Indonesia’s second president. The regime change was accompanied by brutal anti-communist massacres organized by the military, and ushered in a period of military-backed rule that brought human rights abuses to many parts of the country. Before any consultation with Papuans about the future political status of the region had taken place, the Indonesian government signed a concession with mining corporation Freeport, granting them mining rights over 250,000 acres for thirty years.

The consultation on whether the West Papua region would become an independent country or join Indonesia took place in 1969 — the so-called ‘Act of Free Choice’. The New York Agreement established the ‘eligibility of all adults’ and required that the vote should be carried out ‘in accordance with international practice’, which, in turn, explicitly required a ‘one man one vote’ system. However, Indonesian military officials selected 1,022 representatives, who voted in favour of West Papua becoming part of Indonesia. Several foreign observers and Papuans reported that Indonesian forces threatened the chosen representatives and that Papuans did not want their territory to become part of Indonesia. British diplomatic officials reported that ‘[privately] … we recognise that the
people of West [Papua] have no desire to be ruled by the Indonesians … that that process of consultation did not allow a genuinely free choice to be made; and that the vote was a ‘foregone conclusion’. Narasimhan, former UN Under Secretary, later claimed that the process was a ‘whitewash’. Jack W. Lydman, from the American Embassy, stated that members of the UN mission had privately conceded that 95 per cent of the Papuans were in favour of independence. Despite this, West Papua has since been part of Indonesia.

Under President Suharto, the Indonesian military engaged in extremely violent operations, leaving thousands of civilian victims behind. The Indonesian government pursued a process of so-called ‘Indonesianization’, trying to incorporate Papuans into the Indonesian nation state through the education system, the media, economic development, and transmigration. The latter consisted in the transfer of many Indonesian families to West Papua. It led to the displacement and deaths of thousands of Papuans. In 1981 the Indonesian military launched Operation Clean Sweep, which aimed at forcing Papuans out of their lands and relocating transmigrants in the area. It is estimated that between 2,500 and 13,000 people lost their lives during the operations.

From the nineties, an increasing number of self-financed migrants also started settling in the region. They moved for economic reasons and mainly arrived from eastern Indonesia. This led to dramatic changes in the demographics of the region. It is estimated that migrants now make up around 50 per cent of the population in West Papua. Migration has led to structural discrimination in employment: while indigenous Papuans struggle to find work, migrants can easily find occupations.

In 2001 the Indonesian government approved the Special Autonomy Law for Papua. This has given Papuans a higher degree of fiscal and administrative autonomy, and increased the number of Papuans in positions of leadership. However, military control has remained tight. The funds are not employed on the most urgent goals, such as education, health, and public infrastructure, and the policy has favoured the Papuan elites but not the wider population, leading to an increased gap between wealthy and indigent Papuans.

Many thought that the election of Joko Widodo as Indonesian President in 2014 would mark a change in the relationship between Jakarta and West Papua. President Widodo promised to visit Papua regularly in order to gain an understanding of Papuans’ needs, announced the end of restrictions on the access of foreign media, released five Papuan political prisoners, and planned several new investments in infrastructures and development projects. However, the promises made on media access have not been followed by official instructions, and several political prisoners remain behind bars. Widodo also initiated a regulation increasing military operations in the West Papua region, and appointed Ryamizard Ryacudu as Minister of Defence. The latter is a General of the Indonesian army, responsible for several civilian victims in Aceh. He also attracted public attention in light of controversial statements on West Papua: when members of the Special Forces killed Papuan separatist leader Theys Eluay, he called the perpetrators ‘Indonesian heroes’ and praised them for killing a ‘rebel’.

**Human rights and development**

Since West Papua was incorporated into Indonesia, Papuans have been subject to extremely serious human rights violations. Underlying the human rights abuses in West Papua is the fact that the region is de facto controlled by the Indonesian military. It is estimated that around 15,000 troops are currently deployed in the West Papua region.

