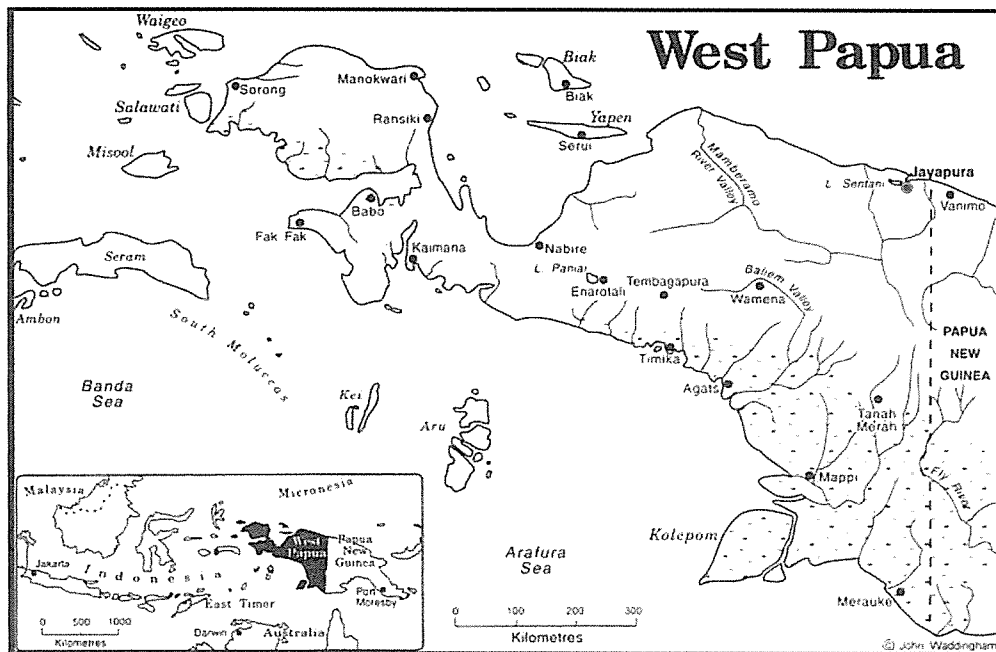


West Papua

It cannot be ignored



May 2009

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West Papua -one of our nearest neighbours

West Papua¹ is one of our nearest neighbours. It is the one issue that could cause major friction between Australia and Indonesia and in its own interest, Australia should be addressing the question of how to solve the many issues of concern in the territory. The whole island of New Guinea will always be strategically important to Australia and it is in the interests of the Australian Government to have a stable region to our north. However, in West Papua, the policies of the Indonesian Government, compounded by the actions of the Indonesian security forces will lead to the very instability the Australian Government is trying to avoid.

The West Papuan people face great challenges including ongoing human rights abuses, the exploitation of their natural resources with little or no benefit to themselves, the danger of becoming a minority in their own land as the result of migrants arriving daily and a HIV/AIDS epidemic. Good relations with Jakarta should not be at the expense of the West Papuan people who are struggling for their right to self-determination.

Although Indonesia has made great progress towards democracy in recent years, unfortunately this has not translated to an improvement in the human rights situation in West Papua. There are ongoing human rights abuses in West Papua with many recent reports documenting these abuses. In fact, as the Special Representative of the Secretary General on the situation of human rights defenders, Ms Hina Jilani said in her report "A climate of fear undeniably prevails in West Papua". Ms Hina Jilani, conducted an official mission to Indonesia from 5-12 June 2007. The following is an extract from her report in relation to West Papua which was released on the 28 January 2008.

"A climate of fear undeniably prevails in West Papua, especially for defenders engaged with the rights of the Papuan communities to participation in governance, control over natural resources and demilitarization of the province. The situation of these defenders does not seem to have eased, and despite the adoption of the Special Autonomy Law in 2001, their legitimate activities for the protection of human rights continue to be targeted. The Special Representative heard credible reports of incidents involving arbitrary detention, torture, and harassment through surveillance. She was also informed of cases where human rights defenders had been threatened with prosecution by members of the police and the military. It was alleged that when defenders had attempted to register their complaints, that had been denied and they had been threatened. Instances of excessive and disproportionate use of force when policing peaceful demonstrations were also brought to her attention".

The West Papuan people maintain their struggle.

Forty six years after Indonesia took over administration of West Papua from UNTEA in 1963, the West Papuan people still continue their struggle for justice and self-determination. This continuing struggle by the West Papuan people should be noted

¹ AWWPA (Sydney) uses the name "West Papua" to refer to the whole of the western half of the Island of New Guinea. However, "West Papua" at this time is divided into two provinces, Papua and West Papua.

by the Australian Government. It is an issue that is not going away and just by geographically alone we are involved. Events in March and April this year illustrate the ongoing struggle. Following is a very brief summary highlighting some of the incidents.

Incidents in Puncak Jaya district

There were a number of attacks on Indonesian security posts and military patrols during March in the Puncak Jaya district. On Friday the 13 March 2009 there was an attack on a security post in the Tingginambut area although nobody was injured in the attack. The following day a TNI patrol was attacked and one soldier was killed. A bridge was also set on fire and destroyed in the area. In response to the various attacks which occurred in the Puncak Jaya district (since the beginning of the year) the chief of police in Papua announced that they had drawn up a list of ten wanted people and offered a reward of Rp 10 million (US\$900) cash for the capture of any OPM members responsible for the outbreak of violence. In another incident two men were killed and another two badly injured after they were allegedly attacked by members of the OPM in Puncak Jaya sub-district.

