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Autonomy for Papua

Progress and Failures in Implementing Special Autonomy

*Documentation of a consultation
of the United Evangelical Mission,
the West Papua Network
and Watch Indonesia
in Königswinter, Germany, March 21st to 23rd, 2007*

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Preface

“Autonomy for Papua – Progress and Failures in Implementing Special Autonomy“

“Autonomy for Papua – Progress and Failures in Implementing Special Autonomy“. This was the theme of a consultation conducted by the West-Papua Network, Watch Indonesia and the United Evangelical Mission in Königswinter, Germany, from 21st to 23rd March 2007. About 50 participants from Indonesia, Germany, Switzerland, the United Kingdom and the Netherlands discussed the latest developments in Indonesia’s easternmost province of West-Papua.

After decades of oppression and human rights violations in West-Papua under the rule of former President Suharto, the reformation era in Indonesia provided some hope that Papuans would have a better chance to determine their political, social and cultural rights and to live in peace without fear in their own territory. Therefore, the resolution of the Special Autonomy Law by the Indonesian Parliament in 2001 was seen by many observers as an important step towards restoring trust among Papuans in Indonesian rule and allowing them to have a stake in the development of the province and the benefits of its rich natural resources.

In 2003, the above mentioned organisations held their first joint consultation in Germany to assess the potential and the limitations of the Special Autonomy legislation and to seek ways of contributing to its successful implementation. In the meantime, concrete steps to establish institutions in accordance with the Special Autonomy Law have been taken. On the other hand, several obstacles are undermining the trust of Papuans in the Autonomy Law. These include: the controversial decision of the Government under former President Megawati Soekarnoputri to split the province into two (or actually three) parts; the ongoing militarisation in the province; a bureaucracy considered by most Papuans as intimidating; the impunity of human rights violations committed by the police and military; the still not well functioning autonomy institutions; the continuing absence of a human rights court in West-Papua; and the lack of co-operation between the representative bodies in West-Papua and the central government.

This documentation reflects the above mentioned developments, points out the achievements and shortcomings of the Special Autonomy legislation, and considers such issues as poverty reduction, social and economic development and human rights. We hope that through its critical observations and recommendations, this publication will contribute to the dialogue between the Papuan people and the Indonesian Government. Such dialogue is crucial, in order to bring about the neces-

sary adjustments to the political processes and institutions in West-Papua and Indonesia that will allow all West-Papuans a better future, in which they can live in peace and dignity.

We would like to thank the following people, whose advice and support made the production of this documentation possible: Dr. Theodor Rathgeber as the editor, Mrs. Pat Thimme for translating the certain parts, Mr. John McLaughlin and Ms. Elizabeth Fry for reading the script critically to improve the english, and Mr. Jörg Schmidt for publishing this book at short notice.

DR. JOCHEN MOTTE
United Evangelical Mission

DR. UWE HUMMEL
West-Papua Netzwerk

Prologue

THEODOR RATHGEBER

Why we talk on autonomy

Many reports stress the dichotomy of West-Papua: a huge country of 410,000 km² with remarkably rich natural resources such as oil, gas, gold, copper and vast tracts of timber, and an indigenous populations of approximately 1,2 million people (out of a total population of 2,387 million) still lacking the most basic elements of everyday life. Education, health, infrastructure, access to credits and markets are particularly underdeveloped in regions where Papuans are still in the majority, i.e. the Highlands, while other people, trans-migrants, national and multinational companies, and the Security Forces benefit from the richness. The human development index of West-Papuans, indicated in the United Nation Development Program of March 2007, is the lowest of all Indonesian regions. Participants of the Conference in Königswinter emphasised the everyday experience that in the markets Papuans sit on the ground selling fresh products at the lowest levels of market infrastructure, while shops are beeing built behind them. Correspondingly, migrants from other parts of Indonesia hold most of the important and well paid positions in all regencies and municipalities in West-Papua (see Documentation part III, Annexes I and IV).

The lack of social and economic welfare coincides with impunity on human rights violations and systemic failures in the rule of law. The discriminatory and unfair development, the authoritarian and unitary approach of Indonesia's governments, particularly up to 1998, treated West-Papua as a nationalist trophy and strengthened the Papuan aspirations for self-determination. Every report of internationally acknowledged human rights organisations such as Amnesty International and Human Rights Watch stress the continued abuse of human rights in West-Papua; i.e. extra-judicial killings, unfair trials, torture, arbitrary detention, ill-treatment in jail, excessive use of force during demonstrations and harassment of human rights defenders and lawyers. Human Rights Watch paid special attention in its recent report to the Highlands (see Appendix II) where Papuans are in the majority and core elements of its genuine community are to be found.

Corresponding to the human rights abuses, there is a long history and a high rate of impunity in relation to the personnel forming part of the Security Forces. Military officers with records of human rights abuse such as Col. Siagian – indicted twice in absentia by the UN-supported Dili Special panel in 2003 for crimes against humanity committed in East Timor – are assigned to West-Papua, where they continue with the same attitude and impunity. Col. Siagian publicly threatened to 'destroy' Papu-

ans pressing for self-determination. These examples were also frequently addressed during the Conference and need to be tackled with priority.

The Special Representative of the UN Secretary-General concerned with Human Rights Defenders, Ms. Hina Jilani, made a critical assessment of the human rights situation in West-Papua in the light of her visit in June 2007 when she stayed in Jakarta, Jayapura and Banda Aceh. She had met with a broad section of civil society and human rights defenders engaged in a wide range of human rights issues. Her visit to West-Papua had encouraged Papuans to demonstrate peacefully at the airport, at the Cenderawasih University in Abepura and at the Imbi Park in Jayapura. Hina Jilani observed that the promotion of human rights has been considerably improved and noted that steps have been taken to strengthen the legal and institutional framework for the promotion of human rights. She referred to the Constitutional changes in 2002, the enactment of the Human Rights Act of 1999 and the Witness Protection Act of 2006, the establishment of the Ad hoc Human Rights Courts, the National Human Rights Commission (Komnas HAM), the National Commission on Violence Against Women (Komnas Perempuan) and the adoption of the National Plan of Action.

At the same time, however, Hina Jilani observed serious constraints on the functioning of these organisations and their ability to effectively fulfil their mandates. She also noted resistance to changing attitudes and an institutional culture which makes a full commitment to eliminating impunity difficult. She recommended that the regional representatives of Komnas HAM should receive full and timely support if there is interference in their functioning or they are at risk in their regions. Additionally, the mechanisms should be improved that ensure the accountability of the police, the military and the intelligence apparatus.

Altogether, the documents presented in this book (see also Annexes II and III) reveal a landscape of forced democracy in which the military, police, other security forces including intelligence units are given a prominent role in managing conflicts and building an infrastructure according to the interests of the Republic of Indonesia. Since Indonesia first occupied West-Papua on 1st May 1963, many Papuans have experienced continuous disrespect, discrimination and persecution of their genuine interests while being labelled as 'separatists'. The large but not even comprehensive list of human rights' violation since the year 2000, included in the church's appeal (Annex I), illustrates the extent of harassment on the one side and frustration on the other.

As a kind of institutional response to the continuing reality, the Special Autonomy Law of 2001 was established. It raised expectations in terms of running the country by Papuan institutions according to their own means and criteria, though within the Indonesian nation. It was expected that, apart from the delicate question of self-determination, the Special Autonomy would at last provide some solutions to the Papuan people's problems. After six years of formal rule, Papuan actors have

presented a disappointing and ambiguous interim result. Members of the churches simply state: 'it has failed' (see Documentation of the Conference and Annex I). Together with other Papuan organisations, they assign the major responsibility for that failure to the government of Indonesia which, according to these testimonies, neither seriously nor systematically implemented the Special Autonomy law No 21/2001. On the contrary: the Special Autonomy Law is perceived as a sophisticated but misleading instrument to definitively end the aspirations of West-Papua for self-determination. In this context, the extension of provinces and regencies in West-Papua is interpreted as an intelligence plan, to disturb the social and cultural unity of the indigenous Papuans.

