

Short Version

papua road map

Negotiating the Past, Improving the Present and Securing the Future

LIPI Team Members:

Muridan S. Widjojo
Adriana Elisabeth
Amiruddin
Cahyo Pamungkas
Rosita Dewi

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English translation by Carmel Budiardjo

Text editing by Muridan S. Widjojo.

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ABSTRACT

The sources of the Papuan conflict are grouped together in four issues.

The first is the marginalisation and discriminatory impact on indigenous Papuan people of economic development, political conflict and mass migration into Papua since 1970. In order to address this problem, an affirmative policy of recognition needs to be evolved in order to empower the Papuan people.

The second issue is the failure of development, in particular in the field of education and health for indigenous Papuans and the failure to empower the people's economy. This requires a new paradigm of development which focuses on improving public services and welfare for Papuan people living in the kampungs.

The third key issue is the contradiction between Papua and Jakarta about history and political identity. This issue can only be resolved by means of dialogue along the lines of the dialogue that occurred in Aceh.

The fourth issue is accountability for past state violence against Indonesian citizens in Papua. For this, reconciliation is needed, the convening of human rights courts and revelation of the truth for Papua, in particular for the victims, their families and Indonesian citizens in Papua in general.

These four issues and agendas can be drawn together as an inter-connected policy strategy to resolve the Papuan conflict comprehensively in the long term.

The reformasi atmosphere, the accommodative Law No. 21/2001 on Special Autonomy (OTSUS Law), a responsive central government and a very large budget for Papua leads the LIPI Team to feel optimistic that the Papuan problem can be resolved with justice, peace and dignity.

INTRODUCTION

After conducting three years of research (2004 – 2006) into the conflict in Papua, the LIPI Team was charged with drawing up a PAPUA ROAD MAP (referred to hereinafter as PR) on the construction of a model to achieve a comprehensive and fundamental resolution to the Papuan Conflict. The results of the three-year research are the starting point for the draft road map. This draft will be further enhanced through interviews, discussions or seminars involving a variety of sources, individuals as well as state and civil society institutions. Besides focussing on the latest situation of the Papuan Conflict, it also focuses on the Special Autonomy Law No 21/2001, known as OTSUS.

It should be understood that the problems and causes of the conflict in Papua are, to a great extent, the consequence of a web of events from earlier regimes. Unfortunately, in the shifts and turns of the causes of the conflict and efforts to resolve the conflict, later regimes have tended to pursue policies and adopt measures in political and legal affairs that are transitional and *ad hoc* in nature, that are inconsistent and have failed to show any appreciation of the wishes of the Papuan people.¹ At the same time, Papuan leaders, including those within the state institutions as well as in civil society do not enjoy the necessary bargaining power to be able to strategically influence the forms and direction of the policies pursued in Jakarta. The political atmosphere has been dominated by unhealthy relations between Indonesian nationalists who promote the idea of 'NKRI harga mati' [NKRI, Unitary State of the Republic of Indonesia is immutable] while Papuan nationalists also insist that 'Papua Merdeka' or 'Free Papua' is immutable. As a result, efforts and resources in Jakarta as well as in Papua have been wasted in pursuit of political measures that are reactionary in nature.

Nevertheless, the LIPI Team is optimistic that the atmosphere of reform and democratic advances has provided the space to break the vicious circle of the Papuan Conflict. President Susilo Bambang Yudhoyono

¹ Examples of this are Inpres No 1/2003 on accelerating the establishment of Irjabar and Irjateng, and Government Regulation (PP) No. 77/2007 on Regional Symbols. Even though PP No 54/2005 on the Majelis Rakyat Papua (MRP) was introduced in response to demands from the public and from the Papua Provisional Administration, it reduced the powers of the MRP and was a disappointment to some sections of the community. None of this was consistent with the spirit and substance of the OTSUS Law of 2001.

himself said in his state address on 16 August 2005 that the government would resolve the Papua Conflict peacefully, justly and with dignity by stressing the approach of dialogue and persuasion.² Dialogue and persuasion were successful in resolving the Aceh problem. Borne up by this optimism, the LIPI Team has identified four key agendas and a choice of policies or agendas which can be pursued by state institutions and civil society at home and abroad. The four agenda are: 1) recognition, 2) a new paradigm of development, 3) dialogue, and 4) reconciliation.

In the course of this presentation, the Team will endeavour to analyse the positive and negative aspects of these four choices on offer, also taking into account the capabilities and limitations of the government as well as of the civil society organisations involved. Bearing in mind the interests of both sides, it is highly likely that as between the several choices of policy available, the government on the one hand and civil society organisations on the other will be more inclined towards one option rather than another.

The aim of PR is to ensure that the ones who take decisions within the various state institutions and activists in non-governmental organisations will gain a comprehensive insight of the Papuan Conflict. Hopefully, with the benefit of such insight, there will be a moderation in the position adopted by the political elite in Jakarta, in particular members of the DPR (Parliament) and within the government, and that the strategically-placed Papuan elite, both those within government circles and in the relevant NGOs will display a willingness to take new steps to resolve the basic issues in Papua.

The issues raised in PR are not new. The four agendas raised in this paper have already been discussed by many experts and human rights activists around the world as well as in Indonesia. For instance, the question of dialogue was discussed by Theo van den Broek³, Phil Erari⁴,

² Thejakartapost.com/sby_speech_2005.asp

³ Theo van den Broek, '*Agenda Rekonsiliasi Irian Jaya*', (Jayapura, SKP, 1998, published in *Suara Pembaruan*, 17 September 1998.

⁴ Together with Solidaritas Nasional Untuk Papua (SNUP), Phil Erari has consistently pressed ahead with his idea of dialogue for Papua, which he calls 'Para-Para Nasional'.

Timo Kivimaki,⁵ John Ondowame⁶, and others, each in a variety of formats. The issues of reconciliation and human rights courts have also been discussed by a number of NGOs in Jakarta and Jayapura such as Pokja Papua (Papua Working Group), Kontras (Commission for the Disappeared and Victims of Violence), Imparsial, ELSAM (Institute for Social Study and Advocacy, ALDP (Alliance for Democracy for Papua), SKP⁷ (the Justice and Peace Secretariat of the Diocese of Jayapura) and others.

On the question of Recognition, Benny Giay⁸ and Neles Tebay have been the leading spokespersons although their ideas differ in some respects from those of the LIPI Team. The issue of failed development has also been highlighted on a number of occasions, including by researchers working with the Department of the Interior and Polhukkam (Political, Legal and Social Affairs Coordinating Department). Taking all this into account, the LIPI Team has endeavoured to deal with these matters in a more integrated and comprehensive manner. The results take the form of an indirect 'dialogue' with various groups and take the form of an 'inter-textual' work.

I. MAPPING AND THE SOURCES OF CONFLICT IN PAPUA

As a result of the mapping of the conflict undertaken by the LIPI Team in 2004 and its analysis of the conflict in Papua in 2005 and 2006, two aspects emerged: first, a mapping of the participants who play a role and have strategic interests; second, the complexities of the source of the conflict with all its historical, cultural, political and social-economic dimensions.

⁵ Timo Kivimaki, *Initiating a Peace Process in Papua: Actors, Issues, Process and the Role of the International Community*. (Washington: The East-West Center, 2006)

⁶ John Ondowame and Peter King, *West Papua: Exploring the Prospects of Peace with Justice: Report on a Workshop and Future Plans.* Position Paper No 2 (Sydney: Center for Peace and Conflict Studies, 2001).

⁷ SKP Jayapura, *Reflections on Social and Political Issues and the Process Leading towards Reconciliation in Papua,* a paper presented to the Workshop to Consider the Future of Upholding Human Rights, Jayapura, KontraS Papua, 10 – 14 June, 2002.

⁸ Benny Giay, *Some Basic Ideas regarding the Emancipation of the Papuan People* (Jayapura: Deiyai/ELSHAM Papua, 2000).

The participants and the sources of the conflict have to be understood within the historical and political context of the period in question. For instance, the complex process of the decolonisation of Papua (Dutch New Guinea), the Act of Free Choice (Pepera) in 1969, the policies of the New Order (1967–1998), and the political dynamics during the period of the transition to democracy up to the present day (1998–2008) all of which happened within a variety of very different contexts. The period of reform (known as reformasi) and democracy in Indonesia has the potential for providing greater space to reach a resolution of Papuan problems.

