

*We don't want bullets....*

*We can do this through talk.*

**A Human Rights Response**  
**to Indonesian Rule in West Papua**

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## **ABSTRACT**

The thesis looks at the development of the last decade NGO activism and its overlap with the nationalist movement in West Papua. It contends that opposition to militarisation around the Freeport mine was an important factor in the development of ideas and strategies adopted by NGOs. The exposure of abuse by the Indonesian military and Freeport personnel that was documented in the 1995 ACFOA and Catholic church reports, led to significant links being formed with national and international NGOs, thus strengthening the Papuan NGOs.

The evidence clearly shows that despite political reforms in Indonesia, the period of political openness in Papua was short-lived. The Indonesian security forces continue to subjugate the Papuan population, thereby further fueling nationalist aspirations. Papuan NGOs have been able to use the opening up at the national level to achieve a limited degree of success in contesting State violence. However their attempts at creating a 'Zone of Peace' have been ignored by the Indonesian military. International pressure over military abuse has been associated with the presence of Freeport, and has been strengthened by the leading human rights organisation ELSHAM's ability to link up with transnational advocacy networks.

## **STATEMENT OF AUTHORSHIP**

I certify that except where due acknowledgement has been made, the work is that of the author alone; the work has not been submitted previously, in whole or in part, to qualify for any other academic award; the content of the thesis is the result of work which has been carried out since the official commencement date of the approved research program; and, any editorial work, paid or unpaid, carried out by a third party is acknowledged.

Signed:

Date:

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## ACRONYMS/GLOSSARY

**Adat** customary

**ABRI** *Angkatan Bersenjata Republik Indonesia*, Armed Forces of the Republic of Indonesia, which included the police until 1999.

**ACFOA** Australian Council for Overseas Aid Now ACFID, Australian Council for International Development

**AI** Amnesty International

**ALDP** *Aliansi Demokrasi Papua*, Democratic Alliance of Papua

**Brimob** *Brigade mobil*, paramilitary police

**COW** Contract of Work

**DOM** *Daerah Operasi Militer*, Military Operation Zone

**ELSAM** *Lembaga Studi dan Advokasi Masyarakat*, Institute for Community Study and Advocacy

**ELSHAM** *Lembaga Studi Hak Asasi Manusia*, Institute for Human Rights Study and Advocacy

**ETAN** East Timor Action Network

**FORERI** *Forum Rekonsiliasi Rakyat Irian Jaya*, Forum for Reconciliation of the Peoples of Irian Jaya

**GKI** *Gereja Kristen Injil*, Evangelical Christian Church

**HRW** Human Rights Watch

**ICMC** International Catholic Migration Commission

**IMET** International Military Education and Training

**KomNasHAM** *Komisi Nasional Hak-hak Asasi Manusia*, National Commission on Human Rights

**Kontras** *Komite untuk Orang Hilang dan Korban Tindak Kekerasan*, Commission for Disappearances and Victims of Violence

**KOPASSUS** *Komando Pasukan Khusus*, Special Forces Command (army)

**KOSTRAD** *Komando Cadangan Strategis Angkatan*, Army Strategic Reserve Command

**KPP HAM** *Komisi Penyelidik Pelanggaran Hak Asasi Manusia Papua/Irian Jaya*, Commission of Inquiry into Human Rights Violations in Papua

**LBH** *Lembaga Bantuan Hukum* Legal Aid Institute

**LEMASA** *Lembaga Musyawarah Adat Amungme*, Amungme Tribal Consultative Council

**Mubes** *Musyawarah Besar*, Mass Consultation

**OPM** *Organisasi Papua Merdeka*, Free Papua Movement

**Reformasi** (reform), was the catch cry of the student led movement that led to Suharto's resignation, and refers to the program of reform that followed

**RFK** Robert F Kennedy Memorial Centre for Human Rights

**SKP** *Secretariat Keadilan dan Perdamaian*, Office for Justice and Peace of the Catholic Diocese of Jayapura

**TAPOL** *Tahanan Politik* (Political Prisoner), British based Indonesia-focused human rights organisation

**TNI** *Tentara Nasional Indonesia*, National Army of Indonesia which includes the air force and navy.

**WALHI** Friends of the Earth Indonesia

**YAHAMAK** *Yayasan Hak Asasi Manusia dan Anti-Kekerasan*, Foundation for Human Rights and Non-Violence.

**YPMD** *Yayasan Pengembangan Desa Masyarakat Rural Community Development* Foundation

**YLBHI** *Yayasan Lembaga Bantuan Hukum Indonesia*, Foundation of Legal Aid Institutions

# TABLE OF CONTENTS

<b><u>INTRODUCTION</u></b> .....	1
<b><u>CHAPTER ONE</u></b>	
<b>The problems facing NGOs as part of a broader social movement for change in West Papua</b> .....	13
• <b>Military occupation: incorporation into the Republic of Indonesia, denial of the right to participation and self-determination</b>	
• <b>Military Operation Zone: isolation, militarism and impunity</b> .....	16
• <b>Economic Exploitation: large resource extraction, Freeport and the TNI, land appropriation, environmental destruction</b> .....	17
• <b>Assertion of Papuan cultural identity: Christianity, liberation theology</b> .....	22
• <b>Racism and culture clash</b> .....	26
• <b>Transmigration: alienation, marginalisation, the fear of being overwhelmed by outsiders</b> .....	28
• <b>Freedom from poverty: the right to basic education and health</b> .....	30
<b><u>CHAPTER TWO</u></b>	
<b>Non-violent strategies used to contest State violence; to empower local people, and to liaise with national and international networks</b> .....	32
• <b>Documentation, training and advocacy</b>	
• <b>Civil society peace initiatives</b> .....	39
• <b>International lobbying</b> .....	45
• <b>International Awareness Raising</b> .....	47
<b><u>CHAPTER THREE</u></b>	
<b>The Abepura case and the Timika case: strengths and limitations of NGOs in the face of State violence</b> .....	50
• <b>The Abepura case</b>	
• <b>The Timika case</b> .....	56
• <b>ELSHAM's links with the Transnational Advocacy Network ETAN</b> .....	59
<b><u>CONCLUSION</u></b> .....	64
<b><u>BIBLIOGRAPHY</u></b> .....	67

## **INTRODUCTION**

This thesis seeks to further understand the dynamics of repression-resistance played out in West Papua<sup>1</sup> through the medium of non-government organisations (NGOs) and civil society.<sup>2</sup> It will look at the role of NGOs, and the strategies used to counter repressive Indonesian State policies and practices. It will argue that in the past decade, Papuan NGOs and in particular the leading human rights organization ELSHAM (Institute for Human Rights Study and Advocacy), have emerged as important political players within Papua and beyond, into the international arena. As a human rights organization which monitors, reports upon and publicizes state perpetrated abuse, it has been and continues to be at the coal face of one of the most critical forces driving Papuan nationalism, the gross military violence with impunity of the Indonesian military, that Papuans have suffered and resisted for over four decades.

Human rights discourse has come to play a major part in framing the plight of Papuans, both by churches and non-government organizations. By the mid 1990s, churches felt that they could safely support human rights organizations such as ELSHAM without attracting the ire of the Indonesian government. Indeed church people were amongst its

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<sup>1</sup> West Papua is the preferred name used by Papuans. The Dutch named the territory Netherlands New Guinea. The Indonesians named it West Irian, and then Irian Jaya. Since 2000, the province has been called Papua, in a conciliatory move by the then Indonesian President Abdurrahman Wahid.

<sup>2</sup> Mary Kaldor argues that civil society actors include social movements, NGOs, social organizations and nationalist and religious groups. See 'Civil Society and Accountability' UNDP Human Development Report Office, Background Paper for HDR 2002.

founders. Furthermore the language of human rights resonated with reform minded Indonesians, and enabled Papuans to mobilize support from KomNasHAM (National Human Rights Commission) and Indonesian NGOs.<sup>3</sup> Whilst 'human rights' has been differentiated from 'politics' in official government discourse, in the post-Suharto *reformasi* period,<sup>4</sup> the Papuan civil society to have emerged manifests these two variables as inseparable.

This research is inspired by a trip to West Papua in June 2004 when I met many people working in NGOs including church organizations. I was most impressed by their idealism and refusal to be intimidated by the forces of the state. Indigenous Papuans and Indonesians alike seem to embody a spirit of courage, strength and determination. There is clearly cooperation and partnership between local Papuan NGOs and Indonesians who want to show solidarity towards Papuans, working in national and international NGOs (INGOs). I decided to explore how NGOs in Papua were contesting state violence. What sorts of strategies are being used, and to what extent are NGOs able to garner support from civil society in Papua, in Indonesia and within the wider international community?

My background is in Asia Pacific Studies and Development Studies. My personal view strongly supports Papuan's right to self-determination, a right that until now they have been denied. I believe that the international community has a moral obligation to revisit

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<sup>3</sup> Personal communication with Indonesian and Papuan scholar, Dr Richard Chauvel

what occurred in Papua under United Nations auspices in the 1960s, to ensure a just outcome for Papuans. NGOs can play an important role in this process.

The paper will examine the organization ELSHAM with reference to theoretical approaches used by Mary Kaldor who writes about global civic networks, and Margaret Keck and Kathryn Sikkink who use the term transnational advocacy networks. Kaldor (2003, 95-96) argues that global civic networks provide an opportunity for voices of marginalized groups to be heard. These represent a 'two-way street' between those representing victims of human rights violations, poverty and environmental degradation in the 'south' and 'soladaristic outsiders' in the north. Local southern groups like ELSHAM who are 'blocked' at a national level can use these networks 'to influence other states and international organizations to unblock the national situation'.

Keck and Sikkink (1998, 9-13) contend that transnational advocacy networks which form to promote causes or principled ideas, are most likely to emerge around issues of human rights (or the environment) where the channel between domestic groups and their government is blocked, or they are ineffective in resolving conflict. Local NGOs make direct contact with international allies, with the aim of bringing external pressure on their state, thus creating a 'boomerang' pattern. Local NGOs and INGOs play a 'central role in all advocacy networks, usually initiating actions and pressuring more powerful actors to

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<sup>4</sup> (reform), was the catch cry of the student led movement that led to Suharto's resignation, and refers to the program of reform that followed.

take positions. NGOs introduce new ideas, provide information, and lobby for policy changes’.

Globalisation, as manifested in the internet and email, has brought enormous benefits for NGOs such as ELSHAM. It enables NGOs to get information out quickly to networks around the world. In a similar way to that of church organizations, such as the Office for Justice and Peace of the Catholic Diocese of Jayapura,<sup>5</sup> with its international links, ELSHAM is now part of the international human rights network that links it to high profile organizations like Amnesty International (AI) and Human Rights Watch (HRW).

Whilst the central research question is how Papuan NGOs contest state violence, there are three underlying questions which need to be posed.

How was ELSHAM able to establish itself as a viable, trusted organization in Papua, enabling it to become part of the international human rights network? Because of the authoritarian nature of the Suharto regime, care had to be taken by its founders. In 1996, individuals from Catholic and Protestant churches including academics, community leaders and NGO activists, established the Irian Working Group for Justice and Peace. It was officially registered as ELSHAM in May 1998, a few days before the fall of Suharto. According to one of its founders, John Rumbiak, the initial ‘church-ish’ sounding name was considered ‘safer’ in 1996 (Rumbiak 2001).

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<sup>5</sup> Sekretariat untuk Keadilan dan Perdamaian (SKP) This office is part of Catholic networks such as Caritas and Franciscans International, as well as secular networks.

Secondly, what is ELSHAM's relationship with the nationalist movement?

The fundamental injustice perceived almost universally by Papuans, is that they have been denied their right to self-determination and remain under occupation by the Republic of Indonesia with the cooperation of the international community. This is perhaps the most important force underlying Papuan nationalism. It forms a central focus for ELSHAM, which seeks to 'challenge the international community on the legal and political grounds of the question of the right to self-determination of the Papuans, going back to the whole process of how West Papua was annexed as a part of Indonesia, back in the 1960s' (Rumbiak 2001). Making a distinction between 'human rights' organizations and overtly political ones may well have initially been a strategy used to protect its leaders from imprisonment or worse. However since 2000, this paper contends that ELSHAM has emerged as a leading political player in the long-standing struggle for self-determination, justice and peace in West Papua.

Acknowledgement that Papuans feel they have been denied their right to self-determination is crucial to any long term agreement that may arise in the future between the Indonesian government and Papuan leaders. There needs to be dialogue between these two parties and common understanding reached on how Papua was annexed by Indonesia. As in any oppressor-oppressed relationship, Papuans have been dehumanized. In 2002, whilst in conversation, a highland elder cried out to an Australian activist with painful desperation: 'Are we human beings or are we animals?' (McLeod 2004,1).