However, Agus Sumule, current advisor to the Governor of Papua Province, promotes a more balanced approach towards analysing the situation in West-Papua. According to his assessment, the human rights situation in West-Papua is starting to improve and violations cannot be done as easily as in the past. The commitment of the new Governor of Papua Province, Barnabas Suebu, his anti-corruption measures, his ambitious action plan (see Documentation part II plus Annex IV) as well as the functioning of the people's council (MRP) and the increasing number of international supporters working in – and informally surveying – West-Papua are presented as indicators proving that there is some light in the dark. Despite the critical undertone of Agus Alua, chairman of the MRP, the Conference revealed a slow but sure improvement in the performance of the MRP, with many programs and projects to be implemented in the near future (see Documentation part II). Barnabas Suebu wants his administration to re-direct the funds of the Special Autonomy from migrant-(non-Papuan)-controlled sectors and the Indonesian military towards the outstanding humanitarian and developmental needs of indigenous Papuans.

In addition, Governor Suebu pledged that in future there will be a greater focus on the local level to improve people's welfare, its economy and the development of natural resources. The focus is currently directed towards ending poverty. This requires a more active role from the international community, the support of organisations such as UNICEF, UNDP and ILO as well as investments and economic development. Each village community (*kampung*) should receive 100 million Rupiah and this should be increased in the following years. In the course of the Conference, particularly in the working groups, critical remarks were made particularly in relation to the development of natural resources. West-Papua is a 'burned child' and Greenpeace blamed Indonesia in 2006 for having the highest deforestation rate in the world during the years 2000 and 2005. Much of that deforestation took place in West-Papua.

Although the sustainability of the projects and programmes and the cooperation with local Papuan organisations was emphasised, together with the support from NGOs in Jakarta like Forest Watch Indonesia, Telapak, or WALHI (Decentralisation

issues), doubts remained as to whether the plan to plant an oil palm plantation (see Documentation part II and IV plus Annex IV) would be the appropriate approach to push development and to overcome poverty of indigenous Papuans. Experiences from many other parts of the world indicate a disastrous outcome. Nevertheless, the discussion has been opened and Agus Sumule invited the international community (IUCN, UNDP, NGOs) to be frank with the programs but at the same time to contribute practical alternatives – and considering given circumstances – to combine saving Papua's tropical forest and rich bio-diversity while reducing poverty.

The development of natural resources and generating income for indigenous Papuans under the authority of Papuan institutions also means on the one hand to address the question of authority, which is currently being ruled out by the ministry of Forestry in Jakarta. In addition, any 'authority' has to consider and recognise the customary land rights of the indigenous Papuans; any program and project on their territories also require – according to international standards – the free, prior and informed consent of the traditional landowners. In addition, in terms of sustainability, it is a must to base any program and project on the local population, its capacities and needs.

On the other hand, the role of Indonesian Security Forces in the business of extracting these resources has to be challenged. As any solution must involve the Indonesian government, the active engagement – name it attention or pressure – of the international community is needed in order to make the Indonesian government take up its responsibility properly. Even seriously conducted discussions in key countries about these issues are helpful and have an impact; for example the call of the US House of Representatives in 2006 for cuts in US assistance to the Indonesian military and for genuine reforms. According to previous experiences, depriving the indigenous Papuans from benefiting from their natural resources contributes substantially to alienating the Papuans from Indonesia.

The discussion on supporting capacity building and building up institutions of civil society and skills was less controversial. There are abundant capacities on the Papuan side to run its internal affairs at the level of the communities, but the Conference revealed once again, that within the context of Indonesian dominion till 1998 no capacity building was permitted in running a state. There is an urgent need for Papuan NGOs and civil actors which are able to involve the communities in the management of state affairs. The Conference discussed some means of possible support in the form of offering training to Papuan civil society; e.g. in areas such as accounting and reporting or developing sustainable forest management with indigenous communities. For all these ambitious programs, the creation of institutions and legal challenges to the current Indonesian dominion, the concept of special autonomy is an indispensable political and legal framework and instrument.

Obviously, both realities – human rights violation and depression as well as building up institutions – are true at the same time, and the aspirations of Papuans

to literally seek self-determination in their own affairs remain lively. The recent indigenous community meeting on July 3rd-6rd, 2007, in Jayapura (Port Numbay) gathered representatives from 245 communities in the seven *Adat*-regions. The newly elected chairman of the Adat-Council (*Dewan Adat Papua*; DAP), Forkorus Yoboisembut, was emphatic in upholding the aspiration for self-determination while the former chairman, Tom Beanal, embedded 'self-determination' as a potential mechanism to be developed within the Special Autonomy Law. Only, the approach needs to be appropriate: governors, parliamentarians and other representatives of political and administrative institutions should take their responsibility seriously, i.e. not act as timid executors by the grace of Jakarta but as sovereigns in their own land.

The Conference in Königswinter could not make any prognosis that was shared unanimously. Together with the attached documents, the Conference contributes to a balanced assessment on whether West-Papuans will have the chance of genuine development within the framework of autonomy. At least this was accepted as a common denominator: 'autonomy' remains the reference point in order to measure progress, standstill or retrogression. In relation to the question of how far international involvement is required in order to contribute to and achieve progress, some key elements were identified:

- keep and strengthen the international survey on human rights, end impunity and involve systematically the UN Special Procedures as well as the Office of the High Commissioner on Human Rights;
- strengthen the human rights' defenders in West-Papua and their organisations;
- remain alert with regards to political trials and political prisoners;
- support systematically the existing Papuan institutions and executive bodies in order to enable them to run the Papuan affairs on their own;
- seek support for and accompany critically the endeavours to implement a local-based economy for indigenous Papuans;
- make international donors – such as the European Union and European governments – sensitive for a culturally adapted and human rights based approach towards development; e.g. pay attention that more indigenous Papuans are recruited, trained and deployed as police officers in particular in the Highlands area as well as promoted to senior positions of leadership;
- continue with the concept of peaceful dialogue, and seek a third party to mediate;
- continue to support the concept of West-Papua as a LAND OF PEACE and back the churches in West-Papua in order to enable them to push the Government of Indonesia towards this end.

Documentation

Conference on Autonomy for Papua

Progress and Failures in Implementing Special Autonomy

I Lessons learnt since 2003

SIEGFRIED ZÖLLNER – WPN

It is a great honour for me to be able to open this conference. Its topic is “*Autonomy for Papua – progress and failures in implementing special autonomy*“. It continues where our first Autonomy Conference, held in June 2003 in Berlin, left off. The topic of that conference was “*Autonomy for Papua – Opportunity or Illusion?*” Our question to ourselves at the opening of this conference is: Where did we leave off then and where do we stand now?

A **first** cue word: Dialogue – trust – or – trustful dialogue?

Our conference in Berlin had the full support of the Indonesian government. The then Ambassador, R. Jamtomo himself, had written words of greeting, which were then read aloud by his First Secretary. He excused himself for not being able to appear in person. The Embassy Secretaries were present during the whole of the conference and were present when we formulated the Concluding Statement. We then published and distributed this Concluding Statement as *The Berlin Declaration*. The participants also included members of the Indonesian Embassy in The Hague. The German administration was of course also represented by high-ranking members of the Foreign Office, as well as by some members of Parliament. We had the impression that our conference, which had been prepared in co-operation with the Friedrich-Ebert-Foundation, was a first step toward a dialogue: a dialogue which included all sides:

- The Indonesian government with its half-hearted attitude toward autonomy;
- the Papuans, who look forward to the implementation of autonomy with great expectations, that problems could be brought closer to a solution, but also with doubts;
- and the international community, with its expectation that through this law Papua’s problems could be brought closer to a solution.