AWPA would like to point out that it is in the interests of the Indonesian military to provoke conflict in West Papua and every incident cannot be blamed on the OPM. There are militia groups operating in West Papua and also a false OPM created by the military to instigate incidents.

The Indonesian military responded to the escalating attacks by deploying more troops to the area. An army spokesperson Brig. Gen. Christian Zebua told Antara state news agency "that more soldiers would be deployed to secure areas prone to violence, particularly in Tingginambut in Puncak Jaya Regency". This response of a build up of more troops prompted a Papuan member of the Indonesian parliament, the DPR, Dr John Manansang to call for a different approach and in a report on Radio New Zealand International (30 March), the West Papua religious leader and academic Father Neles Tebay said "the recent spate of killings in Puncak Jaya regency highlight the urgent need for dialogue between Indonesia and West Papuan representatives" and "that political dimension should be settled" and "that political dimension will not settle through deploying more troops, through conducting military operations."

Rallies

A large number of rallies occurred in a number of towns in March and April. Thousands of West Papuans took to the streets in the towns of Nabirie, Wamena and Jayapura. The demonstrators were calling for democracy and freedom for West Papua and also for a referendum. The rallies were also in support of the launch of the group "International Lawyers for West Papua". At the rally on the 6 April, police opened fire on demonstrators injuring at least eleven people including a 10 year-old student who was shot as he was returning from school. A police officer was also injured.

On Wednesday the 15 April a policeman was killed and six others wounded when they were ambushed by an unidentified group in Tingginambut in the Puncak Jaya district of West Papua. There have also been reports concerning a clash in the border area between West Papua and PNG. According to the Post Courier (PNG) 14/4/09, eleven people were killed "six of them Indonesian soldiers and five pro-West Papuan

separatists – in a bloody fight at the border of Indonesia and Papua New Guinea on Easter eve”. The Straits times, 12 April reported that 3 bombs were found by a garbage collector early Sunday near a police post in Abepura. The bombs which did not explode, were left in a garbage bin. The previous Thursday police shot a man dead during a clash with suspected rebels who attacked the police post with arrows and bombs hours before polling stations opened for the local, provincial and national elections. A home-made bomb did exploded under a bridge (8 April) in the Muara Tami district 40 kilometers from Jayapura. There were no victims and the bridge wasn't damaged as the bomb fell into a river before it exploded. Troops also found and detonated two other bombs that did not explode due to faulty fuses.

The International Committee of the Red Cross was told to leave the Papua region after its officials visited separatists in jail. According to the foreign ministry in Jakarta the government was offended both by the ICRC's failure to obtain proper permission to operate in Papua and by the prison visits. The ICRC said it runs sanitation projects in Papua and also visits detainees, including jailed members of the separatist Free Papua Movement, to ensure they are treated properly.

Nearly 200 soldiers from battalion 751 rioted in Jayapura over a dispute about the cost of transporting a dead comrade's body home to Nabire. The troops stormed their commander's office and wrecked the building and stole weapons. Journalists were also attacked by soldiers during the protest. Military (TNI) Chief Gen. Djoko Santoso apologized to people in Sentani for the behavior of his military personnel. He also apologized to journalists, who were attacked by soldiers during the protest. Army Chief of Staff Gen. Agus Hadi Sasono said “we have decided to dismiss the battalion's commander, deputy commander and intelligence assistant due to poor leadership”.

West Papua is an issue that is simply not going to go away and the Australian Government needs to dialogue with Jakarta over the human rights situation in West Papua and not simply hope that by ignoring what is going that the issue will disappear.

Following are photos and media headlines of events in March and April of this year which illustrate the ongoing struggle by the West Papuan People for justice
Photos of the rallies are from
<http://opeeem.blogspot.com/2009/04/rally-in-wamena-and-nabire-on-support.html>

Australia's involvement in West Papua

Originally Australia supported the Dutch in trying to hold onto West New Guinea, as we preferred another colonial power to act as a buffer zone between Australia and any potential invader from the north. However, once the US decided to back Indonesia, Australia also decided to support Indonesia's takeover of West Papua. In fact, Australia acted against the wishes of the West Papuan people, who always wanted independence. One example is the case of two West Papuan leaders, Clemens Runawery and Willem Zonggonao who were removed by Australian officials from a plane just weeks before the UN supervised vote (in Australia's then colony of PNG). This was at the request of the Indonesian foreign minister. They were on their way to the UN in New York carrying testimonies from many West Papuan leaders calling for

The photos and media headlines are of events in March and April of this year and aptly illustrate the ongoing struggle for justice in West Papua

March for democracy



Massive March in Papua Poll Protest
Thousands of people took part in a pro-independence rally in Papua Province on Friday, calling for a boycott of the legislative elections. (Jakarta Globe April 4, 2009)

11 Hospitalized After Police Fire on Papuan Demonstrators
Jayapura. Police in West Papua Province opened fire on demonstrators demanding independence for Papua and calling for a boycott of the upcoming elections, wounding 11 people, four seriously, activists and a hospital employee said on Monday. (Jakarta Globe April 6, 2009)

Indonesia arrests flag-wavers: Amnesty

SMH March 27, 2009

Indonesia has arrested at least 152 people for waving the flags of regional independence movements, Amnesty International says. In a new report, Amnesty says the arrests have been made over the past two years as part of a crackdown in regions with a history of separatist movements. At least 93 people are currently in detention in Papua and Maluku for charges associated with flag-raising activities, the report says.

