

From dictatorship to democracy: Indonesia and West Papuan self-determination movements

A dissertation prepared for the Academy of European Studies &
Communication Management

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June 2014

Executive summary

The purpose of this dissertation is to determine how West Papua came to be a province of Indonesia and how the Indonesian government has treated its ethnically and culturally distinct indigenous population, and more specifically the Papuan self-determination movements which it gave rise to, from 1963 to 2014.

Between 1967 and 1998, Indonesia suffered under a brutal and corrupt dictatorship. Freedom of expression and association were widely restricted and dissent was not tolerated. West Papua, which was annexed by Indonesia in 1969 by a violation of international agreements, developed independence claims championed by an organised resistance and self-determination movement. This movement, and subsequently Papuans in general, were particularly targeted by repressive measures, including indiscriminate bombing, shooting, torture, rape and arbitrary arrest of civilians and insurgents alike. Over the years, hundreds of thousands of Papuans lost their lives as the authoritarian regime used force to secure its dominion of the province and to exploit its resources, denying the indigenous populations their right to life and respect. After the fall of the dictatorship, international organisations were able to better monitor the situation in West Papua, and have reported throughout the process of Indonesian democratisation that human rights violations were ongoing in West Papua, and that Papuans remain marginalised in society.

Data for this research project was obtained through qualitative research, with the help of search engines, databases and material from public libraries. The main sources were academic books, journals and publications, specialised reports published by human rights organisations and experts, journal articles, news articles and human rights organisations' press releases.

Through the careful analysis and comparison of these sources, this research found that little has indeed changed since the fall of Suharto. While the government's direct involvement and command of massacres has ceased, the military continues to act independently, killing and abusing Papuans for their opinions and affiliations to self-determination organisations, and these operations are cautioned by the government. Large communities are displaced, living in fear and poverty. The acts of violence conducted by the military and police, which are leading to the slow-motion eradication of the Papuan people, have been described by leading scholars as genocidal. Until the Indonesian government ceases to caution brutal military operations in West Papua and puts an end to military and police impunity, grave human rights violations will continue to occur in the province; and these authoritarian practices will keep the nation from completing its transition to democracy.

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I. Introduction

After thirty-two years of brutal and corrupt dictatorship in Indonesia, President Suharto stepped down in 1998, leaving the country in a state of economic instability, corruption and confusion. Since his resignation, a slow transition towards democracy has been in progress, marked by highlights such as the first direct presidential elections in 2004. However, despite undeniable improvements, critical issues remain which, until addressed, will continue to mar Indonesia's credibility as a democratic nation.

Under Suharto, certain indigenous groups and areas suffered from widespread violence, repression and many forms of abuse. Papuans, the indigenous population of the province of West Papua, were particularly targeted as they contested the government's authority and asserted that they had a right to self-determination based on claims that Indonesia's annexation of West Papua was unlawful. The authoritarian regime attempted to quash any form of nationalism and resistance with brutal military campaigns, committing grave human rights violations. Despite the hopes of Papuans upon the fall of the regime, human rights violations continue to occur in the province. Recent reports issued by scholars and human rights organisations have warned the international community of the possibility of an ongoing genocide of indigenous Papuans. The current context in West Papua calls for an urgent assessment of the nature of the crimes which were perpetrated by the military during the dictatorship and which are allegedly still taking place to this day.

This dissertation will attempt to define and determine the scope of the human rights violations which occurred during the dictatorship as well as in contemporary Indonesia, guided by the following central research question:

Transitioning from dictatorship to democracy: how has the Indonesian government been dealing with local self-determination movements and indigenous people in West Papua?

For the purpose of determining the answer to the central research question, the following sub-questions will be addressed:

- How did the Indonesian government evolve from dictatorship to democracy?
- How did West Papua come to be under Indonesian rule?
- What led to the creation of self-determination movements in West Papua? How are they organised?
- How did Suharto's government treat indigenous Papuans? How did it deal with self-determination movements in West Papua?
- How have subsequent, more democratic governments been treating indigenous Papuans? How did they deal with self-determination movements in West Papua?

This dissertation is structured as follows: the first chapter summarises modern Indonesian history, highlighting events and political factors which contributed to the current political environment and the development of Indonesia's stand on the issue of self-determination movements. The second chapter details the unique history of West Papua and the reason for the development of ethnic claims and self-determination movements. The third chapter examines Suharto's stance on Papuan self-determination movements and the human rights violations which took place during the dictatorship as a result of it. Finally, the fourth chapter examines the situation in West Papua in the context of democratic reforms in Indonesia, studying ongoing human rights violations and highlighting the similarities and differences they bear with the Suharto era.

Methods

The research undertaken for the purpose of elaborating this dissertation was entirely qualitative. Indeed, because of the nature of the topic and the political situation in Indonesia at the time of the events that were studied in this paper, there is little to no reliable quantitative data and statistics of the Papuan population. While this is a limitation, estimates issued by experts and organisations based on research and interviews were sufficient to reach conclusions within the scope of this research project.

The data on which the analysis of the central research question is based was collected in the following types of sources:

- Academic literature (books, journals and publications) which provide a critical, in-depth analysis of historical conditions and issues in Indonesia and West Papua.
- Specialised reports published by human rights organisations and experts which examine specific incidents or human rights issues based on the author's expertise and findings.
- Journal articles, news articles and human rights organisations' press releases which describe specific events and reflect the situation in West Papua at a given time.

These sources were collected by means of desk research, including the use of search engines such as Google Scholar, databases such as EBSCOhost, and public libraries.

Because of time and technical limitations, it wasn't possible within the scope of this research project to analyse Indonesian sources or collect data which while very valuable and insightful can only be obtained by field research and interviews. Instead, this dissertation relies on the findings of organisations and experts who were able to conduct such fact-finding missions. Further research on the topic of West Papuan self-determination movements and the situation for indigenous people in West Papua would benefit from interviews of experts and an understanding of the Indonesian language.

Abbreviations and acronyms

ABRI	Angkatan Bersenjata Republik Indonesia (Armed Forces of the Republic of Indonesia)
ASEAN	Association of Southeast Asian Nations
DPR	Dewan Perwakilan Rakyat (People's Representative Council)
Foker LSM	Papua Forum Kerjasama Lembaga Swadaya Masyarakat Papua (Co-operative Forum of Non-Governmental Organisations Papua)
Golkar	Golongan Karya (Functional Groups)
ICCPR	International Covenant on Civil and Political Rights
ICP	Human Rights and Peace for Papua - the International Coalition for Papua
IDMC	Internal Displacement Monitoring Centre
ILO	International Labour Organisation
Komnas HAM	Komisi Nasional Hak Asasi Manusia (National Commission on Human Rights)
KontraS	Komisi Untuk Orang Hilang dan Korban Tindak Kekerasan (Commission for the Disappeared and Victims of Violence)
Kostrad	Komando Cadangan Strategis Angkatan Darat (Army Strategic Reserve Command)
Masyumi	Partai Majelis Syuro Muslimin Indonesia (Council of Indonesian Muslim Associations)
MPR	Majelis Permusyawaratan Rakyat (Consultative Assembly)
NASAKOM	Nasionalisme, Agama, Komunisme (Nationalism, Religion, Communism)
OPM	Organisasi Papua Merdeka (Free Papua Movement)
NGO	Non-Governmental Organisation
NU	Nahdatul Ulama
PDI	Partai Demokrasi Indonesia (Indonesian Democratic Party)
PDI-P	Partai Demokrasi Indonesia - Perjuangan (Indonesian Democratic Party - Struggle)
PDP	Presidium Dewan Papua (Papua Presidium Council)
PKI	Partai Komunis Indonesia (Communist Party of Indonesia)
PNI	Partai Nasional Indonesia (Indonesian National Party)
PPP	Partai Persatuan Pembangunan (Unity Development Party)
TPN-PB	Tentara Pembebasan Nasional – Papua Barat (National Liberation Army – West Papua)
UN	United Nations
UNTEA	United Nations Temporary Executive Authority
VOC	Vereenigde Oost-Indische Compagnie (Dutch East India Company)

II. Modern history of Indonesia

The idea of Indonesia as an entity was born in the twentieth century and was the fruit of the political events that shook the region during and after the Second World War. Before then, the archipelago was administered by the Dutch colonial Empire but its people were divided into small, local communities by ethnicity and cultural background and had no wish for unity (Elson, 2008, p.1). Many factors led to the creation of what we now know as Indonesia: an improbable nation of more than 13 600 islands, home to a diversity of indigenous peoples, languages and religions (Brown, 2003, p.5).

A. Pre-colonial era and colonial rule (1500-1942)

First contact with Europe

Indonesia first came into contact with European envoys in the early sixteenth century. At the time, European powers were seeking to control new trade routes and especially to have direct access to the valuable spices produced in East Indonesia, whose trade was controlled by Muslim merchants (Ricklefs, 2008, p.24). They therefore sent maritime expeditions to the Indies in the hope of setting up trade posts and forging agreements with local people. At the time, a number of sophisticated indigenous societies existed in the archipelago, with significant political, literary and scientific expertise (Brown, 2003, p. 10-11). The first expeditions to reach what was then known as the East Indies were Portuguese; and with great effort they conquered cities and established bases in Malacca, Ternate, Ambon and Solor (Ricklefs, 2008, p.25-27).

After the Portuguese came the Dutch whose main motive at the time was also to gain access to spices and ship them from Asia themselves. The Dutch interest in the East Indies and their spices was born from the Netherlands' war of independence against Spain: Portugal was the main spice provider in Europe and shared close ties with Spain, thus the outcome of the Dutch-Spanish war suspended the trade agreements between Portuguese spice merchants and Dutch customers (Ricklefs, 2008, p.28). Thanks to superior ships, armament and organisation, the Dutch managed to establish a foothold in Indonesia, taking Ambon from the Portuguese and becoming a competitor in the spice trade. The Dutch East India Company, the VOC (Vereenigde Oost-Indische Compagnie) was formed in 1602 to oversee the Dutch trade and presence in the region (Ricklefs, 2008, p.29). Throughout the course of the seventeenth century, the VOC successfully established commercial control in the archipelago, quashing Portuguese, Spanish and British competition and setting up fortresses, settlements and control points along coastal regions to maintain its position (Encyclopaedia Britannica, n.d., para. 2). The VOC's expansion was both economic and military. Led by successive Governor Generals, the VOC reshaped the entire trading system in the archipelago, pressuring producers to only

sell to them, controlling material sources, establishing factories, introducing new technology and laying the foundations of the Dutch colonial Empire (Encyclopaedia Britannica, n.d., para. 1).