At that time, we stated: “*All sides welcomed the international community to play a role in supporting the constructive dialogue, the confidence building process, and the implementation of the Autonomy Law.*“ Even the Indonesian government agreed to this involvement of the international community.

Where do we stand today? Mutual distrust is greater than ever before. The Indonesian government informed the Friedrich-Ebert-Foundation that such a con-

ference was not welcome. On short notice, we had to cancel the conference planned in Berlin and revise the conference's structure. Those of us present here are engaging in a monologue, rather than in a dialogue. We are here by ourselves – even if Dr. Sumule has received the mandate to speak on behalf of the Governor of the partial province of Papua. Our thoughts and our words as representatives of the international community are evidently not welcome. But this conference is, nevertheless, important to us. Above all, we want to hear what our guests from Papua have to tell us. We hope to learn from them in what area within this atmosphere of distrust we can effectively perform advocacy.

A **second** cue word: structural implementation

In Berlin, we concerned ourselves primarily with the INPRES 1/2003 of the then President Megawati Sukarnoputri. In this Instruction, she ordered that West Papua quickly be divided into three provinces. The Instruction burst into the preparations for our conference – like a stroke of lightning out of a clear, blue sky, as the well-known expert on constitutional law, Harun Alrasjid, put it. In his paper, he declared this Instruction to be a violation of the Autonomy Law. At the time, we had justified doubts concerning whether the Indonesian government really wanted the Autonomy Law. Indonesian newspapers wrote about the Indonesian government's half-heartedness. In the Berlin Declaration, our wording was: *“However, doubts were voiced concerning the sincerity of the Government of Indonesia with regard to the implementation of Special Autonomy. Controversial discussions took place about the Presidential Instruction on the acceleration of the implementation of Law No. 45/1999 (on which Megawati based her Instruction) pertaining to the partition of Papua into three provinces. Whereas one party pointed out that the Instruction was complementary to Law No. 21/2001 (the Special Autonomy Law), the other party rejected it and called for its revocation.”* In those days, such controversial discussions were still possible.

Where do we stand today? The Papuan People's Council (=MRP), the establishment of which Megawati prevented as long as she was in office, was then installed by President Yudhoyono. But Government Regulation 54 encumbers the MRP with very restrictive fetters. Despite persevering attempts during its first months in office, the MRP was not able to reverse the establishment of the dismembered Province of West-Irian-Jaya. The question of just what role the MRP is still able to play at all will concern us in the course of this conference.

The Autonomy Law contains many flexible and mutually contradictory formulations. Just what is the law worth, if in Article 68.2 we find the statement: *“the (central) government is authorised to overrule the Perdasus, Perdasi and the Governor's decisions.”* Jakarta is not willing to relinquish any authority whatsoever; it grants no liberties at all and makes whatever decisions it sees fit.

A **third** cue word: Human Rights and Impunity

In Berlin, we also concerned ourselves with the question of human rights. John Rumbiak and Padre Neles Tebay made clear statements on this topic. Tebay ended his talk with the following words: „*The Papuans have been victims of human rights violations for decades, particularly during the Indonesian rule over Papua. The rights abuses include Military operations, extra-judicial killings, torture and maltreatment, arbitrary detention, rape, and other forms of oppression ... Papuans have been enduring deep suffering, and experiencing jeopardising fears that render them helpless. The abuses of their rights have led the Papuans to a collective awareness of being colonised, exploited, discriminated, oppressed and powerless.*“

The Berlin Declaration states: *“Participants noted that autonomy solutions in Papua / Indonesia must be based on efforts to end impunity for human rights violations and on respect for human rights.”* At that time, we held the hope that Articles 45–47 of the Autonomy Law would be able to bring a change in this situation. In addition to a general statement of commitment, that human rights are to be respected by all parties, there is the statement in the law: *“the Central Government establishes branch offices of the National Human Rights Commission, the Human Rights Court and the Truth and Reconciliation Commission in the Province of Papua, in accordance with statutory regulations.”*

The government did, at least, establish a branch office of the Human Rights Commission in Jayapura. I do not know whether this office is able to work effectively. If this is the case, we can accept it as a token of the Government of Indonesia’s good will. As far as I know, however, there exists neither a branch office of the Human Rights Court, nor a branch office of the Truth and Reconciliation Commission. The court proceedings against two police officers held in 2005 took place in Makassar and led to the officers’ acquittal, even though they were responsible for the most grievous human rights violations. The Truth and Reconciliation Commission, whose task would be to shed light on earlier violations of human rights and to indemnify the victims, has as yet done nothing at all.

What is the situation today? Important points of the law have as yet not even been implemented, and the question remains as to whether the political will to do so even exists. In the past months we have witnessed a court trial in Jayapura which trampled upon justice of any sort. The lawyer David Sitorus called the trial “pure theatre“. In an interview, he said: *“In Papua there is no justice. Those guilty of violations of human rights are acquitted and then also promoted.”* In this sense, the Autonomy Law is a worthless piece of paper. There has been no change in the situation as it was described by Neles Tebay four years ago.

A **fourth** cue word: empowerment of the Papuan people

In Berlin, our formulation was: *“...regarding the people of Papua it was felt that all*

efforts for (self-) empowerment and commitment needed to be undertaken. “ We saw the Papuans in a situation which made empowerment urgently necessary. The Autonomy Law opens new possibilities. Article 62 includes two excellent Paragraphs, numbers (2) and (3):

(2) The native people of Papua have the right to obtain the opportunity and shall be given priority to employment in all fields of work within the region of the Province of Papua based on their education and expertise..

(3) In the event of obtaining employment as intended in paragraph (2) in the realm of the judicature, the native people of Papua have the right to have the priority to be appointed as Judge or Prosecutor in the Province of Papua.

The examples quoted here for judges and prosecutors of course also apply for the police system. Are Papua being recruited as police with priority? How large is the percentage of native policemen within the whole police system? Is there already a single judge or prosecutor who is a Papua? What good are such paragraphs if no opportunities are created in the realms of education and training which would enable the native Papuan to acquire the necessary prerequisites? Good qualifications are of course necessary for such positions. As long as the grade schools are catastrophic, they provide only a fragile foundation for any attempts to continue on to higher education – and empowerment usually remains wishful thinking.

A **fifth** cue word: transmigration or migration.

In Berlin, Brother Theo van den Broek compared the formulations to be found in the Autonomy Law with the key elements of concern which the Papua associated with this law. He said: *“With regard to population policies it is demanded in the original draft (of the Autonomy Law) to stop completely any transmigration program; in the Law however transmigration is still agreed on, and be it now with the approval of the Governor (Bab XVIII, article 61).”*

The fathers of the Autonomy Law knew that autonomy could be successfully realised only if immigration were limited. But Jakarta wanted no such strict ruling. In the meantime, the immigration from other areas of Indonesia has assumed depressing dimensions. It is like a flood wave which cannot be stopped. The special autonomy money (dana Otsus) attracted thousands of job-seekers. Each investment, each new bureaucracy, each new district which is established, each building project, each improvement in the infrastructure lures thousands of new workers into the area. In most districts of the coastal regions, the Papua are already in the minority. I am convinced that, as a result of this immigration, in a few years the Autonomy Law will be obsolete and the Papua, who will then constitute only a small percentage of the population, will have become complete strangers in their own country.

A **sixth** cue word: **military presence** and military expansion in West-Papua.