Three West Papua activists arrested
Tue, 04/07/2009 2:29 PM | The Archipelago
JAYAPURA: Papua Police have detained three activists of the West Papua National Committee (KNPB), for their allegedly subversive activities.



Thousand West Papua Rally Demand Referendum and Boycott

Military build-up not a solution to West Papua's problems, says religious leader

A West Papua religious leader and academic says the recent spate of killings in Puncak Jaya regency highlight the urgent need for dialogue between Indonesia and West Papuan representatives. (RNZI 30 March, 2009)

Indonesian security forces step up hunt for OPM leader in Papua
RNZI 23 March, 2009
Indonesian military troops have reportedly launched an operation in Papua's Puncak Jaya district to hunt down the leading West Papuan separatist leader.



RABU, 2009 MARET 11

Thousands of West Papuans Demand Freedom for West Papua

Police fire shots at demonstrators in Papua

The Associated Press, Jayapura Tue, 04/07/2009 9:08 PM

Police opened fire on pro-independence protesters in Papua province, critically wounding four, just days before Indonesia's general elections, officials and witnesses said Tuesday.

Indonesia crackdown after Papuan anti-election rally

Police have raided the offices of a Papuan organisation, making arrests and causing damage, after thousands of people rallied in Indonesia's eastern Papua region to call for independence from Radio Australia

Reporters Without Borders condemns Indonesian arrest of 4 Dutch

The international media group, Reporters Without Borders, has condemned the arrest of four Dutch journalists in the Indonesian province of Papua. The four were arrested last month in the Papuan capital after covering a demonstration organised to greet the return of Nicholas Jouwe. (RNZI 1 April, 2009)



Papua still struggling despite autonomy
 Poverty, poor education, and a lack of health care continue to plague Papua eight years after centralized control gave way to regional autonomy in the province.
 (The Jakarta Post, Wed, 04/08/2009)

Bombs found in Papua: police

TIMIKA (Indonesia) - THREE improvised bombs were found on Sunday near a police post in Indonesia's restive Papua province where police and suspected separatists clashed earlier in the week, police said.

Demand for self-determination and the immediate release of Buchtar Tabuni
 Jayapura, 04 March 2008 [opeem]



Police Sent to Papua, Attacks Continue.
Jakarta Globe April 17, 2009

Following a fatal attack on a police convoy in Puncak Jaya district, Papua Province, the National Police dispatched 80 members of the elite Mobile Brigade to the troubled province on Wednesday, a police officer said on Thursday.

independence. Because of Australia's involvement, they never had a chance to plead their case.

The Lombok Treaty

The Lombok Treaty, the "Agreement Between the Republic of Indonesia and Australia on the Framework for Security Cooperation" was signed on the Indonesian island of Lombok in November 2006 and came into force on 7 February 2008. AWWPA believes this treaty was partially driven by the issue of West Papua and was designed to repair the relationship with Jakarta which were damaged by the arrival of the 43 asylum seekers from West Papua in January 2006. We are concerned greatly by the ties with the Indonesian security forces which this treaty commits us to. We believe that any aid, training or the sharing of intelligence material with the Indonesian military could be used against the West Papuan people. We note that ties with the Indonesian military were also a concern in a large number of the submissions to the Joint Standing Committee on Treaties (JSCOT). The Indonesian embassy in Canberra tried to use the Lombok Treaty to ban a West Papuan cultural night held in Canberra saying it was against the principles of the treaty.

Health and human rights in West Papua

Health is recognized as a human right by the United Nations as "a state of complete physical, mental and social wellbeing, and not merely the absence of disease or infirmity". This is accepted by the 191 World Health Organization (WHO) Member States. This is the original agreement and since its inception it has been elaborated and practical approaches and accountabilities have evolved. The right to the highest attainable standard of health transcends virtually every other right. It is also true to say that other rights such as the right to freedom of association, information, education, food and nutrition, equality, non discrimination, participation etc have an effect on health and it is the subjugated and those subject to discrimination on the basis of race, gender, religion etc who have the poorest health. Health is determined by these human rights. For example one of the strongest determinations of a child's health is the education of the mother. Literacy and education means information and confidence in demanding what is best for one's child. (The above is drawn from a paper by Prof.Tarantola of the University of NSW for the above short summary)

In theory any abuse or negligence by a government which affects a population's health is an abuse of human rights and as such a case can be made. There are reasonable safeguards for governments who do not have the finance to look after their people. The key is fairness in financing. Indonesia falls short here because there is not fairness of financing as seen by the appalling statistics of WP health (infant mortality, overall mortality) as compared to the rest of Indonesia.

The current epidemic of HIV/AIDS in West Papua, the dangerous emergence of antibiotic resistant tuberculosis and the endemic malaria infection are a result of negligence on the part of the Indonesian government public health policies of

prevention, diagnosis and treatment. These are areas where the government is negligent.

Health statistics for West Papua vary but there is no doubt that the West Papuan people have one of the poorest health standards in the archipelago although West Papua is rich in natural resources.

From Papua Needs Assessment Report (UNDP 2005)

“The infant mortality rate of 50.5 infant deaths per 1000 is higher than that of Indonesia as a whole at 43.5 (Indonesia Human Development Report 2004). The maternal mortality rate is 1,116 per 100,000 births, which is the highest in Indonesia, (Provincial Health Service data, 2005). These statistics are indicators of the general health of the population. Among the most serious contributors to these health risks are communicable and sanitation-related illnesses, such as malaria and tuberculosis”.