Dutch East Indies

It is interesting to note that even at its strongest, the VOC relied on alliances with local rulers and never controlled the entire archipelago (Cribb, n.d., para. 1). The cost of these relations, of conflicts and of general VOC operations paired with the corruption that riddled its administration gradually led to its bankruptcy in the late eighteenth century, at which point the Dutch government took over the VOC's powers in the East Indies (Ricklefs, 2008, p134; Pentecost, 2013, para. 7). In the course of the nineteenth century, the Dutch set up colonial administration in the East Indies and began with the systematic colonisation and annexation of indigenous powers both by military and diplomatic means (Cribb, n.d. para. 2). The Dutch rapidly achieved an integrated Empire and settled border contestations with other European powers in the region, thus establishing the Dutch East Indies as a political entity (Cribb, n.d. para. 3).

Following the power transfer, a new administration was established whose structure was both more complex and more efficient. Colonised territories were divided into regions governed by heads under the authority of the Governor General. The new regional division was complex and so were its workings. Regions of high economic or political importance and areas which had resisted annexation by Dutch forces were ruled directly by the Dutch authorities; indigenous rulers who had not resisted the Dutch take-over preserved their titles and were given decisive positions in the new administration (Cribb, n.d. para. 35-36).

This period of unification and general administration had a heavy impact on indigenous populations. Villages were the basic unit of the new administration and the colonial system imposed heavy taxes and a crop production quota which exploited both people and land for the profit of the Dutch economy (Ricklefs, 2008, p.145). A tripartite racial policy was also introduced, stratifying society and causing economical and legal discrimination of the indigenous inhabitants of the archipelago (Pentecost, 2013, para. 9). Because of this, few native Indonesian people had access to the western education that was now present, though this situation improved over the years. Nevertheless, people were exposed to new ideas and the hardship they endured led to the creation of nationalist movements in the early twentieth century (Cribb, n.d. para. 3).

Indeed, it is during this period that the idea of Indonesia as one nation started to appear, and that the concept and term of "Indonesians" were adopted (Elson, 2008, p.2).

Indigenous Indonesians were forced to produce crops and work on plantations to meet quotas for the colonial Empire, yet they saw little of the generated profit and lived in poverty. They were forced to conform to the rules in place and to a system that was not traditionally their own. Treated as second-class citizens in their ancestral land, a frustration grew over time, which culminated when knowledge of the modern world started to spread and people saw there were alternatives. With the emergence of the Dutch Ethical policy of the twentieth century, a greater emphasis was placed on educating indigenous Indonesians (Ricklefs, 2008, p.183). Indonesians who received full educations and came to occupy higher positions acutely perceived the unfairness of the system in place and resented the discrimination they faced in their careers and the discrimination their people faced in general (Cribb, n.d., para. 61-65). It is in this context that a multitude of Indonesian political associations and organisations, and later political parties, were created. The foundation of the Partai Nasional Indonesia (the Indonesian Nationalist Party) by Sukarno in 1927 was a significant event for Indonesian people (Rijksmuseum, n.d., para. 7). However, because there were several schools of thought and approaches to the idea of Indonesian independence, and because most political organisations were based on specific ethnic identities, efforts were scattered, badly organised and completely unsuccessful (Ricklefs, 2008, p.201). The Dutch authorities, however, took the matter very seriously and severely repressed independence movements and attempts to break away from colonial influence. Leaders of revolution attempts were shot and many people were imprisoned, among which Sukarno in 1930 (Cribb, n.d., para. 67-69; Rijksmuseum, n.d., para. 7). Any hope for political change and cooperation with the Dutch was lost.

B. Second World War and independence (1942-1967)

Japanese occupation

Such was the pre-Second World War political context in Indonesia. The factors for change were present, and all that was needed was a spark that would shake the Dutch colonial Empire's supremacy enough to set things moving. This spark came in the form of a Japanese invasion of the Dutch East Indies in 1942 and its consequences (Ricklefs, 2008, p. 216).

Oil deposits in North Sumatra had been discovered in the 1860s (Ricklefs, 2008, p.184). These were of great interest to Japan after the start of the Second World War, as it was sustaining a great war effort (Cribb, n.d., para 1). The Dutch were very concerned about the rise of Japan and feared both the possibility of a Japanese attack and any form of contact between Japan and nationalist movements in Indonesia (Cribb, n.d., para 1). After taking the Malay Peninsula from the British and obtaining the capitulation of Singapore on February 15 1942, Japanese forces fought the Dutch navy in the Battle of the Java Sea and landed on Java on 1 March 1942. Allied forces surrendered in the Dutch Indies on 8

March 1942, and the occupation of Indonesia by Japan began (Cribb, n.d., para. 3). The Japanese occupation was particularly brutal towards the Dutch who lived and occupied positions of power in the archipelago: indeed, almost all European and Indo-European families were incarcerated in internment camps and thousands died in captivity (Pentecost, 2013, para. 13; Ricklefs, 2008, p.236). But for indigenous populations, it was both a time of hardship and opportunities. In order to support the war effort, Japanese authorities restructured the archipelago's economy, cutting exports and redirecting production towards their own needs. This, coupled with the introduction of an occupation currency and subsequent inflation, plunged the country into economic difficulties, poverty, famine and corruption. On the other hand, indigenous groups were given opportunities because the Japanese had other priorities and relied on local leaders to administer parts of the archipelago. Furthermore, the positions formerly occupied by Europeans were often given to indigenous Indonesians (Ricklefs, 2008, p.236-237, Cribb, n.d., para. 4).

Indonesia was divided into three regions: Sumatra, Java-Madura, and Kalimantan-East Indonesia. The main focus in Sumatra was exploiting strategic resources. Japanese authorities considered Java to be least interesting economically and therefore stimulated nationalism there (giving leaders such as Sukarno a platform to express their ideas and connect with the general population) and focused their war mobilisation efforts in the area. Kalimantan-East Indonesia was also rich in resources and was administered closely by Japanese authorities, especially as the East remained a frontline throughout occupation. The two priorities of Japanese policy were to override Western influence in the archipelago, and mobilise both people and resources to achieve Japanese victory (Ricklefs, 2008, p.235-237).

According to Cribb (n.d., para. 7), local resistance developed in several parts of the archipelago. Revolts were frequent in Aceh, and several uprisings took place in Java in 1944 and 1945. Furthermore, American troops were putting severe pressure on Japan in the Pacific war, and Japan's allies in Europe were facing defeat. The Japanese started to realise they were losing the war. On 7 September 1944, the Japanese Prime Minister promised Indonesia its independence, but did not indicate a precise timeframe for this undertaking. Indonesian officials were promoted and mobilisation and indoctrination took place on a great scale (Ricklefs, 2008, p.244). But the Japanese military position only weakened further. In March 1945, a Committee for Preparatory Work for Indonesian Independence was set up, and comprised all political leaders from Java, including Sukarno, Hatta and many other key figures. Sukarno pushed for his view on nationalism to be adopted, and in June 1945 he laid out his 'five principles': "belief in God, nationalism, humanitarianism, social justice and democracy" (Ricklefs, 2008, p.245-246).

On 6 and 9 August 1945, Japan was hit by American atomic bombs, and surrendered on 15 August 1945. In this strange context, Indonesian rulers wished for independence more than ever yet did not wish to start a conflict with the Japanese authorities, which were still in place. On 16 August, Sukarno and Hatta drafted a declaration of independence, and officially presented it the next day, 17 August 1945, in Jakarta (Ricklefs, 2008, p.246-247). A provisional parliament was set up which elected Sukarno and Hatta President and Vice-President (Cribb, n.d., para. 12). The archipelago had become the Republic of Indonesia , a unitary state composed of eight provinces. The fact that none of these provinces were based on ethnic groups and former ancestral territories and nations would have repercussions in the future (Pentecost, 2013, para. 14; Cribb, n.d. para. 13).

Revolution and new democracy

The declaration of independence was followed by five years of revolution whereby the Dutch attempted to destroy the Indonesian nationalism movement to regain their former position, while the Indonesian opposition fought for their independence claims and the crystallisation of years of increasing nationalism and hopes of self-determination (Ricklefs, 2008, p.248). This period of bloodshed and turmoil ended in 1949 with an independence agreement whereby the Netherlands transferred sovereignty to Indonesian Republicans, giving way to the Republic of the United States of Indonesia (Cribb, n.d. para. 36).

The first steps of the new republic, however, were hesitant, as it was faced with a number of structural, economic and social issues resulting from the war and long period of unrest following it. Indonesia's first national parliamentary elections took place in 1955. The PNI (Indonesian National Party), received 22 per cent of votes, followed by Masyumi (Council of Indonesian Muslim Associations), NU (Nahdatul Ulama) and PKI (Communist Party of Indonesia), and a coalition was formed as a result (Ricklefs, 2008, p.287). This period of new democracy was strewn with issues, tensions within coalitions, politicians resigning, and regional unrest (Cribb, n.d., para. 44-49). In this context, Sukarno began to increasingly take the initiative (Ricklefs, 2008, p.290). The political arena became polarised and a political rift appeared between islands. Sukarno's solution was a 'guided democracy': a new form of government based on a cabinet composed of the major Indonesian parties, advised by a national council composed of various groups representative of society at large (Ricklefs, 2008, p.292). This idea was received favourably by some and outright rejected by others, and the debate and demonstrations it caused triggered a rebellion and serious tensions. Indonesia was crumbling. In order to regain control over the situation, the Cabinet resigned on 14 March 1957 and Sukarno declared martial law over the entire nation (Ricklefs, 2008, p.292).

This was the first step towards Sukarno's 'guided democracy', which was fully established in 1959 with the reintroduction of the 1945 Constitution (van der Eng, 2012, p.2). This period was the crystallisation of Sukarno's gradual rise in power and political ambitions. Indeed, the 'guided democracy' government was dominated by the figure of Sukarno, who surrounded himself with like-minded politicians and charmed the general population, by giving them something to believe in (Ricklefs, 2008, p.294). However, the truth of the situation was a much darker one. Sukarno was unable to find solutions to the many critical issues Indonesia was facing. Inflation and economic struggles, food shortages and famines impoverished the country (Ricklefs, 2008, p.304, van der Eng, 2012, p.2). The PKI's influence grew during this time, both because it was rapidly gaining public support due to the harsh circumstances and because it held a central position in the philosophy of the new government: NASAKOM, or "nationalism, religion, communism" (Cribb, n.d., para. 53). Furthermore, once martial law had been declared the military took a more active role in government, especially through Nasution, a military leader from the time of independence struggles, who was present in the newly formed cabinet (Ricklefs, 2008, p. 264; Cribb, n.d., para. 51). Sukarno's 'guided democracy' was a first step towards dictatorship as he imposed himself as an increasingly authoritarian figure and let the army secure a strong position in the government (Ricklefs, 2008, p.294, p. 297).