Sympathetic Indonesians can help to 'humanise' Papuans in the eyes of other Indonesians, thus building alliances, which according to Johan Galtung create a "communication chain" or "psychological link" between the oppressed and the oppressor (McLeod 2003, 2). Because of their shared values of justice, universal human rights and non-violent resolution of conflict, local and national NGOs can play an important role in providing this link. They can press for the demilitarization of Papua, and facilitate dialogue in which Papuan leaders are considered equal partners. For Papuan NGOs like ELSHAM, their international networks should help to provide a degree of protection to ensure their ongoing survival. However, this protection will ultimately depend upon the willingness of the international community, in particular the governments of the United States and Australia to pressure the Indonesian government over military abuse, and insist that perpetrators be brought to justice.

Third, what is the importance of the Freeport mine and associated dislocation and repression, to the development of NGO activism and resurgent nationalism in the last decade? The close relationship between the US owned Freeport McMoran gold and copper mine with the Indonesian government and ABRI/TNI<sup>6</sup>, is crucial to understanding the dynamics of repression-resistance leading to the development of NGOs and the nationalist movement in Papua. It appears that the NGO activism which emerged in the mid 1990s as a result of Freeport/ABRI abuse, has had a strong influence upon the non-

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<sup>6</sup> *Angkatan Bersenjata Republik Indonesia*, Armed Forces of the Republic of Indonesia included the police until 1999 when they gained 'notional autonomy'. *Tentara Nasional Indonesia*, National Army of Indonesia includes the air force and navy (King 2004, 98).

violent nationalist activity of the subsequent period, including the 1998-2000 'Papuan Spring'.<sup>7</sup>

The report written by John Rumbiak that documents atrocities committed by the Indonesian military and Freeport personnel between 1994 and 1995, was published by ACFOA (Australian Council for Overseas Aid)<sup>8</sup> in March 1995 as 'Trouble at Freeport'.<sup>9</sup> The publication of this and a subsequent report by the Catholic Bishop Munninghoff of Jayapura, was pivotal to the development of NGO activism, in the sense that finally information about what was occurring inside Papua was now in the international arena. It led to extensive interest from the international media, governments including Australia, and Indonesian NGOs such as WALHI (Friends of the Earth Indonesia) and LBH (Legal Aid Institute) who publicized the report and provided an important source of support to Papuan activists.<sup>10</sup> At that time, Rumbiak was working for an Indonesian NGO in Papua called YPMD<sup>11</sup> (Rural Community Development Foundation). He became one of the founders of ELSHAM, and has since become a prominent spokesperson for Papuan human rights and justice.

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<sup>7</sup> The term Papuan Spring refers to the brief period between the latter part of 1998 and 2000 when Papuan nationalism was able to be openly expressed and much political activity occurred. This period saw the formation of FORERI (Forum for Reconciliation of the Peoples of Irian Jaya), Team 100 (who met President Habibie in February 1999 and stated their desire for independence from Indonesia), and the Papua Council Presidium, which was formed at the Mubes (Mass Consultation) in February 2000, and which then presided over the Papuan Congress in May-June 2000.

<sup>8</sup> Now ACFID, Australian Council for International Development.

<sup>9</sup> ACFOA, 1995, *Trouble at Freeport: Eyewitness Accounts of West Papuan Resistance to the Freeport-McMoran Mine in Irian Jaya, Indonesia and Indonesian Military Repression, June 1994-February 1995*.

<sup>10</sup> Personal communication with John Rumbiak, November 2004

<sup>11</sup> Yayasan Pengembangan Desa Masyarakat

The Amungme people are one of the traditional owners of the land on which the Freeport mine operates, and as a consequence a large part of their land has been completely devastated. Therefore it is not surprising that Amungme leaders are prominent both as NGO and nationalist leaders. People such as Yosepa Alomang (known as ‘Mama Yosepa’), the head of YAHAMAK;<sup>12</sup> Tom Beanal former head of LEMASA (the Amungme Tribal Council), and now head of the Presidium,<sup>13</sup> following the assassination of Theys Eluay in 2001;<sup>14</sup> and John Ondowame, an OPM<sup>15</sup> independence leader in exile since 1978 with a Swedish passport, who was Australia based for some years where he wrote a PhD thesis on the OPM<sup>16</sup> and is currently based in Vanuatu.

Chapter one examines the problems that Papuan NGOs are facing, in light of the policies instituted by Jakarta under successive Presidents. As has been noted, these include militarism with impunity, isolation from outside, press censorship, and the portrayal of Papuans as ‘backward’, ‘primitive’ and less than human. This has led to ongoing human rights abuse by the Indonesian military and police. The large resource extraction projects, epitomized by the Freeport mine in the central highlands, along with significant demographic change as a result of Indonesian trans-migrants and other settlers who

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<sup>12</sup>Yayasan Hak Asasi Manusia dan Anti-Kekerasan, or Foundation for Human Rights and Non-Violence. Yosepa is a recipient of both the Indonesian Yap Thiam Hien Human Rights Award as well as the prestigious Goldman Environment Award, for her courageous efforts in resisting both environmental destruction of Amungme land, and military abuse of her people.

<sup>13</sup> Beanal is also on the Freeport Board and thus not entirely trusted by some Papuans (King 2004, 40, Leith 2003, 228-229).

<sup>14</sup> Eluay was the recognized leader of the independence movement through his position as head of the Presidium between May 2000 and November 2001 when he was assassinated by *Kopassus* (King 2004, 120).

<sup>15</sup> Organisasi Papua Merdeka, or Free Papua Movement

<sup>16</sup> *West Papuan Nationalism and the Organisasi Papua Merdeka (OPM) Free Papua Movement: ‘One People, One Soul’* ANU, Canberra, 2001.

dominate the economy, have added to increasing alienation on the part of Papuans. As I was told in June 2004: 'We don't want to become like Aborigines in Australia'.<sup>17</sup>

E.J. Bonay, a leading politician and member of the New Guinea Council in the early 1960s, in response to demographic change under Indonesian rule, said that the experience of Papuans under Indonesian rule is similar to Australian Aborigines, New Zealand Maoris, and Native Americans (Chauvel 2005, 51). According to the highly respected theologian and current ELSHAM Chairman Benny Giay, Jakarta's policies have incapacitated and marginalized Papuans. 'There was no proper place in these policies for the dignity and status of the Papuan people, for in Indonesian eyes Papuans have no value' (Chauvel 2005, 53). The sense that Indonesia wanted Papua's land and resources but not its people, was expressed to me on numerous occasions whilst I was in Papua in June 2004.

Chapter two looks at strategies used by NGOs as part of the broader political movement for change given the complex political dynamics outlined in chapter one. ELSHAM's development is examined from its inception in the wake of the killings in the Freeport area. It will look at the strategies it has used to strengthen and empower local people. It will also look at how it was able to foster links within Papua with both the Catholic and Protestant churches, as well as build the national and international networks so vital to its success.

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<sup>17</sup> This comment was made by someone who has spent time in Australia. However, this sentiment is widely

A commitment to non-violent strategies appears to have been an important aspect of political activism over the last decade. This is partly due to the realization that armed resistance has been largely ineffective, and often counter-productive. An educated civil society with strong NGO, church and academic roots, is leading the movement for non-violent change. In his book '*Menuju Papua Baru*' (Towards a New Papua, 2000), Benny Giay draws inspiration from Martin Luther King, Mahatma Gandhi and Aung San Suu Kyi. This leadership appears to have been largely successful in persuading the public to avoid being provoked into horizontal conflict, a strategy favoured by the military.<sup>18</sup>

The non violent ethos is supported by the growing links between NGOs in Papua and national organizations like WALHI, LBH and Kontras,<sup>19</sup> and INGOs such as HRW, Robert F Kennedy Memorial Centre for Human Rights, AI and Franciscans International, who have played significant roles in highlighting Papuan issues both nationally and internationally.

Chapter three looks at two incidents over which ELSHAM has contested state violence, and which have had powerful implications for both Papuan civil society and the Indonesian government. The first one, the torture and killing of students by police in Abepura in December 2000, occurred just after the jailing of prominent Presidium leaders

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expressed. Papuans are clearly worried about becoming a minority in their own land.

<sup>18</sup> See Rumbiak (2002) 'Should the US Resume Military Ties with Indonesia? Reflections from a Papuan Perspective'. This paper was the basis of Rumbiak's presentation to members of the US Congress, Senators and the State Department in June 2002.

<sup>19</sup> Commission for Disappeared Persons and Victims of Violence was founded in early 1998 by the leading human rights activist Munir, who was murdered by poisoning on September 7 2004 whilst on a Garuda flight to Amsterdam (Mietzner, Inside Indonesia, no. 81, Jan-March 2005).

on charges of sedition.<sup>20</sup> Under the leadership of John Rumbiak and Yohanes Bonay, ELSHAM was able to provide support to the victims as well as publicize the atrocities. Importantly, it was able to bring in a HRW representative in March 2001, who interviewed victims and witnesses and published the Report ‘Violence and political impasse in Papua’.<sup>21</sup>

The Timika killings in August 2002 received international media coverage because in this case US citizens were amongst the victims. This incident highlights the deceitful relationship between Freeport and the TNI,<sup>22</sup> and the role played by ELSHAM in investigating the murders, and exposing this relationship. The political fallout from this incident in which Kopassus (TNI’s Special Forces Command) was implicated both by an initial police investigation and by ELSHAM’s own investigation, has meant that the US Government has until recently been restrained from renewing full military ties with the Indonesian government.<sup>23</sup> This case highlights the way in which a Papuan-based NGO has become a player in the diplomatic relations between Indonesia and the US, and the importance of international human rights networks in lobbying and support.<sup>24</sup>

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<sup>20</sup> Theys Eluay, John Mambor, Herman Awom, Don Flassy and Thaha Al Hamid (King 2004, 61) These arrests heralded the end of the Presidium’s ability to operate openly.

<sup>21</sup> *Human Rights Watch*, vol 13, no 2 (C) July 2001

<sup>22</sup> On Freeport’s relationship with the TNI, see Leith 2003, Chapter 9, King 2004, 125.

<sup>23</sup> See The West Papua Report – August 2004 (RFK)

On February 27<sup>th</sup> 2005, the US State Department announced that it had decided to resume the IMET, (International Military Education and Training) program for TNI members. This program had been suspended since 1992 (ABC News online).

<sup>24</sup> In August 2004, ELSHAM, LEMASA and YAHAMAK issued a statement condemning the statement by the then US Attorney General John Ashcroft which indicted Anthonius Wamang in the Tembagapura killings. According to these three leading human rights organizations, Ashcroft and the US Department of Justice had failed to reveal highly relevant evidence which implicated the Indonesian military in the killings (RFK, The West Papua Report - August 2004).

There was a need for civil society leadership in light of the tragedy in Abepura in December 2000. ELSHAM took on a more overt political leadership role following the jailing of the five Presidium leaders in November 2000, which effectively silenced this body (Leith 2003, 228). The authorities responded to ELSHAM with litigation, intimidation and death threats, which eventually led to its supervisor John Rumbiak leaving the country in late 2002, in fear of his life. He has since been based in New York, from where he has taken on an international spokesperson role as ELSHAM's international advocacy coordinator.

To summarise, the last decade has seen the Papuan NGO ELSHAM become a prominent player in human rights monitoring and advocacy, and part of an international human rights network. It has also become a leading voice in the long-standing struggle for self-determination for Papuans. The following chapter will examine the problems confronting NGOs in Papua in light of repressive Indonesian government policies over the last four decades.

## CHAPTER ONE

### **The problems facing NGOs as part of a broader social movement for change in West Papua<sup>25</sup>**

This chapter will examine the issues facing NGOs who voice Papuan aspirations. These issues are a series of inter-related themes, all of which are intrinsically both human rights focused and political.

#### **Military occupation: incorporation into the Republic of Indonesia, denial of the right to participation and self-determination**

That there has been a conflict in Papua since 1962 in which an estimated 100,000 people have died,<sup>26</sup> and grave violations of human rights have occurred and continue to occur, stem from the reality of a military occupation supported by the Indonesian government, with the backing of the international community. One only has to drive from Sentani airport, through the university town of Abepura to the capital Jayapura, a distance of about forty kilometres, to be struck by an overwhelming military presence in the form of barracks interspersed along the main road.

The way in which Papuans came under Indonesian control and were denied their right to self-determination is highly contested, as it represents perceptions of history as seen by the victors, - the Indonesians on one side, and the subjugated, - the Papuans on the other.

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<sup>25</sup> Mary Kaldor defines social movements as ‘organisations, groups of people, individuals, who act together to bring about transformation in society’ (2002, 12).

<sup>26</sup> John Rumbiak’s testimony to the European Parliament, Brussels, 1.10.03. This figure is used by Amnesty International.