In his paper in Berlin, John Rumbiak said: *“Megawati’s government, at the Indonesian military’s urging, has blocked implementation of the Special Autonomy Law. In fact, for the Indonesian military, Papua has long served as its ‘killing grounds’ (makarim) as well as the military’s economic base for legal and illegal fund-raising schemes including extorting ‘protection money’ from local, national and transnational companies, illegal logging, and trafficking in stolen goods and endangered species. Indonesia’s culture of impunity and weak legal system allow the military to operate like this.”*

This is precisely where we stand today. But the military presence has constantly increased. Instead of three infantry battalions, there are now six. There are at present about 7000 organic troops stationed in Papua. Together with non-organic troops the total figure is estimated to be 10,000. In the course of the next few years, their number is intended to rise to 35,000. In both Jayapura and in Merauke, in the course of this year a major naval base (*Pangkalan Utama TNI-Angkatan Laut; Lantamal*) is to be built up. Is Indonesia really arming to defend itself against a foreign enemy? Against Australia? Or is it not much more likely that its goal is to have a firm grip on Papua because of the natural resources there, which Indonesia needs? These resources also support the army. When we speak of West-Papua, we must not ignore this aspect of the tight military net which is stretched over the province. In this respect, the Autonomy Law does not offer us any help, for the central government has jurisdiction over the security sector according to this law, too.

My **seventh** and last cue word is Aceh.

When we met in Berlin four years ago, no one believed that a peace treaty in Aceh was possible. Aceh and Papua were the crisis provinces; war was waging in both provinces. The diplomatic skill of Martti Ahtisaari achieved a solution for Aceh which no one had thought possible. Indonesia consented to international mediation and even to an International Monitoring Mission. I think that along these lines a solution could be found for Papua also. It would be necessary for the international community to exert pressure on Indonesia before the latter would be willing to accept such mediation. The result would be an Autonomy Law with clear stipulations in favour of the Papua. They would welcome such a law if they could be sure that they were not once again being deceived with the word *autonomy*.

II West-Papua – 5 years special autonomy – The Institutional viewpoint

AGUS ALUA – Chairman of MRP

(explanations made on the basis of the text of March 5th, 2007, Jayapura)

Thank you for the opportunity to give some comments about the experience with the implementation of the Special Autonomy Law in Papua Province. Alike the Indonesian government, we in Papua, have sometimes problems in fully understanding what is the Special Autonomy Law. For that reason, allow me to sketch the background of the Special Autonomy Law in short terms.

The background of Special Autonomy Law for Papua province is based on the Papuan's political aspiration of Papua Freedom in 1998-2000. At that same time, we find a strong political aspiration for freedom; in Papua as well as in Jakarta, in Bali, and some other cities. The political aspirations on Papuan side were bundled 1999 in Jakarta (February 19th), where we made the Papuan declaration of freedom as an independent nation in the palace towards the President and the 21 ministers.

One year later, there were created two different positions between Papua and Jakarta. The central government's response is that we are integrated into the nation of the Republic of Indonesia, while the Papuans still remain with the aspiration of freedom. Then we had to find a solution. The solution was the Special Autonomy for Papua province as a win-win solution; considering the two extreme positions on Papua.

The basic spirit of Special Autonomy

There are three major topics in relation to the spirit of the Special Autonomy Law: the need of an affirmative policy and affirmative action for Papuan people, the protection of Papuan people and the empowerment of Papuan people.

With respect to the *affirmative policy and affirmative action for Papuan people*, we need 1) a Policy of Papuan protection; 2) a policy on spontaneous migration; 3) a new policy on the national transmigration program; 4) new regulations of air and sea transportation; 5) a new policy of Papua's natural resources; 6) a local political party and independent candidates in the election for governor and regents; 7) cultural authority and protection; 8) empowerment of Papuan employees.

In relation to the *protection of Papuan people*, the main issues are 1) the growth of Papuan people and Papuan protection; 2) to establish a provincial Human Rights institution; 3) to establish a provincial Human Rights court; 4) to make working a

Committee of Truth and Reconciliation; 5) to strive for an own Police and Military control in Papua province. When we started to draft cultural symbols as flag and song, a lot of military intelligence walked around.

With respect to the *empowerment of Papuan people* we need 1) the growth of Papuan people's economy; 2) to support Papuan business and open opportunities for women; 3) to support Papuan's location for local markets in each district, regency and on the provincial level; 4) to go for Papuan women's empowerment; 5) to improve Papuan people's education.

All the mentioned policies have never been carried out by local government and parliament until now. Only by now, from February to April 2007, MRP has taken the initiative to prepare the draft of RAPERDASUS of the Papua province's Special Authorities as pointed out in chapter 4 of the Special Autonomy Law. The MRP is yet not set up as the main spirit of the implementation of the Special Autonomy Law.

Instruments of the full implementation of Special Autonomy Law

We can make the difference between the General Regulation of the Province, PERDASI (*Peraturan Daerah Provinsi*) and the Special Regulation of the province, PERDASUS (*peraturan Daerah Khusus*). The total amount of PERDASI comprises 19 regulations, and the total of PERDASUS is about 12 regulations. Out of the 19 regulations of Perdasu 3 are already done, and 16 left. The already issued Perdasu are 1) financial distribution of Special Autonomy money, No. 2/2002; 2) the Election of MRP members, No. 4/2005; and 3) the way of MRP response to Raperdasus, January 2007. At the side of Perdasus, one is already done and 11 are left. The one comprises the financial distribution and use of the Special Autonomy money, No. 1/2007.

The Reasons for that kind of development are:

- a) in relation to Perdasus: The authority of drafting and legalising of Perdasus is the governor and the local Parliament. MRP just gives consideration and decision concerning the right of Papuan people. The main reason is that MRP has not been set up since November 2001 to October 2005. Therefore, the Perdasus cannot be legalised. Now, after one year of being set up, one Perdasus has been legalised two months ago. The draft initiative was taken by MRP.
- b) in relation to Perdasu: The authority of drafting and legalising Perdasu is the governor and the local Parliament. During five years, they issued only three Perdasu.
- c) The main reason for failing is the central government in Jakarta who has not the political will to make the Special Autonomy Law for Papua province working and, therefore, there is no full support for its full implementation. But during 6 months after his election as governor of Papua province, Mr. Barnabas Suebu is committed to support the full implementation of the Special Autonomy Law.

The failure of the Special Autonomy implementation

The failures by the *Central Government* can be identified as follows: 1) the Special Autonomy Law is not a political will; 2) there is an unconstitutional policy against the implementation of the special autonomy law considering particularly that a) Papua province is divided in – at least – two provinces, b) the election of a new governor in a new province, c) the natural resources policies, and d) the Military and Police intervention of regional policies in Papua province.

A second level of failures stresses the *Provincial Government, Governor & DPRP*: 1) no initiative has been taken, because the MRP is not yet set up as the main spirit of the implementation of the special autonomy law; 2) Governor and DPRP are different in their position related to the full implementation of the Special Autonomy Law; 3) the local parliament members are not all Papuan but mixed members; 4) local parliament members work more concentrated on the benefit for the political party than focussing on Papuan people's needs for protection and empowerment; and 5) Papuan people now waiting for the governor's commitment for full implementation of Special Autonomy Law.

A third topic deals with *MRP*: 1) MRP as the main spirit of the implementation of the special autonomy law has been lately set up after 4 years; 2) MRP has not the legal authority for the legalisation of provincial regulation; 3) during the one year existence of MRP, we took initiative for four special regulations and still processing one special regulation in the 2nd part of the meeting this year (February to April 2007).