From 1960 onwards, Sukarno's focus shifted to West Papua, which was still under Dutch control; and later to a confrontation with the newly formed Malaysia, partly in an attempt to unite Indonesians over an external issue to draw their attention away from unresolved and ongoing internal disagreements (Cribb, n.d., para. 54). But Sukarno's health was deteriorating, and the tensions between the army and the PKI were growing. On 1 October 1965, tensions came to a head when leftist troops attempted a coup, capturing and killing influential senior army generals, then occupying key positions including the presidential palace (Ricklefs, 2008, p.318-320). Nasution narrowly escaped the killings. In the confusion, General Suharto, head of the Kostrad (the strategic reserve) countered the coup and regained control over the situation through his strategic command of present troops (Cribb, n.d., para. 58). On 2 October 1965 Suharto was granted full authority to restore order and security by Sukarno. The Operational Command for Restoration of Security and Order was created for this purpose (Ricklefs, 2008, p.326).

Suharto became an active figure around this time, since the death of the influential senior army generals gave him an opportunity to advance politically. Suharto had been uninvolved in national politics but active in military circles: he was respected and appreciated by other officers, partly because he rewarded allies with financial benefits obtained through corrupt means (Ricklefs, 2008, p.325).

Because of the links between the coup masterminds and the PKI and the PKI's support of the initiative as it unfolded, the communist party severely lost credibility. An anti-PKI movement rose up in the aftermath of the failed coup, led by Suharto (Ricklefs, 2008, p. 320-322). Anti-PKI youth took to the streets, burning PKI offices and soon the movement led to killings. The violence did not stop, and by the second week of October it had become a full-scale massacre of PKI members and supporters. The killings continued until the beginning of 1966 in an episode of collective madness, and left an estimated 400,000 to a million dead (Cribb, n.d., para. 62; Ricklefs, 2008, p.326). Sukarno failed to control the upsurge and was pressured into giving more power to Suharto in order to restore order. Suharto made use of the situation to assert his position, placing his men in key government positions. In March 1966 he obtained a transfer of presidential authority from Sukarno, and became acting President in March 1967 (Cribb, n.d., para. 61).

C. Dictatorship (1967-1998)

Suharto's coming to power heralded the start of a New Order which was immediately accompanied by a change in government administration (Ricklefs, 2008, p.329). Party presence was replaced with military presence and the concept of 'dwifungsi', or dual function, was at the core of major reforms, placing the military in all government and administrative positions, including the parliament (Cribb, n.d., para. 65-66; Ufen, 2004, para. 3). Many cabinet ministers were arrested and imprisoned, in systematic purges in the military and bureaucracy. According to Ricklefs (2008, p.329, 332), about 2600 soldiers were "discharged, suspended, retired or disciplined, and many others arrested". Sukarno's supporters in key positions were removed in favour of Suharto's men. Military personnel was especially assigned to positions in control of financial matters, where corruption was made possible in order to fund the military which was not included in the state budget (Cribb, n.d., para. 68). The new political system was based on Sukarno's political ideology, 'Pancasila', which included five principles: "belief in one supreme God, nationalism, humanitarianism, democracy through representative deliberation, and social justice" (Ward, 2010, para. 6). Pancasila became the sole legal basis for all organisations, and was implemented in all levels of government and society through indoctrination courses known as P4 (Ward, 2010, para. 5).

Pancasila was therefore the core ideology of Suharto's authoritarian regime. However, it is interesting to note that despite forcibly implementing a single ideology, Suharto did not turn Indonesia into a single-party state. Instead, he relied on a more subtle system where elections still took place, in which the newly created government party, Golkar, competed with two carefully controlled and monitored parties: the Indonesian Democratic Party (PDI) and the Unity Development Party (PPP). The conditions in which opposing parties

were forced to operate were so strict that they virtually removed any form of competition. As stated in Cribb's Digital Atlas of Indonesian History:

"Parties were not permitted to maintain a presence outside the larger cities and towns, and thus could not directly maintain mass membership; they could campaign only during the brief, designated campaign period prior to elections; and both their candidate lists and their campaign strategies were subject to modification by the authorities" (Cribb, n.d., para. 69-75).

This system inevitably led Golkar to win all elections which took place between 1971 and 1992 (Cribb, n.d., para. 73).

Once Suharto had secured his political domination, he rapidly tackled economic issues, reversing the economic decline of the Sukarno era by cutting back inflation and liberalising and encouraging foreign exchanges (Ward, 2010, para. 2). The help of American economists and the generosity and investments of international supporters fuelled the systematic exploitation of the archipelago's wealth of natural resources, including oil, and cheap workforce. Indonesia was on the path to economic recovery. However, development and economic activity were not equally distributed across the archipelago and certain regions experienced low growth (Berger, 2008, para. 34; Cribb, n.d., para 78). Certain ethnic groups were particularly represented in the government and generally privileged, while others were disadvantaged both socially and economically (Lane, 2012, para 1). Attempts to remedy the overpopulation of certain islands (mainly Java and Bali) were carried out, in a so-called 'transmigration' policy which saw more than 1.5 million people moved to the outer islands of the archipelago (Ricklefs, 2008, p.325, Gittings, 2008, para. 25).

Furthermore, widespread corruption and high unemployment remained issues in the New Order (Ricklefs, 2008, p.332-333; Cribb, n.d., para 76). Corruption took several forms in Suharto's regime, but the main one was the corrupt use of power for personal profit: he rewarded family members and loyal followers with positions in state-owned enterprises and benefits which allowed them to reap quick profits and substantially increase their wealth. Suharto also eliminated potential competitors by assigning them to highly profitable posts in order to remove them from the political arena (Ricklefs, 2008, p.333; McLeod, 2000, p.100). Suharto used a sector monopoly strategy to maximise the profits of businesses he had given to family members or close supporters, then received substantial 'donations' from them to tax-free charitable institutions which he controlled and through which he collected large sums for his own use (McLeod, 2000, p.100).

Furthermore, corruption of a more basic and traditional kind was rife: taxes were very high and were not used in a transparent way, and an estimated thirty per cent of overseas aid and government expenditure were absorbed by corruption (McLeod, 2000, p.104-105, Ricklefs, 2008, p.346).

The level of control exercised by Suharto was praised by some for bringing political stability, economic growth and development programmes to Indonesia, however many disagreed with the regime's ideology and its modus operandi, as well as the high level of corruption and lack of democracy within government administration (Cribb, n.d., para. 75). The government was very repressive towards movements which questioned its authority, although there was a clear distinction in the way it treated demonstrations. According to Boudreau (2009, p.103), student protests, NGO demonstrations and localised land or labour disputes were tolerated to a certain extent, in that they were periodically but not systematically repressed with arrests, relatively short prison sentences, violence or murder. On the other hand, self-determination claims and separatist movements (in Aceh, East Timor and West Papua) were met with brutal repression and state initiated violence (Boudreau, 2009, p.103). Furthermore, in order to restrict the possibilities for dissent, Suharto introduced legislation which restricted the legal possibilities for organisations to be created and to conduct activities and meetings encouraging criticism of the regime and promoting alternative solutions. Because of this, protest activity was conducted by individuals or small groups on a very restricted scale (Boudreau, 2009, p.103). In the main islands, vocal political opponents were either killed, imprisoned or sent to labour camps (Gittings, 2008, para. 4). The dictatorship's combination of brutal repression and tolerance for certain constrained forms of political action is what made it so resilient to internal pressure in the long term (Aspinall, 2005, p.2). Indonesia's human rights record was particularly poor during Suharto's thirty two year presidency, not only because of the high rate of arrests, deaths and torture which accompanied state repression but also because many political prisoners remained captive from the time of the anti-PKI campaign: tens of thousands of political prisoners were still detained in the late 1970s, a decade after the uprisings and anti-PKI riots (Aspinall, 2005, p.5).

Under Suharto's authoritarian regime, Indonesia was active on the international stage (especially as a part of the Association of Southeast Asian Nations, ASEAN) and non-aligned in the Cold War. A main focus in Indonesian foreign policy was to develop a "third force of Asian and African countries", focusing on the issue of global inequity and post-colonialism (Cribb, n.d., para. 85). But more than this, Suharto's initial main motivation for reforming Indonesian foreign policy was compliance with Western standards, as this opened the way for economic assistance. Suharto also forwarded his own agenda by

annexing West Papua and East Timor in 1969 and 1976 respectively, expanding his reach in the archipelago (Ricklefs, 2008, p.331, 337; Cribb, n.d., para. 89-90).

By 1997, Sukarno had been President for thirty years and was noticeably ageing. The financial crisis of 1997 and rising debts caused a lot of pressure for the government, and Suharto had to introduce IMF economic reforms which would affect his close circle and system of corrupt income. Suharto did not properly implement the reforms, drawing severe criticism from international actors and investors. Internal criticism and discontentment were also rising as the rapid Indonesian growth had left Indonesia with a large gap between rich and poor, and more and more people condemned the corrupt and authoritarian regime (Cribb, n.d., para. 79-83). The killing of student anti-government demonstrators in May 1998 and Suharto's running for yet another presidential term tipped the scales and caused massive demonstrations and riots, forcing him to resign on 21 May (International Center for Transitional Justice [ICTJ] & KontraS, 2011, p.112; Bhakti, 2004, p.201).

D. Contemporary Indonesia (1999-present)

Suharto's resignation marked the end of the new Order and the beginning of a period of reformation commonly referred to as 'era reformasi' (Cribb, n.d., para. 2). As he stepped down Suharto handed the presidency over to vice-president Habibie (Schwarz & Paris, 1999, p.16). Few expected Habibie, who was highly placed in Suharto's government, to achieve much in terms of democratisation, yet in the seventeen months that he was president he overturned the political structures of the Suharto government, implementing reforms which made Indonesia more democratic (Ricklefs, 2008, p.381-382). As Habibie assumed the presidency, several issues needed to be addressed pressingly: the future of Indonesia post-dictatorship, the future of the military in this context; the future of independence-seeking territories, the future of Suharto, his family and close circle, and the future of Indonesian economy (Ricklefs, 2008, p.382).

Habibie's initial reforms restored a democratic form of government, therefore defining a democratic future for the nation (Cribb, n.d., para. 3). Three pivotal new laws were passed: Law No.2/1999 on Political Parties, Law No.3/1999 on general Elections and Law No.4/1999 on the Structure and Position of the MPR/DPR (Bhakti, 2004, p.201). As a result, a plurality of parties was restored: by April 1999, 48 parties had been registered (Ricklefs, 2008, p.389). Furthermore, the law regarding the roles of the parliament (at the time, the MPR, or Consultative Assembly, and the DPR, the People's Representative Council) and especially of the president were changed in order to prevent an authoritarian regime from re-surfacing: the president could be removed by parliament vote at any time

(Cribb, n.d., para. 9). The 1999 parliamentary elections were won by the Indonesian Democratic Party - Struggle (PDIP) and the MPR elected Abdurrahman Wahid as president (Bhakti, 2004, p.202). In 2001 he was replaced by Megawati Sukarnoputri in a special parliamentary session (Ricklefs, 2008, p.390-395). In 2002, parliament decided that presidents would be elected directly by the people, and the first direct presidential elections took place in 2004, in which Megawati Sukarnoputri lost to Susilo Bambang Yudhoyono, who was further re-elected in 2009 (Cribb, n.d., para. 9).