In my opinion, the United Nations clearly failed in its obligation towards the Papuan people when it oversaw the now discredited 'Act of Free Choice' in 1969, after control of the territory had passed from the Netherlands to Indonesia in May 1963. Cold War politics caused the United States, fearful of President Sukarno's overtures towards the Soviet Union, and actual military incursions into West New Guinea, to sponsor talks between Indonesia and the Netherlands. These led to the August 1962 New York Agreement, that gave Indonesia control of the territory after a brief period overseen by the UN, with the proviso (insisted upon by the Dutch), that a UN supervised act of self-determination be held by 1969.<sup>27</sup> Recently declassified and released National Security documents show clearly that US government support for Indonesia's annexation was made with the full knowledge of Indonesia's repressive measures despite majority Papuan support for independence (Simpson 2004).<sup>28</sup>

Throughout the 1950s, the Dutch authorities were preparing for the eventuality of an independent state of West Papua. This period saw the emergence of an indigenous elite that played key roles in the early nationalist leadership, including the formation of the democratically elected New Guinea Council. In the period leading up to the New York Agreement there was an acute sense on the part of Papuan leaders that they were being

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<sup>27</sup> See John Saltford, 2002, *The United Nations and the Indonesian Takeover of West Papua, 1962-1969: The Anatomy of Betrayal*, Routledge Curzon. Also Brian May, 1978, *The United Nations fiasco*, Ch. 5 in *The Indonesian Tragedy*, Routledge & Kegan Paul Ltd.

<sup>28</sup> In one of these documents dated January 1968, the US Embassy Political Consul Thomas Reynders, having spent a month in West Irian, noted that 'The Indonesian government's presence in West Irian is expressed primarily in the form of the Army'. He concluded that 'Indonesia will not accept Independence for West Irian and will not permit a plebiscite that would reach such an outcome' He noted the 'antipathy or outright hatred believed to be harboured toward Indonesia and Indonesians by West Irianese in the relatively developed and sophisticated areas' (Simpson 2004). These documents can found at: <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB128/index.htm>

completely left out of the negotiations and decisions about their future and that of their homeland.<sup>29</sup> As the priest Neles Tebay (2003) said in his overview of human rights in Papua, the absence of any Papuan participation in these events ‘constituted a clear denial of the Papuans right to participation’.

It was in this context that in October 1961, a National Committee was formed, which issued a Political Manifesto stating the desire of the Papuan people for an independent nation of West Papua with the Morning Star flag and national anthem *Hai Tanahku Papua* (My Land Papua). The flag was raised at a ceremony in front of the New Guinea Council building on 1<sup>st</sup> December 1961 in Hollandia (now Jayapura), while local flag raising ceremonies took place in various parts of the territory (Chauvel 2003a, 39-42). This particular event has come to hold great significance for Papuans, and raising the Morning Star flag on this and other important anniversaries has led to much violence, including detention, torture and many deaths.<sup>30</sup>

This betrayal of the Papuan people on the part of the Dutch, the United States and the United Nations, is bitterly and keenly felt by the great majority of Papuans, for whom Indonesian rule has no legitimacy. Indeed, one of the strategies being undertaken by civil society leaders including the leading human rights organization ELSHAM, is to press the international community to revisit what occurred in the 1960s. Specifically, this has taken

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<sup>29</sup> For a detailed discussion about political developments and the early nationalist leaders during this period, see Chauvel, R. 2005, *Constructing Papuan Nationalism: History, Ethnicity and Adaptation*, East West Centre, Washington.

<sup>30</sup> See Tebay, 2003, ‘Human Rights in Papua: An Overview’ For analysis of the 1998 Biak massacre, see Rutherford, D. (1999) ‘Waiting for the End in Biak: Violence, Order, and a Flag Raising’, *Indonesia* 67, Cornell University, New York, pp. 39-59.

the form of a campaign, which calls upon the UN Secretary General to initiate a review of the UN's role in the 1969 'Act of Free Choice',<sup>31</sup> (Simpson 2004).

### **Military Operation Zone: isolation, militarism and impunity**

The Indonesian military (TNI) represents the most powerful institution throughout the country. The territorial command structure means that for each administrative level the civilian head has a military equivalent. Thus right down to village level the military are present and in control. This dual function (*dwi fungsi*) doctrine allows the military to act as both a defense and security force and also a social force. It means that the military occupies key positions at all levels of the bureaucracy and civil service. This not only guarantees their control, but also

creates opportunities for the officers, like other public servants, to enrich themselves. The result of this is a deepening of the interest of a part of the officer corps in the government, economy, and in itself : politics' (Lev, cited in Munir 2001, 75).

As only a third of the TNI's operational budget is covered by the government, the military engages in a variety of business and other activities to cover the short-fall. In Papua the TNI has major business interests, ranging from legal and illegal logging, trafficking in endangered species, to 'protection money' paid by transnational companies

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<sup>31</sup> This has been urged by Archbishop Desmond Tutu, 88 members of the Irish Parliament, many NGOs and European parliamentarians.

such as Freeport (Rumbiak 2003 Oct). As Rumbiak points out, these enormous financial benefits accrued by the TNI are crucial to understanding the way it operates in Papua.<sup>32</sup>

Between 1970 and 1998, Papua was officially a Military Operation Zone (*Daerah Operasi Militer* or DOM),<sup>33</sup> which gave the TNI complete control over the province. Some areas were completely closed to outsiders, whilst to visit other regions, even priests needed prior permission from the local police or military (Tebay 2003). Papua was isolated from both foreign and Indonesian journalists, and very few foreign visitors were able to go there. This isolation from the outside world made it easier for the TNI to operate with impunity.

### **Economic Exploitation: large resource extraction, Freeport and the TNI, land appropriation, environmental destruction**

The US corporation Freeport McMoRan Copper & Gold Inc<sup>34</sup> signed its first Contract of Work (COW) with Indonesia's new President Suharto in 1967. According to a Freeport executive, given that Indonesian sovereignty had yet to be recognized by the UN, the 'legal basis for a [mining] agreement was vague' (cited in Abrash, 2001). The way in which this mine has impacted upon the local people can be said to be a form of

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<sup>32</sup> For a recent report on the TNI's involvement in illegal logging, see 'The Last Frontier Illegal Logging in Papua and China's Massive Timber Theft', telepak [www.telepak.org](http://www.telepak.org) and eia [www.eia-international.org](http://www.eia-international.org)

<sup>33</sup> East Timor and Aceh have also had this status

<sup>34</sup> This company known as 'FCX' is a subsidiary of Freeport McMoRan which has its headquarters in New Orleans, Louisiana. PT Freeport Indonesia (PTFI) is the Indonesian subsidiary of FCX and is headquartered in Jakarta., The British/Australian mining company Rio Tinto effectively owns 20% of Freeport's Papua operations (Abrash 2001).

‘development aggression’<sup>35</sup> as it has violated their human rights ‘in all their dimensions – economic, social, cultural, civil and political’ (cited in Abrash 2002, 2).

The traditional owners, Amungme highlanders and Kamoro lowlanders have had their lands taken, and their livelihoods destroyed by the mining operation. Villagers have been forcibly moved, with no compensation for the loss of their entire way of life. The 1967 COW enabled the company to appropriate Amungme and Kamoro lands with no regard for the rights of the landowners, and on a tax-free basis to ‘take and use’ water, timber, soil and other natural resources within and outside the project area. There was no requirement for a social and environmental assessment to be conducted (Abrash 2002, 8).

This experience of dispossession has occurred and continues to occur across Papua as a consequence of mining, timber and plantation activity. Indonesian law does not protect indigenous landowners, as national or state interests take precedent over customary law with regard to all land and natural resources. With the 1987 discovery of the Grasberg ore-mountain, Freeport was declared a ‘strategic national asset’, and the government stationed a permanent military detachment there ‘to guarantee its security’ (Ballard 2002).

A 1994 assessment of Freeport by the US Overseas Private Investment Corporation (OPIC), concluded that its environmental impact was in violation of US regulations. It

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<sup>35</sup> With development aggression, the people become the victims rather than the beneficiaries. This term was coined by the Philippine Alliance for Human Rights Advocates in 1996.

consequently revoked Freeport's \$100 million political risk insurance in 1995, stating that the mine had 'created and continues to pose unreasonable or major environmental, health or safety hazards with respect to the rivers that are being impacted by the tailings, the surrounding terrestrial ecosystem, and the local inhabitants'. At the time, 110,000 metric tons of tailings were being dumped into the river each day. That amount has since doubled (Abrash 2001, 4).

Human rights violations, which have occurred in the Freeport area, are extensive and well documented,<sup>36</sup> despite obstruction by Indonesian authorities preventing UN and other monitors from visiting Papua.<sup>37</sup> Those perpetrated by the Indonesian military and police 'providing security and funded by Freeport', include: torture, rape, killings, disappearances, arbitrary detention, surveillance and intimidation, and forced resettlement of communities. Those that are a direct result of Freeport's mining operations include the seizure and destruction of thousands of acres of rainforest, contamination of water supplies and fishing grounds, and violation of cultural rights, with the destruction of a mountain and other sites held sacred by the Amungme (Abrash 2002, 9).

The way in which Freeport has financially and logistically supported the TNI in carrying out these atrocities, and in some cases taken part directly, is a clear example of how a transnational corporation in partnership with a military regime is able to operate with

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<sup>36</sup> Churches and NGOs have played a crucial role in monitoring, reporting and publicizing these human rights abuses. This role will be explored further in the following chapters.

<sup>37</sup> See Abrash 2002, 'Development Aggression Observations on Human Rights Conditions in the PT Freeport Indonesia Contract of Work Areas With Recommendations', pg 38 endnote 30.

little scrutiny and with impunity. The relationship between Freeport and the TNI has been a mutually beneficial one, with enormous financial benefits to the TNI and to the Indonesian government. Since the early 1970s Freeport has provided the Indonesian military with infrastructure such as airport, roads and ports, which have been used in military attacks including aerial bombings against civilian populations in the Freeport area (Abrash 2001, 4, 2002. 9). By the end of 1996, this area was reported to be ‘the most militarized zone in Indonesia’ (Leith 2003, 233).

Despite Freeport’s claim that it is not obliged to provide support to the TNI in ‘combat operations’, it is clear that the company has provided such support. According to Emmy Hafild from WALHI, in 1991 the military commander of the area boasted to her that ‘Freeport directly supported military operations and helped pay military salaries’ (Leith 2003, 234). Freeport uses retired Indonesian and US military officers, ex-policemen and former federal agents to ‘safeguard the mine and to counter activists’ (journalist John McBeth, cited in Leith 234). According to a Freeport employee, former and active Indonesian police and army officers are part of Freeport’s security department, and ELSHAM found that it employs ‘hundreds of military personnel, including troops from KOPASSUS’<sup>38</sup> (confidential interview, cited in Leith 2003, 234).

Freeport’s claim that it is contractually obliged to financially support the military presence, is refuted by both Denise Leith (2003, 253) and Abigail Abrash, who notes that neither the 1967 nor 1991 COW mentions logistical or financial support to the military or

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<sup>38</sup> Special Forces Command

police, which means such support has no legal basis (2002, 10). The relationship between Freeport and the TNI is problematic, particularly from a human rights perspective. Freeport was angry about being implicated in the ACFOA report of human rights violations including murders.<sup>39</sup> In late 1995, wanting to distance itself from the well-publicized atrocities, Freeport claimed that the blame for these were solely with the military. This angered the TNI who subsequently engineered the riots in Timika in March 1996, temporarily causing a shutdown of the mine (Leith 2002, 241, Abrash 2002, 9).

In July 2000, Defense Minister Juwono Sudarsono, confirmed what many had suspected, that the military had started the riots to blackmail Freeport (Leith 2003, 312, note 63). He confirmed that ‘elements within the military had incited the unrest experienced by Freeport in order to highlight the benefits of their presence’ (cited in Abrash 2002, 9). Freeport obviously got the message that they needed the TNI onside, as shortly after the riots, the company paid the military \$35 million, with the promise of an annual ‘donation’ of \$11 million (Abrash 2002, 10). It is local, national and international NGOs who have attempted to expose this situation through various means. These will be discussed in the following chapters.

The socio-economic changes being brought about by the mine are huge, and epitomize the challenges facing indigenous Papuans who are alienated and marginalized in their own land. Timika, the lowland town that serves the mine, has grown enormously, attracting people from other parts of Indonesia and other parts of Papua to work there. By

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<sup>39</sup> The importance of this report will be further examined in Chapter two.

the 1990s, the area's population had grown to over 60,000, making Timika the fastest-growing "economic zone" in Indonesia (Abrash 2001). By 2002, this number had swelled to more than 120,000, with Timika forming a 'hub for extractive resource industries', including logging companies and consortiums which extract precious forest products such as birds' nests and eaglewood (Ballard 2002). The people who have come include transmigrants from Java who were brought to Papua under the government transmigration program, traders from Sulawesi who have come on their own initiative, Papuans from all over the province, and North Americans, Australians and other Freeport employees (Abrash, 2001).