HIV/AIDS

Figures for HIV/AIDS in West Papua can vary but West Papua is facing an African style HIV/AIDS epidemic. According to a recent Al Jazeera program “3% of the population are now infected” . An AusAID study predicts that by 2025 adult prevalence will rise in Papua and West Papua to 7% and in the rest of Indonesia to 1.08%. (HIV/AIDS Activities by Country. Indonesia)

The deaths of West Papuans from what should be preventable diseases is a sign of neglect on the part of the Indonesian government and a failure of public health policies of prevention, diagnosis and treatment. Health is recognized as a human right by the United Nations.

We are concerned about the health of the West Papuan people in general. Also of concern is that the strain of malaria thought to be previously ‘benign’ has been found to be potentially fatal. In a recent study conducted in Papua (published by Charles Darwin University’s Menzies School of Health Research), the study found “ that *P. vivax* is far from benign, but is responsible for a significant amount of illness with high rates of severe disease and death.

Although the Indonesian government has established health centers in a number of sub-districts in West Papua, these centers lack properly trained staff, medicines, diagnoses of illness and accountability of causes of death particularly in the more remote areas of the territory.

The Question of Special Autonomy and the division of West Papua

In 2001, President Megawati and the Indonesian Government approved a Special Autonomy package for West Papua as well as allowing a name change for the province to “Papua”. It was hoped this autonomy package would dampen support for independence. Although the package appeared generous in that the central government would return up to 70% of the province’s revenue, it was rejected by the

West Papuan people. This refusal at what appears to be a very generous package surprised the central government who seem to have great difficulty believing the fact that the West Papuan people want their freedom. But the Indonesian Government was never really committed to Special Autonomy and this was confirmed when President Megawati in 2003, issued Presidential Instruction No. 1/2003, to divide Papua into three separate provinces.

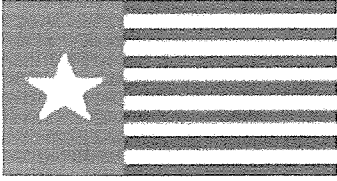
The Presidential Instruction was legally problematic as the 2001 Special Autonomy Law No. 21 held a more legitimate legal status than the presidential instruction. The decree contradicted Law No. 21/2001 on special autonomy for Papua, particularly Article 76 which states that any policy affecting Papuans must be approved by the Papuan People's Council (MRP), in effect Papua can only be divided into several provinces if it were an aspiration of the Papuan people and also only with the approval of the MRP. (In August 2002, the Papuan parliament sent a draft bill establishing the MRP to the Ministry of Home Affairs, however, officially at the time of the division the MRP had not yet been established. The MRP has only come into being after long delays, under the present SBY government).

To the West Papuan people this presidential instruction to divide West Papua into a number of provinces was basically seen as a case of 'divide and rule' i.e. to weaken the Papuan movement for self determination. In 2004, the Indonesian Constitutional Court overturned the controversial law that would have divided Papua into three new provinces, but ruled that one of the new provinces (West Irian Jaya) would remain intact as it had already been established in line with constitutional requirements i.e. it became a de facto province. The formation of the third proposed province, Central Irian Jaya, would not be allowed. In 2007, West Irian Jaya was renamed West Papua adding more confusion and confirming Jakarta's policy of divide and rule. At the present time West Papua has two provinces, Papua and West Papua. (Note. The whole western half of the Island of New Guinea is called West Papua by the indigenous West Papuans).

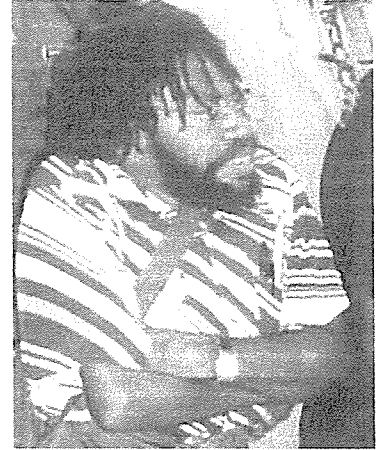
Support for Special Autonomy?

A number of governments around the world have supported the autonomy package for West Papua as it gives them a way of avoiding looking at the harder question of self-determination for the West Papuan people. Funding for the autonomy package has flowed to West Papua but it has only benefited some elites and the bureaucrats with no benefit for the majority of West Papuans. The Australian Government also supports the special autonomy package as the best way forward for the people of West Papua. However, eight years after its introduction, the West Papuan people have received no benefit from special autonomy as evidenced by their ever deteriorating health, poverty and poor education. AWPA believes this is a significant contributing factor for the West Papuan people's rejection of special autonomy

Political prisoners in West Papua



Fifteen years for raising this flag
Filip Karma and Yusak Pakage
received 15 and 10 years jail
for simply raising this flag

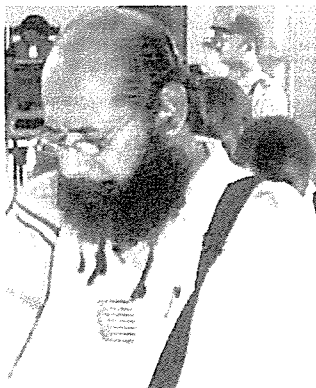


Yusak Pakage,

It is difficult to know the exact number of cases of political prisoners (including prisoners of conscience who are in jail in West Papua because of the difficulty of access and restrictions on the gathering of information in the territory.