One of the main events of Habibie's presidency was the East Timor question. The region had been occupied by Indonesia since 1975 and had suffered severe repression for its self-determination demands under Suharto, the worst of which being the Dili massacre which took place in 1991. Because of its recent status as an Indonesian province and the way in which it was annexed, East Timor always contested Indonesian rule (Schwarz & Paris, 1999, p.33-34). On 27 January 1999 Habibie proposed two possible futures for East Timor: special autonomy or independence. A referendum took place on 30 August 1999 to determine which option would be carried out, the result of which was a vote for independence. Violence erupted following the outcome of the referendum, and more than 1300 people were killed by pro-Indonesia militias in East Timor (ICTJ & KontraS, 2011, p. 104).

The military was removed from its position in governmental matters by Habibie, yet it remained independent and powerful. The Armed Forces of the Republic of Indonesia, ABRI, acted with total freedom and impunity, intervening when they saw fit by conducting clandestine operations, causing violence and death across the archipelago. When cultural, religious and ethnic violence exploded in 1998 and 1999 in the midst of social reforms and the referendum for the independence of East Timor, ABRI soldiers took part in a frenzy of killings to show their disagreement and eliminate those they considered as 'regime enemies', murdering pro-independence activists, religious figures and civilian demonstrators (Ricklefs, 2008, p.386-392, Cribb, n.d., para. 5). President Wahid attempted to reduce ABRI's independence and scope of action by separating the police from the rest of the military in 2000, and twenty four soldiers were convicted and sentenced for killings which took place in the previous year. However, these prosecutions did not reflect on the scale of military killings and many were never held responsible for their crimes (Ricklefs, 2008, p.395). ABRI maintained most of the thousands of businesses it owned as a result of Suharto's regime, and certain army sections began sub-contracting personnel for private security purposes, providing the military with ample funding (Cribb, n.d., para. 5).

While Habibie cut Suharto's children, relatives and cronies from their sources of corrupt income, he did not put an end to corruption itself, and was reluctant to pursue Suharto for his actions (Ricklefs, 2008, p.383). Corruption was, and remains to this day, one of the main issues of concern in Indonesia. At the end of the New Order, it was so deeply embedded in Indonesian society that it was near impossible to remove, especially as power-holders profited from it and therefore had little incentive to address the issue (Cribb, n.d., para. 4). Several laws aiming to introduce more control and reduce corruption were passed during the reformasi era, notably Law No.28/1999 on Clean Government, and Law No.31/1999 on the Eradication of Criminal Acts of Corruption. An Anti-Money Laundering Law was passed under Wahid and a National Anti-Corruption Commission was set up to investigate cases of corruption and prosecute them (Lateef et al., 2003, p.12). It is difficult to evaluate the current degree of corruption through hard data, however rankings based on a combination of surveys and corruption-related data such as the Corruption Perceptions Index can provide an idea of the situation (Transparency International, n.d., para 2). Indonesia ranked 114 of 177 in the 2013 Corruption Perceptions Index and 25 of 28 in the 2011 Bribe Payers Index, positions which show a high incidence of corruption (Transparency International, n.d., para 1). According to a watchdog organisation: "Indonesia lost as much as Rp 2.13 trillion (\$238.6 million) to corruption in 2011" (Sihite, 2012, para. 1).

One of the first and most celebrated changes Habibie implemented was the revocation of all laws and regulations that had restricted freedom of speech, association and gatherings under the dictatorship. Together with the People's Representative Council, or DPR, Habibie's government passed Law No.9/1998 on Freedom of Speech in Public Places, and the president himself issued Presidential Decision No.83/1998, which ratified the International Labour Organisation (ILO) Convention No.87 Concerning Freedom of Association and Protection of the Right to Organise. Further measures which ensured freedom of speech as a fundamental right in Indonesia include the 1999 revocation of the 1963 anti-subversion law (Anwar, 2010, para. 14). As a result, the Indonesian press flourished, with hundred of newspapers, magazines, news outlets, and publishers appearing in the subsequent months, and banned newspapers such as *Tempo* being allowed to resume their activities (Anwar, 2010, para. 16-17; Harsono, 2002, para. 5). In December 1999, there were 818 publishers in Jakarta alone. Press censorship was discontinued, journalists were allowed their own association (the Aliansi Jurnalist Independen, AJI) and anyone could start up their own media venture (Kakialatu, 2007, p. 66). This euphoria led to an increase not only in the number of newspapers, but also in the number of television and radio stations. For the first time, radio stations were allowed to produce their own news reports. The number of journalists rose from 6000 to an

estimated 20,000 (Harsono, 2002, para. 8). During his presidency, Wahid closed down the Ministry of Information, a remnant of Suharto's New Order censorship. However, it was reinstated by Megawati Sukarnoputri in 2000 under the name of Ministry of Information and Communication (Harsono, 2002, para. 5, 12). Furthermore, in 2013 the Yudhoyono government passed the Bill on Mass Organisations, a controversial piece of legislation setting the requirements for the founding of organisations, despite numerous NGOs and UN rights experts expressing their concern for its effects on freedom of expression, association and religion (Jakarta Globe, 2013, para. 1, 6; OHCHR, 2013, para. 1-5). Gradually, other events surfaced which questioned the apparent progress in the field of freedom of expression: Tempo magazine's head office was attacked by two men with petrol bombs after reporting on corruption among high ranking police officers; activists were threatened and harmed; and between 2009 and 2010 alone, forty cases of violence, threats, intimidation and censorship on journalists and media personnel were reported to the Alliance of Independent Journalists in Indonesia (Bhullar, 2010, para. 1-5; IFJ Asia-Pacific, 2010, para 2). Additionally, certain areas such as West Papua have been made completely off-limits for international journalists, raising doubts as to the transparency of the government regarding the situation in these regions (Leadbeater, 2008, p. 169). Despite these alarming incidents, it seems that the situation is improving, if only for the Indonesian press: in the World Press Freedom Index, a ranking of countries based on their performance in the field of press freedom conducted by Reporters Without Borders, Indonesia placed 146 of 179 in 2011-2012, 139 of 179 in 2013, and 132 of 180 in 2014 (Reporters Without Borders, n.d.). This ranking accurately depicts Indonesia as a country where journalists and media organisations are still struggling to publish news and opinion articles without censorship and intimidation, and where individuals cannot always freely state their political opinions; however it also shows gradual improvement in recent years. In this context, human rights activists have turned to the internet as an uncensored medium for disseminating knowledge, networking, mobilisation and organisation. However, the internet has its own limitations as a medium: in 2010, only 18.5 per cent of Indonesian population used the internet because of geographical and wealth restrictions (Thajib, n.d., p. 1).

Habibie contributed much to political recovery but his efforts to address the human rights issues that remained from the dictatorship were limited. The last of the regime's political prisoners, regional separatists and PKI members, were released in 1998 (Cribb, n.d., para. 3; Ricklefs, 2008, p.388). Furthermore, on 13 November 1998 the MPR adopted Resolution XVII of 1998 on Human Rights, pledging to ratify human rights conventions, uphold human rights principles, and strengthen the National Human Rights Commission, 'Komnas HAM' (ICTJ & KontraS, 2011, p.104). Komnas HAM became a very important

body as it possesses a solid legal basis as an independent statutory body, with the power to conduct research, inquiries, and monitoring as well as the power to offer education, mediation and recommendations on human rights violations (ICTJ & KontraS, 2011, para. 1, 5). Progress was made by Komnas HAM when it established a Commission of Inquiry for Human Rights Violations in East Timor on 22 September 1999 (ICTJ & KontraS, 2011, p.104). Unfortunately, despite the institution's legal basis and scope of action, results and impacts on human rights violations have been limited as military officials often refuse to cooperate with inquiries or comply with summons issued by Komnas HAM or even presidential authorities, and attorney generals have been found to take little to no action in regard to recommended prosecutions (ICTJ & KontraS, 2011, para. 5-6).

Indonesia ratified the International Covenant on Civil and Political Rights (ICCPR) on 23 February 2006 (United Nations Treaty Collection, n.d.). The implementation of the Covenant was reviewed on July 10 and 11 2013 by the United Nations (UN) Human Rights Committee, which highlighted the failure of Human Rights Courts in Papua and the lack of an effective complaints mechanism for human rights violations (Franciscans International, et al., 2013, para. 1-10).

Therefore despite the ratification of key human rights covenants and the creation of monitoring bodies, it appears there are still underlying human rights issues in Indonesia.

III. Self-determination movements in West Papua

A. Historical and cultural background

West Papua is the western half of the island of New Guinea, in the east of the Indonesian archipelago (Brundige, King, Vahali, Vladeck, Yuan, 2004, p.9). Nowadays, West Papua is separated into two provinces: Papua to the East, and West Papua to the West, which includes the Bomberai and the Doberai peninsulas as well as several offshore islands, notably the Raja Ampat islands (Gorlinski, n.d., para. 1). The indigenous inhabitants of West Papua belong to three ethnic groups: the Negritos, the Papuans and the Melanesians, and are ethnically very different from the rest of the Indonesian archipelago. Traditionally, they lived in separate tribes and communities, each with their own leaders, showing an astonishing diversity of cultural traditions, beliefs and languages. There are over 250 languages in West Papua alone, and many more dialects (Brundige et al., 2004, p.9, Rollings, 2010, p.16). Claimed by the Dutch in 1828 during their colonial military expansion, the western half of the island was occupied by the Japanese like the rest of Indonesia during the Second World War. The Netherlands reclaimed control of West Papua in 1945, at the end of the war (Encyclopaedia Britannica, n.d., para. 1). While this went smoothly, the Netherlands' attempts to regain control over the rest of their former Indonesian colony did not, as mentioned in Part II. It is thus that the Netherlands came to have control of West Papua in the 1950s, while the rest of the archipelago declared its independence and the creation of the Republic of the United States of Indonesia. This, in turn, would lead to severe tensions and to the current contested status of the region.