Papuan People's position

There are two kinds of position of Papuan people today:

a) the Papuan elite as the official bureaucrat members and politicians. They support the full implementation of Special Autonomy Law as a win-win solution of the national policy. But this position is sometimes not supported by their real policy and action for full implementation of the Special Autonomy Law.

b) Papua's ordinary people are thinking that the central government never fully supports the full implementation of the Special Autonomy Law. Therefore, the people rejected the Special Autonomy Law at August 12th, 2005, after one week of intensive discussion in STT GKI in Jayapura. The decision was brought to the knowledge of the central government through a peaceful demonstration by thousands of Papuan people in front of the local provincial parliament office in Jayapura. The evaluation concluded that three years of implementation of Special Autonomy Law did not save the Papuan's right of life because a lot of Papuans are still killed and suffer while rhetorically the spirit of implementation of the Special Autonomy Law prevails. The final decision of a public consultation last year in the entire province of West Irian Jaya was, that MRP should be the facilitator for the national dialogue, a dialogue for a referendum.

Third party intervention

a) The central government of Indonesia is working hard for an international campaign that the best solution of Papua's political problem is the national policy of the Special Autonomy Law in Papua province. This position is a real nonsense campaign because the central government is not committed to work accordingly to Special Autonomy Law.

b) The real situation in Papua province today consists in unconstitutional and inconsistent policies of implementation of the Special Autonomy law. A lot of policies and regulations are created by the central government for Papua province. All of these policies and regulations are confusing the Papuan people today and they are thinking that it is more threatening their right of life in their own homeland. The central government is not fully supporting the implementation of the Special Autonomy Law.

c) Therefore, what Papuan people need today, is a third party participation and intervention for:

- pushing the central government in Jakarta in order to support consistently the full implementation of the Special Autonomy Law, or
- we take the way for an international mediation for dialogue, both national and international, for the holistic approach for the best solution of Papua's political problems and the human rights violations.

Governor's policy today

Agus Sumule will say more about that point, so I can be brief. The governor of Papua province today, Barnabas Suebu, is one of the architects of Special Autonomy Law 5 years ago. He understands well the background and the basic spirit of Special Autonomy Law. Therefore, his main policy of full implementation of the Special Autonomy Law is as follows:

- a) provincial budget reform;
- b) provincial bureaucracy reform (short and long term program);
- c) independent bidding and procurement system (IBPS);
- d) strategic plan for village development program;
- e) strategic plan for macro infrastructure program;
- f) new policy for investment;
- g) new policy on sustainable forest management;
- h) support for all Perdasi and Perdusus in 2007.

For the village development programs, the policy of Special Autonomy money is as follows:

- a) most of the Special Autonomy money must support the village development programs each year, as follows: Euro 10.000 for operations in each village in relation

to education, health and nutrition, economic development, basic infrastructure (e.g. the supply with water, bridges, streets, houses);

b) the rest of Special Autonomy money shall be spent for support of the operational costs of all institutions which are recommended in the Special Autonomy Law. According to his policy, these programs also will be supported by:

a) the donors' financial assistance and projects from overseas to support the village development plan;

b) national budget from central government for education, health and infrastructure in the village.

All these programs are organised through Perdasus of the Division of Special Autonomy money from this year and it became the main policy for provincial budget program this year.

AGUS SUMULE – Governor's Office of West-Papua

May I give some initial comments. I will not go into details about what is my perception on the 5 years status of the Special Autonomy Law implementation. It has been clearly explained by Papa Zöllner and the Chairman of MRP. I would like to add that between 2003 and 2005, most of the energy has been spent on that INPRES by Jakarta. The previous governor had to go back and forth. By December 2002, he was declared as being a supporter of the OPM [the armed liberation movement] by the Vice-Speaker of the national parliament. Since then, he was prohibited to go overseas. I still remember that in 2004, when I was working at Bituni-Bay, that he called me from Jayapura and he asked me to prepare a speech for him, because he was asked by the Minister of Foreign Affairs to accompany the Foreign Affairs' delegation to go to Tonga in the South Pacific. There, he would explain on behalf of the Indonesian government the Special Autonomy. The speech was already cleared even by the Minister for Foreign Affairs, as just in the last minute, the Secretary-General of the Ministry for Internal Affairs told him in Jayapura, that he will not go as the mission has been reduced to a low level and, therefore, there would be no need for a governor to go.

Throughout 2003 and 2005, a lot of pressure and lobby has been done. Many of us have made efforts to write in the national media a couple of articles. So even some of us had to borrow their names as not being repeated in the media. Books have been written – but no response. When President Yudhoyono came into power, we put our hope high. We thought he will be the man to really change the situation, and, indeed, he introduced MRP. But we also expected that he would revoke the President's Instruction No. 1 / 2003. He did not. The Constitutional Court declared

law No. 45 / 1999 to be unlawful but the same Court also declared that the split of the province was lawful. So, we are put in a limbo situation. There has been already even a popular election in West Irian Jaya province though there is no law for the province. It is a very difficult and frustrating situation also for the many local government officials.

Then, on July 2006, the Governor Barnabas Suebu has been installed, the first elected governor by popular vote in Papua. Later, I will explain about his programs to you. Let me just make an early conclusion. I totally agree with Papa Zöllner when he said: unless there is an international involvement, there will be not any hope for the full and true implementation of the Special Autonomy Law in Papua. We can learn from what has happened in Aceh. This is my personal assessment. The Tsunami was one of the main reasons and it is also the kind of accountability that had to be shown by both parties towards international community.

So, what can be done now? Talking about international involvement, it is already put into the next agenda. I first explain about the current Governor's policy on the development in Papua. I also would like to mention to you something about the many materials available though the major part is not in English language; i.e. six of the draft versions of the Pedasus drafted by MRP. The good thing with MRP is that they consulted the villages before they started drafting the regulations. The weak thing of the whole process is that MRP does not have the legislative competence; that is only with the parliament. I do not like to see MRP working as a NGO producing documents leading to nowhere.

NEW PAPUA DEVELOPMENT STRATEGY

About the condition of the Region: Papua is the gate for Asia and Pacific, the most Eastern and largest province in Indonesia, with 410.000 square km of area (20% of the total land of Indonesia), with the most challenging topography in Indonesia and the largest lowland, highest mountain, largest swamp areas. It is also the province with the largest number of endemic species of flora and fauna – unique and rich (i.e. Lawrence National Park has been declared as World Heritage by the UNESCO with out a plan to how maintain that richness).

In relation to the wealth on natural resources, Papua is “a sleeping giant”: copper, gold, silver, iron, uranium, oil and gas, fishery, and forestry – and at the same time, it is the most backward province in Indonesia. There has been no significant improvement on infrastructure (road, bridge, harbour, airstrip/airport, electricity, water, telecommunication) and there is still a difficult inter-regional socio-economic mobility.

With regard to population, the total population of 2,167,847 inhabitants (not more than 1% of Indonesian population). The total rate growth is of 3.18% (including the migrants), 70% live in rural or isolated areas, 75% are subsistence farmers,

and Papua has a variety of ethnic groups (more than 260 local languages). Province with diverse ethnic groups — unique and rich culture

In the area of politics, the Special Autonomy has not been properly and consistently implemented. There is an ambivalence of the central government in solving Papuan problems. Migrants tend to perform better compared to the indigenous communities, especially in education and competing for job opportunities. Other regions are considered more peaceful, and therefore, obtain more serious attention from the central government. Papua has been labelled for so long to be insecure. When you walk in Wamena you will not have any problems, while when you got out at night in Jakarta, you definitively will be attacked.

Economic growth trend to diminish; some statistical figures:

	<i>2003</i>	<i>2004</i>	<i>2005</i>
INDONESIA	4,88%	5,05%	5,6%
PAPUA	2,96%	0,53%	no data

High unemployment and poverty. Indigenous Papuans tend to be marginalised in the development process

Total and percentage of people living in poverty (1999 – 2004)

Year	Total of poor (000)	Percentage of poor (%)
1999	1 148,7	54,75
2000	970,9	46,35
2001	900,8	41,80
2002	948,7	41,80
2003	916,9	39,02
2004	988,6	38,69

Very poor education and health condition. HIV/AIDS is the biggest problem in Papua. UNAIDS has decided to open an office in Jayapura.