According to Amnesty International at least 152 people were arrested for waving flags of regional independence movements Amnesty International says. Amnesty reported that the arrests have been made over the past two years as part of a crackdown in regions with a history of separatist movements. According to Amnesty there are at least 93 people currently in detention in Papua and Maluku for charges associated with flag-raising activities. (AI report March 2009. "Indonesia: Jailed for raising a flag – prisoners of conscience in Maluku")

Two of the most well known political prisoners are Filep Karma and Yusak Pakage, who received jail terms of 15 and 10 years respectively, simply for being part of a rally where the West Papuan national flag, the Morning Star was raised.



Filep Karma, civil servant

Karma and Pakage were arrested in December 2, 2004, and charged with *makar* (rebellion) and in May 2005, a court sentenced Filep Karma to 15 years in prison and Yusak Pakage to 10 years on charges of treason. Amnesty International considers both Filep Karma and Yusak Pakage to be prisoners of conscience who have been detained solely for the peaceful exercise of their right to freedom of expression.

Flag raisings

The West Papuan people raise their flag as an act of celebration but also of protest against the injustices they suffer under Indonesian rule. The West Papuan flag was flown officially for the first time on the 1st December 1961, beside the Dutch Tricolor. Can Indonesia claim to be a democratic country if they arrested and imprison people simply for raising a flag?



A number of West Papuan men and women were arrested at the conclusion of a four-day Papuan Tribal congress meeting in Jayapura in July 2007. The reason the police gave for the arrests was that the West Papuan national flag, the Morning Star was used in the opening ceremony of the conference. The flag was waved by a group of traditional dancers from Manokwari named "Sampari" (above)



Morning Star Flag raised in the Highlands outside Wamena (Dec. 2008)

Buchtar Tabuni charged with subversion

Another case is that of Buchtar Tabuni who was arrested by the police on the 3rd of December 2008 in West Papua. Buchtar Tabuni is a human rights activist and had been involved in organising a number of peaceful demonstrations including one in support of the launch of the International Parliamentarians for West Papua. Mr. Tabuni has been arrested merely for peacefully expressing his political views. On the 18th of February 2009, the trial of Buchtar Tabuni began. Prosecutor Maskel Rambolangi accused Buchtar of being the coordinator for the International

Parliamentarians for West Papua (IPWP). The prosecutor accused Mr Tabuni that he had twice coordinated mass demonstrations at the University of Cenderawasih campus on 16 October and had delivered political speeches that were deemed to be a threat to the sovereignty of the Republic of Indonesia. Additional evidence, presumably linking Mr Tabuni and his colleagues with the formation of the International Parliamentarians for West Papua (IPWP) consisted of banners on which was written: 'Referendum Yes, Otonomi Khusus (Special Autonomy) No', 'West Papua Problem is not Indonesia Problem', 'We want to International dialog' and a variety of other slogans asking for political freedom. Buchtar Tabuni was subsequently charged under Articles 106, 160 and 212 of the Criminal Code for state subversion and for resisting personnel of the state.

In April (2009) lawyers representing Buchtar Tabuni claim he was assaulted by Indonesian police and public prosecutors. He was beaten and kicked because he refused to wait in a holding cell shortly before a scheduled testimony hearing for his trial in the Jayapura District Court. One of his lawyers said Mr Tabuni refused to wait in the holding cell because he was being denied the chance to meet with his legal team. Buchtar Tabuni suffered back injuries because of the attack and needed hospital attention.

The Indonesian military

It is in the interest of the military to provoke and prolong conflict in West Papua as well as in other areas throughout the archipelago in order to prove that they are needed to maintain law and order and control so called separatists groups. In fact the main aim of the military in Indonesia appears to be revenue raising. The Indonesian military receive approximately 30% of their budget from the government and must raise the rest themselves. Much of this is done through illegal means such as illegal logging, mining and offering to provide so called security to international companies such as the Freeport copper and gold mine.

Assassination of Chief Theys Eluay



Chief Theys Hiyo Eluay, the chairperson of the Papuan Presidium Council, was abducted by Kopassus soldiers on 10 November 2001, shortly after attending an event at the Kopassus base near Jayapura. His body was found the following day showing signs of strangulation. Although at first the military denied its involvement in the killing eventually members of the army's special Kopassus forces were put on trial. A military court on

Monday the 21 April 2003, found seven Kopassus special forces soldiers guilty of involvement in the death of Chief Theys Eluay. However, the soldiers received light sentences of imprisonment ranging from two to three-and-a-half years.

The light sentences received by Chief Theys killers only sends a message to the West Papuan People that they can receive no justice under Indonesian rule. It indicates that the military can act with impunity in West Papua. Comments made by the chief of staff of the army, General Ryamizard Ryacudu only confirm this. In relation to the soldiers found guilty of Chief Theys murder he is quoted as saying,

'I don't know, people say they did wrong, they broke the law. What law? Okay, we are a state based on the rule of law, so they have been punished. But for me, they are heroes because the person they killed was a rebel leader.'

The Militarys involvement in human rights abuses and resource extraction.

A report by the international crises group in Brussels entitled 'Indonesia: Resources and Conflict in Papua' states (Asia Report N°39 3 September 2002)

“Injustices in the management of natural resources under Indonesian rule have contributed significantly to the conflict. The state has often given concessions to resource companies in disregard of the customary rights of indigenous Papuan communities, while troops and police guarding these concessions have frequently committed murders and other human rights abuses against civilians. Provisions in the special autonomy law require resource companies to pay greater heed to adat claims to land ownership, but they do not apply retroactively to the many companies already in Papua.