Before Indonesia's independence in 1949, discussions and negotiations had taken place between the Netherlands and the aspiring government. The Linggarjati Agreement was signed in 1947, laying the foundations for the federation and setting out the conditions of its existence, and of the transfer of sovereignty. It included provisions regarding the right of regions to decide on their inclusion in the new federation of Indonesia. The Dutch asserted that Papuans were not yet developed and educated enough to make such decisions (Rollings, 2010, p.38). In 1949 all Dutch territories in the Indonesia archipelago were transferred to the new Republic, except for West Papua. The status quo regarding West Papua lasted until the 1960s, with Indonesia repeatedly bringing the issue to the table at UN sessions. In 1961, Papuan nationalism, encouraged by the Dutch, reached its peak, with the First Papuan Peoples Congress issuing its manifesto on 19 October 1961 and demanding its independence (Inury, et al., 1961). This had little impact on the situation however, although when negotiations resumed in 1962, the Dutch did insist on the right of the indigenous Papuan population to self-determination. The New York Agreement was signed on 15 August 1962, in which the Dutch agreed to a transfer of authority to an interim UN administration, the United Nations Temporary Executive

Authority (UNTEA), which took place in September 1962 (Rollings, 2010, p.37, 41-48). The conditions to this included that by early 1963, the whole of West Papua would be transferred from UN to Indonesian control, and that Indonesia would arrange a so-called 'Act of Free Choice', allowing indigenous Papuans to chose whether or not to remain under Indonesian jurisdiction (Rollings, 2010, p.48). The Act of Free Choice took place in 1969 under Suharto, however the agreed-upon protocol was far from respected. The voting was to take place in a referendum, under universal suffrage, but Suharto's government decided it would be held by an assembly of leaders, choosing 1026 Papuan representatives who were forced to vote unanimously for incorporation (Rollings, 2010, p. 59-61; McCloskey & Hainsworth, 2000, p.58). The procedure clearly violated the agreements that had been signed regarding the details of the Act of Free Choice. For example, Principle IX of the UN General Assembly Resolution 1541 of December 1960 stated that:

"The integration should be the result of the freely expressed wishes of the territory's peoples acting with full knowledge of the change in their status, their wishes having been expressed through informed and democratic processes, impartially conducted and based upon universal adult suffrage. The United Nations could, when it deems necessary, supervise these processes" (United Nations, 1960, p.30).

Since universal adult suffrage was not carried out and the territory's peoples, i.e. Papuans, were not able to express their wishes, the conditions set out for the agreements which allowed for and regulated the Act of Free Choice were ignored in the most blatant manner. The Indonesian takeover has therefore been considered by most, UN included, to be a violation of the New York Agreement and the UN General Assembly Resolution 1541 of December 1960, and consequently the Act of Free Choice has been viewed by Papuans as invalid.

Therefore, in 1969 West Papua officially became Indonesia's twenty-sixth province, and the region was renamed 'Irian Barat', West Irian (McCloskey & Hainsworth, 2000, p.58). At this point, a disambiguation becomes necessary as the different names given to the area over time overlap and create confusion. Originally referred to as Dutch New Guinea, be rem e.g. the western half of the island of New Guinea came to be called West New Guinea during negotiations with Indonesia in the 1950's. When it came under Indonesian control however, this appellation was changed to Irian Barat, the Indonesian term for the region. Suharto then further changed the name of the region to Irian Jaya, or Victorious Irian, in 1973 (Soeharto, 1973; King, 2004, p.29). Until that point, the region remained one entity, but in 2003 under Megawati Sukarnoputri several changes took place and the

region was split into two provinces: Papua and West Irian Jaya. West Irian Jaya was renamed in 2007 to West Papua (Human Rights Watch, 2007, p.14). It is since then that there has been a distinction between Papua and West Papua. Papuan activists advocate not only for the independence or autonomy of the newly created province of West Papua but for both the provinces of West Papua and Papua, as until 2003 they were one under the name of West Papua. Therefore, from here on out when referring to West Papua this paper views the whole western half of the island of new Guinea, irrespective of provincial division.

The tumultuous changes in the name and structure of the province reflect the uneasy situation and attempts of the Indonesian government to assert their control. Indeed, a large proportion of Papuans resented the Indonesian takeover and local uprisings rapidly developed and were severely repressed by the Suharto regime, which did not tolerate regional contestation movements. Because of the nature of the region, which is mountainous and sparsely populated, Papuan groups never succeeded in coordinating their actions and were never large and organised enough to topple Indonesian rule; however they were sufficiently active to be met with the establishment of Indonesian military presence intended to keep the situation in check, which was instead found to conduct mass killings and retaliation to any nationalist operations (Sibel, 2007, p.8).

The status of the province changed little until the fall of Suharto's authoritarian regime. The province was granted Special Autonomy status through Law No.21/2001 on Special Autonomy on 1 January 2001, however West Papuans were very critical of this status as the law's implementation was found to do little to improve the situation in practice (Singh, 2008, p.32). Many complained that it was only passed in order to appease Papuan nationalists who seized the opportunity which came with a change in political system to lobby and advance their cause. In practice, the promised benefits of Special Autonomy never reached the Papuan population, as funds were spent on security services, mining companies and investors, feeding corruption instead of being used to improve local living conditions, health and education. This was permitted to take place because there was no regulation of the implementation of the Special Autonomy law. Many crucial aspects of the law were not respected in subsequent years, preventing any improvement of the situation for Papuan nationalists. For example, despite the raising of the Papuan flag being allowed under Special Autonomy laws, security services have been found to forbid this in practice (Rollings, 2010, p.127-132; King, 2004, p.69). And more importantly, the law's provisions which promised to address past and ongoing human rights violations have not been implemented by any means (ICTJ & ELSHAM, 2012, p.1).

B. Self-determination movements

In the last years of Dutch rule in West Papua, colonial officers attempted to prepare indigenous groups for independence, as they preferred this outcome to the assimilation of the region by Indonesia. In this brief period where nationalism was encouraged it thrived, overseeing the creation of both the West Papuan flag, the Morning Star, and a Papuan anthem, 'Hai Tanahku Papua' (Oh Papua My Homeland) in 1961, and of several political parties and emerging institutions (Human Rights Watch, 2007, p.9; Saltford, 2003, p.21, Rollings, 2010, p.132). This surge of nationalism was quashed as soon as Indonesia took control of the region in 1963. In response, West Papuan nationalists and self-determination activists founded the 'Organisasi Papua Merdeka' (OPM), known in English as the Free Papua Movement, in early 1965 in Bird Head's region, where rebellion had been ongoing since 1963 (Saltford, 2003, p.79). The organisation was involved in guerrilla, communication, mobilisation and lobbying activities, and was the most organised and vindictive group.

Nowadays, a myriad of organisations exist within and outside of West Papua, with different focuses, activities, sizes and ranges of action. This paper will focus on the main existing self-determination organisations. In general, Papuan self-determination movements can be separated into several broad categories: the active resistance groups, which can be criticised for their sometimes violent modus operandi; the political and legal groups, which have attempted to solidify a Papuan government and political parties; and cultural or human rights advocacy groups, which campaign for the safeguarding of Papuan culture and for an end to human rights violations in West Papua. What all groups have in common, however, is that they believe that West Papuans share a unique culture and common racial or ethnic characteristics which distinguish them from other Indonesians and justify their wishes for their own state and government, and that they are all fighting for this goal, albeit in their own fashion (King, 2004, p.34).

Many different resistance groups were formed over time and in response to the situation they tried to address. OPM was both a resistance and a lobbying organisation, and had a military branch which oversaw and conducted guerrilla warfare: the 'Tentara Pembebasan Nasional – Papua Barat' (TPN–PB), or National Liberation Army, which was composed of thirty-one armed groups based on different geographical areas, clans and tribes (Elmslie, Webb-Gannon & King, 2011, p.4, 7; McLeod, 2012, p.2). These groups were cohesive and efficient. Many smaller, independent resistance groups claimed to be affiliated with OPM while they were not. OPM and its TPN–PB branch were the most organised resistance effort and they were very active under Suharto. Because of this they became scapegoats, referred to as terrorists and blamed for much of the separatist issue in the

area, and Indonesian authorities have been known to justify their establishment of army bases and security firms on exaggerated safety claims related to OPM and TPN–PB. OPM and its TPN–PB branch are still active to this day. New organisations have also appeared since the fall of Suharto, such as the West Papua Liberation Organization (WPLO) (Elmslie, Webb-Gannon & King, 2011, p.4, 7; McLeod, 2012, p.3).

There are many Papuan political organisations, most of which appeared and were most active right after the fall of the dictatorship when the whole of Indonesian society was searching for the new direction it should take. This was a time full of possibilities, and dialogue though it was not free of repression; and Papuan activists took the opportunity to attempt to further their cause. The first loose West Papuan political grouping was the Papuan Peoples Congress, a congress of representatives of various Papuan groups and tribes, which came together in 1961 to issue its manifesto and declare Papuans' will for independence. Congress leaders have since been charged for treason. Two more Congresses were convened since: the Second Papuan People's Congress took place from 29 May to 4 June 2000 and reaffirmed the Papuan people's wish for freedom and independence and its rejection of the Act of Free Choice; and the Third Papuan People's Congress took place from 17 to 19 October 2011 to address issues of self-governance and was brutally repressed by Indonesian forces (Alhamid, et al., 2000; Cordell, 2013, para. 14, King, 2004, p.29). The 'Presidium Dewan Papua' (PDP), or Papuan Presidium Council, was approved by the Papuan People's Congress and received its support to organise West Papua's struggle for sovereignty and recognition. This institution is a pro-independence council of Papuan leaders which was established in 2000 as a new form of the first Papuan Council, the 'New Guinea Raad' of 1961 (Ballard, 2002, p.467, Blair & Philips, 2003, p.105). The PDP is considered "the formal organisation of tribal people in West Papua" and officially advocates for West Papuan independence (King, 2004, p.42). Many smaller political organisations exist in West Papua, and all of them suffer from repression and political imprisonment. In his study of state targeted groups, McLeod (2012, p.2) mentions the following: the 'Komite Nasional Papua Barat' (KNPB), the West Papua National Committee; the Federal Republic of West Papua, West Papua National Authority, 'Aliansa Masyarakat Papua' (AMP), 'Aliansa Masyarakat Papua–Pegunungan Tengah' (AMP-PT), 'Dewan Masyarakat Koteka' (DEMAK), 'Solidaritas Nasional Mahasiswa Papua Barat' (Sonamapa), 'Front Nasional Mahasiswa Pemuda Papua Barat' (FNMPP), the West Papua National Youth Awarenesss Team (Westpanyat), 'Aliansa Masyarakat Anti-Kekerasan' (AMAK), 'Parlemen Jalanan' (ParJal), and the 'Garda' (McLeod, 2012, p.2). The aforementioned organisations are citizen-created initiatives, and each has its own target group or focus. Interestingly, with Law No.21/2001 on Special Autonomy, West Papua was also allowed to create a Council, the Papua

People's Council (MRP) whose role included the approval of governor and deputy governor candidates. This official political institution is part of the Indonesian regional political framework but is unique to cases of Special Autonomy (Singh, 2008, p.32).

Lastly, Papuan civil society has become more and more active over the years, as it is less constrained than political and resistance movements. Human rights and cultural activists are also victims of arbitrary arrest and repressive conduct, however overall they are better tolerated than pro-independence activists. West Papuan Non-Governmental Organisations (NGO) cover a variety of human rights issues, societal problems and cultural aspects.