Following the murder of Theys Eluay in 2001 and the crackdown against political activities by Papuan nationalists, the Papuan pro-independence movement at home became very weak. Some leaders lost their roles while others were co-opted by the state. As a result, a complexity of discussions, participants and confused political orientations occurred between the two political camps. The paradoxes between the two sides and actions taken by those involved have deepened the complexities in mapping the individuals, their roles and interests in the Papuan Conflict. More recently, pragmatic and opportunistic considerations of the participants have resulted in the Papuan Conflict being narrowed down to two issues, OTSUS and the creation of separate provinces.

If we try to map the participants simply from the perspective of the extremist camps, it becomes clear that there are two camps. The Indonesian nationalists consist of the Department of the Interior, the State Intelligence Agency BIN, the Papua Desk at the office of the Coordinator of Political, Legal and Security Affairs, fractions in Parliament (DPR), the Indonesian armed forces TNI, and the Indonesian Police, Polri, as well as other state organs. Besides the state bodies, there is the paramilitary Satgas which is associated with certain religious organisations and/or certain military units. On the side of the Papuan nationalists, there is the group called the National Liberation Army/Papuan Freedom Movement TPN/OPM, as well as the Papuan Presidium Council, PDP and its panels, and other nationalist Papuan groups at home and abroad. Then there are action committees which organise demonstrations such as the United Front of Struggle of the

West Papua People⁹ which is an alliance of several organisations of Papuan students and youth in various parts of Indonesia, supported by like-minded groups in Australia and the UK.¹⁰

In between are the *Dewan Adat Papua, DAP*, the Papuan Customary Council, various religious institutions (Catholic and Protestant as well as other religious groups), NGOs, political parties, mass organisations and tribal groups in Papua. If you add the Papuan political elite to all this, the complexities become even more apparent. All of these point to the involvement of many participants with grey political areas. In order to simplify matters, the Indonesian nationalists refer to all the (opposing) groups as being part of the 'separatist movement'; using the same logic and for quite different political objectives, the Papuan nationalists tend to suspect the other side as being 'pro-Jakarta'.

A mapping of the roles and interests of international groups involved in the Papuan Conflict adds further dynamism. In the view of the State forces which are involved, international support for the Papuan freedom movement is regarded as 'virtually non-existent'. Formally speaking, they say, Papua is recognised as a legitimate part of Indonesia. The concern of the international community at present is focused on the lack of seriousness of the Indonesian Government in consistently implementing the OTSUS (Special Autonomy) law and improving enforcement of human rights in Papua.¹¹ There are also a number of individuals and non-governmental organisations as well as members of Parliament in other countries who are actively expressing their concern about the status of Papua at the United Nations and who are pushing for a review of the politically-enforced 1969 Act of Free Choice as well as

⁹ The PBHI, the Indonesian Association for Human Rights recently drew up a comprehensive list of these groups. See: *Action Against Freeport: Monitoring and Investigation Report*, (Jakarta: PBHI, 2006), page 32.

¹⁰ Compare this with the latest mapping of Papuan politics by Esther Heidbuchel, *The West Papua Conflict in Indonesia*, (Wettenberg: Johannes Hermann J&J. Verlag, 2007).

¹¹ Lakis Peyon, 'Ada Rencana Lain di Bawah Meja' (Something Different under the Table). See interview with the West Papua Network in Germany, Siegfried Zollner in *Suara Perempuan Papua*, No 38, Year III, 14-20 May 2007.

abuses of human rights in Papua. However, these manoeuvres have not yet been able to alter the map of the problem.¹²

Regarding the anxieties of Indonesian nationalists in Jakarta, it is not true to say that all intellectuals and international bodies support the movement for a Free Papua. Some Indonesianists who are able to exert a degree of influence on the policies of major governments have adopted a neutral position and in fact tend to be positive.¹³ To repeat the point, the ebb and flow of sympathy and international support for the Indonesian Government depends to a great extent on how OTSUS is being implemented, particularly with regard to the enforcement of human rights. A survey of the role, interests and the international political agenda must also consider the local, national and international context. The central government in Jakarta does not have a blueprint for the resolution of the Papuan Conflict. As for civil society, shifts in its role, interests and political agenda are frequently determined by political developments at home and abroad.

The agendas and political orientation of those involved in the Papuan Conflict cannot always be simplified by attaching black-and-white labels to the contradiction between Indonesian nationalists who regard the Unitary State of the Republic of Indonesia (NKRI) as a matter of principle and the final political format¹⁴ versus the Papuan nationalists who hold the view that the integration of Papua into Indonesia was unlawful because 'the Papuan nation and state was established and came into being on 1 December 1961' and therefore demand 'the restoration of Papuan sovereignty and independence'.¹⁵ The enactment of OTSUS Law

¹² On 14 February 2008, two members of the US Congress, Eni Faleomavaega and Donald Payne, wrote to the UN Secretary-General drawing his attention to all the above matters.

¹³ See the debate between Indonesianists in Australia involving Rodd McGibbon (Lowry Institute), Edward Aspinall (Australian National University, ANU, Canberra) and Sidney Jones, formerly of the International Crisis Group, with supporters of a free Papua such as Peter King and John Wing, both of the University of Sydney. The main theme of the debate was the issue of a free Papua, the use of the term genocide, and perspectives used in analysing Papuan problems.

¹⁴ *Questioning the Unquestionable: An Overview of the Restoration of Papua into the Republic of Indonesia*. (New York: Permanent Mission of the Republic of Indonesia to the United Nations, 2004) pages 67 – 70.

¹⁵ Report of the Results of the Second Papuan Congress: *Mari Kita Meluruskan Sejarah Papua Barat*, Let Us Revise the History of West Papua, (Jayapura PDP, 2000), pages 29 and 32.

No 21/2001, the creation of the province of Irian Jaya Barat (West Papua) and the publication in January 2008 of a Draft Law (RUU) which provides for the creation of three new provinces (Papua Barat Daya – Southwest Papua, Papua Tengah – Central Papua, and Papua Selatan – South Papua) has further added to the complexities of the mapping of those involved and their interests in the Papuan Conflict.

The LIPI Team has come to the conclusion that the sources of the Papuan Conflict can be grouped under four main headings: First, marginalisation of, and discrimination against, the indigenous Papuan people as a result of economic development, cultural policies and mass migration into Papua from 1970 to the present day. In response to this problem, affirmative policies such as recognition (*rekognisi*) should be devised. The second problem is the failure of development; this requires a new paradigm, *Papuan development*. The third main issue is the contradiction between Papua and Jakarta regarding their respective views of the history of integration and the construction of a Papuan political identity. The LIPI Team believes it is necessary to consider the possibility of dialogue on this question. The fourth question is the prolonged experience of the history of political violence in Papua, perpetrated primarily by state actors against Indonesian citizens in Papua. On this matter, reconciliation and human rights courts along with revelation of the truth are the possible choices in order to create a sense of justice in the Papuan community, in particular among victims, their families and indigenous Papuan Indonesian citizens in general.

Arising out of these four PR agenda points, the LIPI Team has, since the start identified the four sub-themes outlined above as the strategic policy framework of mutually-related issues for resolving the Papuan conflict comprehensively.