Indonesian security forces have a financial interest in resource extraction in Papua, through direct involvement in logging and other activities and protection fees paid by resource companies. Numerous serving and retired officers, senior state officials and others close to government are thought to have logging concessions or other business interests. Alongside the substantial tax and royalties accrued by the state, these interests are a powerful reason for the Indonesian state and its agencies to keep control of Papua”.

The London-based Environmental Investigation Agency and Telepak has also released a report entitled “The Last Frontier - Illegal Logging in Papua and China's Massive Timber Theft” which shows the Indonesian military are involved in the illegal smuggling of logs from West Papua to China. It should be noted The Indonesian government has banned the export of raw logs.

To quote from the report

“The military in Papua are involved in every aspect of illegal logging. Several forestry concessions in the province are linked to military foundations, notably the company Hanurata, which controls five concessions in Papua and shares its headquarters in Jayapura with a detachment of troops from the army's special forces. Military personnel are frequently employed as security for logging operations. One timber dealer based in Jakarta told EIA/Telapak investigators that he had 30 soldiers on his payroll to secure his illicit forest concession. The army is also used to intimidate local

communities opposed to logging operations on their lands. A report by human rights observers documented widespread logging-related abuse by troops stationed near Jayapura. The abuses involved intimidation, assaults and rape”.

Has the TNI reformed?

As well as the US State Department’s 2005 Human Rights report which states “Security forces continued to commit unlawful killings of rebels, suspected rebels, and civilians in areas of separatist activity, where most politically motivated extrajudicial killings also occurred”, an article in the Jakarta Post “Military remains above the law, says rights watchdog” dated 27 December 2006, also reports that the military have made no progress in reforming itself.

In the article the Commission for Missing Persons and Victims of Violence (Kontras) reported that “the nation's security forces are still operating above the law”. Kontras, in its end of year report for 2006, said although there was some improvement in the government's protection of human rights, its record, however,” was clouded by what Kontras saw as the government's reluctance to reign in security agencies, the Indonesian Military (TNI), the State Intelligence Agency (BIN) and the National Police, which continue to defy the reform process”. Kontras reported that in 2006, the military still remained autonomous from legal and political controls.

"In terms of professionalism, the TNI registered no significant progress. The institution gave no accountability for human rights violations committed by its members who were involved in shootings, kidnappings, wrongful arrests and physical abuses," Kontras coordinator Usman Hamid said.

Militia groups

There are also militia groups operating in West Papua including the Laskar Jihad group. Although it was reported that they disbanded after the Bali bombings members of the group have remained in West Papua. Other groups include the Satgas Merah-Putih (Red and White Task Force) and the Front Pembela Merah Putih (Red and White Defenders Front). None of these groups could operate without the knowledge and consent of the military. They military have also created a false OPM (Free Papua movement) to instigate incidents so the military can use such incidents to crack down on so called separatists groups.

Threat to West Papua’s forests: Oil Palm Plantations

West Papua contains some of the last great tracts of undisturbed rain forest in the Asia-Pacific region. According to Forest Watch Indonesia /Global Forest Watch (FWI/GFW 2002), forest cover in West Papua in 1997 was estimated to be just over 33 million hectares. By 2004 FWI estimated that it had dropped to 30.4 million hectares of natural forest cover, equivalent to 73% of the territory. (Ecology of Papua Part Two (2007).

There is no doubt that the rich, bio-diverse forests of West Papua are coming under major threat as the Indonesian government looks to replace the exhausted forests resources in Sumatra and Kalimantan. The main threats include logging (both legal and illegal) and oil palm plantations although transmigrant sites and mining areas have also impacted on the forests of West Papua.

The cutting down of tropical forests in West Papua for oil palm plantations will not only lead to increased global warming but also destroy some of the last great tracts of untouched tropical forest in the Asia Pacific region. The forests of West Papua are rich in bio-diversity and are also utilised by the indigenous people in every aspect of their lives. The forests offer a wealth of natural resources for hunting and gathering and provide construction material for huts as well as medicines having cultural and spiritual significance.

Oil Palm Plantations

The world's demand for bio-fuel is causing deforestation in tropical forests around the world and oil palm plantations are now a major threat to the forests of West Papua. John McBeth in an article titled 'Tussle for Papua's forests' (Straits Times, Singapore 21/8/07) reported on the Indonesian central government's plan to massively expand palm oil plantations in West Papua. This would entail the creation of four million hectares of plantations concentrated in the south-eastern districts of Merauke, Boven Digoel and Mappi, and in the Sari, Keerom and Jayapura regencies on the northern side of the Central Highlands. According to McBeth, about 90 per cent of the area designated for conversion to palm oil plantation is primary forest that has never been logged. The exact amount of land set aside for oil palm plantations is unclear and figures vary according to sources. Greenpeace claims that Indonesia's President has asked Papua's Governor Barnabas Sebu to open up five million hectares of land for conversion into palm oil plantations in a bid to increase biofuel production.

Conflict

A report by the International Crisis Group (ICG) in 2007 reported that The social and political tensions generated by natural resources investment have always been an important element of the Papua conflict. Papua's and West Papua's timber, fishing and minerals are vital to the national economy, yet their populations are poorer than those of any other province in Indonesia except West Nusa Tenggara. The most significant new investment in Papua, however, is plantation development, particularly oil palm, and the bulk of it – potentially hundreds of thousands of hectares – will be in Boven Digoel, Mappi and Merauke". The report raised a number of concerns including "the potential influx of non-Papuan Indonesian workers". West Papuans are already concerned that they will become a minority in their own land and any influx of migrants into an area has the potential to cause conflict between the local people and Indonesia workers.