Due to limited time and space this paper cannot give a comprehensive and all-encompassing overview of Papuan civil society, but will list some examples of the most active and renowned organisations:

- The 'Lembaga Studi Hak Asasi Manusia' (ELSHAM), or Institute for Human Rights Study and Advocacy, is an NGO which promotes and campaigns for human rights principles and democratic values in West Papua. While its focus is broad, ELSHAM's monitoring, investigative and advocacy activities have provided the international community and Papuans with reports on human rights in Indonesia and is ever involved in discussions regarding a more democratic governance in West Papua (ICTJ & ELSHAM, 2012, p.1).
- The 'Komisi Untuk Orang Hilang dan Korban Tindak Kekerasan' (better known as KontraS) or in English: the Commission for the Disappeared and Victims of Violence, is an active NGO which focuses on enforced disappearances and state sponsored violence. While KontraS operates throughout Indonesia, it has a special branch in West Papua called KontraS Papua (KontraS, n.d., para. 1-9, 12). KontraS provides legal assistance and reparations for victims of human rights violations, investigates cases, campaigns against state violence and to raise awareness to the issues of disappearances, arbitrary detention, torture, and extrajudicial killings, and writes reports monitoring these issues in Indonesia (KontraS, n.d., para. 4-19).
- 'Dewan Musyawarah Masyarakat Koteka' (Demmak), the Koteka Tribal Assembly, is an example of a cultural and tribal organisation which promotes West Papuan highland traditions and beliefs and works for their long term protection. Benny Wenda, a famous and influential Papuan activist, is the organisation's leader. This is but one of the many West Papuan tribal councils and groups. Two other notable examples include the Papuan Traditional Council and the Mamberamo-Tami Tribal Council (Blair & Philips, 2003, p.106).
- The 'Aliansi Mahasiswa Papua' (AMP International), The Alliance of Papuan Students, is a network of pro-independence students established by the

Communication Forum of Papuan Youth in Jakarta. The organisation serves as a communication platform, relaying Papuan news to international actors and international news to the Papuan public (Blair & Philips, 2003, p.108).

Despite hostile conditions, it appears that Papuan civil society and non-governmental organisations successfully operate within the province, tackling a variety of issues from different standpoints and bringing together people of different backgrounds, from students to activists, to tribal leaders and international partners. The Forum Kerjasama Lembaga Swadaya Masyarakat Papua (Foker LSM Papua), or Co-operative Forum of Non-Governmental Organisations Papua, brings together these organisations and encourages dialogue on many specific issues (King, 2004, p.12, 82).

IV. State response to Papuan self-determination movements under Suharto

A. Freedom of expression and association

The very way in which the Act of Free Choice was carried out did not bode well for freedom of expression and opinion in West Papua. It was a sure sign that the Indonesian dictatorship did not care to take into account indigenous voices and would not allow self-determination wishes to have an influence over the governance or future of the area. However this position did not come as a surprise, as self-determination movements were already not tolerated under Sukarno: Papuans were arrested in May 1965 for raising the Morning Star flag, the strongest nationalist symbol. Furthermore, military counter insurgency operations were initiated in West Papua as early as August 1965 in response to Papuan unrest (Saltford, 2003, p.xxi).

With Suharto's coming to power, an era of harsher repression began. Sukarno had had no sympathy for regional independence movements, but Suharto had even less. As mentioned in Part II, the dictatorship ensured its stability and durability by virtually eradicating non-governmental organisations and contestation. All Papuan political parties were banned in May 1963. While the dictatorship tolerated civil society to a certain extent, regional and general separatist movements were faced with arrests, torture, imprisonment, and death (Saltford, 2003, p.xxi; Boudreau, 2009, p.103-104). This applied to the whole of the Indonesian archipelago but was particularly relevant in West Papua, where groups such as the OPM were threatened, and met with sustained repression throughout the dictatorship. Anyone affiliated with a pro-independence or resistance group was a potential target of ABRI, which was generally responsible for suppressing any form of dissent, political opposition or regional mobilisation (Boudreau, 2009, p. 103). Therefore, freedom of association was nonexistent under Suharto since citizens risked their lives if they expressed their political affiliations or joined organisations campaigning for regional independence, and this severely limited the scope of action of Papuan nationalist movements.

Not only was it a great risk for Papuans to openly express their opinions or to join and participate in pro-independence groups, but it was also very difficult in the regime to communicate, report on issues, raise broad awareness or mobilise resistance. Media outlets had to obtain two types of permits in order to publish and therefore journalists could not write freely or were censored by their editors for fear of these permits being revoked. Any newspaper publishing critical articles or advocating for regional movements or human rights was immediately banned. The press was tightly controlled by the Ministry of Information (Kakialatu, 2007, p.63). Therefore, communication between Papuan groups was difficult and somewhat limited.

B. Excessive use of force

In order to prevent uprisings and maintain the situation in the province of West Papua under control, Suharto's administration relied on the uncompromising use of force. Violence was used to quash freedom of expression, to discourage any form of mobilisation or dissent, and generally to achieve the government's objectives. Restrictions on freedom of expression and excessive use of force are intrinsically linked. Indeed, the Indonesian military and police forces are responsible for carrying out both and the former is a consequence of the latter. In many cases the extent and scope of political violence was disproportionate when compared to the situation it was intended to address. Examples include the bombings of entire villages in 1981 in which at least 2500 Papuans died, in retaliation for the filming of anti-Indonesian Papuans which was included in a Dutch film, or the shooting of peaceful demonstrators. (Rollings, 2010, p.139-140, 144).

There had been a precedent for military violence in West Papua right from the moment that Indonesia took over administration of the province, in 1963: In January 1966, 40 people were killed when the Indonesian Air Force strafed Manokwari in response to pro-independence movements in the area. A Papuan Representative of the People's Consultative Assembly reported that 1000 people had been killed in the incident. Many more killings took place in the whole of the province. For example, 80 men and boys were shot in Gulunu alone in 1966. In that sense, Suharto did not initiate military brutality and violence towards indigenous Papuans and any form of protest. However, he encouraged the practice and it became even more commonplace under his authority. Indeed, in 1968 statistics were released which stated that recent Indonesian military activity in the province had killed 162 Papuan insurgents, in the space of a few months. In general, Indonesian counter-insurgency became more organised, and the military presence grew in West Papua till the number of Indonesian soldiers was five to six times that of Papuan insurgents (Saltford, 2003, p.xxii, 80; Rollings, 2010, p.141). OPM was most involved Papuan in guerrilla efforts, and many members were arrested or killed for their activities or for raising the Papuan flag. While it is true that OPM was responsible for attacks and the deaths of Indonesian soldiers, Indonesian counter-insurgency measures caused many more deaths in the Papuan camp. Indeed, one hundred Indonesian army garrisons were established throughout West Papua and resorted to systematically bombing and shelling Papuans which they saw as threats (Saltford, 2003, p.79-80, 92).

Violence was not reserved for guerrilla groups and pro-independence activists. Indigenous civilians suffered from the military presence and their generally violent attitude. Many civilians were killed because they were in the wrong place at the wrong time, or in acts of retaliation from the military who did hesitate to eradicate entire villages

in reaction to the death of their personnel. Amnesty International and other NGOs published evidence that civilians were subject to torture, disappearance and extrajudicial killings by the Indonesian military (Rollings, 2010, p.143). Statistics and data on killings and violence in Suharto's authoritarian regime are vague and sometimes nonexistent. They are best considered as estimates, since at the time it was almost impossible both for the Papuan population and for international NGOs to keep records of the exact death toll and number of victims of military violence. Accurate numbers can be found for specific isolated incidents but no long-term figures exist for this period.

Furthermore, under Suharto, impunity for the soldiers who carried out killings or acts of violence against indigenous Papuans was total because these acts were cautioned by the government. To this day, the perpetrators of brutal killings have not been brought to justice (Rollings, 2010, p.141).

C. Internally displaced persons

As early as the mid-1960s, Indonesia initiated a transmigration programme to alleviate overpopulation in Java. Immediately after the Act of Free Choice, Suharto's administration increased the scope of the project, allowing hundreds of Indonesian families to migrate to West Papua. Some settlers were affiliated with Suharto, often because they were retired military men; they were awarded properties to move to with their families. Indigenous Papuans were evicted from their land by ABRI to make space for the new settlers, and were not offered compensation (Brundige et al., 2004, p. 19). Indeed, a law passed in 1963 had declared "all land and natural resources the property of the Indonesian state", allowing the government to confiscate land without compensating local populations but also to seize whatever plots contained valuable resources, and to profit from their exploitation (Rollings, 2010, p.146). With the 1984 Five Year Plan, the government made West Papua the primary target of transmigration operations; until then, settlers had been divided and sent to several of the outer islands of the archipelago. This led to wide-scale land grabbing, with 700,000 hectares of land being confiscated from Papuan owners for the purpose of accommodating the incoming wave of Indonesians. Between 1970 and mid-1986, 140,000 Indonesians had come to live in West Papua, all of which were given land and financial assistance. Specific World Bank loans funded 10 per cent of the costly endeavour of this massive population relocation (Brundige et al., 2004, p.32-33). As a direct consequence of this incoming population, thousands of Papuans were internally displaced, forced to move to transmigration sites designated for their relocation. The government spread out communities, breaking them up and dispersing them among Javanese settlements in an attempt to weaken Papuan organisation. In these new settlements, Papuans were marginalised and pressured into abandoning their traditional

lifestyles, forced to conform yet never given significant posts in local administration or the business sector. They mostly lived in poverty and were vulnerable to malnutrition, illness and sexually transmitted diseases such as HIV (Brundige et al., 2004, p.33-34).

Furthermore, economic operations were also found to impact the livelihoods of indigenous Papuans and sometimes cause the displacement of entire communities. West Papua is rich in natural resources, chiefly copper, gold, oil, and timber (Brundige et al., 2004, p. 27, McCloskey & Hainsworth, 2000, p. 58) According to Gorlinsky (n.d., para 6): "One of the world's biggest deposits of copper and gold ore is located at Tembagapura, in the west-central part of the province." Exploitation of these resources was a driving reason for Indonesia's annexation of West Papua and it immediately began under Suharto's rule in 1967, when a contract was signed with US mining company Freeport McMoRan for the exploitation of the abundant copper and gold deposits of the central mountain area (McCloskey & Hainsworth, 2000, p.58). Local tribes were driven out of the resource-rich area and their ancestral lands unlawfully seized. Mining has since irreparably damaged the environment, flora and fauna of the Tembagapura area (McCloskey & Hainsworth, 2000, p.58). The Amungme tribe which used to live on the mining site was relocated to the much hotter coastal area where most died of disease following a malaria epidemic in 1980. With local indigenous people removed, the town of Tembagapura grew to accommodate the many workers needed to operate the mine, most of which were expatriates and Indonesians. The few Papuans allowed to remain in the area were only provided with unskilled labour opportunities and forced to the outskirts of the town in insalubrious settlements (Brundige et al., 2004, p.26-27). Timber exploitation in the southern tribal lands moved entire communities which were threatened into forced labour. The widespread and unsustainable logging scheme led to soil erosion and has in the long term completely destroyed the Asmat people's ancestral territory (Brundige et al., 2004, p. 28). These examples show that the intensive resource exploitation carried out by Suharto's administration and its commercial partners was accompanied with illegal land seizing, a destruction of the environment and the widespread relocation of Papuan indigenous people without concern for their wellbeing and health. Overall, these operations caused the deaths of hundreds of Papuans and disrupted the lifestyle of many tribes.