#### **Assertion of Papuan cultural identity: Christianity, liberation theology**

The freedom of people to define themselves and their relationship with others on their own terms, has been called 'the first necessity of a free people and the first right any oppressor must suspend' (Carmichael & Hamilton, cited in Fisher 1997, 457).

Between the mid 1970s and the early 1980s a renaissance of Papuan cultural expression occurred under the leadership of Arnold Ap, a musician and curator of the University of Cendrawasih Museum, and ethnomusicologist Sam Kapissa. In 1969 during the 'Act of Free Choice', Ap had led a demonstration coinciding with the visit of the UN special representative, and was subsequently jailed. Upon his release, he committed himself to supporting his people in 'the preservation of their cultural identity' in spite of their

occupation by Indonesia (cited in Glazebrook 2004, 2). Ap and Kapissa<sup>40</sup> led the popular group *Mambesak* which performed and recorded songs from diverse Papuan language groups, and was hugely popular, not just in Papua but throughout Indonesia.

Indonesian soldiers killed Ap on April 26 1984, allegedly as he escaped from jail where he had been held since November 30 1983.<sup>41</sup> He was seen as a threat because Papuan culture in the form of music, dancing and drumming was a way of Papuans expressing their Melanesian identity, - of them feeling 'not Indonesian'. It was thus a form of political struggle (Aditjondro 2000,149). As the anthropologist Diana Glazebrook wrote: 'where the Indonesian state conceived cultural performance as an alternative representation of nationhood, it acted with violence to repress such performance.'<sup>42</sup>

George Aditjondro,<sup>43</sup> an Indonesian scholar who lived and worked in Papua during the 1980s, says that in the eyes of Jakarta, cultural rights has strong political connotations.

He notes that the right to participate in collective cultural activities (article 27, Universal Declaration of Human Rights) was denied to Papuans. He sees the organization he

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<sup>40</sup> Sam Kapissa died of 'food poisoning' in 2001. Many Papuans believe he was murdered (MacLellan 2004).

<sup>41</sup> Ap had been arrested, and accused amongst other things of using Mambesak songs to inspire the Free Papua Movement (Glazebrook 2004, 9).

<sup>42</sup> Glazebrook got to know some of the Mambesak members who had fled to PNG after Ap's murder, when she was doing field work in the East Arwin refugee camp in 1998-1999. For an interesting piece on Ap and Mambesak's impact, see her 'Teaching Performance Art is Like Sharpening the Blade of a Knife', in *The Asia Pacific Journal of Anthropology*, Vol. 5, No. 1, April 2004, pp. 1-14.

<sup>43</sup> Whilst Ap was curator of the University of Cenderawasih museum, Aditjondro was Director of the NGO Irian Jaya Development Information Service, Jayapura (Glazebrook 2004, 11).

worked with, YPMD as carrying on Ap's struggle, to advocate and protect Papuans' human rights (2000, 150-152).

By the end of 1983, the well-known lawyer Mulya Lubis had been reported publicly as stating that West Papua had the highest incidence of human rights violations in Indonesia.<sup>44</sup> Lubis made a visit there with other prominent lawyers with the view to setting up an LBH (Legal Aid Institute) office. Ap's death strengthened the resolve of LBH, YLBHI together with GKI and Catholic churches to establish a branch in Jayapura (Aditjondro 2000, 148).<sup>45</sup>

A striking aspect of Papuan cultural identity is Christianity in various forms. Protestant and Catholic churches play a vital role in human rights advocacy, and afford a venue for cultural expression. In the 1970s, some of Ap and Kapissa's early work involved Papuanising Protestant church music, which they arranged in Papuan languages including Biak, Windesi and Yali. The songs were accompanied by accordion, *tifa*-drum, ukelele and guitar. This Papuanising of Protestant church music in the north also spread to Catholic churches in the south (Aditondro, in Glazebrook 2004, 6).

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<sup>44</sup> An Amnesty International report states that impunity for the military, - no high ranking officer has ever been brought to account for the action of troops in West Papua 'encourages the continuation of human rights violations' (Leith 2003, 224).

<sup>45</sup> The first head of LBH in Jayapura Bambang Widjajanto, in 1993 won a RFK Memorial Centre for Human Rights Award for his work in defending land rights cases in Papua. YLBHI, Yayasan Lembaga Bantuan Hukum Indonesia, Foundation of Legal Aid Institutions. GKI, Gereja Kristen Injil, Evangelical Christian Church, the largest Protestant church in Papua, which now has ties with the Uniting Church in Australia.

For many Papuans Christianity has mingled with a traditional millenarian belief in salvation and liberation, which is very much tied to liberation from Indonesian occupation, or *merdeka*. As Glazebrook states:

While the state of *merdeka* is conceptualized in terms of ‘independence’, many people understood *merdeka* more broadly in terms of liberation: the freedom from arbitrary military surveillance and violence, the right to compensation for land appropriated by the state, the freedom to represent and express their cultural selves as ‘West Papuan’, and the right to restrict migration from Indonesia (2001, 250).

A recent framing of Papuan experience conceptualized by the prominent theologians Theo van den Broek, Budi Hernawan and Benny Giay, who are also leading human rights advocates, is the ‘collective memory of the nation’s suffering’ or *memoria passionis*. This is the memory of terrible events such as torture, murder and mass burial of live people, that lives on from generation to generation ‘as an inheritance of trauma’, and presents in oral narrative form. These events flow ‘incisively and clearly’ from the mouths of ordinary people. This notion of *memoria passionis* has circulated publicly since it was first written about in 1999 (Hernawan and van den Broek, cited in Glazebrook 2000, 254-255).

Since the initial 1999 book was written, the Catholic Office for Justice and Peace in Jayapura (SKP), has published yearly reports titled *Memoria Passionis di Papua Kondisi Sosial Politik dan Hak Asasi Manusia* (Memoria Passionis in Papua Political, Social and

Human Rights Conditions). Clearly church leaders and theologians are important players in the struggle for justice and human rights in Papua. Their leadership of the Catholic organization SKP and Benny Giay's leading role in ELSHAM show the clear inter-relationship between the churches and NGOs, all of which are part of a broad social movement for change.

### **Racism and culture clash**

The notion of cultural superiority is linked to notions of race. On the issue of racism, Aditjondro has some interesting observations. He says that in general fairer skin is regarded as desirable by Javanese, whilst black skin and curly hair is seen as inferior. John Rumbiak (2003a) believes that racism underlies much of the human rights violations in Papua. He states that

racism, the denigration of Papuans due to their skin colour forms the basis for actions by the military to murder, rape and torture Papuans, treating them worse than animals. Because of their racist beliefs, many Indonesian authorities are able to dehumanize Papuans, leading to committal of heinous acts against Papuans at all levels of society.<sup>46</sup>

Eliakim Sitorus, a Batak whose work with the INGO Common Ground includes conflict resolution programs in Papua, discussed the issue of racism towards Papuans openly. He

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<sup>46</sup> The issue of racism and culture clash as a way of explaining military abuse needs to be examined in light of the situation in Aceh, where such abuse has also occurred for decades. In Aceh there has also been gross military violence against civilians who look very much like the Indonesian soldiers and their families, and who share many cultural traits. Thus racism and cultural difference whilst being a factor in the Papuan context, is certainly not the only explanation.

gave examples of racism experienced by Papuans in Java where Indonesians did not want to sit next to a Papuan on buses, and the difficulty Papuans experience in finding accommodation. He genuinely wanted to learn about Papuan society, including traditional methods of non-violent conflict resolution. Eliakim is an example of how sympathetic Indonesians can bridge the gap and provide a link between Papuans and Indonesians.<sup>47</sup>

Culture clash is evident in Papua, particularly in rural areas where pigs are highly valued, and live in close proximity to villagers. For Indonesian Muslims, pigs are unclean and to be avoided. The other obvious difference is that of clothing. In the Baliem valley, Dani men traditionally wear a penis gourd and head-dress, whilst the women wear grass skirts. Indonesians both Muslim and Christian, wear clothing that covers most of the body. The Indonesian soldier on a six-month tour of duty in Papua, who encounters Papuan villagers with bows and arrows and spears with which they hunt, is often horrified. According to Aditjondro, many soldiers have a deep distrust towards every movement made by Papuan villagers, as they see them as potential enemies, as potential OPM<sup>48</sup> (2000,170).

The way in which Papuans are portrayed in the Indonesian media, as naked or primitive, intensifies negative cultural stereotypes. Aditjondro says he has never read anything which values the sophistication of the Dani in the Baliem valley, who differentiate

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<sup>47</sup> I met Eliakim in June 2004 in Abepura, where he and local NGO people were organizing a workshop and a Peace and Culture festival. Common Ground Indonesia has programs in Papua, Madura and Kalimantan.

<sup>48</sup> Organisasi Papua Merdeka, Free Papua Movement, the umbrella movement which has been fighting for independence since the mid 1960s. See Robyn Osborne, *Indonesia's Secret War: The Guerilla War in Irian Jaya*, 1985, Allen & Unwin, Sydney.

between fifty-two varieties of sweet potatoes. Nor has he read an in-depth study about Biak people's knowledge of astronomy. He argues that this trend needs to be countered with positive information about Papuan society (2000, 173). Aditjondro represents another example of a 'psychological link', where a sympathetic Indonesian tries to 'humanise' Papuans.

**Transmigration: alienation, marginalisation, the fear of being overwhelmed by outsiders**

There is widespread resentment on the part of indigenous Papuans towards migrants from other parts of Indonesia. They see them as controlling the economy, dominating employment opportunities and becoming wealthy at their expense. Four decades of Indonesian occupation has had a significant demographic impact in Papua. In 1960, non-indigenous Papuans, mainly Javanese, Chinese and eastern Indonesians (from Maluku) comprised 18,600 people, or 2.5% of an estimated 736,300 population. According to the 2000 census, non-Papuans now comprise 772,684, or 35%, and Papuans (312 tribes) comprise 1,460,846, or 65% of the total population. In the larger towns such as Jayapura and Sorong, migrants constitute a majority, forming about 68% of the population (Chauvel 2003b, 10). 74% of Papua's population live in rural areas, many practicing traditional swidden cultivation, making their land vulnerable to state appropriation (Ballard 2002).<sup>49</sup>

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<sup>49</sup> See Chris Ballard's 'The denial of traditional land rights in West Papua' *Cultural Survival Quarterly* 26.3 – Fall 2002

The Indonesian transmigration policy that brought large numbers of mainly poor Javanese to rural areas of Papua, has been criticized on various levels. The land for which transmigration sites were taken and cleared, has been that traditionally used by indigenous Papuans for subsistence and hunting. It was yet another way in which they have been dispossessed. They have also become overwhelmed numerically in the transmigration areas such as those at Merauke, Sorong, FakFak, Paniai and around Jayapura. In Arso near the PNG border, 3000 Papuans are outnumbered by 18,000 transmigrants (Chauvel 2003b, 11). The land chosen for these transmigration sites was not suited to cultivation, and often the *transmigrasi* farmers from Java became destitute. This policy did nothing to lessen the overcrowding and poverty in Java, which was one of its stated aims. It was one of the arguments the Indonesian government used to attract World Bank funding for the scheme in the 1980s. The *transmigrasi* program was generously financed by the World Bank, the ADB, the US, Germany and the Netherlands ‘in spite of its ecological damage and human rights violations’ (Raffer & Singer, 1996, 20).<sup>50</sup>

Apart from government sponsored transmigrants,<sup>51</sup> there have been and continue to be significant numbers of migrants from Java, Sumatra, Sulawesi and Maluku, who come for economic opportunities mainly in the urban centers. They own and operate all the small businesses. The only trading done by Papuans is from tiny stalls, selling home-

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<sup>50</sup> For a disturbing account of transmigration, see Monbiot, G. (1989) *Poisoned Arrows An Investigation In The Last Place In The Tropics*, Sphere Books Ltd, London.

<sup>51</sup> This policy has been discontinued, and transmigration officially ended in 2001 (Chauvel 2003b, 11)

grown produce such as vegetables and *pinang* (betel nut).<sup>52</sup> Resentment towards non-Papuans has historical overtones. Under the Dutch administration it was predominantly Ambonese, Menadonese and Keiese who held positions as civil servants, teachers, police and missionaries. Richard Chauvel (2003b, 10) argues that Papuans were in effect colonized by both eastern Indonesians and the Dutch, in what he terms a form of ‘dual colonialism’. After WW2, when larger numbers of Papuans were trained to fill such positions, there was resentment felt towards the Indonesians who ‘had the jobs to which the Papuans aspired’ (Chauvel 2003a, 13). In 2000, an estimated 75% of civil servants were Papuans, yet Indonesians controlled the senior levels (Chauvel 2003b, 10).