The number of Papuans killed by Indonesian security forces since 1969 is not known, since the restrictions on access of international observers make it difficult to collect evidence on the matter. Estimates are highly uncertain, but victims may be in the tens or hundreds of thousands. The most commonly cited is the figure of 100,000 people directly killed since 1963. The International Coalition for Papua documented twenty-two extrajudicial killings between April 2013 and December 2014. More than four hundred cases of torture were counted in the region from 1963 to 2010. Papuans are often arrested for peacefully expressing their opinion about the political status of West Papua. Between April 2013 and December 2014, the human rights organization Papuans Behind Bars reported 881 political arrests and 370 cases of ill treatment.
Police officials accused of human rights abuses in Papua are not subject to adequate civil investigations, and violations against Papuans are often left unpunished.22

Until very recently, foreign journalists needed to obtain approval from eighteen government agencies in order to enter the region. Applications were often denied, delayed, or rejected. In 2015, President Joko Widodo claimed that the government would lift restrictions on access to foreign journalists. However, the promise has not been followed by official instructions, and has been repeatedly contradicted by other Indonesian authorities.23 Indonesia has also obstructed the activities of several non-governmental organizations (NGOs) working in the region and blocked access to UN representatives, including the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Regional Representative of the High Commissioner for Refugees.24

West Papua is extremely rich in natural resources, including forest, oil, gas, copper, and gold. Papuans have traditionally relied on forests for their livelihood. However, the forests are increasingly coming under threat from mining, logging, and planting oil palms. The Grasberg mining complex in West Papua is the world’s largest gold reserve. It is run and mostly owned by American company Freeport, while British-Australian multinational Rio Tinto has a joint venture for a share of production.25 The mine has extremely serious environmental repercussions for the surrounding area. A New York Times article in 2005 reported Freeport paid the Indonesian military almost $20 million between 1998 and 2004.26 British Petroleum (BP) started operations in the West Papua region in 2005, at the Tangguh Liquefied Natural Gas project. The company employs the services of the Indonesian police force, which has also been accused of perpetrating human rights violations.27

The West Papua region has the highest poverty rates and the lowest levels of human development in the country. While schools and hospitals are built, health and education services are extremely ineffective, due to poor management, lack of accountability, and absenteeism.28

**Political and economic context**

West Papua remains of concern to the international community. Concerns have resonated most loudly in the immediate Melanesian region. The United Liberation Movement for West Papua (ULMWP) was recently admitted as an observer to the Melanesia Spearhead Group (MSG), a regional organization that focuses on economic growth, sustainable development, good governance, and security. In October 2015, West Papua’s case was brought to the attention of the United Nations General Assembly by the prime ministers of the Solomon Islands29 and Tonga.30 West Papua is also attracting increasing support from civil society in the Pacific area, including PNG, the Solomon Islands, Fiji, Vanuatu, New Caledonia,31 and Australia.

West Papua has also attracted attention on a wider international level: for instance, in 2008 politicians from around the world formed the International Parliamentarians for West Papua group, to support self-determination for the West Papua region.32 Nobel Peace Prize Laureate Archbishop Desmond Tutu has also repeatedly supported Papua’s case.

Investors have started to question the ethical implications of supporting the Indonesian government in West Papua. This situation has affected British companies based in the region. In 2006 and 2007 the Norwegian government pension fund divested from Rio Tinto on the basis of the environmental damage caused by the Grasberg mine.33 In 2012, the New Zealand Superannuation Fund divested from Freeport. The decision was a result of reports of human rights violations by security forces around the Grasberg mine, and concerns over payments to government security forces.34 In 2013, the Swedish national pension fund divested from Freeport. The Ethical Council, which advised the fund, reported that Freeport’s mining operations in Papua had adverse environmental impacts that contravened UN standards.35 BP has also suffered reputational costs for its activities in West Papua.36