Australia and Indonesia are cooperating in combating climate change and any plan for the protection of the forests and in particular those of West Papua should be supported. However, the question raised by any proposed REDD scheme (Reducing Emissions from Deforestation and Forest Degradation) is, who would receive the

money for the protection of the forests? The central government? the provinces? or the Indigenous people who actually own –or should own them?

In discussing any plan to protect the forest of West Papua the West Papuan people themselves should be consulted and guaranteed to benefit from and participate in such plan, which will also benefit the global community.

Conclusion

Forty six years after Indonesia took over administration of West Papua the West Papuan people still continue their struggle for justice. As recent events in March and April of this year have shown, West Papua is an issue that is not going away. Good relations with Jakarta should not be at the expense of the West Papuan people who are struggling for their right to self-determination and it is in Australia's own interest to try and help solve the many issues of concern in West Papua.

Australian Governments of all persuasions seem to believe that by ignoring what is going on in West Papua that somehow the issue will disappear. It won't. We understand that a stabilised region to our north is in the interest of the government, but it is the Indonesian military that are one of the main destabilising factors in West Papua. The activities of the military, their involvement in human rights abuses and resource extraction will lead to the very instability the government is trying to avoid. The events in March and April of this year have shown that there is a danger that the situation could continue to deteriorate further and we urge the Australian Government to use its good offices with the Indonesian President, urging him in particular to control the security forces in West Papua as a way of avoiding further escalation of the situation and avoiding possible bloodshed.

Recommendations

Human rights

AWPA urges the Australian Government to raise with the Indonesian Government the concerns held by many in the Australian community about the grave human rights situation in West Papua. Since the present government has come to power there have been a large number of bilateral visits between Australia and Indonesia. AWPA believes that these bilateral visits present an opportunity for an open and frank exchange on how to improve the human rights situation in West Papua. We urge Prime Minister Kevin Rudd to instruct his ministers to raise concern about the human rights situation in West Papua during these bilateral visits.

Health

AWPA urges the Australian Government to increase aid to support those health programs and medical organizations (local and international) working on the ground in West Papua. However, the long term goal should be to support the training of the West Papuan people themselves as health professionals. West Papuans can be suspicious of Indonesian health services and if the West Papuan people themselves are not empowered in the field of health there will be little improvement in their overall health. We believe that to increase aid to train local health workers and to improve medical infrastructure in the more remote areas of the territory, would be a decisive contribution to the health of the West Papuan people.

Political prisoners

In July 2007, Indonesia's Constitutional Court declared unconstitutional articles 154 and 155 of Indonesia's Criminal Code, commonly known as the "hate sowing" (Haatzai Artikelen) offenses. Articles 154 and 155 criminalized "public expression of feelings of hostility, hatred or contempt toward the government" and prohibited "the expression of such feelings or views through the public media." These articles have been used to target activists, students, and human rights defenders to try and silence political discussion and limit free expression in Indonesia.

A series of articles from 1999 to 2002 refer to the Human Rights Bill of 1999. The law concerning protection of human rights of political prisoners is referred to in Article 4 of Law 39 in the Indonesian Constitution in 1999. In that same Law 39 in Article 6, paras 1 and 2 particular mention is made of protection of rights of Indigenous people, including land rights.

AWPA asks the Australian Government to urge the Indonesian President to release all West Papuan political prisoners imprisoned under these laws (contrary to Indonesia's constitution) as a sign of good faith to the West Papuan people.

Fact finding mission

AWPA encourages the Australian Government to send a cross-party delegation to West Papua to investigate the human rights situation in the territory.

Lombok treaty

AWPA seeks assurances from the Australian Government that any aid and training provided to the Indonesian Military will not be directed against the West Papuan people. We urge the Australian Government to take on recommendation 2 of JSCOT Report 84 "that the Australian Government increase transparency in defence cooperation agreements to provide assurance that Australian resources do not directly or indirectly support human rights abuses in Indonesia".

Dialogue

The West Papuan people are calling for dialogue with the Indonesian Government to try and solve the many issues of concern in West Papua. AWPA urges the Australian

Prime Minister to encourage the Indonesian President to dialogue with genuine representatives of the West Papuan people.

Specially Autonomy

The West Papuan people have rejected the Specially Autonomy package which they claim has never been properly implemented. We call on the government to urge the Indonesian government to restart discussions on the matter of Special Autonomy with West Papuan representatives

A regional human rights mechanism

At the moment there is no regional human rights mechanism in the Pacific region. However the Pacific Islands Forum (PIF) in its Pacific plan which was endorsed by Leaders at the Pacific Islands Forum meeting in PNG in October 2005, called for a strengthening of human rights mechanisms within the region. As a PIF member Australia should be supporting the Forum financially to set up a mechanism to improve the human rights situation in the Pacific region.

Many of the PIF countries are concerned about the human rights situation in West Papua and have raised their concerns in a number of the official Forum Communiqués. In cases where it might be difficult for Australia to raise the human rights situation in West Papua directly with Indonesia, there is an active role for international and regional governments to do so. A collective PIF regional human rights mechanism would be an acceptable and appropriate given that Indonesian is a post forum dialogue partner..