### **Freedom from poverty: the right to basic education and health**

Despite the enormous wealth of their land, the vast majority of Papuans remain paupers. Social indicators such as education and health show this very clearly. The literacy rate for women in Papua is 44% and 58% for men, compared with Indonesia’s 78% for women and 90% for men. Only 10% of people in Papua have a secondary education and a mere 1% have completed studies at a tertiary level (Blair & Phillips, cited in Mcleod 2004).

1997 data shows the maternal death rate in Papua at 1025 per 100,000 live births, three times the Indonesian national rate of 343 per 100,000 live births. According to a team from *Jurnal Perempuan* (Women’s Journal) who visited Papua in 2002, this grim situation is due to women’s heavy workloads, and poor nutrition and health care,

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<sup>52</sup> In June 2004 whilst driving past a betel nut stall run by a Javanese, a Papuan commented to me: ‘Can’t they even leave pinang for Papuans to sell?’

particularly during pregnancy and childbirth. Furthermore, malaria is endemic, creating serious problems for pregnant women (Santi 2002, 67). Papua has one of the highest infant mortality rates in the world. UNICEF estimates that there are 117 deaths per 1000 children under the age of one. This compares with Indonesia's average of 50 deaths for every 1000 infants. UNICEF's Papua-based director attributed these disturbing figures to malnutrition amongst women and children, due to poverty and poor access to health care services, particularly in rural areas (Rumbiak 2003a).

The other serious health threat in Papua is the high incidence of HIV/AIDS, with 1, 398 people officially diagnosed as HIV positive, including 486 who have developed AIDS. 172 people have already died of AIDS since it was first detected in 1992. According to John Rahail, Director of the Indonesian Planned Parenthood Association, the actual number of people with HIV/AIDS is thought to be much higher, possibly ten times this figure (Dharma Somba 2004).<sup>53</sup>

All of the problems outlined in this chapter confront Papuans daily. They present a huge challenge to civil society leaders within the churches, NGOs and political organizations. The following chapter examines and assesses the strategies adopted by human rights organizations such as ELSHAM in the last decade.

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<sup>53</sup> Papua has Indonesia's highest prevalence of AIDS. Some estimates suggest that 5% of the population is infected. According to Chris Green from the Jakarta based HIV/AIDS organization Spiritia Foundation, 'We're looking at the potential for a community, or a number of communities, to almost disappear' (Yates, 2003).

## **CHAPTER TWO**

### **Non-violent strategies used to contest State violence; to empower local people, and to liaise with national and international networks**

Despite the political reforms instituted in Indonesia since 1998 that has led to a more open society there, the period of political openness in Papua was short-lived. Since the jailing of Presidium members in November 2000, and the assassination of the moderate Presidium leader Theys Eluay in November 2001 by KOPASSUS, political activity has been curtailed. This chapter will examine the development of NGO activism in the 1995-1996 period that strongly influenced the subsequent flowering of the political organizing of the 1998-2000 'Papuan Spring'. It will then look at more recent developments, including lobbying within the international arena, and the attempts by Papuan civil society to create a 'Zone of Peace' inside Papua. The strategies used by ELSHAM to contest state violence; to empower local people, and to liaise with national and international networks will be analysed, drawing on the perspectives of theorists Kaldor (2002) and Keck and Sikkink (1998).

#### **Documentation, training and advocacy**

According to John Rumbiak, known internationally as a human rights advocate (2001), it was the decision of the Amungme people who were the victims and witnesses that told him their stories in 1994, to keep Rumbiak's identity hidden (lest he be killed), and also to inform the international community about relations between Freeport and the Indonesian military. The local groups responsible for the ACFOA report were YPMD

(the organisation that Rumbiak was working for), LEMASA and church people. The violence documented in the report was in response to flag-raising activity led by the OPM Amungme leader Kelly Kwalik. Kwalik was vehemently opposed to Freeport's presence and the area's increasing militarisation. He claimed that their fight for their rights, albeit with bows and arrows, would appeal to the international community to 'open their ears, their eyes and their minds to the slaughter, plight and streams of blood of *Jo-Mun Nerek's* children (the indigenous people) that pour in this land' (ACFOA 1995, 4). Before becoming a guerilla leader, Kwalik had studied in a Catholic seminary. Whilst he had left the Catholic church structure, others remained within and were part of a politically active network. Rumbiak was in contact with this Catholic network and acted as a link between it and INGOs (Elmslie 2002, 144).

Amongst the deaths documented in the ACFOA report were five members of Kwalik's family, killed by the military in November 1994 (1995, 10). Yosepa Alomang (Mama Yosepa) was accused of helping Kwalik (her husband is from the Kwalik clan) and was one of five people who were held and tortured for a month between October and November 1994 (Munninghoff 1995, 12-13). Far from deterring her from future resistance, this experience seems to have strengthened her resolve to fight on for her people.<sup>54</sup>

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<sup>54</sup> I interpreted for Mama Yosepa at a conference in Melbourne in July 2004. She spoke with anger about her own experience of detention in a Freeport container filled with excrement. This was only a small story in the larger one of military abuse, forced removal from traditional lands, and destruction of that land by Freeport.

After the witnesses had testified, it was agreed that they should be hidden in a Catholic complex in Jayapura and given training. According to Rumbiak:

These trainings are aimed at rebuilding self-confidence since the people are psychologically really down with the whole human rights problems that they are facing. Give them knowledge of the laws protecting their rights, that there are laws in this country, even at the international level. There are possibilities. There are networks, there are organizations dealing with these issues that they have to be aware of and use to fight for their rights (2001).

After the training program was completed, the witnesses returned home, and together with Rumbiak conducted detailed investigations into particular cases outlined in the ACFOA report. This detailed report was given to the Catholic mission in Jayapura and to the Catholic Cardinal in Jakarta. Indonesian NGOs obtained a copy and were instrumental in publicizing it. They wanted KomNasHAM, the Human Rights Commission that had been established in 1994, to officially verify it. Rumbiak believes that the support received from Indonesian NGO activists such as Asmara Nababan, then a member of KomNasHAM, Abdul Hakim from ELSAM<sup>55</sup> and Emmi Hafild from WALHI, has been of vital importance.<sup>56</sup>

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<sup>55</sup> *Lembaga Studi dan Advokasi Masyarakat* (Institute for Community Study and Advocacy)

<sup>56</sup> personal communication November 2004

Big publicity followed, and we began to link up with Human Rights Watch in New York, and Amnesty International. ACFOA, and TAPOL<sup>57</sup>, and many others at the international level. Those organizations support us at the international level and have put pressure on the Indonesian government to come and verify this report (Rumbiak 2001).

Also in response to the ACFOA report, in July 1995 Australia's Foreign Minister Gareth Evans directed Australia's ambassador to Indonesia Alan Taylor, to visit Timika to assess the situation. His report confirmed the ACFOA report's findings (Elmslie 2002, 175-176). US embassy staff also visited Timika, as did the BBC. On August 15<sup>th</sup>, Bishop Munninghoff of Jayapura released his detailed report, and conveyed it to the Indonesian Bishops Conference.<sup>58</sup> A team from KomNasHAM then flew to Timika and verified it. Heartened by the exposure, Papuan students all over Indonesia responded with demonstrations. In Jayapura, students occupied the provincial parliament buildings. Rumbiak suggests it was 'the first time the people in West Papua had a feeling that there is some freedom, that the embryo of freedom is coming' (2001).

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<sup>57</sup> TAPOL is a British human rights organization which was formed in the early 1970s by Carmel Budiardjo who had herself been a political prisoner in Indonesia. TAPOL initially campaigned for the release of political prisoners in Indonesia. It went on to work on East Timor, and now concentrates on Papua and Aceh.

<sup>58</sup> As well as detailing atrocities outlined in the ACFOA report, Munninghoff's report also describes killings which occurred after the ACFOA report had been released. These include a massacre during prayers on May 31<sup>st</sup> in the village of Hoesa, which killed Rev Kibak and ten others including children. Munninghoff, 'Violations of Human Rights in the Timika Area of Irian Jaya (West Papua), Indonesia: A Report by the Catholic Church of Jayapura', August 1995.

Pressure both from Indonesian NGOs and international players led to the government directing KomNasHAM to investigate abuse allegations, and after a second trip they found that the military had committed human rights violations, both in pursuing the OPM and in 'protecting' Freeport (Leith 2003, 198). The findings were released in September and found the Indonesian military guilty of 'killings, torture, unlawful arrest and detention, disappearances, excessive surveillance and destruction of property' (cited in Elmslie 2002, 176). As with Munninghoff's report, Freeport personnel were not implicated. The Amungme people regarded this as a failed report because it had not investigated the root cause of the abuse, namely the relationship between Freeport and the TNI, and between Freeport and the local community (Leith 2003, 198-199).

However, the release of the two initial reports in 1995 (by ACFOA and Munninghoff) led to a sense of achievement on the part of the local Amungme people, who felt that finally their grievances were being heard. Encouraged by the support of INGOs and the international attention, some Jayapura and Jakarta based NGOs defied the military by keeping the pressure on the Indonesian government (Leith 2003, 199). Eventually the military could no longer avoid disciplinary action. Four low ranking officers were tried for following wrong procedures that caused the death of three villagers. They were found guilty of 'violating army procedure', and dismissed from duty. Three privates were also sentenced to between one and three years imprisonment, whilst a 2<sup>nd</sup> lieutenant received four years. The military finally admitted to eleven people being killed; KomNasHAM claimed there were sixteen; the Australian Ambassador who did his own report said that twenty-two people were killed; locals said the number was much higher (Leith 2003,

199).<sup>59</sup> LEMASA, WALHI and AI were critical of the trial, however, Leith points out that the ACFOA and Munninghoff reports were ‘extraordinary in that they reached the international domain, raised international concern, focused attention on the long-forgotten province, and were one of the first well-documented accounts of human rights violations in West Papua under the Suharto government to be given extensive media coverage’ (2003, 199-200).

In analyzing the strategy of documenting and publicizing human rights abuse as signified in the ACFOA and subsequent reports, several positive outcomes can be noted. Firstly, it signaled the end of the deafening silence, surrounding abuse by both the military and Freeport in Papua. This exposure gave a huge morale boost to Papuans, and led to links with INGOs such as HRW and AI. These links have strengthened over the last decade. It showed how important NGO and church links are for liaising at the local level, as well at national and international levels.

Secondly, it showed how documentation and publicity could bring about awareness and action on the part of Indonesian NGOs, and on the part of governments, as shown by US and Australian embassy responses. The pressure exerted by these actors led to convictions of military personnel after the TNI and Freeport had initially dismissed the report as lies (Elmslie 2002, 176). Whilst the soldiers convicted were all low ranking, it is still a significant achievement, given the impunity enjoyed by the military in Papua up to

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<sup>59</sup> The ACFOA report found that thirty-seven people were killed and /or disappeared, including three who were shot dead by ABRI and Freeport security personnel. Torture had occurred in Freeport containers, and three Dani people were tortured to death (ACFOA 1995).

that time and subsequently. This is an example of the boomerang pattern that Keck and Sikkink have identified, whereby external pressure is applied to states in response to international advocacy efforts initiated by local NGOs.

Another strategy pursued by Amungme leaders that succeeded both in further publicizing abuses in the Freeport concession area and strengthening international networks, was the bringing of two legal challenges against Freeport. The first challenge was initiated by Tom Beanal in 1996, claiming environmental destruction and human rights abuse, and signed by 2000 people from six tribal groups. This was filed by US attorney Martin Regan in the New Orleans District Court. A further challenge took the form of a class action lawsuit by Yosepa Alomang, also in New Orleans. In March 1998 a State Appeals Court ruled that the New Orleans Court did have jurisdiction over this claim of personal injury and environmental damage on behalf of the Amungme people. In April, Alomang went to New Orleans with Rev Isak Onowame, and together with local activists held a demonstration outside the home of Freeport's Executive Director. Alomang's lawsuit class action was dismissed with prejudice in March 2000, following the dismissal of Beanal's case in November 1999 (Feith 2000, 46-47).

The above events show that NGOs as part of civil society in Papua, as happens elsewhere particularly in authoritarian states, represents the struggle to 'create autonomous public spaces' that gain great strength from transnational links such as UN conventions, and links with international human rights groups. In writing about the revival of the term 'civil society' in both Latin America and Eastern Europe in the 1970s and 1980s, Kaldor

(2002, 6-7) notes that in Eastern Europe, rather than trying to change the State, people tried to ‘create self-organised institutions, independent of the State that could challenge the reach of the State’. In Latin America, the term ‘civil society’ was used by intellectuals who were influenced by liberation theology, ‘the notion of the conscientisation of the poor, overcoming the “culture of silence”’ (cited in Kaldor 2002, 6). It is clear that ELSHAM engages in strategies that both challenge the reach of the State, and overcome the culture of silence.