Last but not least, the brutality of counter insurgency operations under Suharto caused thousands of Papuans to flee the province, escaping into neighbouring Papua New Guinea. Indeed, the Indonesian military's efforts to uproot OPM and guerrilla groups often targeted villages. Papuans preferred to leave their homes for their own safety. In 1984, a violent crackdown on OPM commenced. By June, 10,000 indigenous Papuans fled

across the border to Papua New Guinea, to live in overcrowded refugee camps (Brundige et al., 2004, p.36).

Therefore, the government forced indigenous Papuans to relinquish their lands and forcibly moved them to new locations, as part of a transmigration process in which many lost their livelihoods and had to adapt to a culture that was not theirs; the government evicted Papuans from resource-rich areas to exploit them to their own benefits, irreparably damaging the environment and indirectly killing many because of disease contracted as a result of relocation; and violent military campaigns against pro-independence movements forced thousands to flee into Papua New Guinea.

V. State response to Papuan self-determination movements in contemporary Indonesia

A. Freedom of expression and association

After the fall of Suharto's authoritarian regime, the laws and regulations which had muzzled the press and so restricted freedom of expression, opinion and association were revoked, heralding a new era where independent publications thrived and NGOs were once more able to operate. While this is generally accepted and celebrated, these changes did not quite extend to critical areas such as Aceh and West Papua. According to Franciscans International et al.:

“The government delegation claimed to the [UN Human Rights] Committee that local media in Papua is free to publish any news. Meanwhile, cases of intimidation, threats and violence against local journalists in Papua continue. In recent years, the international community had to witness the extrajudicial killing of Journalist Ardiansyah Matrais and the violent attack against Journalist Banjir Ambarita” (Franciscans International, et al., 2013, para. 7).

This points toward the conclusion that despite the legal changes and widely observed trends in the rest of the archipelago, little progress has been made in the department of freedom of the press and expression in the region of West Papua as authorities attempt to maintain control over the volatile region, fearing that allowing the publication and discussion of pro-independence material would lead to a wave of nationalism and pressure for change. A member of the Indonesian government delegation which represented the nation during the July 2013 UN Human Rights Committee, Lieutenant General ret. Bambang Darmono, stated himself that “freedom of expression is not absolute” in West Papua. He further explained that this was not likely to change as the government considered it to be necessary to prevent peaceful protests and expressions of political or pro-independence views, generally limiting freedom of expression for the purpose of maintaining Indonesian sovereignty in West Papua (Franciscans International, et al., 2013, para. 8). Demonstrations were fully prohibited during the second half of 2012 (International Coalition for Papua & Franciscans International, 2013, p.1).

This position has been illustrated countless times in the last decade as the Indonesian police or military routinely interrupts and disperses peaceful acts of protest such as dances or the raising of the Papuan Morning Star flag, arresting demonstrators and charging them with treason or rebellion under Articles 106 and 110 of the Indonesian Penal Code, charges which call for long prison sentences (Human Rights Watch, 2013, para. 3-5; Asian Legal Resource Centre, 2012, para. 3-6). These articles are very vague

and allow authorities to prosecute and detain Papuans who engage in human rights or pro-independence activities. Because of these strict restrictions on freedom of expression and association, Papuan activists are being detained for publicly expressing their political views and are therefore political prisoners. In February 2014 TAPOL, the Indonesian human rights NGO which campaigns for justice, freedom of expression and the release of political prisoners, reported that at least 76 Papuans are being held as political prisoners. This number changes often as more activists are prosecuted, while others are released. NGOs report a worrying increase in political arrests in recent years, with figures doubling in 2013 compared to 2012. Furthermore, political prisoners are often tortured, mistreated and denied access to proper healthcare or medical treatment following their arrest. Mistreatment includes blindfolding, gagging, electric shocks and death threats (TAPOL, 2014, para. 1-5, International Coalition for Papua & Franciscans International, 2013, p. 10-11). Examples of some of Papua's most famous political prisoners include: Filep Karma and Yusak Pakage, who were both arrested for attending a student protest in Abepura on 2 December 2004 during which the Morning Star flag was raised, causing the police to fire into the crowd; Linus Hiluka, who was arrested and charged with "rebellion against the state and spreading hatred" for being associated with the Baliem Papua Panel, a pro-independence organisation; Moses Holago and Moses Aspalek, who were arrested at the border for attempting to attend a meeting in Papua New Guinea and carrying West Papuan symbols; and Welmus Musa Asso, Mayus Togodly, Andi Asso, Ghen Jhon Hilapok, Heri Asso, Jean Hasegem, and Gustaf Ayomi who were arrested for raising the flag of a Papuan independence group, 'Bintang 14' (Human Rights Watch, date, p. 19-22, 30-31, 32, 35).

According to Cordell (2013, para. 11), the threats of security forces extend further than the arrest of activists during public events: "Indigenous West Papuans face daily surveillance and intimidation by the Indonesian military and police, and many report living in constant fear. Thousands have been killed, detained and tortured since 1963" (Cordel, 2013, para. 11).

B. Excessive use of force

According to Ricklefs (2004, p.385), the very suppression tactics which Suharto's regime used to ensure their sovereignty of the province of West Papua strengthened Papuan resolve for self-determination and independence from the repressive nation which they considered as much of a colonial occupier as the Netherlands had been until the 1960s (Ricklefs, 2004, p.385). After the fall of the dictatorship in 1998, there was a short window of time in which Papuans regained hope, and in the general climate of euphoria that spread across the archipelago, they believed they might be able to negotiate for the

independence of their people. But the army never dropped its repressive stance, and human rights abuses continued in the province. Papuans who raised the Morning Star flag continued to be shot or arrested (Rollings, 2010, p.144-145).

Despite the Indonesian government's transition towards democracy, the situation in West Papua has remained very similar to that of the dictatorship. One of the only differences with the dictatorship is that the brief time of confusion, hope and euphoria which immediately followed the fall of Suharto led to the creation of many new groups, associations and NGOs campaigning for independence, which in turn resulted in a better visibility of the pro-independence movement. This visibility caused many activists to fall target to the Indonesian military and police, which continued to systematically arrest, torture and kill demonstrators and prominent Papuan leaders; however it also made killings clearer and easier to document, especially as some form of reporting had become possible and international organisations were able to keep track and produce data (Rollings, p.144-145). According to Human Rights and Peace for Papua - the International Coalition for Papua (ICP) (2013, p.21): "The problem of extrajudicial killings in Papua [...] illustrates how Papuans do not benefit from the same protection of the right to life by Indonesian government as compared with persons elsewhere in Indonesia. This is notably the case concerning persons who are critical of the government."

The last decade and a half is rife with examples of violence, abuse of indigenous Papuans, arbitrary arrests and extrajudicial killings. Between 1998 and 2000, a report states that an estimated 80 extrajudicial killings and 500 cases of arbitrary detention and torture took place (Brundige et al., 2004, p.47). In 2001 Megawati Sukarnoputri's government granted West Papua Special Autonomy status, a status which Papuans rejected, PDP included (Pataud Célérier, 2010, para. 7). As a result, as stated by Cribb, a leading scholar in the field of Indonesian history: "In November 2001, security forces murdered the Papuan [PDP] leader Theys Eluay, while in September 2004 the human rights activist Munir was murdered by poisoning on a flight to Amsterdam. The precise responsibility for Munir's murder has not been established, but strong circumstantial evidence has emerged to link it to the security forces" (Cribb, n.d., para. 5).

Recent years have shown no sign of change. During the Third Papuan Congress in October 2011, at least 3 demonstrators were killed, dozens wounded and 300 arrests were carried out. On 8 January 2012, Yustinus Agapa was shot after an electoral campaigning event. On May 1 2012, Terjoli Weya was shot for attending a pro-independence demonstration. On 15 May 2012, a tribal leader was shot by the police special forces and several men wounded. In June 2012, three men were killed by

policemen at a KNPB protest; the Vice-Chairman of KNPB, Mako Musa Tabuni, was shot and killed by policemen in a separate incident a week later, and over 300 soldiers attacked a village in retaliation for military deaths, shooting civilians and stabbing them with bayonets, then setting fire to the village's houses. In November 2012, two more KNPB activists were found dead. On 4 December 2012 police forces killed a man when he resisted arrest; later that month a KNPB leader was assassinated by Indonesian Special Forces and the military killed four fishermen. These cases are not isolated incidents. They are but a few examples of military and police actions which take place almost every month, year after year. Many cases are never even reported or do not reach international NGOs because they take place in remote and inaccessible areas (ICP, 2013, p.17, 21-27; Amnesty International, 2013, para. 4-10; Human Rights Watch, 2013, para. 6-7).

The issue of impunity for the perpetrators of these human rights crimes has not changed. According to Rollings (2010, p.141): "The foregoing incidents demonstrate a wide ranging culture of non-accountability and apparent impunity of those responsible for human rights violations including possible unlawful killings, excessive use of force and wrongful detention." Indeed, very few military crimes are ever taken to court and even in the rare cases where they have been, the perpetrators were sentenced to short prison terms and transferred to military correctional facilities. Furthermore, such court cases cruelly lack transparency as criminals who are part of the military or police forces are not taken to civilian courts but to military tribunals (ICP, 2013, p.21).

C. Internally displaced persons

Transmigration policies, which were implemented under Suharto, continued after the fall of the New Order; however, there has been a sharp decrease since 1999 in the number of people who take part in the programme and are relocated to West Papua and other provinces. Indeed, the Indonesian government, which was suffering from the Asian financial crisis and was undergoing general reforms at the time, decided to reduce the scale of the programme (Nugroho, 2013, p.9-10).