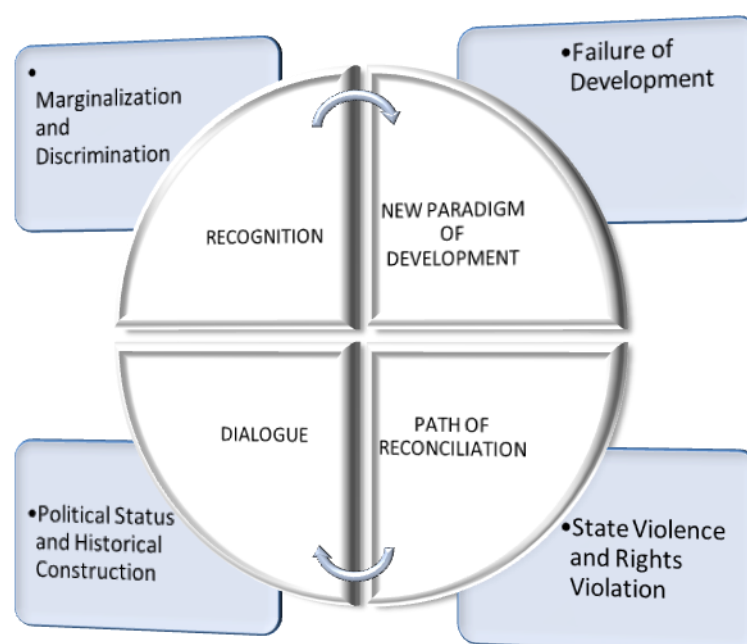
The LIPI Team is well aware that these four agendas will not be easily acceptable to the all parties to the conflict, bearing in mind that a number of persons and interests are likely to be disturbed, in Jakarta as well as in Papua. However, the LIPI Team believes that the spirit of reform and democratisation and the commitment to upholding the spirit of Indonesia in accordance with the principles of peace, justice and dignity will provide the necessary understanding and motivation for the central government, and in particular the President and Vice-President, to take creative and courageous steps which are both long-term and all-

encompassing. The Papuan question has been a complex cycle of conflict for decades, which is why there is no easy or cost-free way, except by means of hard work involving a lot of sweat, a high-risk strategy for all sides, in particular for the central and provincial governments.

II. MODEL FOR A LONG-TERM SOLUTION

The model which is offered here is called the Papua Road Map (PR) because it sets out the map for the way forward starting from the earliest beginnings [*hulu*]; while concepts differ, all want to move towards ‘a New Papua that is more peaceful and just’. As is the case with social reconciliation in the broadest sense, it is hoped that these four agendas will break the vicious circle and lead to an Indonesia-with-Papua-inside entering upon a new, constructive and progressive phase. This identification of the problems attempts to incorporate all the key issues, including the most sensitive ones as well as those which are less sensitive for the central government. This road mapping will, it is hoped, be able to provide a more comprehensive and honest appreciation of the sources of the Papuan conflict and assist those who are in a position to take decisions to answer the vast majority of the problems in Papua within a period of ten to twenty years.

Model Papua Road Map



2.1 RECOGNITION

*A major theme in Irianese thinking was that their fate was being decided by others without them being consulted.....*¹⁶

For Papuans, recognition is the term that portrays a social process where the concepts of *Papua* and *Papuan identity* represent the central issue for which they are aiming. Recognition of the indigenous Papuans is defined as a social process in which the agendas side with and focus on Papuans and their identity. This includes a social strategy of positive affirmation which is aimed at helping the Papuans in the protection of their resources, so that Papuans are in a position to negotiate and have the necessary resources to negotiate in readiness for a procession of rapid social change while enjoying just benefits for their livelihood and prosperity.

From the cultural perspective, it is hoped that *papuanisation* will provide the space for movement and respect, and recognition of their social and cultural identity. It is hoped that the State will openly accommodate the symbols and other cultural expressions of the Papuans and treat them as part of the richness of Indonesian culture. The incorporation of cultural elements into the life and social-cultural processes is an important factor to enable the Papuans to feel that they have their own arena in the diversified home of Indonesia. In this way, the process of cultural interaction will not only occur along parallel lines where elements of Indonesian-ness penetrate into Papuan society but, the reverse will also happen, that elements of Papuan identity will enrich the newer-ending process of true Indonesianisation.

The process of social recognition is the response to a number of pressing problems for the Papuans in presence within Indonesia. In the first place, quantitatively speaking, Papuans have encountered a radical demographic change which has caused them dislocation and displacement. In 1959, the percentage of the population who were immigrants was less than 2 per cent; it became 4 per cent in 1971 and

¹⁶ Richard Chauvel: *Decolonising without the Colonised: The Liberation of Irian Jaya*. (Unpublished paper, 1997)

rose to more than 35 percent in 2000.¹⁷ In 2005 the immigrant population was estimated to account for 41 percent of the population, and this will jump to 53.5 percent in 2011.¹⁸ It will not be long before indigenous Papuans have become a minority in the land of Papua. This will mean that the political position of the Papuans will get weaker because their votes will be less than the votes of the immigrants in forthcoming general elections or in local elections for heads of districts. It is quite certain that in future local elections for district heads or mayors, particularly in urban areas, the immigrants will replace the Papuan district chiefs or mayors.

Before the immigrants accounted for such a large proportion as now, these immigrants (transmigrants and spontaneous migrants) had already in qualitative terms overtaken the indigenous Papuans who were already being marginalized. In the field of agriculture, the transmigrants and spontaneous migrants had already become more productive and had gained control of the markets. In commerce and in the markets, Papuans traders were represented by *mama-mama* (women) who sold their garden products on the fringes of the markets who made a very small turnover and the likelihood of eviction.¹⁹ Similar examples can be taken from the services industry and other sectors which are dominated by the migrants. The majority of migrants are relatively more experienced and better-educated than indigenous Papuans. Their inability to compete and their marginalisation contribute to a collective sense among Papuans that their existence as masters in the land of Papua is seriously threatened. In the ranks of the elite, these facts are sharpened by a dramatic sense that Papuans face ruination²⁰ or even slow-motion genocide.²¹

¹⁷ Rodd McGibbon, *Papua: Plural Society in Peril* (Washington: The East-West Center, 2004, pp 13, 25-26)

¹⁸ Jim Elmslie, 'West Papua: Genocide, Demographic Change. The Issue of 'Intent' and the Australia-Indonesia Security Treaty', in the conference: *West Papua: Paths to Justice and Prosperity* (Sydney University

¹⁹ 'Kebijakan Harus Nurani' (Need for a Heartfelt Policy) and 'Bertahan Hidup dari Jualan Sayur' (Surviving on the Sale of Vegetables), in *Suara Perempuan Papua* No 43, Year III, 26 June – 3 July 2007.

²⁰ McGibbon, *Papua: Plural Society in Peril*, p. 18

²¹ Speech by Clements Runawery at the Australian Institute of International Affairs (SA), Adelaide University, 21 September 2006, quoted in Jim Elmslie: *West Papua: Genocide, Demographic Change and the Issue of 'Intent'*, and the Australia-Indonesia Security Treaty, n.p.

With regard to cultural affairs, many Papuans think that any expression of their culture is suspected of being a manifestation of separatism. Cultural conflict occurs at a symbolic level when traditional songs and other cultural forms used by Papuans are regarded as an expression of their identity on the one hand while on the other hand, the security forces suspect them of being a form of symbolic resistance to State symbols. The treatment of Arnold Ap in the 1980s was a bitter experience for Papuans because Papuan artistic activities were regarded as a symbolic form of resistance by Papuans against Indonesian rule. There have been many instances where Papuans have had dealings with the military because of the symbols and cultural expressions they use.²² The introduction of PP 77/2008 which prohibits the use of certain cultural symbols was a sharp reminder of the central government's suspicions towards Papuan cultural expression.

The need for recognition for indigenous Papuans is inspired by those occasions in their history when they were not involved in decisions that were decisive for their future. Ever since the critical events surrounding the decolonisation of Papua from Dutch hands, the 1969 Act of Free Choice and the New Order era, as described in the statement by Chauvel quoted above, Papuans have always felt that they are never involved in the political processes that are of decisive significance for their future. In response to these concerns, Deputy Governor of Papua R.G. Djopari spoke in 2000 about need for *papuanisation*, to ensure that 'the Papuan people are capable of handling their own affairs and have the freedom to control and develop their territory themselves'.²³ This aspiration was strengthened with the enactment of the OTSUS Law, 21/2001 which emphasised the need to empower the 'indigenous' population.²⁴

'Affirmative policies' of leadership within the government bureaucracy both at the provincial as well as at district and city levels means giving preference to indigenous Papuans for jobs in the bureaucracy and is also understood among Papuan bureaucrats as being within the framework of recognition. Recognition at these levels means taking jobs

²² Neles Tebay, *West papua: The Struggle for Peace with Justice* (London: Catholic Institute for International Relations, 2005) P 11-12.