### **Civil society peace initiatives**

A strong commitment to non-violence is apparent in the civil society initiatives to have emerged in the period under discussion. The first of these, FORERI,<sup>60</sup> emerged in response to several episodes of grotesque violence against civilians by the military in spite of *reformasi*. Whilst atrocities committed in the Freeport concession area by the TNI and Freeport personnel in 1994-1995 resulted in widespread publicity including internationally, gross abuse that occurred elsewhere has received little coverage. One example is the July 1998 massacre that occurred on Biak Island following a flag raising ceremony. Biak people were subjected to the most horrific brutality, including sexual abuse and mutilation before bodies were dumped into the sea.<sup>61</sup> Beatrix Koibur a church and women’s leader, told me of her experience leading a church team to care for women and children survivors of the massacres. The team prayed over and buried many

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<sup>60</sup> *Forum Rekonsiliasi Rakyat Irian Jaya*, Forum for Reconciliation of the Peoples of Irian Jaya

<sup>61</sup> In 2003 at a meeting of the Papuan Women’s Solidarity Group, victims and eyewitnesses told their stories to Kel Dummett and Linda Kaucher, as reported in ‘Women call for Justice on Biak Island’, WILPF Journal *Peace and Freedom*, Vol 40 Dec 2003 & 41 April 2004.

mutilated bodies.<sup>62</sup> In June 2004, I met a man who had been detained following the flag raising ceremony and tortured; his fingernails had all been pulled out. He was one of hundreds to be held for days after the massacre. Many of the wounded returned home without treatment, because the military prevented the hospital from treating them (Dummett, Kaucher 2004, 15).

On 24<sup>th</sup> July 1998 immediately following these tragic events, FORERI was established by civil society groups including church leaders, and representatives of NGOs, women's, *Adat* (customary) and student organisations. Its aim was to 'create neutral space for dialogues between the state and the people to deal with aspirations for independence' (Hernawan 2003, 3).<sup>63</sup> FORERI facilitated several such dialogues, which culminated in the historic meeting between team 100 (of which Beatrix Koibur was the only woman), and President Habibie and his cabinet, in February 1999. At this meeting the chair of the team, Tom Beanal, stated categorically that independence for Papua was their desired solution. Habibie was stunned, and told the team to go home and reconsider their position. Elmslie (2002, 255-256) suggests that this meeting fundamentally changed the relationship between the Indonesian state and Papuan people. However, it could be argued that this sentiment had always been known, but now it was openly on the table.

Some of FORERI's founders were actively involved in historic nationalist gatherings the following year; the *Musrawarah Besar Papua* or Papuan Mass Consultation held in

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<sup>62</sup> This discussion was during an interview conducted in Brisbane 2000 for research towards my Honours thesis, titled 'Strategies of Rule, Strategies of Resistance: Women and the West Papuan Nationalist Struggle', October 2000, QUT, School of Humanities and Social Science.

<sup>63</sup> FORERI called for a referendum on the political status of Papua, an end to DOM status in Papua, an international investigation into human rights abuse since integration, and for those found responsible to be brought to justice (Chauvel 2005, 11-12).

February 2000, and the larger Papuan Congress held to discuss future political strategies, in May-June 2000.<sup>64</sup> Non-violence was a central theme, as was the awareness of the potential for division along Papuan and non Papuan lines. At the February meeting, in discussing the enormous demographic changes in Papua, Benny Giay challenged delegates to be inclusive and called for solidarity with non Papuans. 'Our suffering is also the suffering of good-thinking Indonesians', he said, indicating George Aditjondro as an example of a pro-Papuan Indonesian. Giay also warned against intra Papuan divisions along both tribal and coastal/highlander lines. At the Congress, Theys Eluay's closing speech called for unity to ensure that all 'can live and go about their business peacefully' (cited in King 2004, 55-56). The Congress also decided that the Presidium be empowered to bring the issue of self-determination for Papua into the international arena (King 2004, 50).

This theme of self-determination, which was a provision in the New York Agreement, and denied in the discredited Act of Free Choice, is central to the development of Papuan nationalism from 1962 to the present. In the 1960s, it was 'the straw of hope to which Papuans clung' (Chauvel 2005, 31), and in the reformasi period there is a conviction and hope that an investigation into the events of the 1960s will lead to a just outcome. Chauvel (2005, 33) notes that whilst this hope may appear naïve- in both periods it is a

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<sup>64</sup> This meeting had the blessing of President Wahid who in fact helped fund it. However, hawks in his government were angered by the open expression of Papuan nationalism, which they saw as subversive. These meetings were historic because it was the first time since Indonesia's occupation, that such gatherings were politically possible.

key and a consistent part of nationalist discourse. Rumbiak (2001) sums up the crux of the problem in this way:

The people in West Papua continue to challenge the political and legal grounds of the annexation of West Papua. The international community, if they're concerned about human rights in West Papua, they've got to pressure the Indonesian government to sit with representatives from West Papua, and with those involved in the Act of Free Choice...and resolve this problem peacefully...We don't want bullets. We don't want fifteen thousand troops sent to West Papua. We can do this through talk.

Rumbiak is committed to a peaceful resolution. In Melbourne in November 2004, he spoke about a 'mental distance' between Papuans and the Jakarta government. He believes that progressive Indonesians can play an important 'bridge role', as can Indonesian migrants in Papua. He is adamant that the struggle be inclusive and based on humanity not revenge. Should there be a dialogue process between President Yudhoyono and Papuan leaders, Rumbiak (2004)<sup>65</sup> posed the question: would it include a discussion of self-determination? He believes that dialogue with Yudhoyono would require the withdrawal of thousands of additional troops, disbanding of militias, and elimination of the Presidential decree by former President Megawati, to divide the province into three provinces.<sup>66</sup>

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<sup>65</sup> Forum at RMIT, Melbourne, November 2004

<sup>66</sup> This Presidential Decree of January 2003 threw the status of the 2001 Special Autonomy law into considerable confusion. The proposed division is widely seen as a means of dividing the Papuan elite, and thus weakening the civil society leadership. For an analysis of the Special Autonomy law, see Chauvel, R. & Nusa Bhakti, I. 2004, *The Papua Conflict: Jakarta's Perceptions and Policies*, and Chauvel, R. 2005, *Constructing Papuan Nationalism: History, Ethnicity and Adaptation*, East West Center, Washington.

In July 2002, in response to concerns about ‘the escalating threat of Indonesian military crackdown and militia violence’, ELSHAM sponsored the establishment of a Peace Task Force headed by Benny Giay. This task force aimed to bring all interested parties together to enter into dialogue leading to a ‘Zone of Peace’ in Papua. To this end, a conference was held in October 2002. Co-sponsored by Papua’s governor, police chief, the provincial parliament together with ELSHAM, it was attended by these parties, as well as religious leaders, other NGOs, women’s and *adat* groups. The regional commander of the TNI in Papua was the only official who refused to attend.<sup>67</sup> At this conference, the term Papua as a ‘Zone of Peace’ was defined as: Papua and its people must ‘feel free from physical and psychological conflicts’; all policies must be in accordance with the ‘social and cultural conditions in Papua’; and these must be formulated in law. The conference also proposed the establishment of a Peace Commission, to be responsible for the promotion of peace in Papua (ELSHAM, cited in Hernawan 2003, 4). The work of the commission, specifically conflict prevention, promotion of dialogue and public education to promote the ‘Zone of Peace’ concept, was to be coordinated by ELSHAM (Rumbiak 2003 b). This concept had been discussed much earlier. At the 2000 GKI Synod held in Sorong October 26 - November 3, the Synod Council appealed to the government and the people for Papua to become a ‘Zone of Peace’ where problems are resolved with dialogue, and where the power of the armed forces is not used to slaughter the people (Rumaseb 2000).

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<sup>67</sup> In his testimony to the EU in October 2003, Rumbiak stated that Simbolon’s (the TNI Regional Commander) successor in Papua, General Sutarto, the Indonesian Armed Forces chief and other high-ranking central government figures have all refused to cooperate with this initiative (2003 b).

In March 2005, GKI Synod President Reverend Herman Saud said in Washington, that he and other religious leaders in Papua had resumed efforts to have Papua designated as a 'Land of Peace'. He planned to formally announce this call, which prioritizes demilitarization of Papua, in Geneva during the UN Commission on Human Rights. This call coincided with the March announcement by KOSTRAD (the military's strategic forces) that a new division would be created for Papua, with an initial 5,000 troops to be sent to Sorong (RFK 2005, 2).

The Zone of Peace initiative is positive in the sense of unifying Papuan civil society and averting horizontal conflict. However, without the cooperation of the military whose members are the inciters and perpetrators of most of the violence, such a peace initiative is very difficult to sustain and limited in what can be achieved. TNI hostility towards NGO activity which contests State violence is illustrated by its reaction to publicity over its use of torture. In June 2004, *Aliansi Demokrasi Papua* (ALDP, Democratic Alliance of Papua) together with the INGO International Catholic Migration Commission (ICMC) conducted an anti-torture campaign. The campaign included the distribution of flowers and stickers with the message *Papua Tanpa Penyiksaan* (Papua Without Torture) to thousands of people in various locations of Jayapura and Sentani on June 25, to commemorate International Day in Support of Victims of Torture. The following day a forum was held (at which the writer was present), followed by a press conference at which ALDP firmly stated that based on their research, torture in Papua is predominantly

carried out by TNI and police officers.<sup>68</sup> In response to this publicity, the TNI Regional Commander in Papua Major General Nurdin Zainal, was reported to have sent a summons to ALDP Chairperson Latifah Anum Siregar asking her to repeal her statement, saying that it was damaging to the image of the TNI. He also threatened legal action if the summons was not answered in one month.<sup>69</sup> This is a small example of the conditions under which NGOs must operate in Papua. Intimidation and threats, including death threats, are what activists have come to expect if they challenge military dominance.

### **International lobbying**

The lobbying that ELSHAM engages in internationally seeks to expose the human rights violations being perpetrated in Papua. It also aims to challenge the international community to examine the process by which Papua came to be annexed by the Republic of Indonesia in the 1960s. ELSHAM has been lobbying at the international level since 1998 when it first participated at the UN Commission on Human Rights in Geneva. Through this Commission, ELSHAM convinced the Special Rapporteur on Violence Against Women, Rhadika Coomaraswamy, to visit Indonesia and investigate Papuan cases (Rumbiak 2001). She met with Papuan women who had been raped by the Indonesian military, and in her 1999 report to the UN Commission on Human Rights, she concluded that rape was used 'as an instrument of torture and intimidation' in Irian Jaya

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<sup>68</sup> See *Cenderawasih Pos*, 28 June 2004, 'Torture Dominated by TNI and POLRI Officers From ALDP's Research about Torture in 3 Areas in Papua'. The press conference was held by ALDP Chairperson Latifah Anum Siregar, Iwan K. Niyode and Beatrix Koibur, Chairperson of *Solidaritas Perempuan Papua* (Papuan Women's Solidarity).

<sup>69</sup> See *Cenderawasih Pos* 13 July 2004, 'Pangdam Sent *Somasi* to ALDP officially'.

(Papua), Aceh and East Timor. She found that ‘torture of women detained by the security forces was widespread’ and that no perpetrators had been brought to justice (cited in Feith 2000, 14).<sup>70</sup> Coomaraswamy was able to meet Papuan women in spite of the Indonesian authorities barring her entry to Papua (Abrash 2002, 38). The Working Group on Arbitrary Detention that visited Indonesia in response to ELSHAM’s urging, was also barred from Papua. However it was able to meet with some prisoners, ex-prisoners and political prisoners in 1999 (Rumbiak 2001, Abrash 2002, 38).

In June 2003, John Rumbiak spoke to the European Union in Brussels. He called on the EU to review its relations with the TNI in view of continuing human rights violations, and to support both diplomatically and financially the ‘Zone of Peace’ initiative. Since the 2002 killings in Timika,<sup>71</sup> ELSHAM on behalf of several Papuan NGOs has been lobbying the US government to refrain from resuming the IMET (International Military Education and Training) program with Indonesia.<sup>72</sup> In June 2004, nineteen US Senators sent a letter to Kofi Annan, urging him to appoint a Special Representative to Indonesia to monitor the human rights situation in West Papua and Aceh (Simpson 2004). The coverage of West Papua by INGOs such as HRW, AI and International Crisis Group (ICG) since the late 1990s has generally been sympathetic to Papuan interests and critical of Indonesia.<sup>73</sup>

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<sup>70</sup> Coomaraswamy, 1999, ‘Mission to Indonesia and East Timor on the Issue of Violence Against Women, Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences,’ UN Economic and Social Council, E/CN.4/1999/68/Add.3 (21 January 1999).

<sup>71</sup> These killings are explored in detail in Chapter Three.

<sup>72</sup> This lobbying was effective in delaying the resumption of IMET to Indonesia until February 2005.

<sup>73</sup> Personal communication with Richard Chauvel, May 2005.