Nowadays, it is military operations which displace the most people. Ongoing counter-insurgency operations attempt to weaken pro-independence movements such as the OPM, and for this they often resort to burning and destroying villages, raping and abusing wives, daughters and sisters, to put pressure on activists and discourage them from any form of active rebellion. This in turn harms and displaces entire communities which have to move and rebuild their livelihoods, while dealing with the trauma which accompanies such violence. Some communities are forced to flee into the jungle where survival is

extremely difficult and life expectancy consequently shorter (Internal Displacement Monitoring Centre, 2010, p.1,5). While it is impossible to access data on the number of displaced Papuans because the Indonesian authorities do not monitor their situation and international NGOs such as the Internal Displacement Monitoring Centre (IDMC) do not currently have full access to the concerned areas, the figures are undoubtedly high. Details of specific incidents paint an impression of the scope of the issue. In April 2003, thousands of Papuans were displaced from 25 villages near Wamena, in the eastern highlands, by military operations. In October 2004, 6,393 people were displaced by military operations near Mulia, where conflicts are concentrated and frequent. In August 2005, 16,000 people were displaced during anti-OPM attacks. In March 2006, 1,200 students were forced to flee Abepura because of police repression. Some crossed the border into Papua New Guinea, joining the 10,000 Papuan refugees living in camps. 2007 was a particularly bad year, with 5,321 people displaced in January by military operations near Mulia and waves of displacement in the summer months in the Jamo valley. In June 2009 and 2010, hundreds more people were forced to leave their villages because of continuing violence in critical areas. According to an IDMC report, between 2001 and 2007, an estimated 20,000 Papuans were displaced in the Puncak Jaya regency, one single sub-division in West Papua, because of the region's strong separatist involvement (IDMC, 2010, p.2)

D. The question of genocide

The killings associated with excessive use of force, be they from the repression of guerrilla groups, extrajudicial killings, retaliation on villages for military deaths or the general campaign of violence, raping and torture that was observed throughout the dictatorship and in its aftermath amounted to a very high Papuan death toll (McCloskey & Hainsworth, 2000, p. 58).

Moreover, several gruesome massacres of entire villages took place both under Suharto's dictatorship and after its fall, leaving a more shocking impression on the international community that the long, drawn out eradication of OPM and KNBP supporters.

- In 1977-1978, mass killings took place in the Central Highlands, where OPM support was strong and where the mobilisation of Papuan youth had strengthened guerrilla groups. OPM's military branch, TPN-PB, had started an active freedom campaign and launched several attacks on military bases. Tensions escalated in April 1977, when military personnel was killed by OPM insurgents. Several ABRI detachments were deployed to take part in a military counter-insurgency campaign in the area, notably two companies of the Kostrad from and units of the organic battalions 752 Sorong and 753 Nabire. Military operations and intimidation started

immediately. Aerial attacks included strafing, napalm attacks, and aerial bombing of entire villages, killing civilians and OPM supporters indiscriminately. Ground operations were brutal and inhumane: soldiers shot men, women and children alike, tortured and abused villagers of all ages, raped women and children. Killing methods were gruesome and degrading, including burying, boiling and burning Papuans alive, drowning them, and execution by firing squads. Survivors escaped into the jungle to avoid the abuse of the military which stayed in the area. The Asian Human Rights Commission has confirmed the deaths of 4,146 Papuans, however these correspond only to the victims that could be named. Casualties are commonly estimated to range between 5,000 and tens of thousands. (Asian Human Rights Commission, 2013, p.1-29).

- In 1981 the military set out on a new campaign against OPM, which was referred to as Operation Clean Sweep. The operation's goal was to weaken independence movements by targeting the families and relatives of activists. Again, ABRI resorted to shooting civilians, raping women and destroying villages, first in the Jayapura area in the North East, then in the Central Highlands. The land emptied by these killings was then used for transmigration purposes. No clear estimates exist regarding casualties in this period, but in one village alone where napalm and chemical weapons were used, the death toll is estimated between 2,500 and 13,000, thus the total death toll for Operation Clean Sweep must be very high (Brundige et al., 2004, p.29).
- Following the fall of Suharto's dictatorship, pro-independence Papuans raised the Morning Star flag in Biak on 2 July 1998. A large crowd gathered, singing, shouting freedom and independence slogans and dancing. The Indonesian police immediately intervened, attempting to disperse the protest with tear gas and violence against demonstrators. Demonstrators refused to leave, holding their ground until 6 July, when the military was called in and started firing into the crowd. Those who survived the shooting were rounded up and taken to the harbour. Some were tortured, women were raped and mutilated. The bodies were dumped out at sea. (McCloskey & Hainsworth, 2000, p.58; Brundige et al., 2004, p.44-46; Solomon Star, 2014, para. 1-28).

The restrictions on freedom of expression and limited access to the region during the dictatorship and in contemporary Indonesia have made it very difficult for national and international NGOs to trace the fate of disappeared people and to assess the scope of the killings. However, a widely accepted estimate of total casualties in West Papua lies around 500,000 Papuans (Elmslie & Webb-Gannon, 2013, p.148).

In the last decade scholars have conducted research to determine whether or not the sustained killings and eradication of all people linked with Papuan pro-independence movements amounted to a genocide.

The International Convention on the Prevention and Punishment of the Crime of Genocide and the International Court of Justice have declared the act of genocide to be a crime under international law and to be a ‘*jus cogens*’ norm, a “fundamental, overriding principle of international law, from which no derogation is ever permitted” (Brundige et al., 2004, p. 49; Legal Information Institute, n.d., para. 1). The International Convention on the Prevention and Punishment of the Crime of Genocide defines genocide as:

any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

1. Killing members of the group;
2. Causing serious bodily or mental harm to members of the group;
3. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
4. Imposing measures intended to prevent births within the group;
5. Forcibly transferring children of the group to another group (Brundige et al., 2004, p.50).

Excessive use of force against not only separatists but indigenous Papuans as a group; transmigration and the displacement of indigenous populations which results in high death rates; widespread rape, humiliation, and social exclusion of Papuans under Indonesian rule; and the aforementioned examples of massacres qualify as genocidal acts under the International Convention on the Prevention and Punishment of the Crime of Genocide as stated above. The only issue keeping the killing of Papuans from being labelled as a genocide is the lack of proof of the Indonesian government’s intent to eradicate West Papuans as a group. This intent can be inferred from orders issued to the military and from the nature and results of military operations, but nowhere has it ever been clearly stated. Therefore, while the evidence points towards acts of genocide and genocidal policies, it is not as of yet possible to accuse Indonesia of genocide in Papua, and therefore the human rights violations and slow-motion eradication of Papuans continues (Brundige et al., 2004, p. 51-75; Elmslie & Webb-Gannon, 2013, p.155).

VIII. Conclusion

From Dutch colonial rule to Japanese occupation; from revolution to republic and from dictatorship to democratic reforms, Indonesia's modern history has been both troubled and complex, and is marked by various violent repressive episodes. With the fall of Suharto's New Order in 1998 and the political reforms that followed, it seemed like Indonesia was transitioning towards democracy. However, several factors clearly indicate that this transition is far from complete, among which the most important are the issues of corruption, military independence and impunity and the ongoing human rights violations in the province of West Papua. The repression and general mistreatment of indigenous Papuans are reminiscent of the authoritarian regime and have indeed not changed much since its fall.

Following the Second World War, the Indonesian nationalist movement fought for five years against the Netherlands, officially declaring the Republic of the United States of Indonesia in 1949. The Netherlands however, retained control over West Papua, the western half of the Island of New Guinea. The Indonesian government was adamant to include West Papua in its federation, not so much because it felt like it shared ties with West Papua, which had a similar history under Dutch colonial rule but a different ethnical, cultural, and religious background, but because it was interested in the many natural resources that were to be found in the Papuan mountain ranges. The Netherlands refused to relinquish West Papua to Indonesian control, and negotiations lasted until 1962 when, following the signing of several agreements, the administration of the region was passed over to Indonesia, under the condition that a referendum would take place by 1969 in which Papuans would vote to remain a part of Indonesia or to become independent. This condition was never respected; instead, Suharto orchestrated an 'Act of Free Choice' in which an assembly of handpicked leaders were pressured into voting to join Indonesia, sealing West Papua's fate. The Act of Free Choice was a violation of Dutch Indonesian agreements and therefore Papuans claim there is no legal basis for what they consider to be the occupation of their homeland. These events led to the creation of an active pro-independence movement in West Papua, as nationalists' wishes for self-determination grew under Suharto's repressive dictatorship. Pro-independence organisations took many forms, from resistance and guerrilla groups to political organisations and human rights or cultural organisations. All were faced with brutal repression under Suharto's dictatorship, which did not tolerate any form of dissent and introduced a strong military presence throughout the province, launching genocidal counter-insurgency operations which targeted all indigenous Papuans, irrespective of whether they were part of insurgency groups or innocent civilians. The military killed, tortured, raped and terrorised Papuan populations, causing many to flee into the jungle or across the border to Papua New

Guinea. Tens of thousands were displaced. Adding to the displacement issue, Suharto's transmigration programme brought over 100,000 Indonesian settlers to the province, while indigenous Papuans were driven out of their ancestral land which was seized to accommodate both economic projects and Indonesian settlers, and were relocated to settlements where they were forced to adopt a new lifestyle. This strategy was intended to weaken Papuan organisations and cultural sense of self, and caused many to die of disease and malnutrition. Under Suharto, indigenous Papuans were discriminated upon and denied basic rights such as the right to life, freedom of expression and freedom of association. With the fall of the authoritarian regime Papuans hoped for a change in their situation and renewed their claims for freedom, but were brutally repressed in atrocious events such as the Biak massacre. The ongoing lack of freedom of expression and association indicates that the Indonesian government's stance in Papua has not changed since the dictatorship. For fear that any relaxation in their policies would be followed by an unprecedented push for independence by Papuans, authorities have attempted to maintain a firm grip on the volatile province. Therefore, extrajudicial killings, arbitrary arrests and torture are still practiced by the military and police, with the purpose of retaining control of the province by weakening pro-independence movements. While transmigration has slowed to a halt, military operations still displace Papuans, creating a climate of uncertainty and fear.

In the current context, independence is still a far-off dream for Papuans. While the legal basis for the annexation of West Papua is flawed and a new, democratic referendum for independence should take place to remedy this, it appears unlikely that Indonesia will change its stance regarding West Papua and offer such an outcome. Indeed, the government fears that this would give rise to other regional separatist movements, notably in the provinces of Aceh and Maluku.

IX. Recommendations

In order to put an end to the vicious circle that is the West Papua conflict and address past and present issues, including human rights violations, the following steps should be taken:

- The Indonesian government should acknowledge the human rights violations which it is cautioning in West Papua and require that the military and police end all hostilities against indigenous Papuans.
- Military presence in West Papua should be reduced as it is currently the main cause for human rights violations and is fuelling the West Papuan conflict.
- The Indonesian government should open dialogue with Papuan representatives in order to find satisfactory short- and long-term solutions for all parties involved in the West Papua conflict.
- The Indonesian government should establish stronger human rights mechanisms and institutions with the right to carry out investigations as well as more direct action.
- Based on the findings of investigations into past abuses, the Indonesian government should order the prosecution of all individuals responsible for human rights violations, including criminals from the Indonesian military and police, thus putting an end to impunity.
- In general, the Indonesian Constitution should be amended to clearly detail the roles of all existing Indonesian institutions as the current Constitution is outdated, allowing abuses to be committed.

X. References

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