Britain has strong economic and political ties with Indonesia. The UK is Indonesia’s fifth largest foreign investor. During his visit to Indonesia in 2015, then Prime Minister David Cameron promised up to £1bn to help finance infrastructure development.37 During the same visit, Cameron also agreed to measures to counter the terrorist threat posed by ISIS.38 Britain provides training39 and delivery of military
equipment to Indonesian forces, including units deployed in West Papua. At the same time, the UK also has a comparatively strong channel of communication to the United Liberation Movement for West Papua, having granted asylum to Benny Wenda, current spokesperson for the ULMWP. This puts the UK in a unique position to take effective leadership to resolve the conflict in West Papua, both for moral reasons and to protect vital British interests in the region.

Future scenarios

It is possible to envisage different pathways through which a resolution of the conflict could eventually be achieved. Indonesia’s preferred route is through Special Autonomy legislation. Any significant improvement to existing Special Autonomy arrangements would require the departure of the Indonesian military, active international mediation, recognition of local parties, and the active involvement of the public in West Papua in the drafting of a new law.

Another route consists in encouraging dialogue between Jakarta, Papuan exiles, and civil society groups working in West Papua. Initiatives such as the Papuan Peace Network and the Papua Road Map have attempted to establish Papua as a ‘land of peace’. However, the parties have divergent opinions about the agenda and aims of the process: for instance, several indigenous Papuans want to discuss the possibility of calling a referendum, while Jakarta sees dialogue as a route to Special Autonomy. Once again, international mediation might help the parties to make progress in agreeing a common agenda for discussion.

An important element of Papuan grievances concerns the 1969 Act of Free Choice, which, as highlighted in Section 1 of the full-length report on which this briefing is based, is widely reported not to have been a genuine consultation. Because of this, several Papuans and supporters of the Papuan independence movement ask for a second consultation to take place. A possible scenario is that Papuan organizations will decide to set up a referendum without Indonesia’s approval. If such a situation were to arise, the international community would need to work with both sides from an early stage in order to secure Indonesian approval for a peaceful and internationally monitored referendum, in order to avoid potentially widespread violence and loss of life. A key question to be addressed in advance of any referendum, given the large number of non-Papuans now living in the region, is the question, who should be eligible to vote?

The situation might also move forward through the involvement of international institutions. One possible path consists in seeking a solution through the United Nations, and in particular through the Special Committee on Decolonization or through the International Court of Justice. The case can also be pursued through international institutions working on indigenous rights, such as the Permanent Forum on Indigenous Issues.

In the event that a referendum led to the establishment of an independent Papua, this would have the advantage that the Indonesian military, which has been at the centre of the conflict, would no longer be present. An independent Papua would face several significant challenges related to ethnic divisions, administrative capacity, infrastructure, and security, and would require the support of the international community in order to overcome these challenges.

Recommendations

In light of the findings of this policy briefing, we recommend that the UK consider taking the following actions to facilitate a resolution of the ongoing conflict and human rights violations in West Papua.

British Parliamentarians:

1. Ask parliamentary questions on the issues outlined in this report, especially concerning human rights and development

   Focusing in particular on killings, torture, freedom of expression, police impunity, media and civil society access, discrimination, land and indigenous rights, health, and education (as discussed in Section 2 of the full report).

2. Join the All Party Parliamentary Group on West Papua

   The group, chaired by Andrew Smith MP, was re-launched in October 2015. It aims to promote understanding of the situation in West Papua and the human rights of the Papuan people.
3. Support a resolution in parliament asking for the UK to play a more active role in the solution of the conflict in West Papua

The status quo in the West Papua region of Indonesia is not only unsustainable from a moral and political perspective, but also continues to threaten stability in the Pacific region and poses specific risk to UK interests. Britain has strong economic and political ties with Indonesia and is in a unique position to encourage Indonesia to engage in constructive dialogue.

4. Organize a parliamentary delegation to be sent to the West Papua region

Scrutiny by international representatives is crucial to ensure that basic human rights are protected in the region.