## **International Awareness Raising**

At a 2001 West Papua International Solidarity meeting held in Germany, a decision was made to launch a campaign at the UN in New York in 2002, to urge UN Secretary General Kofi Annan to review the UN's role in the 1968-1969 'Act of Free Choice'. The delegation, which included ELSHAM and TAPOL representatives, presented a petition to UN staff, met with the US Council on Foreign Relations, and Pacific Island diplomats (TAPOL, 2002). Archbishop Desmond Tutu, hundreds of international NGOs, European Union parliamentarians and other MPs in countries including Ireland and New Zealand, have now endorsed the petition to the UN (Simpson 2004, West Papua Action, 2004). Most recently, in March 2005, an initiative by Congressman Eni Faleomavaega from American Samoa, resulted in more than 37 members of the Congressional Black Caucus signing a letter to UN Secretary General Kofi Annan, urging that the UN review its role in the 'Act of Free Choice'. The group also wrote to US secretary of State Condoleeza Rice, opposing the decision to resume the IMET program to the TNI (RFK 2005, 1).

If we look at Papuan NGO and nationalist activity in the period under discussion, there appears to be some key agents who have had significant influence over the development of ideas and strategies. These include John Rumbiak, who whilst working for YPMD was instrumental in producing the ACFOA report, and was later a founding member of ELSHAM, and FORERI, and went on to lobby at the international level. Another key agent is Benny Giay, the Protestant theologian who studied in the Philippines and Holland, was part of FORERI, and is ELSHAM's current President. Significantly,

Amungme people who have been most affected by the Freeport mine, are well represented amongst these key figures. One is Tom Beanal, who was head of LEMASA, part of FORERI, leader of Team 100, and head of the Presidium; another is Yosepa Alomang, head of YAHAMAK. Yosepa has little formal education, but has won international recognition for her courage and determination in confronting military and environmental abuse. This international support through advocacy networks is perhaps what gives a degree of protection to Papuan leaders. Significantly, Theys Eluay who was killed by the Indonesian military in November 2001, did not have many international connections, but Benny Giay, John Rumbiak and Yosepa Alomang do.

In their analysis of the situation in Argentina under the military junta during the 1970s, Keck and Sikkink noted that ‘strong local human rights organizations documented abuses, and protested against repression, and international pressures helped protect local monitors and open spaces for their protests’ (1998, 107). The international advocacy network enabled the information to be circulated, and for the issues to be raised within the international arena. This was necessary, particularly given the secretive nature of State repression in Argentina. Other governments used this information to pressure the Argentinian government (1998, 116-117). Similarly, for human rights activists in Papua being part of an international network provides a degree of protection from the State.

The rejection of the use of violence in favour of non-violent strategies, stems partly from the emergence of a well-educated elite, graduates from the Indonesian education system, a few of whom have undertaken post-graduate studies overseas. These leaders wanted to

disassociate themselves from the OPM, (particularly after the 1996 kidnapping of a group of scientists which resulted in several deaths), because they realised that this was necessary in order to gain both international support, and support from reform minded Indonesians (Chauvel 2005, 19-20). The publicity and support which flowed from the ACFOA and Munninghoff reports, showed the effectiveness of a non-violent approach. It also showed that it was easier to mobilise nationally and internationally by focussing on human rights and environmental issues than on demands for independence.

As has been shown, repressive state policies and practices have continued in West Papua in spite of *reformasi*. ELSHAM has succeeded in exposing and challenging this repression through detailed documentation, training, advocacy and national and international networking. The Zone of Peace initiative sponsored by ELSHAM has not achieved its aims, primarily because of TNI hostility and refusal to cooperate. The following chapter will examine in detail ELSHAM's strategies in response to the traumatic violence and deaths in Abepura in December 2000, and to the Tembagapura killings in August 2002.

## CHAPTER THREE

### **The Abepura case and the Timika case: strengths and limitations of NGOs in the face of State violence**

This chapter will examine two episodes of State violence in Papua, focusing on the role of ELSHAM and the implications for its work in human rights protection and advocacy, and in giving voice to Papuan aspirations, particularly in the international arena. It will analyse the effectiveness of ELSHAM becoming part of a transnational advocacy network that has succeeded in linking US military aid to Indonesia with human rights abuse in East Timor and Papua. ELSHAM has been able to establish links with East Timor Action Network (ETAN), whose successful lobbying in the US resulted in stopping most types of US military aid and training to Indonesia during the 1990s (Simpson 2004, 464).

#### **The Abepura case**<sup>74</sup>

In the early hours of December 7 2000, an attack by an unidentified group of people on the Abepura police station, resulted in the deaths of two policemen and a security guard. Reprisal was swift and brutal, directed not against the attackers who had got away, but against mainly highlander students. Over a twenty-four hour period, Brimob (*Brigade mobil* – paramilitary police) troops raided several dormitories housing students from

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<sup>74</sup> Abepura is the town next to the capital Jayapura, and home to University of Cendrawasih. It has many student hostels which house students from particular regions throughout Papua.

predominantly highland regions, and systematically brutalized them, fatally shooting one high school student, and injuring many more. Of the more than one hundred students detained, many were severely beaten and tortured, three were tortured to death. Incredibly this brutality was actually witnessed by a Swiss journalist Oswald Iten, who was informed that this was normal procedure when a policeman was killed (Martinkus 2002, 55).<sup>75</sup>

An analysis of what occurred in Abepura requires an understanding of the political background leading up to it, including the detention of Theys Eluay and the other Presidium leaders in November; the substantial deployment of troops who occupied Jayapura; the fact that highlanders had been targeted as hard core nationalists at the May-June Congress; and the violent clash in Wamena in the Baliem Valley in October, following the removal of Morning Star flags by police and TNI.<sup>76</sup> In response to the fatal shooting of two Papuans who were defending the flag, Dani tribesmen vented their rage against Indonesian settlers. The ensuing battle resulted in more than thirty deaths, and an exodus of migrants and coastal Papuans from the area (King 2004, 60-61).

A victim of the Abepura violence interviewed by HRW, stated that the police who raided his dormitory made statements such as ‘You Wamena people did this, you make people suffer, you killed our friends, [they were] good people’ (cited in HRW 2001, 2). The

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<sup>75</sup> For a detailed account of what occurred, see HRW, 2001 ‘Violence and Political Impasse In Papua - The Abepura Case and its Aftermath’, <http://www.hrw.org/reports/2001/PAPUA0701-05.htm>

<sup>76</sup> This episode needs to be seen within the context of a return once again to repressive measures, following the more open period of Wahid’s presidency during which the flying of Morning Star flags was permitted. A serious crackdown had begun.

Ninmin hostel supervisor interviewed in 2002, suggested that the people in the Ninmin hostel were attacked because the police knew that some are related to the OPM leaders Kelly Kwalik and Tadi Koyoya. ‘They attacked our hostel so that OPM children would be killed’ (cited in Robinson 2003, 64). So the motivation behind the attack on the students was in part reprisal for the killing of police, but also had strong anti-highlander elements. During the torture sessions, the police were verbally abusive, deriding Papuans, particularly highlanders as ‘stubborn, stupid and violent’ (HRW 2001, 4). Their vilification also showed obvious hostility to pro-independence sentiments.<sup>77</sup>

ELSHAM played a vital role supporting the victims of this violence. The support was on many levels; emotional, legal, financial and advocacy. ELSHAM staff identified the bodies of the victims; they talked with the victims and their families and took on legal responsibility that enabled ELSHAM staff to accompany them in any further dealings with the police. Following the completion of its report, ELSHAM held a press conference on December 14, 2000. Along with LBH and church groups, it urged KomNasHAM to form an investigation team, in the hope that this case could be brought before the new Human Rights Court (Robinson 2003, 48-49). Both ELSHAM Director Yohanes Bonay and LBH Director Demianus Wakman were arrested and interrogated following statements to the press about what had occurred. They were accused of besmirching the

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<sup>77</sup> The Wamena clash which had been blamed on pro-independence people, was still fresh in people’s minds. ELSHAM reported the following insults during interrogation: ‘Your mother eats pigs and you have the brains of a pig’. ‘Even with your college degrees you won’t get any job, you Papuans are stupid. Stupid and yet you think you can be independent’. ‘You put your hopes in a guy like Tom Beanal who knows nothing’ (HRW 2001, 4).

name of the police in their claims of brutality, which had yet to be proved. The police in fact denied in the press that anything had occurred (Robinson 2003, 51, 55).

In February 2001, KomNasHAM established a Commission of Inquiry into Human Rights Violations in Papua (KPP HAM)<sup>78</sup> to investigate the Abepura case. Under the new Law 26/2000 on Human Rights Courts, this Commission had the authority to conduct a preliminary inquiry into suspected cases of crimes against humanity or genocide, which could then be referred to a human rights court. This investigation was completed in May 2001 by KPP HAM, who protested publicly about lack of police cooperation and intimidation of witnesses. Their report found that there was strong evidence of human rights violations including torture, extra-judicial killings and arbitrary detentions, and it identified twenty-five police as suspects. It recommended that the case be investigated further, and that the suspects be brought to trial in a human rights court. The report was submitted to the Attorney General (henceforth AG) in May, and again in August, after it had been returned to KomNasHAM for further clarification (AI 2002, 8).

Under the Law 26/2000 on Human Rights Courts, the AG's office is obliged to carry out an investigation within 240 days of receiving an inquiry's report. However, much to the frustration of the victims, their families and the NGOs supporting them, the AG's office neglected its duty, and provided no information about progress on the case. As well as the frustration experienced over the legal process, the long-term physical and psychological impacts on victims are considerable. The most serious case of physical injury is Mundu, a

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<sup>78</sup> Komisi Penyelidik Pelanggaran Hak Asasi Manusia Papua/Irian Jaya

farmer from Abepantai, who as a result of his torture is paralysed. His care and treatment has been funded by ELSHAM and other NGOs. Many of the victims experience ongoing trauma, and are fearful of going anywhere alone, of being rearrested and of their torment reoccurring (Robinson 2003, 65-66).

In September 2002, ELSHAM formed the Team Acting with the Victims of the Abepura Case<sup>79</sup> comprising representatives from each group of victims, family members and students. As well as advocacy and lobbying, it was hoped that this team would also improve communication between ELSHAM and victims, by using local languages (as many victims did not speak Indonesian), and lessening the burden on victims having to travel frequently to the ELSHAM office (Robinson 2003, 58-59).

On October 14 2002, Secretary General of KomNasHAM Asmara Nababan, wrote to the AG, asking why there was still no progress on the case. Having heard that the deadline (of the prescribed 240 days) according to the AG's office was the end of November, ELSHAM decided to apply pressure in Jakarta over its lack of action. A team of representatives from ELSHAM, PBHI and SKP was formed to specifically lobby the AG. They planned to hold a press conference and meeting with the AG, at which victims, religious figures and women's activists would attend (Robinson 2003, 59-60).

Finally in May 2004, three years after KomNasHAM's report on its preliminary investigation had been initially submitted, the permanent Human Rights Court in

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<sup>79</sup> *Tim Aksi Bersama Korban Kasus Abepura*

Makassar began hearings, following the indictment of two of the twenty-five suspects named in this report. Throughout the process, these police remained on duty. According to AI, four years after the Abepura violence, ‘impunity for the security forces remains entrenched and justice for victims comes slowly and rarely’ (AI 2004, 2).<sup>80</sup>

It is abundantly clear that the State apparatus in the form of the police and the Attorney General’s office, attempted to block redress by the victims of the Abepura violence and their advocates. However, despite the delays in the legal process, continual pressure from local Papuan NGOs like ELSHAM and SKP who made use of the provisions of the Law 26/2000 on Human Rights Courts, ensured that victims’ rights were not completely blocked. By liaising with national human rights organizations like KomNas HAM, pressure was sustained and the government was forced to proceed with due legal process. Furthermore, there is some evidence of minor changes in police attitudes and practices, largely as a result of ELSHAM’s work on the Abepura case. Police training now includes a human rights component, and the police participated in the Peace conference in October 2002. In addition, the police were willing to cooperate with ELSHAM on both the investigations into Theys Eluay’s murder and the Timika killings (Robinson 2003, 61). The following study of the Timika case shows that when US citizens were among the

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<sup>80</sup> See AI Public Statement, 6 December 2004, ‘Indonesia: On the fourth anniversary of the Abepura raids, impunity remains entrenched in Papua’.

victims and where lobbying was conducted at the international level with the backing of a transnational advocacy network, the dynamics differed significantly.