²³ *Kompas*, 8 June 2000.

²⁴ ICG, *Indonesia: Sumberdaya dan Konflik di Papua*. (Jakarta-Brussels, 13 September 2002, p. 10)

away from immigrant officials and giving them to indigenous Papuans, as well as recruiting more Papuans into the civil service (PNS). In 2002, about 40 percent of PNS employees were indigenous Papuans in the Province of Papua while at higher levels it rose to 70 percent, reaching 80 percent in 2003.²⁵ Within the police force, there were only 1,300 indigenous Papuans out of a total of 8,700 members.²⁶ In 2008, an additional 1,500 Papuan candidate police officers were recruited and were being trained for the community police force, funded by the OTSUS budget.

The result of the *papuanisation* of the bureaucracy is that non-Papuans were removed from their posts and possibly started working for NGOs, returned home or got jobs in regional administrations elsewhere in the country. *Papuanisation* and the reconstruction of the bureaucracy since the OTSUS law was passed has led to 4,242 civil servants losing their jobs in structural or non-structural sectors.²⁷ There were no transitional arrangements in place during the rapid *papuanisation* process that has been underway since 1998. The results have been that the transfer of jobs has been done without regard for regulations on the employment of civil servants and career prospects, and with no regard for competence.²⁸ Incompetence in the bureaucracy has resulted in a decline in the quality of services to the public, less supervision of the administration and a greater level of corruption²⁹. The irony is that recognition for Papuans has only benefited the Papuan elite while bringing nothing beneficial at all for Papuans in at the lower levels of society.

There are several cases in the decisions to split Papua into several provinces which have also resulted in a different kind of recognition for the Papuan people. Inter-tribal rivalry between Papuans along 'narrow ethno-centrist' lines has become more acute. This has not only caused

²⁵ Rodd McGibbon, *Papua: Plural Society in Perils*, p. 49.

²⁶ ICG, Indonesia: *Sumberdaya dan Konflik di Papua*, p. 10.

²⁷ *Kompas* daily, Monday, 26 February 2001.

²⁸ *Mental Kerja Belum Berubah*, Kompas 15 August 2001. See also Muridan S Widjojo: *Di antara Kebutuhan Demokrasi dan Kemenangan Politik Kekerasan: Konflik Papua Pasca Orde Baru*. Unpublished paper: *Projek Penelitian Transisi Demokrasi di Indonesia*, LP3ES and Ford Foundation, 2001. p 12.

²⁹ Lana Erawati, *Quo Vadis Pelayanan Kesehatan Papua?*, Sinar Harapan 8 January 2005, Yuzep Ojong, *Kelaparan pada Masa Otonomi Khusus*, Sinar harapan, 12 December 2005.

divisions between coastal and mountain people but even between groups within smaller traditional social units. The sense of a Papuan identity as was evident in 1999 and 2000 seems to have disappeared.³⁰ In their everyday practices, Papuan officials tend to behave not as part of a modern bureaucracy whose duty it is to serve the public interests but more as *big men* or patrons who use state funds to retain the loyalty of constituents of the same tribe or who happen to be their clients.³¹ The aim in splitting the territory into smaller units so as to improve the level of service to the public has simply become a smoke-screen for serving the narrow interests of people who want to gain control over political resources and the local bureaucracy, all of which undermines the function of the bureaucracy which is to serve society.

One important move towards recognition of the indigenous Papuans was the establishment of a unique body, the Majelis Rakyat Papua (MRP) – (Papuan People’s Council). The members were chosen exclusively from the ranks of indigenous Papuans, from traditional institutions, religious groups and women. The purpose of the body is to protect the basic rights of indigenous Papuan people and to give a voice to their interests in relation to customary rights, traditional land rights, religion and empowerment of the women (Article 23, OTSUS Law 21/2001). The MRP also has the important task of ensuring that the identity and culture of the Papuans becomes the defining factor in all political, economic and social-cultural products, so as to make sure that changes in Papua will involve the Papuan people in significant ways, taking into consideration Papuan ideas and methods. However, since its establishment in 2005 up to the present day, the MRP has not significantly shown its ability to fulfil the hopes expected of it as described above.³²

Recognition for indigenous Papuans basically means adopting a policy of identity normally referred to as positive discrimination usually pursued on behalf of marginalized groups who have little or no resources such as capital for instance with which to fight for their interests other than their

³⁰ SKP, *Memoria Passionis di Papua: Kondisi Sosial Politik dan Hak Asasi Manusia Gambaran 2001* Jayapura Bishopric 2002, p. 160.

³¹ McGibbon, *Papua: Plural Society in Perils*, p. 37.

³² On 11 February 2008, about 200 people including students and leading political activists in Jayapura held a demonstration outside the MRP office in Abepura demanding the dissolution of the MRP because they felt that it had failed to meet up with expectations. See *Cenderawasih Pos*, 12 February 2008.

ethnic identity. In the competition for control of resources, Papuans have been the victims of injustice because of their structural and cultural conditions, lacking as they do the ability to engage in competition from a position of equality. It is very unfair for the Papuans to be excluded from this kind of competition. This is why a policy of positive discrimination based on their ethnicity is necessary so as to protect the Papuans from having to compete in circumstances which they barely understand, and to empower them to be able to compete, and in the process, their privilege based on ethnicity will gradually disappear.

Papuanisation should be regarded as a social process for individuals and for the local institutions, so as to ensure that more and more Papuans are capable of representing and protecting their own interests in the struggle for control over the resources they need. Recognition means providing the Papuans with a level of education that will ensure the creation of a class of well-educated Papuans who at least reach the national standard in Indonesia. In economic affairs, recognition means providing the necessary training and education to create a new class of Papuans able of becoming businessmen. Government policy should provide the necessary bridge between preparing Papuans to compete independently and raising level of prosperity for the majority of indigenous Papuans.

2.2 A NEW DEVELOPMENT PARADIGM

A new paradigm for development in Papua is necessary in order to strengthen the policy of recognition of Papuans in the sense of raising the quality of life of Papuans to the level of other Indonesian citizens. Development programmes must be able to meet the basic needs and rights of Papuans in education, health and economic welfare. In any development programme the resources and participatory abilities of the Papuans should be improved so that Papuans feel themselves as a part of the project as the subject of development and social changes in Papua. This will ensure that Indonesia and Indonesian-ness is a part and parcel of public services and social phenomena which will gradually help Papuans to feel comfortable in and proud of being a part of Indonesia.

A new development paradigm for Papua is needed because the Papuan people have not yet enjoyed optimal benefits from being part of the

Indonesian state in terms of the public services in education, health, the infrastructure and empowerment of the people. Furthermore, it has failed because of the contrast between the culture of the Papuan people and the state apparatus, the business world and the immigrants who pre-dominate over the changes taking place in their land. Nothing has been done yet to create inter-cultural links that would make it possible for Papuans to understand what is happening and prepare themselves to participate actively in various developmental activities and be a part of the changes taking place that have an impact on their social and economic conditions. The social-cultural interaction is mutually foreign, stereo-typical and replete with stigmas and misunderstandings that are frequently fatal.

The national development strategy pursued during and after the New Order was aimed at modernising the lives of Papuan society and re-enforcing national integration. If national development in Papua is judged in terms of public services, then it can be said to have been a failure because qualitatively speaking, it has failed as yet to preserve national integrity in Papua which continues to be dominated by militaristic policies from 'Jakarta' such as military operations and intelligence operations that cannot be justified publicly. As a result, the presence of 'Indonesia' is represented by the military and their acts of violence (Rumbiak and Manning, 1989), not by a civil apparatus that is capable of providing public services. It is indeed possible to maintain national integrity but, the legitimacy of the integrity project has become much weaker with the result that the aspirations of the Papuan people to secede from Indonesia have become much stronger.

Up to the present, national economic development in Papua has concentrated on the exploitation of its natural resources. This is regarded as having ignored the wishes and the rights of the indigenous population to their traditional land. Taking people's land for economic programmes has led to conflicts between the owners of the land and the companies as well as the government. When these conflicts occur, the security forces (TNI and the police force) always defend the interests of the companies or the government. The security forces, which get involved in these conflicts use violence and the stigma of separatism, on the grounds of the need to preserve the territorial integrity of NKRI.³³

³³ Chris Ballard, *The Denial of Traditional Land Rights in West Papua*. *Cultural Survival Quarterly*, Fall 2002, p 41.