Non-Governmental Organisations

There are a number of Indigenous human rights NGOs in West Papua and the Australian Government can strengthen the human rights situation in West Papua by supporting these organisations with financial aid, capacity building and education.

AWPA recommends that human rights defenders working in organisations in West Papua be funded to attend human rights courses in Australia. There are a number of programs in Australia which can advance human rights and empower civil society in West Papua through education, training and capacity building. These programs are suitable for individual human rights defenders and community advocates.

Media access

AWPA urges the Australian Government to encourage the Indonesian Government to allow greater access for human rights monitors and the international media to West Papua. Although some access is possible the fact that the International Committee of the Red Cross was told to leave the Papua region in April and four Dutch journalists were arrested in March, indicates access is restricted thus far.

Appendix 1

Brief historical background

The conflict in West Papua, the western half of the island of New Guinea, can trace its origins, like so many of the conflicts around the world, to the boundaries that were drawn up by former colonial powers, and one cannot understand the present conflict in West Papua without understanding its history.

We could say the modern history of West Papua began when the island was partitioned by three Western powers, the Dutch claiming the western half in 1828, while the Germans and British divided the eastern half into German New Guinea in the north and British Papua in the south (1884). Eventually the Eastern half became the independent nation of Papua New Guinea in 1975.

The Papuan people of Dutch New Guinea (also called Netherlands New Guinea or West New Guinea), were to have a different fate. The Republic of Indonesia was created in 1949 when the Indonesian people won their struggle for independence against their former colonial masters, The Dutch. West New Guinea, due to its distinct Melanesian population, was retained as a colony by the Dutch and during the 1950s, the Dutch government prepared the territory for independence. However, President Sukarno continued to claim that West New Guinea should be part of Indonesia and when his demands were not met, armed conflict ensued in 1962. (In January 1962, there was a clash between Dutch and Indonesian naval forces of the coast of West New Guinea resulting in the sinking of an Indonesian naval patrol boat. Also in 1961 Indonesia sent armed infiltrators into West New Guinea).

Under pressure from the United States to come to terms with Indonesia, the Dutch agreed to secret negotiations and in August 1962, an agreement was concluded in New York between the Netherlands and Indonesia. Under this agreement, the Dutch were to leave West New Guinea and transfer sovereignty to UNTEA (the United Nations Temporary Executive Authority). After 7 months the UN transferred power to Indonesia with the provision that a referendum be held to determine Papuan preference for independence, or integration with Indonesia. From the moment Indonesia took over the administration from UNTEA, the oppression of the West Papuan people began. A sham referendum called the "Act of Free Choice" was held in 1969, under UN supervision. Only 1022 hand-picked voters, one representative for every 700 West Papuans, were allowed vote, and under coercion, voted to remain with Indonesia. The West Papuan people call this the 'act of no choice'. A UN official, a retired undersecretary-general, who handled the takeover said recently: "Nobody gave a thought to the fact that there were a million people who had their fundamental human rights trampled," and "It was just a whitewash. The mood at the United Nations was to get rid of this problem as quickly as possible".

Indonesian rule

Since Indonesia took over the administration of West Papua in 1963, there have been ongoing human rights abuses in the territory. A report prepared for the Indonesia

Human Rights Network by the Allard K. Lowenstein International Human Rights Clinic Yale Law School titled “Indonesian Human Rights abuses in West Papua: Application of the Law of Genocide to the History of Indonesian Control” was released in 2004. The following extract from the reports conclusion aptly describes what has been occurring in West Papua since the Indonesian takeover.

“Since the so-called Act of Free Choice, the West Papuan people have suffered persistent and horrible abuses at the hands of the Indonesian government. The Indonesian military and security forces have engaged in widespread violence and extrajudicial killings in West Papua. They have subjected Papuan men and women to acts of torture, disappearance, rape, and sexual violence, thus causing serious bodily and mental harm. Systematic resource exploitation, the destruction of Papuan resources and crops, compulsory (and often uncompensated) labor, transmigration schemes, and forced relocation have caused pervasive environmental harm to the region, undermined traditional subsistence practices, and led to widespread disease, malnutrition, and death among West Papuans”.

**Republic of Indonesia legislation number 39 of 1999 concerning human rights
Article 4**

The right to life, the right to not to be tortured, the right to freedom of the individual, to freedom of thought and conscience, the right not to be enslaved, the right to be acknowledged as an individual before the law, and the right not to be prosecuted retroactively under the law are human rights that cannot be diminished under any circumstances whatsoever.

Article 6

- (1) In the interests of upholding human rights, the differences and needs of indigenous peoples must be taken into consideration and protected by the law, the public and the Government.
- (2) The cultural identity of indigenous peoples, including indigenous land rights, must be upheld, in accordance with the development of the times.

About the Australia West Papua Association (Sydney)

The Australia West Papua Association (AWPA) is a human rights organisation focusing on the territory of West Papua. AWPA's role is to lobby both the Australian Government and the International Community to raise concerns about the human rights situation in West Papua. The West Papuan people face great challenges including ongoing human rights abuses, the exploitation of their natural resources with little or no benefit to themselves, the danger of becoming a minority in their own land as the result of migrants arriving daily and a HIV/AIDS epidemic. AWPA raises awareness in the international community about the historical wrongs and history of West Papua and supports the right of the West Papuan people to self-determination.

For further information or to receive regular updates on West Papua, contact, The Secretary AWPA (Sydney) email: bunyip@bigpond.net.au

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