Investment opportunities are available, as for Japan, Australia and other Asia and Pacific countries. There are supplies of vegetables and agricultural products, including the organic agricultural products while Bureaucrats and members of the parliaments are not really effective in putting the people's interest first. Regulations are not conducive for investment.

What is the vision of the new Papua?

Being in office since 9 months (since July 2006), the Governor's vision is as follows: Wealth of natural resources to provide prosperity for the indigenous commu-

nities and all citizens of Papua. The situation in Papua should allow people to be obedient to God, law abiding, and to respect its own culture. The government of Papua should be good, professional, accountable and corruption-free.

How this vision can be achieved?

There are five missions of a new Papua by:

- improving of the prosperity and living quality of the indigenous people and all citizens of Papua;
- improving of public services by government and private sector focussing on vil-lages;
- accelerating of infrastructure development;
- improving of Papua’s competitiveness for investment,
- strengthening of a just and democratic society.

The basic strategy and fundamental policy is to continue development on the SUSTAINABLE DEVELOPMENT concept, a concept which place human as the focus of development, which highly uphold ethics and moral, truth and justice, and fully respect the dignity and value of humanity, with specific emphasis on high quality of environment, a balance of utilisation and conservation of natural resources, to ensure a high quality of living for the future Papuan generations. A concept where development should continue to progress and sustain based on its own capacity – even to the extent where weaknesses can be turned into strength.

There are three prime policies: Growth Centred Development, People Centred Development, Development which sustains stability and continuity. There are also six Principles of Development:

- Continuity/Sustainability
- Balance
- Efficiency
- Effectiveness
- Independence
- Accountability

The main agenda of development is as follows:

- to restructure the regional government aiming at creating and sustaining Good Governance;
- to develop a peaceful and prosperous Papua with specific emphasis on people living in villages and isolated areas and poor people in urban areas;
- to develop Papua where its citizens are peaceful, upholding the law, discipline, and upholding the principles of Human Rights;
- to improve and accelerate the development of infrastructure in all Papua.

So, these are the immediate development programs:

- The People Centred Development:
- Food and Nutrition Intake
- Health
- Education
- Local economy
- Gender Equality
- Basic infrastructure for the villages: transportation, water, energy, telecommunication.

Strategic Plan for Village Development (RESPEK):

- Sustainable Forest Management
- Conducive Environment for Investment
- Integrated Infrastructure Development
- Local Government Reform (including)
 - budget reform
 - bureaucracy reform
 - independent procurement system
 - natural disaster management.

In relation to food and nutrition, the current condition is as follows: there is a higher exposure to malnutrition risk due to monotonous intake of food at the village level, some areas (highland) are frequently experiencing famine, other areas are lacking nutritious substances. Starting in 2007, the objective is the consumption of more nutritious staple on a balanced diet. The principles are: promotion to consume variety of food sources, provision of micro-nutrients to areas with deficient resources, improvement of food security, additional food and nutrients for vulnerable groups (pregnant women and children under 5 years), and a mass campaign on sufficient staple consumption and balanced diet, based on self-reliance on food production.

In relation to the health development, the current condition is as follows: limited health service, inability to visit areas with no health service, resulted in life expectancy at 66.2 (national average: 69), IMR: 56 (national: 35), MMR: 396 (national: 307), risk exposure to HIV/AIDS 2 to 20 times higher than national average (current case 2,703). The objective is to provide improved health services as close as possible to the people living in villages and remote areas, supported with proper referral system.

The principle is to extend the health on house service to the community level by:

- adequate housings, personnel, equipment, and budget for every service point;
- improvement of the capacity of mobile health teams;

- improvement of health promotion and prevention with continuous assistance (*pendampingan*);
- improvement of community participation in health promotion and prevention;
- improvement of knowledge and skills of health personnel;
- better incentives for health personnel working in remote areas;
- better cooperation and coordination with non-government health service provider (church, foundations, private companies, etc.);
- adequate funding for referral system from village to nearest higher class service point.

In relation to the education development, the current condition is as follows: low education quality due to uneven distribution of teachers and poor education facilities at the village level. The objective is to improve the quality and coverage of education service. The principles are:

- recruitment, upgrading and replacement of teachers;
- better incentives for teachers working in remote areas;
- adjusting the education system with the educability of Papuan children;
- improvement of school facilities;
- literacy program for all villages;
- relating the education system with entrepreneurship development and labour force/man-power planning;
- high quality boarding school education system: 20,000 students in 10 boarding schools.

In relation to local economy, the current condition is as follows: subsistence economy of most Papuans, very limited linkage with export, very limited involvement in commercial resource extraction, low income, poor. The objective is to significantly improve income of people living in villages through participation in market economy. The principles are:

- affirmative policy for local people to involve in resource-based commercial economy (forest, fishery, etc.);
- opportunities for investment in labour-intensive economy;
- development of resource-based industries;
- better access to financial and technical assistance.

In relation to gender equality, the current condition is: Participation in decision making by women is limited – making women the most vulnerable group in community. The objective is to improve women's bargaining position in decision making. The principles are:

- improve capacity and skills;

- make women independent in income generating;
- involve women in policy making related to gender equality issues;
- improve access of women to education, health, and skill training facilities.

With respect to the basic infrastructure, the current condition is: very limited access at the village level to transportation, road, electricity, clean water and telecommunication facilities. The objective: Better access of village people to basic infrastructure for improvement of life quality. The principles are:

- activities of technical departments (provincial and kabupaten) to focus at village level;
- improve access to basic infrastructures;
- develop non-fossil, small scale, energy source for village utilisation;
- access to information and telecommunication.

The current situation of the village based community development is: villages are most neglected in terms of development. More than 70% of the population are spread in 3,805 villages (Papua and IJB) living below poverty line. The objective is to strategically improve the condition of majority of Papuans. The principles are:

Rp 100 million in average per village for 2007;

- village community determines their needs and the utilisation of village allocated fund;
- intensive assistance (*pendampingan*);
- capacity improvement for the village and district government;
- development programs of the technical departments to focus at village level with full participation possible of the people;
- close coordination among government and NGOs program operated at the village level.

With respect to the new policy for sustainable forestry management, the current situation is: “Rich forest – poor people”, conflict over resources, limited capacity of bureaucrats, limited capacity of forest dwellers, overlapping rules and regulations, limited recognition of traditional laws and practices, increasing illegal logging and deforestation rate. The objective is to offer improved livelihood opportunities for the poor through a new policy for sustainable forestry management. A division is made between protected, productive and conversion forest (here the total is 9.2 Mio. has).

The principles are:

- total stop of log export;
- tackling land conflict through securing access to forest land – forest is owned by the people not the state;
- improving efficiency in service delivery and governance practices;

- improving government forest management skills and approach;
- solidify rules and regulation;
- improving organisational and managerial capacities of small and medium scale enterprises of forest dwellers.