Such violent conflicts are one of the major causes of the human rights violations that have occurred in Papua.

There has been no preparation ahead of this exploitation of the natural resources, creating markets and other economic activities to involve Papuans as participants and to ensure that they enjoy the benefits of the development. In the absence of a policy of positive discrimination on the part of the government, it is not possible for Papuans to compete with the immigrants. The development programmes and the economic opportunities opened up provide far great possibilities of jobs for workers coming from outside Papua, with the result that the disparities between Papuans and non-Papuans have become wider.³⁴ Dissatisfaction within the local communities regarding the exploitation of their natural resources and the dominance of the immigrants is one of the main issues that has triggered Papuan demands for independence.

Indonesian state organs after the New Order have admitted that development in Papua has failed. This is stated in point (f) of the Preamble of Law 21/2001 on Special Autonomy. This means that the political objective of the OTSUS law first and foremost was to quell Papuan demands for independence. But more important that is the objective of creating a space within the development paradigm that focuses on the needs and basic rights of the Papuan people.

Although OTSUS has been in force for more than five years in Papua, it failed to bring about any significance changes. The development programme is proceeding very slowly especially in the four sectors which have been prioritised by the central government. OTSUS has a budget of around Rp. 1.3-1.5 trillion per year. In 2005, this increased to Rp. 1.775 trillion (Yan Pieter Rumbiak, 2005: 182). The money being paid out by the central government to the regional government has not benefited the vast majority of Papuans. In fact, what has happened is that these funds have been used to cover the needs of officials in the civil administration (executive) and for members of the local legislative assembly (legislature), most of which has been used for operational activities by the bureaucracy (Yan Pieter Rumbiak, 2005: 182). OTSUS

³⁴ Chris Manning and Michael Rumbiak, *Economic Development, Migrant Labour and Indigenous Welfare in Irian Jaya, 1960-84*. (Canberra National Centre for Development Studies, RSPAS. The Australian National University.

funds have not yet brought any benefits to the main targets, education, health, and the creation of an infrastructure or public utilities.

The quality of education in Papua is far below the national standard.³⁵ Even though education has been identified at a top priority in the Medium-Term Development Programme (RPJM) and the Regional Government's Working Programme (RKPD), it has not been treated as a priority in the Regional Budget (APBD). In 2008, education was allocated a mere 4.19% of the total budget.³⁶ This inadequate allocation for education will automatically have a damaging effect on efforts to comply with the rights of society in the field of education, namely the provision of good-quality education. Good-quality education needs large amounts of money and is it the responsibility of the local government to allocate the necessary funds in the budget, particularly to fund the necessary infrastructure for education and equipment that needs to be purchased, and also pays attention to the welfare of the teaching staff.³⁷ Even so, demands about the amount of money in the budget allocated to education will not automatically improve the quality of education in Papua. Not only the government but also others believe that the low level of education in Papua is caused by the inadequacy of the infrastructure, neglecting the cultural values that exist within Papua society. Improving the quality of education in Papua will only succeed if the government devotes attention in its development programme and in the provision of education facilities to *local wisdom*.

³⁵ The percentage of children in schools was 86% as compared with the national percentage of 96%. Synthesis Team: *A Multistakeholder Synthesis of the Development situation in Papua. Sintese Papua, 2005.* p. 9.

³⁶ 6.17% of the total OTSUS budget (228.72 billion rupiahs) which represented an increase over 2003 when it was only 181 billion rupiahs. See Analysis by the Institute for Civil Society Strengthening (ICS) Papua. *'The 2008 Budget for Papua Ignores Education'*, accessible on Fokerlsmpapua.org.

³⁷ The ratio of teachers to pupils is 1:20. This looks good but the problem is that teachers in Papua are concentrated in the towns because of a number of factors (1) the lack of facilities to improve the quality of the teaching staff living in areas located far from the towns. (2) The difficulty in adapting to the living conditions of the local communities, and (3) the lack of government attention to improving the living conditions of the teachers. See: Results of Analysis by ICS Papua, *APBD Papua 2008 Mengabaikan Pendidikan, ICS Papua 2008*, accessible through Fokerlsmpapua.org and also Tanamal, *Programme to Improve the Quality of Education and Health in Papua Under Special Autonomy, 2003*, p.2. <http://home.snafu.de/watchin/Afp2003tanamal..htm>.

The provision of medical facilities is also a matter of great concern. Facilities at most of the clinics (puskesmas) in Papua are at a very low level and are well below standard for a health service because of the paucity of doctors and medicines.³⁸ 65% of Papuans visit the nearest clinics when they are ill and need medicine. Conditions at auxiliary clinics are also a matter for concern. This is despite the fact that many serious diseases such as HIV/AIDS are prevalent among Papuans and already for a long time have reached epidemic proportions. (Around 68% of Papuans are suffering from HIV/AIDS while 77% have malaria.) Tuberculosis is also widespread.³⁹ Infant mortality is also serious because of the poor nutritional condition of mothers during pregnancy. Even so, the regional government allocates only 8% of the budget (30 billion rupiahs) to health. This points to a lack of consistency on the part of the regional government which has described health as a priority. The allocation of funds for health fails to reflect this.

The other big problem is the lack of any integrated planning that takes account of the geographic conditions and the fact that the population is spread very widely, or of the *cultural values* of the Papuan people. Nor is there any transparency with the budget. As long as these problems are not addressed, any budget however large will not make any difference. These problems are the result of the fact that the bureaucrats within the local government are quite incapable of running the bureaucracy.⁴⁰ Governments at both the provincial and district or town levels have failed to manage OTSUS funds properly and the result is that the targets set for OTSUS have not been achieved. Rather, what has happened is that OTSUS money has been corrupted by the local elite in Papua.

2.3 DIALOGUE

Relations between the central government (Jakarta) and the Papuan people are blocked by the 'high wall' of a different political construction

³⁸ The ratio of doctors to the population is very low and far from ideal, just about 1:2,000-23,000 and for medical staff 1:200-400. The provision is adequate in urban areas but in rural areas it is very low indeed. Synthesis Team: *A Multistakeholder Synthesis of the Development Situation in Papua*. Sintese Papua, 2005, p 16.

³⁹ Synthesis Team, *A Multistakeholder Synthesis of the Development Situation in Papua*, Sintese Papua, 2005, p. 16.

⁴⁰ Rodd McGibbon, *Secessionist Challenges in Aceh and Papua: Is Special Autonomy the Solution?* (Washington: The East-West Centre, 2004, p. 37.

about history and the political status of Papua.⁴¹ The differing constructions between the Indonesian nationalist and Papuan nationalists has never been discussed and stigmatisation and mistrust between the two sides has deepened. In a number of cases, the mistrust between State elements on the one hand and civil society in Jakarta and in Papua, as well as within the Papuan community has tended to intensify. Mistrust and even 'rejection' to recognise the authority of Jakarta is based among other things on a contradiction in the history of Papua's decolonisation and tensions in the appreciation of Papuan and Indonesian identities.⁴²

On the question of history, there is conflict over the understanding of the history of Papua's integration into NKRI, in particular with regard to the New York Agreement (NYA) 1962 and Pepera (Act of Free Choice) in 1969. On the question of identity, there is a contradiction in construction of the understanding of *Indonesian-ness* and *Papuan-ness*. According to Papuan nationalists, the Papuans were not involved in the NYA and Pepera took place under duress and trickery through the unjust election of the 1,025 representatives of the Papuan people.⁴³ For NKRI in principle, Papua automatically became part of NKRI ever since the Proclamation of Indonesian Independence in 1945 because the territory of Papua was previously part of the Dutch East Indies – from Merauke to Sabang – all of which became the territory of the Republic of Indonesia.⁴⁴

Papuan-ness is a political identity formed by the perception of experiences during the colonial era and after is constructed as the antithesis of *Indonesian-ness*. In many respects, *Papuan-ness* is focused on racial differences between Melanesians and Malays, between Christians and Muslims, between physical characteristics such as fuzzy hair with 'black' skin and brown skin. In contrast with Papuan nationalist, Indonesian nationalists take the view that, according to Pancasila and the 1945 Constitution, racial and cultural differences between Papuans

⁴¹ See Timo Kivimaki, *Initiating a Peace Process in Papua; actors, Issues, Process and the Role of the International Community*: The East-West Center, Washington, 2006, p 4.