### **The Timika case**

On August 31 2002, a sustained shooting attack on two company vehicles on the road to the Freeport mine near Timika, resulted in the deaths of three people, two Americans and one Indonesian. All were staff at the Freeport run school. Ten others were injured, including Patsy Spier (who has seventy pieces of shrapnel lodged in her back) and whose husband Rick died in the attack. The initial report by the then Police Chief of Papua Made Pastika implicated the TNI in the attack, as did the investigation carried out by ELSHAM. The TNI pointed the blame at the OPM, a view discounted by both the police and ELSHAM (Greenless 2002, 6). Rumbiak (2004) points out that two weeks before the attack, ELSHAM people had met with the OPM leader Kelly Kwalik, and had convinced him that violence should not be used against anyone in the Freeport area. Kwalik had in fact been planning a non-violent demonstration against Freeport,<sup>81</sup> but was persuaded by ELSHAM staff to cancel the protest to avoid manipulation by the TNI.

A report in the Washington Post on November 3 2002, claims that US intelligence knew of high level TNI discussions about a possible attack on Freeport, with the aim of discrediting the OPM and having it declared a 'terrorist group' (Nakashima, Sipress, 2002). Another possible motive could have been Freeport's decision in July 2002 to significantly reduce payments to the TNI in response to the new US Corporate Fraud Act

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<sup>81</sup> The FBI has a copy of Kwalik's letter stating that the protests must be nonviolent.

(Shorrocks 2004, Wilkinson 2003, Rumbiak Aug 2004). As has been pointed out in a previous chapter, tactics used by the military to remind the company of their need for the TNI had been used in the past with the desired effect, but this was the first time any US citizens had been killed.

ELSHAM, YAHAMAK and LEMASA all assisted the FBI team with their investigation. However, political pressure from forces within the US administration intent on resuming full military ties with Jakarta, meant that the FBI's findings were partially suppressed (Rumbiak 2004). In June 2004, a Papuan by the name of Anthonius Wamang was indicted by a US grand jury for the murders in Timika, and in a statement by the then US Attorney General John Ashcroft in August, Wamang was accused of acting as a member of the OPM, and suggested that 'separatists' would be hunted down. This was viewed with grave concern by human rights advocates who saw it as a 'green light' to the TNI to crack down on Papuans, given that any opponent of Indonesian rule is labeled as 'separatist'. Indeed since Ashcroft's statement, members of these organizations have come under increased threats and intimidation (Rumbiak 2004, Shorrocks 2005).

The three NGOs' joint press statement rejected Ashcroft's account, and gave details of Wamang's close ties with the TNI. It outlined three crucial pieces of evidence which they claim were suppressed by the US Justice Department. The first was Wamang's close business links with Kopassus, of which Wamang had spoken about both with the NGOs and the FBI. The second was his use of TNI supplied ammunition, also known about by

the FBI, who had discussed the matter with ELSHAM staff. According to Rumbiak, the agents 'acknowledged the validity of these facts and sent ELSHAM an email in March that suggested they were aware of the TNI's use of local people for provocation operations' (Rumbiak Aug 2004). The third was the findings of the police investigation led by Made Pastika, which concluded that the TNI was behind the murders.<sup>82</sup>

Whilst the US Congress insisted on Indonesian cooperation with the FBI's Timika investigation as a key condition to the resumption of IMET, pressure had been growing from high level Pentagon officials, led by former Deputy Defense Secretary Wolfowitz, arguing that it was in America's interests to resume full military ties with Indonesia. During her confirmation hearing on January 19 2005, Condoleeza Rice said: 'Although the investigation is not complete, the FBI has uncovered no evidence indicating TNI involvement in the Timika murders'. Shortly after this, Rice told Congress that 'IMET for Indonesia is in the US interest' (cited in Isenberg 2005).

On January 26-27 2005, ELSHAM's international spokesperson John Rumbiak spoke with US House of Representatives, Senate and State Department staff about new evidence with regard to Wamang's close links with the TNI. This information was to be given to the FBI investigators on February 23 2005. A former US diplomat to Indonesia, Edmond McWilliams urged that this evidence be considered. 'It is crucial that the FBI

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<sup>82</sup> See Joint Press Statement, 4 August 2004 'Three West Papua Human Rights Organisations condemn the statement by the US attorney General over the killing of two Americans at Freeport mine and urge the US Congress to push for a full and impartial investigation'

explore well-documented ties between the Indonesian military and the single individual so far indicted as well as a number of unindicted co-conspirators' (cited in RFK 2005).<sup>83</sup>

Being exiled in New York, Rumbiak was able to maximize ELSHAM's lobbying opportunities in a couple of ways. One was by linking up with Patsy Spier, who since September 2002 has been committed to keeping the issue of her husband's and colleagues' murders alive. She has spoken with high-level government figures including Wolfowitz, and has lobbied both Republicans and Democrats to use their vote to support a continued ban on IMET. As Spier so pointedly said:

Whoever did this was arrogant enough to think they could get away with it. So what in God's name are they doing to the villagers and the average Indonesian who doesn't have a voice? (cited in Shorrocks 2004).

The other channel for Rumbiak was to link up with the well-established ETAN, thus building upon a network with long-standing experience in lobbying and advocacy over the TNI.

### **ELSHAM's links with the Transnational Advocacy Network ETAN**

Keck & Sikkink (1998, 26) show that pressure from transnational advocacy networks can achieve a cessation of military aid to repressive regimes. ETAN is a classic example of this. ETAN, formed in the wake of the November 1991 Dili massacre, sought to end US military aid and training to Indonesia, as a way of pressuring Jakarta over human rights

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<sup>83</sup> See press release by RFK Memorial Center for Human Rights, February 23 2005, 'Activists Link TNI to Freeport Killings'. Also ABC Radio Asia Pacific, February 28 2005, 'PAPUA: Activists slam US resumption of military training with Indon military'.

abuses in East Timor, and to allow for an act of self-determination to occur (Simpson 2004, 459). In February 1992, ETAN started a campaign to cease military training to Indonesia through the IMET program. In response to lobbying by ETAN members, a congress member introduced a resolution banning IMET. Despite counter lobbying by Freeport McMoran, General Electric and other corporations, the bill passed in October 1992. This 'land-mark victory' was achieved as a result of well organized phoning by Brown University students, who rang tens of thousands of people in key Senate and Congressional held seats. It was one of the first cases in which activists had succeeded in stopping military aid to a repressive regime 'against the wishes of the executive branch' (Simpson 2004, 460).

The terror perpetrated by the TNI and their militias in East Timor in 1999, meant that the IMET restrictions were maintained. The lobbying by Spier, and Rumbiak for ELSHAM, with the support of ETAN, resulted in the continued withholding of IMET between 2002 and 2005. Congress had stipulated that full cooperation by the Indonesian military with the FBI investigation was a key condition for TNI access to the program. This delay was significant, given clear signs of government resolve to restore it after September 11 2001 (Shorrock 2004, Isenberg 2005).

There was recognition amongst activists that the withholding of funds for IMET was largely symbolic, given other extensive military links between the US and Indonesia. However from a Papuan perspective, the leverage gained by withholding IMET was significant, as it facilitated exposure of the relationship between the TNI and Freeport,

and the continuing human rights abuses occurring in Papua. As Rumbiak said when he heard the news that IMET was to be restored: 'The money doesn't matter, but it has so much political gesture, if it is held until the Timika case (is solved), the ambush at Freeport mine really revealed (the perpetrators) it would (have a) huge political impact, especially diplomatic relations with Indonesia and US' (ABC Radio Asia Pacific, 2005).

Despite strong evidence pointing to US citizens having been killed by agents working closely with the TNI, the hawks in the Whitehouse with cooperation from the FBI who chose to ignore this vital evidence, decided to restore the IMET program in late February 2005. Politically, it was not in the interests of the US government to allow the murders of a couple of US citizens to obstruct strong military ties with Jakarta any longer. However, the fact that Papuan NGOs together with ETAN were able influence US foreign policy in this way, suggests that strategies used by transnational advocacy networks in certain circumstances can be successful.

As Keck and Sikkink (1998, 22-23) point out, local NGOs such as ELSHAM depend upon international contacts to get information out, and to 'help protect them in their work'. An essential partner in advocacy networks is the media. Sympathetic journalists sometimes become part of the network, or more often, activists attain a credible reputation with the press. Raising the profile of the issue and providing policy-makers with information is the first step in trying to achieve a change in government policy. Networks must use leverage to gain the support of powerful institutions like the US government. In the case of military abuses in East Timor and later Papua, whilst

representing only a small fraction of US military assistance to Indonesia, the IMET program could be used effectively as leverage by ETAN.

Keck & Sikkink (1998, 117) agree that a key factor in the effectiveness of advocacy networks is the vulnerability of the target state. Network activists claim to have been less effective against states that the US considers important to its national security interests. Whilst Indonesia is now viewed in this category (as has been made clear in the above statements by Secretary of State, Rice), the idea of state vulnerability needs to be qualified in the case of Indonesia post 1998. The partial democratisation process means that there is now one state and two systems. In Papua, after a brief interlude of political openness between 1998 and 2000, there has been a return to a highly militarised repressive system, whilst elsewhere in Indonesia a much more open society is evident in which the TNI is under much greater scrutiny.

The Timika case highlights the usefulness of transnational advocacy networks in situations where one state is 'immune to direct local pressure and linked activists elsewhere have better access to their own governments or to international organisations' (ibid, 200). As Keck and Sikkink (1998, 1-2) note, transnational advocacy networks challenge traditional notions of sovereignty, because they 'blur the boundaries' between a state's relations with its own citizens, and the ability of citizens and states to access the international system. Because US citizens were killed in Papua, ELSHAM and other Papuan NGOs through their links with international networks including ETAN, were able

to influence US foreign policy and for a considerable period (thirteen years) obstruct Indonesia's access to the IMET program.

To conclude, the Abepura case highlights the vital role ELSHAM plays in supporting victims of state violence, including using legal mechanisms, and galvanizing support from national NGOs. It also shows the limitations of NGOs like ELSHAM, primarily because of an entrenched culture of impunity enjoyed by the police and military in Papua, which in this case was supported by the Attorney General's office. The Timika case demonstrates the potential for local NGOs to highlight their concerns within the international arena. ELSHAM's connection with transnational advocacy networks meant that leverage could be used to influence US government policy. By linking up with ETAN, ELSHAM was able to influence US Indonesian military relations by putting the spotlight on TNI actions in Papua, primarily because of Freeport's high profile and because US citizens were amongst the victims.

## CONCLUSION

The leading human rights organisation in Papua ELSHAM, has used a variety of strategies to contest State violence, including documentation and advocacy within national and international arenas. ELSHAM has utilised its links with Indonesian NGOs and INGOs to lobby nationally and internationally on issues of human rights, including the right to self-determination, and the impunity seemingly enjoyed by security forces in West Papua.

The presence of the Freeport mine and the associated militarisation of the area, was crucial to the development of NGO and nationalist activism in the period under discussion. Whilst Freeport has been operating since 1967, it was not until the mid-1990s that Papuan NGOs with the support of Indonesian NGOs, were able to expose the situation; initially through the ACFOA report, that resulted in international scrutiny. Since then, international human rights organisations have maintained a continuing interest in Papua and Freeport. The coverage of Papua by organisations like AI, HRW, RFK Memorial Centre for Human Rights and the International Crisis Group (ICG) has largely been sympathetic to Papuans from a human rights perspective, but this sympathy has not extended to the issue of self-determination.

A commitment to non-violence has characterised the nationalist movement in this period, with strong influence from leading figures like theologian Benny Giay, and ELSHAM's John Rumbiak. Together with other civil society groups, particularly the churches,

ELSHAM has promoted the idea of Papua as a 'Zone of Peace', a move that has not gained support from the main perpetrators of violence, the Indonesian military.

The political opening up under *reformasi* enabled ELSHAM with the support of KomNasHAM, to challenge the State perpetrated violence at Abepura. This eventually led to two police officers being charged and tried before the Human Rights Court. This would not have occurred under the Suharto regime. Whilst AI and HRW issued reports and have monitored progress of the case, international pressure does not appear to have been an important factor in the Abepura outcome.

In the Timika case, ELSHAM's and Police Chief Pastika's conclusion that Kopassus was responsible for the killings, remained the credible version, despite the US Attorney General's claim that the indicted suspect had been acting for the OPM. ELSHAM's and Pastika's reports exposed the TNI to much greater scrutiny, including its relationship with Freeport. Building on the successful lobbying of East Timor Action Network (ETAN), ELSHAM was able to link the Timika killings to the US-Indonesia military relationship. Because of alleged TNI involvement in the killings, the US Congress withheld funding for the International Military Education Training (IMET) program until State Department pressure resulted in its restoration in February 2005.

Whilst being part of an international network affords a degree of protection to organisations like ELSHAM, NGOs in West Papua continue to work under pressure of intimidation, harassment and military oppression. The evidence shows that whilst it is possible to enlist the support of Indonesian NGOs and INGOs on issues of human rights,

militarism and the environment, their support does not extend to the issue of self-determination - the issue that is viewed as paramount and fundamental by most Papuans.

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