In relation to the conducive environment for investment, the current condition is: bureaucratic hassles, difficult access and lack of infrastructure, uncertainty over resource ownership and tenure (adat issue), lack of law enforcement, focus on extractive industry without added value to local economy, locals have limited access to modalities. The objective is to create an attractive environment for outside investment in support of local economy. The principles are:

- investment deals take into account customary rights and values;
- up stream to down stream industries;
- ensure sustainability;
- promote the development of household based industry;
- align with the education and skill development;
- job creation and absorption of local labour force.
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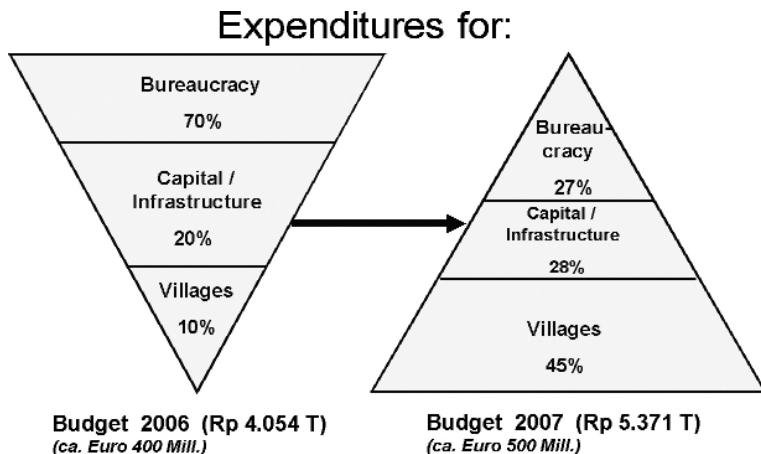
With respect to the integrated infrastructure development, the current conditions are: poor roads, heavy dependant on air transportation, number of seaports is not sufficient, limited access to electricity, telecommunication, clean water. The objective is to connect all population and development points in Papua as stipulated by the Special Autonomy Law. The principles are:

- develop an integrated transportation system (land, water and air);
- ensure access into and out of kampung to promote local economy and social development;
- lower dependency on fossil energy and create bio fuel production centre in Papua;
- research and development for alternative energy especially for the village needs;
- clean water for all especially for those who live in villages;
- telecommunication for all.

In relation to the budget reform, the current situation is: inverted pyramid, low capacity, budget inefficiency, control system not functioning. The objective is to create a pyramidal budget with people at the village level obtain the most. The principles are:

- at the level of allocation:
- no Otsus fund for government general administration;
- no “2% fund” is used for macro-infrastructure;
- each village receives Rp 100 million in average ~ Rp 380.05 billion (3,805 vil-lages of Papua & IJB);

- each district receives Rp 200 million in average for RESPEK management ~ Rp 26.2 billion;
- the remaining is divided between provincial and regencies based on authority and capacity with focus on: nutrition and food, health, education, people's economy, and village-infrastructure (transportation, energy, clean water).
- at the level of management:
- local regulations aligns with national regulations on public financial management;
- improve institutional and individual capacity to implement regulation;
- integrated accounting system.



The pyramid shows an APBD of 2006 (Rp 4.054T) as 70% for the Aparatur, 20% for the infrastructure, 10% for Kampung. The APBD for 2007 (Rp 5.371T) should be 27% for the Aparatur, 28% for infrastructure, 45% for Kampung.

In relation to the bureaucracy reform, the current situation is: overlapping functions, overstaffing at province / kabupaten and understaffing at district / village, lack of professionalism. The objective is to generate adequate numbers of professional staff for quality public service delivery at district and village level. The principles are:

- personnel management and organisational reform;
- capacity building and improvement of leadership skills;
- assigning capable civil servants to the district and village level – creating a pyramidal bureaucrat;
- introducing minimum service standards and or performance standards for services;

- develop a performance based incentives;
- merit system for career development;
- appropriate involvement and capacity building of local legislators.

With respect to the independent procurement system, the current situation is: lack of capacity of staff conducting procurement, source of inefficiency, not conducive for Papuan service providers/suppliers/contractors. The objective is to create a fair, transparent, and conducive system that benefits indigenous Papuan vendors. The principles are:

- efficient procurement system;
- transparent, accountable, and reliable bidding and tender process – opened for all eligible vendors to participate;
- improving the capacity, qualification and professionalism of vendors to obtain a specific core competence, especially the indigenous Papuans.

In relation to the natural disaster management (NDM), the current condition is: Papua is naturally a vulnerable area for natural disaster: earth quake, tsunami, and landslide. The objective is to improve the awareness of the community about the natural disaster risks, and to create a rapid response system. The principles are:

- creating and improving effectiveness of NDM organisation down to the village level;
- arranging emergency equipment and logistics at the kabupaten level;
- improvement of personnel skills;
- public education on how to prevent (landslide) and or survive in disasters.

So, you have a comprehensive program in front of you which tackles the major problems and issues currently to be solved in West-Papua. Comments would be highly welcome.

MICHEL PETERS – *Justitia et Pax* / Netherlands

I will give some brief remarks on the Faith-Based Network which is doing lobby for the Special Autonomy Law and its implementation at the level of international institutions. Adrien-Claude Zoller knows all about the UN instruments, so, I will leave this to him. We have some experience focussing the EU level in Brussels. We contacted the EU several times over the last years by different delegations. We, again and again, stressed the importance of the Special Autonomy Law and the involvement of the EU in implementing this law in the context of the relation between EU

and the Indonesian government. The answer has always been the same: The EU gives a lot of attention to the Special Autonomy Law in every talk with the Indonesian Government. But that is it in fact. In a recent policy paper of the Dutch government on Indonesia for the next four years, it states literally: *“The Dutch government and the EU have, time and again, conveyed their opinion, that the implementation of this law is of utmost importance.”* But that is where it stops. So, we have the strong impression, that the commercial relation between EU and Indonesia is much more important than stressing this Special Autonomy Law and addressing human rights.

We have done that in the recent past, i.e. in the Abepura case. We addressed the Dutch government, and through the Dutch embassy in Jakarta, the EU is also involved in this. I understood that there was a letter of the EU to the Minister on Foreign Affairs of Indonesia on the Abepura case. This is a good result though we do not know in detail what the letter has been saying.

This is where we are right now. After the conference, with the delegation we will go to Brussels again. I hope that this conference will bring some concrete recommendations for the EU in order to be more specific what we will ask to the EU on the Special Autonomy Law.

ADRIEN-CLAUDE ZOLLER – Geneva for Human Rights

I just would like to comment in two stages what has been said. This morning, I would like to look at the autonomy from the point of view of an international community. First, I would like to remind, that human rights are not principles but legal obligations of the state. Indonesia has legal obligations, because Indonesia has ratified the UN charter by becoming a member of UN. Indonesia has accepted the legal obligations including to promote human rights. Second, Indonesia has been a member of the Human Rights Commission for more than 30 years and participating in the elaboration, negotiation and acceptance of so many resolutions, including the human rights standards, including those treaties which Indonesia has not been ratified yet. Politically speaking, the delegation of Indonesia has already voted in favour at a couple of occasions. Finally, as you know, Indonesia has ratified international treaties. The implementation of the Special Autonomy Law has to be considered in this framework of legal obligations of the state, and while addressing Jakarta, it is essential that people from Papua – being the governor or the civil society – use it as a tool.

In terms of human rights, autonomy is not a goal but a tool. The aim is not the autonomy, the aim is the implementation of human rights for all the population, especially for those who are in need; the minorities, the oppressed. Human rights are

based on the principles of equality, non-discrimination, and, as the chairman of MRP said, it includes affirmative action by the central government to address situations of inequality. The State has a duty to protect all human rights, to ensure human rights to all citizens. So, if there is a violation, there is either a violation by action and / or by omission. At the moment, we are facing a big omission by the Indonesian state in West-Papua.

Third element in the field of human rights is the fundamental right to self determination and I would like to quote it: “*All peoples have the right to self-determination. They freely determine their political status and free pursue their economic, social and cultural development.*” I am not speaking about independence or separation. I am not challenging the territorial integrity, but it is time that in Indonesia people recognise that the principle of self-determination has to be implemented even within the borders of Indonesia. I think, this is fundamental when we speak about natural resources, and the territories etc. This is the framework, and to reach the framework, its legal obligations, Indonesia has launched the idea of special autonomy, which is a tool, an instrument, and it is not the objective.