⁴² Richard Chauvel, *Constructing Papuan Nationalism: History, Ethnicity and Adaption*. (Washington: The East-West Center, 2005, p. 41.

⁴³ Chauvel, *Constructing Papua Nationalism*, pp 8-11.

⁴⁴ Kivimaki, *Initiating a Peace Process*, pp 4-6.

and Indonesians is not a problem because Indonesia was constructed as a supra-ethnic nation-state that exceeds ethnic and racial differences.⁴⁵

Up to now, the conflicting parties stand firmly by their respective opinions. The fact that there has been no dialogue on these matters has placed the political situation in *status quo* as a result of which those opposed to the government are prevented from participating in formal politics while at the same time the government's policy lacks legitimacy.

President B.J. Habibie and Papuan leaders in the Team of 100 were intending to hold a National Dialogue in February 1999. The meeting was restricted to discussing the demand by Team 100 for secession from the Republic of Indonesia. Although this dialogue initially led to vague expectations among Papuans, it failed to reach a compromise. The Second Papuan Congress in 2000 also represented a form of internal dialogue among Papuans, and resulted in the foundation of the PDP (Papuan Presidium Council) and calls for secession from Indonesia. This was a dialogue within one side of the conflict and was opposed by the central government. No positive steps towards any compromise were taken by the government following this Congress.

The drafting of Law No. 21, 2001 on Special Autonomy (UTSUS) also involved 'dialogue'. During this process, leading intellectuals from Papua (indigenous Papuans as well as immigrants), provincial government officials, and leaders of the DPRP Papua held substantive talks with elite strategists from the central government and the legislature, along with Indonesia's MPR (Supreme Legislative Assembly). This resulted in a law which accommodated most of the agenda of the Papuan people that had been drawn up at the Second Papuan Congress, but excluded a clause about separation from Indonesia. However, this 'dialogue' did not include Papuan leaders who were in opposition to the central government, in particular the PDP and the OPM. The Special Autonomy Law is still problematic as regards to the degree of involvement of Papuan leaders in the drafting process, and subsequently regarding its implementation.

The term 'dialogue' within the context of the Papuan Conflict has several different connotations and tends to be seen as pejorative because of the previous experiences of the two sides. Among Papuans, 'dialogue' is

⁴⁵ *Ibid.*

frequently not seen as something within the framework of reaching a resolution but in terms of the objectives, which is Free Papua. The incident that occurred during the National Dialogue held in the State Palace in February 1999 to which reference has been made above is an example of Papuan misunderstanding of the meaning of 'dialogue'. Because of their limited experience and deep suspicions of the Papuan leadership, the government side frequently sees the demand for dialogue as being identical with Freedom. Still worse, if the word dialogue is followed by the word 'international', this will immediately be understood as leading towards Freedom for Papua. Thus, use of the word 'dialogue' invites a variety of misunderstandings and mistaken reactions.

'Dialogue' must be restored to its true meaning. It must be understood as being the framework for reaching agreement on issues and problems, followed by negotiations and finally reaching compromise. Differences and similarities over understandings and interests can be resolved through dialogue aimed at finding points of compromise, making concessions that are acceptable, opening the way to reconciliation between two or more sides to a conflict. Dialogue is the strategic peaceful approach aimed at ending such a chronic political stalemate and cycle of violence as the Papuan conflict. In addition, dialogue is also aimed at reaching mutual trust between Jakarta and Papua, bearing in mind the fact that the differences over understandings and interests of the two sides have created dispute, tension and mistrust which have become increasingly difficult to resolve.⁴⁶

In the Papuan case, dialogue can be conducted at several levels, either in stages or simultaneously. The dialogue about the Aceh conflict which succeeded in putting an end to the armed conflict between Gerakan Aceh Merdeka (GAM) and the TNI is proof that the Indonesian government has the will to strive for a similar dialogue in Papua. By learning from the Aceh case, there can also be a dialogue for Papua. The Indonesian government can adopt a personal approach (appointing 'an actor behind the screen'), and pursue second-track diplomacy by involving a third party (or unofficial actor) acting as a mediator or negotiator as did the Henri Dunant Centre (HDC) and the Crisis

⁴⁶ See Irfan Abubakar & Chaidar S. Bamualim, *Modul Konflik Agama & Etnis di Indonesia* (Jakarta: Pusat Bahasa dan Budaya, Universitas Islam Negeri Syarif Hidayatullah, 2006, p ...)

Management Initiative (CMI). These two approaches were aimed at opening up a line of communications and creating trust within GAM of the Indonesian government and vice versa. The successful outcome of Aceh dialogue and the peace process was determined by two factors: 1) the political commitment of the Indonesian government (SBY-JK) to abandon military methods to resolve the conflict in Aceh; 2) natural causes, the tsunami in December 2004 was also decisive and in fact accelerated the conclusion of a peace accord in Aceh.⁴⁷

Bearing in mind that there is a difference in the perception of dialogue between the Indonesian government and the Papuan community, the challenge is how to persuade the parties in the conflict with regard to the significance of dialogue, at the local as well as the national level, with or without international mediation. Learning from the success of the dialogue between the Indonesian government and GAM, international mediation was proven to be important in preserving the feelings of confidence the decision to engage in negotiations involving several parties. It is important to ponder over the fact that both on the side of NKRI and Free Papua there was a sense of 'immutability' that dialogue was a process of moderation and compromise, the substance of which was at all times open to negotiation. If it was possible to negotiate on the substance of the Aceh conflict, then it should also be possible to negotiate on Papua.

The strategic agendas to be put forward in dialogue fully represent agreement between Papua and Indonesia. The LIPI Team suggests that the agenda should not only include the diametrically opposed views of the Jakarta and Papua nationalists regarding the history and political status of Papua but also the substance of the OTSUS law, particularly with regard to the questions of violence and human rights abuses, the failure of development and the marginalisation of the indigenous Papuans. It is hoped that these critical agendas will, at the final stage or at each stage of dialogue will be worked into compensation and a joint policy plan that is acceptable to both sides.

⁴⁷ Moch Nurhasim, *'Perundingan Damai Pemerintah Indonesia dengan Gerakan Aceh Merdeka di Helsinki'*, (Tesis Magister Sains Universitas Indonesia, Depok, 2007), especially Chapter III. See also Diana Chigas (August 2003). *Track II (Citizen) Diplomacy*. <http://www.beyondintractability.org/essay/track2>. (Accessed 16 November 2007)

Another difficult question is deciding on the team of negotiators that are acceptable and who truly represent the Papua people. There must be allowance for time for preliminary internal dialogue among the Papuans. Learning from the experience of the Team 100 in 1999 and the Second Papuan Congress, Papuan representatives should not only be accompanied by pro-independence groups but also by several moderate Papuans. There should be between seven and eleven negotiators from Papua for the purposes of dialogue. The large number of people as in Team 100 will not be effective in conducting intensive dialogue. Learning from the Aceh success, it is suggested that the two sides should select a team of experts who can help by giving useful advice.

It is also necessary to identify factors which could obstruct dialogue so as to make way for the possibilities and opportunities that would enable dialogue to be held. The chief obstacle is the bargaining position of the Papuans which has become much weaker since 2002. The formal Papuan leaders at the level of the Provinces of Papua and West Papua, the Majelis Rakyat Papua and the DPRP-Papua have not yet shown the synergy and cooperation for taking action to resolve the Papuan Conflict. These leaders have not yet entered into any significant political communication with elements and groups outside the state sector. Apart from that, the four agendas mentioned above have hardly been touched upon, apart from technical and administration problems and development. The issues of dialogue, human rights abuses and recognition of the indigenous Papuans have only been raised by marginal groups out on the streets.