The Foreign and Commonwealth Office:

5. Call for free access of media, NGOs, foreign academics, and foreign observers in West Papua

Indonesian President Joko Widodo has recently stated that the government would lift restrictions on access to foreign journalists. While this is a positive sign, the promise has not been followed by official instructions, and statements made on the topic by Indonesian authorities since have been ambiguous.

6. Call for the release of political prisoners

Papuans are regularly arrested for peacefully expressing their opinion about the political status of the West Papua region. Between April 2013 and December 2014, the human rights organization Papuans Behind Bars reported 881 political arrests and 370 cases of ill treatment. President Widodo recently granted clemency to five political prisoners, but (as of November 2015) thirty-eight remain behind bars.

7. Press for visits by the UN Special Rapporteur on freedom of opinion and expression and the UN Special Rapporteur on torture

In 2013, then UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, was denied access to Papua. Given the situation in the region, a visit should be arranged promptly. After a visit to West Papua in 2007, the UN Special Rapporteur on torture gave worrying reports to the UN Human Rights Council. A follow-up visit should be arranged to ensure that circumstances have improved.

8. Press for the reinstatement of NGOs in Papua

In 2011, the government forced the Peace Brigades International to end its work in West Papua, by refusing its volunteers the permit to travel in rural areas.44 In recent years, Amnesty International and Human Rights Watch have also been routinely denied visas.45 In 2010, the authorities banned the NGO Cordaid, on the basis that it had supported Papuan activists. In 2009, the authorities ordered the International Committee of the Red Cross to shut down its offices in Jayapura.46 Non-governmental organizations provide important support to the region and should be allowed to operate there.

9. Support the development of Papuan administrators and the Papuan exile community

The development of competent administrators in West Papua is essential to ensure that West Papua can deal with the pressing problems it faces, including the lack of basic infrastructure and minimal welfare services. Support could be provided through training and by sharing expertise with the provincial and local governments in the West Papua region, as well as by establishing scholarships to give young Papuans the opportunity to gain the skills needed to effectively administer the region. In addition, support for the development of the exile community will facilitate constructive dialogue between the parties and governance capacity.

10. Help British companies working in the West Papua region to implement security strategies that are not complicit in human rights violations taking place in the region

The British Embassy has already played a role in defining BP’s security strategy in the West Papua region. It should use its influence to ensure British businesses avoid giving any support to Indonesian police or military forces, which are complicit in human rights violations.

11. Halt all training and delivery of military equipment to Indonesian military and police forces until reliable mechanisms are put in place to verify their adherence to human rights standards; if in the future training does take place, include rigorous human rights training in the programmes
Evidence shows British arms have been employed in West Papua. Despite evidence of human rights violations perpetrated by the Indonesian army in the region, the government continues to sell arms to the Indonesian government. Britain has also been involved in the training of two Indonesian counter-terrorism units: Kopassus and Detachment 88. The former is an elite unit of the Indonesian military, the latter of the national police. Both forces have been employed in the West Papua region and are responsible for serious human rights violations in the area.

12. Convene a meeting with NGOs and advocacy groups to discuss what the government can do to facilitate a resolution to the situation in West Papua

It is essential to bring together different stakeholders to engage in an ongoing and informed conversation about how to most effectively improve the situation in the West Papua region.

13. Support rigorous academic research on the current situation in West Papua and possible pathways to a resolution of the conflict

There remain many significant unknowns about the political and social situation in West Papua, especially concerning the status of the non-Papuan population in the region, different ways in which the situation can be improved, and the lessons that can be learned from similar international cases.

14. Encourage key Indonesian political and economic actors to engage in an open discussion on the situation in West Papua

It is essential to engage with Indonesian industry, ministries, parliamentarians, and advisors to the President to press them to address the Papuan issue and to encourage discussion on the situation in West Papua both internally and with Papuan advocacy groups.
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