The lack of unanimity among Papuans leaders could be overcome if the President and Vice-President were to show their good will encourage internal dialogue among the Papuan leadership. Learning the lessons from the Aceh experience, a strong sign from state leaders can turn a non-conducive situation into something more conducive for dialogue. Constructive intelligence activities to help condition the Papuan leaders from various groups and political orientations to be ready for dialogue is a very decisive factor in opening up the necessary space. This intelligence function was performed very well by Farid Hussein who was given that task ahead of the Aceh peace dialogue by Vice-President Jusuf Kalla.

The involvement of a well-respected third party as mediator from international circles would also help, as was shown in the successful Aceh dialogue. Paranoia about the involvement of foreigners because of so-called 'nationalism' should be discarded. Since the start of the Papuan problem, foreigners or international mediators have been involved. The New York Agreement did not come about as the result of direct negotiations between Indonesia and the Dutch or between Papua and Indonesia, but was the result of mediation by the US. The presence of a mediator will act as a guarantee that the two sides are being watched by a third party, to ensure that they are honest and remain committed to a just process of dialogue and carry out any agreements that have been reached.

2.4 THE PATH OF RECONCILIATION

A number of reports have been published about violence by the state apparatus against Papuan civil society which has occurred since the 1960s.⁴⁸ The armed clashes between ABRI troops and OPM guerrillas as well as acts of violence against the civilian population never became public, nor was there any accountability. It was not until the mid 1980s that these violent practices entered into the public domain. As the pro-democracy movement strengthened in Indonesia in the 1990s, cases of human rights violations began to be made public, following the Tembagapura case in 1994-95⁴⁹ and the 1997 Bella Alama case.⁵⁰

Following the downfall of Suharto in 1998 and the collapse of political reformasi, acts of violence by the State apparatus did not stop. At that time, Papuan demands for independence became more widespread and were made openly. These actions triggered repression which also

⁴⁸ In general terms this was revealed in some classic publications about political violence in Papua, such as Carmel Budiardjo and Liem Soei Liong, *West Papua, The Obliteration of a People*, (London, Tapol, 1984) and Robin Osborne, *Kibaran Sampari, Gerakan Pembebasan OPM dan Perang Rahasia di Papua Barat* (Jakarta, ELSAM, 2001) the translation of *Indonesia's Secret War: The Guerrilla Struggle in Irian Jaya* (Sydney, Allen and Unwin, 1985).

⁴⁹ Herman Munninghoff, '*Laporan Pelanggaran Hak Asasi Manusia Terhadap Penduduk Lokal di Wilayah sekitar Timika, Kab Fak-Fak, Irian Jaya, 1994-1994*.

⁵⁰ *Report on Human Rights Violations and Disasters in Alama, Jila and Mapnduma, Irian Jaya* in http://www.westpapua.org/issues_report.ind.html; See also: ELSAM Team, *Bella dan Alama Berdarah* (Jayapura, December 1997).

intensified. The years from 1998 till 2006 were dominated by political violence primarily perpetrated by the security forces, both the TNI and the police.⁵¹ A number of human rights NGOs and the National Human Rights Commission, Komnas HAM, tried to have these violations brought before the human rights court; for instance, Abepura 2000 which went to court but which failed to convict the perpetrators.⁵² The Wasior and Wamena cases are still stuck at the Attorney General's office.⁵³

Military operations in Papua from 1965 till 1998 were aimed at putting an end the OPM's armed struggle in the forests and in the interior.⁵⁴ During the 1980s, there were a number of operations in Jayapura in an attempt to eliminate the OPM network in the towns. Instead of destroying the OPM, many victims of this violence were local civilians.⁵⁵ Since 1998, repressive actions by both the TNI and the police have occurred in urban areas because demands for independence have been made with the hoisting of flags in the towns in Papua. But it should also be pointed out that during the years before and after 1990, acts of violence against the civilian population were also perpetrated by the OPM.

Estimates of the number of victims of violence since 1963 have been given in a number of publications but they are still speculative, varying from 100,000 to 500,000.⁵⁶ In other countries, for example, Yale University in the US⁵⁷ and Sydney University in Australia⁵⁸ go so far as to

⁵¹ See Muridan S. Widjojo, 'Nationalist and Separatist Discourses in Cyclical Violence in Papua, Indonesia' in *Asian Journal of Social Sciences*, Vol. 34, No 3 (2006), pp 410-430.

⁵² Elsam-KontraS-PBHI in *Pengadilan yang Melupakan Korban*.
<http://www.kontras.org/data/>.

⁵³ National Human Rights Commission: *Laporan Lengkap Tim Pengkajian Permasalahan HAM di Papua, 2003*.

⁵⁴ About DOM, see Amiruddin, 'Operasi-operasi Militer di Papua: Pagar Makan Tanaman?', in *Jurnal Penelitian Politik*, LIPI, Vol. 3, No. 1/2006, (3-23).

⁵⁵ Carmel Budiardjo, 'State Terror in Indonesia, Past and Present'. A paper presented at the Centre for the Study of Terrorism and Political Violence, St Andrews University, Scotland, 20 November 2001.

⁵⁶ For a discussion of this controversy, see Muridan S. Widjojo, 'Non-State Actors and the 'Cycle' of Violence in Papua'. Unpublished paper presented to the Workshop, *Conflict, Violence and Displacement in Papua*, Refugee Studies Centre (RSC), St Anthony College, Oxford, 26 October 2006.

⁵⁷ Elizabeth Brundige et al, 'Indonesian Human Rights Abuses in West Papua: Application of the Law of Genocide to the History of Indonesian Control'. A paper

claim that violence in Papua can be classified as genocide. These claims which are based on weak data were easily denied by the International Crisis Group (ICG), and Indonesianists Rodd McGibbon and Edward Aspinall.⁵⁹ Unfortunately, there has as yet been no baseline survey of the violence against the Papuan civilian population, in particular repression against political groups which who are seen as a threat to, or enemies of, the state (Indonesia). Neither the central government nor the provincial government in Papua has made any official response to accusations of human rights abuse or crimes against humanity in Papua from the 1960s up to the present day.

The neglect of human rights violations during the New Order was because of the fact that the governmental apparatus in Papua was dominated by the military bureaucracy, with the result that the civilian administration was subjected to limitations not only with regard to human rights violations but also regarding development. In fact, when the reformasi period began and the Law on Special Autonomy no. 21/2001, OTSUS , was promulgated, neither the central government in Jakarta nor the provincial government in Papua was willing to or capable of addressing the question of human rights, particularly with regarding to putting a stop to the violence and the human rights violations.

This situation is what is known as *impunity*, the inability either *de jure* or *de facto* to bring the perpetrators of human right violations to account – either before criminal, civil, administrative or disciplinary courts – because (the authorities) fail to comply with investigative mechanisms that would identify them as suspects, or to arrest them and bring them to trial and if found guilty, to impose the appropriate penalty as well as giving reparations to the victims.⁶⁰ When placed within the context of

prepared for the Indonesian Human Rights Network by the Allard K. Lowenstein International Human Rights Clinic, Yale Law School, April 2004.

⁵⁸ John Wing and Peter King, *Genocide in West Papua? The Role of the Indonesian state apparatus and a current needs assessment of the Papuan people*, the Centre for Peace and Conflict Studies, the University of Sydney and ELSHAM Jayapura, Papua, August 2005.

⁵⁹ The accusation of genocide was rejected by the ICG, *Papua: Answers to Frequently Asked Questions*. Crisis Group Asia Briefing, no. 53, 5 September 2006, p. 9.

⁶⁰ See Martha Meijer, *Jangkauan Impunitas di Indonesia* (Jakarta: HOM and HIVOS, 2007) pp 2-5. The definition used by Meijer is taken from *Laporan Independen untuk Komisi HAM-UN* at the 61st session, in 2005. written by Diane Orientliehier, *Report*

the responsibility of the state, impunity means the failure of the state to carry out its obligation to resolve the problem of human rights abuses, to pay attention to the victims and to ensure that these crimes are not committed again.⁶¹

It is the responsibility of the state's judiciary to take legal measures against those who are thought to have been the perpetrators and to be made accountable for acts of violence and human rights violations. One of the main indicators is to deal with past crimes so as to ensure that the cycle of impunity can be broken. Another obligation is to take measures to restore the rights of the victims and to restore the confidence of the victims (Papuan society) in the government. In the absence of legal action against the perpetrators and the failure to restore the rights of the victims, the very least that should be done is to reveal the truth as an initial strategy for taking the path of reconciliation.

There are three reasons why reconciliation is important. The first is that demands for independence from Indonesia are seen as a threat to the territorial integrity of the Republic of Indonesia, placing the Indonesian government in the position of having to confront the people of Papua (separatists) as the 'enemy'.⁶² Such a situation opens the way to further political violence. The second reason is the polarisation in Papuan society between those who are loyal to Jakarta and those who persistently call for independence. Between these two positions there are grey areas. The result is that the social and political cohesion of society is damaged and a situation of mutual mistrust develops.⁶³ If this lack of cohesion is not dealt with, rivalries within Papua itself can lead to splits and the possibility of violent conflict. Society's energies for development will be exhausted in order to deal with conflict and violence.

The third reason is that as a result of the prolonged conflict, there is trauma along with bitter memories (*memoria passionis*), in particular,

of Independent Expert to update the Set of Principles to Combat Impunity (E/CN.4/2005/102/Add.1)

⁶¹ Ibid, p 4.

⁶² Amiruddin, *Presidium Dewan Papua Bangkit dan Surutnya Gerakan Nasionalis Papua (1999-2000)*. Thesis Magister FISIP UI, 2006. Compare with Richard Chauvel, *Constructing Papuan Nationalism: History, Ethnicity and Adaptation* (Washington East-West Center, 2005).

⁶³ Adriana Elizabeth and colleagues, *Trust Building dan Rekondiliasi di Papua*, p....

deep feelings of revenge. Such social-psychological conditions cannot lead to positive relations between the state and society. Trauma and revenge, even when they are below the surface, can erupt at any time, whenever the right momentum and factors occur. The assault against the police station in Abepura by 'unidentified persons' in December 2000 and violence against the state apparatus in 2006 are examples of what results from trauma and feelings of revenge, relating to the political unrest in 1977 among the younger generation of Papuans who come from the mountains.

Reconciliation can be implemented in two ways. The first is by prosecutions, presenting evidence before a court of law (Human Rights Court). This presumes that all past incidents of violence can be identified as crimes for which there is enough material proof to justify being taken to court. This is limited in scope because just a few persons are involved and everything depends on the lawyer, the prosecutor and the judge. This method is only about individuals because it would only involve the perpetrator, witnesses and the victim. This would provide little opportunity for examining the context, while the framework of the violent incident, the motives and context is very limited. Another risk is that the case could not succeed in securing punishment for the perpetrator for a number of reasons, such as happened with the 2000 Abepura case.

A prosecution is also very time-consuming. In the context of Papua, the process could go on for decades because of the large number of violent incidents that have occurred. The greatest impediment is that the acts of violence occurred many years ago and much of the material evidence is likely to have been lost or damaged, while many of the witnesses may already be dead. There is reason to fear that stipulations regarding evidence in court would not be met. As a result, the perpetrators could be acquitted, not because he/she did not commit the crime but because of the lack of witnesses and the necessary evidence to prove guilt in a court of law.

By going ahead with a prosecution, those who were in power in the past or those forces which were dominant in the past are the accused. This could certainly come up against a mighty 'brick wall' because the fight-back from these former dominant elements is likely to be much fiercer because they fear that these changes will target them. If such resistance

is very strong, changes for the better could stagnate or lead to a dead end because the forces which were dominant in former days still occupy a strategic position. Besides all this, it would point to failure for the new actors (political reformers) to give expression to their political interests and forces in pressing for an agenda of justice for the victims.

The second way is by revealing the truth. This pays greater attention to the experiences and testimony of the victim. It is the voice of the victim that will provide the basis for exposing the pattern, motive and the extent of the crime. In addition, the truth that is revealed is then accepted and recognised as being mistakes committed by all those involved, especially the political powers and the actors who were dominant in the past and who still retain some influence in the present. The first step is for agreement to be reached between all groups or individuals to pursue the path of democracy and provide space for participation by a broader section of the community. Giving a signal that the path of reconciliation is going to reveal the truth would mean preventing stigmatisation of the victim.⁶⁴

Martha Minov⁶⁵ is convinced that revealing the truth through the experiences of the victim will restore the dignity of the victim. For this to happen, the truth must be revealed and recognised by all sides. The proposals she makes include forming commissions to investigate the facts, providing access to secret archives from the past, removing civilian and military officials who were involved in past state violence, publishing the names of the perpetrators and the victims, making provision for reparations (restitution), apologising to, and providing therapy for, the victims, putting up monuments as memorials to the victims, and issuing joint statements of determination that such acts of violence will never happen again. In the end, reconciliation strengthens participatory democracy and reinforces basic human rights.⁶⁶

⁶⁴ Elizabeth and colleagues: *Trust Building dan Rekonsiliasi in Papua*, passim. Also see Priscilla Hayner, *Kebenaran tak Terbahasakan: Refleksi Pengalaman Komisi-Komisi Kebenaran, Kenyataan dan Harapan*, (trans) (Jakarta, Elsam, 2005). Compare also with Daan Bronkhorst, *Menguak Masa Lalu, Merenda Masa Depan*. (Truth Commissions in Various Countries. (trans) (Jakarta, Elsam, 2002)

⁶⁵ Martha Minov, *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence* (Boston Beacon Pres, 1998)

⁶⁶ *ibid*, p 23.

Among the pre-conditions proposed by Minov, truth is in essence the recognition of all the bitterness experienced by the victim by means of a transparent and well-tested mechanism. According to the OTSUS Law, a Truth Commission is the mechanism that should be established by law to disclose the truth. The revelation of the truth will in turn be the basis for establishing the infrastructure and a new approach in political and governmental affairs, as well as in social development. Successfully revealing the truth can also be the basis for drawing up an agenda for a much deeper kind of dialogue to resolve the Papuan problem and provide the basis for improving the administration and development in Papua.

III. CONCLUDING REMARKS

Underlying the four key issues in the Papuan conflict set forth above is the question of the relationship between Indonesian nationalist ideology and the way Indonesia is perceived in Papua. As things stand at present, Indonesia is identified with the arrival of migrants from outside Papua and the marginalisation of the indigenous population of Papua. Both in the interior and in urban areas, Indonesia is not associated with the provision of public services such as decent health facilities and education but much more in the form of military posts, military operations and acts of violence against the civilian Papuan population. Indonesia is also associated with the seizure of customary land and the exploitation of Papua's natural resources without any compensation in the form of welfare and prosperity for the local population. Subjectively speaking, it is perceived as the opposition to the Papuan identity, in other words, everything that oppresses and is harmful to the interests and identity of the Papuan people.

The face of Indonesian nationalism in Papua is dominated by militaristic interpretations and practices. Nationalism is reified and trivialised in the form of showing respect for symbols such as the red-and-white flag, the national anthem and other symbols. Because of this powerful symbolic nationalistic orientation, Papua's symbolic opposition, flying the Morning Star flag, singing the Papuan anthem, Hai Tanahku Papua and other symbols are repressed on a grand scale, the result being that these symbols of resistance becoming even more 'sacred' to those to whom they belong. Symbolic resistance should be understood as being

something very significant, the representation of a social-political and economic and cultural reality. These symbols cannot be killed by physically repressing those who own them. They should be handled wisely by attaching importance to improving the existing social reality that weakens or de-sanctifies these symbols.

The symbols and significance of both Indonesian and Papuan identities which have ideological force at present are the result of a social construct which can become permanent and be reinforced is nothing changes in the social reality. But they can also be temporary and change if things happen differently. The two symbolic groups of the 'duo' of nationalisms which confront each other in opposition can change into being mutually complementary if the basis and roots of the social and political realities also change. The faces of Indonesian and Papuan identities can also change if the four agendas identified above are sincerely implemented and become the representation of a new Indonesian identity that becomes dominant in Papua. Indonesian identity can exist as something that concretely brings prosperity, guarantees justice and a sense of peace and optimism, as well as providing within it a comfortable space for the Papuan identity.