Autonomy, in political terms, is the last attempt before separation. If autonomy fails, because the parties can not agree, as it has been mentioned this morning by Siegfried Zöllner identifying a ‘monologue’, the only alternative is separation. Those who would like to maintain the territorial integrity of West-Papua should really be genuine supporters of the implementation of the Special Autonomy Law. I say this because I have been involved via my teaching in the minority concept of the League of Nations before the Second World War, which has tried in vain to protect minorities. From the old concept of protecting minorities in the 1920s and 1930s, the concept of the human rights to separate from a state has evolved. We could see when the states are really oppressive, that there is no possibility to resist, that at a certain moment, the only alternative to protect the rights of the minority, is to enable this minority to separate. Papuans are a minority inside Indonesia, and they are going to become soon a minority inside Papua itself.

Let me just add some remarks concerning the global concept in the United Nations. Since the beginning of the UN, the international framework has changed. The UN started after Second World War to avoid another war. It has been developing through a cold war, and there is no more cold war, but now a North-South relations as most of the problems of the South have not been addressed and solved during the cold war time. This a totally new multilateral negotiation which has started 10 or 15 years ago inside the United Nations. Human rights are only one part of this. The composition of the Security Council, the need to reform the international economic structure, these are other needs, and we are confronting now a situation of a global package. The countries of the South are now in a majority. Africa plus Asia have the majority inside the United Nations. They can impose their views when they want.

One of the elements to consolidate this unity of the countries of the South is the Organisation of Islamic Conference. A major country in this group is Indonesia as Indonesia has been historically important and in the 1980s as a chair in the Non-Aligned Movement. Indonesia has been considered by anyone indispensable for the stability in the region. A third important issue of Indonesia's importance relates to natural resources and the market. The challenge to raise the issue of Indonesia world wide is extremely complicated at this stage. What we need to discuss this afternoon, is in terms of strategy and the human dimension, to have the perspective to continue this struggle.

My aim would be first, to contribute to the very survival of the Papuan population. We are facing a situation of starvation now in the country. We need to develop of survival for a people, what does not mean of all the inhabitants of West-Papua. It means survival of the Papuans first, their culture, their tradition. Many countries have developed against the concept of self-determination the concept of transmigration. Indonesia is not the only country. There are also big macro economic projects, construction of roads and railways to go to Tibet including the support of the World Bank. In terms of principles of human rights, the population of Tibet has still the right of self-determination.

DISCUSSION

A question was raised on the term 'lack of political will'. What does it mean when on the side of the Papuans, the parliament, the governor and other institutions are now run by Papuans? Participants from Papua argued on the one hand, that the implementation of the Special Autonomy Law indispensably needs action on the side of Jakarta. The MRP has set up a lot of drafts, and the MRP was not set up until 3 years ago. Obviously, everybody acknowledges that the Papuans too have been quite slow in developing the local regulations and implementing autonomy on their side. But to repeat: certain local regulations (Perdasus) needed the existence of MRP, which only came into being in the year 2005. Special Autonomy is a very new thing in Indonesia as a whole. Also it is new, that the national parliament should initiate a legal product. It usually came from the Executive, for more or less 30 years. Suharto and his regime drafted the law, not the parliament. Within a short time, the MRP has now developed six different drafts on Perdasus. Unfortunately, the MRP has no legislative rights. Hopefully, it will now be deliberated in 2007.

A second argument refers indeed to the fact, that, nevertheless, there have been some problems between the existing institutions in West-Papua: governor, parliament and MRP. There was not good collaboration in the spirit of the Special

Autonomy Law. At the same time, the NGOs cannot directly influence the legal decision of the governor, parliament or MRP, but we can work together; i.e. with SKP, Elsham or other human rights' groups.

In addition, constitutionally, it is not even sure whether the Special Law was an autonomy law. If it is an autonomy law, it will have to promote autonomy. At this moment it does not, because there are no institutions which have the power of a state. There is no power sharing. As long as we are not at the second stage, the only body responsible for what happens in West-Papua is the central state. A second challenge: the civil society and NGOs are doing more than paper work, as some of the papers produced by NGOs have become treaties ratified by states. In addition, implementing autonomy from a human rights perspective means to elaborate and implement public policies regarding human rights. For this you need civil society. This is why MRP makes broad consultations before taking a decision.

III West-Papua – 5 years special autonomy – The NGO viewpoint

CORINUS BEROTABUI – GKI-TP

First of all, I have to say that the church is not part of the government, neither is it a NGO. So it has a very special position. I will concentrate on the implementation of the Special Autonomy Law in Papua during the past 5 years. The criteria to measure the success or the failure of the Special Autonomy is the law itself. If we look at Special Autonomy from the articles of the Law, we come to the conclusion that Special Autonomy has failed. Why? Agus Sumule and Agus Alua have already indicated that the central government in Jakarta has not been consistent in implementing the Special Autonomy. Let me illustrate that with the picture of a fish: the fish has been handed over to us but Jakarta is still holding the tale of the fish. Why? Jakarta does not trust the government and people of Papua. A second illustration: Certain institutions have to be implemented according to the Law, and also an ad-hoc-commission for legal matters. This Legal Commission should assist the governor and the local parliament in drafting the regulations for implementing the law. But this commission does not yet exist. The chairman of MRP has indicated other institutions which do not exist either.

In addition, the Special Autonomy Law has not been communicated well to the whole of the population. Only the bureaucrats know what the Law is about. Finally, we are still waiting for an instruction by the governor concerning the mechanism for how the money available to the villages will be used. Our experience is that if that money is made available through the chiefs of the districts, there have to be proposals and programs for having access to these funds. As a church we have a big question mark as to whether this 100 Million Rupiah will really benefit the people at the grass roots level.

DOMINGGAS NARI – FOKER LSM and SKP

We have heard a lot about the Special Autonomy Law and its implementation during the past five years. I would like to concentrate on the role of women and children. There are four priorities according to the Law: education, health, economy of the people and infrastructure. During the last five years, some money has been given to the special autonomy fund, and the MRP has been installed by now. We did not see any

or only little progress with regard to the local economy. Some progress has been made in health and education but not in rural areas, only little progress can be stated for the remote village areas. For the people in these villages, the fees for the schools are very high, there is not enough accommodation for the children from remote villages. There is a lack of teachers with good education and a willingness to stay in the villages.

In the realm of health, there are a lot of buildings such as small hospitals. A lot of medicine is given to these hospitals, but very often the medicine does not reach the villages. We know about researches of UNDP and the Indonesian government, and the result of such researches is – among others – that the highest death rate of children on national level is in West-Papua (more than 50% compared to 43% at national level). While we find buildings in the villages, there is no medical staff. These people just do not like to stay in remote places. The ratio of doctors in relation to the level of the population attended is very different: In some areas the relation is one doctor for 23.000 people, in other areas it is one for 200.000 people. One medical assistant sometimes attends 200 people – on average –; in other cases 500 people.

In the realm of people's economy there are also researches by UNDP saying that in general there are poor conditions in West-Papua. 41.8% of people have to live with less than 1\$ per day. Pictures showing market scenarios indicate the discrimination of Papuan women compared to female migrants. There are women who have been selling vegetables for more than 30 years. The Papuan women are sitting in the street trying to sell, whereas there are buildings behind, supermarkets. The Papuan women have no access to credits from banks, and also the government does not pay attention to their situation. Selling at the market is the only chance for income generation, and they are in competition with women from migrant families. In Art. 47 of the Autonomy Law, special attention is given to the rights and empowerment of women, but we have not seen any implementation of this article during the last 5 years. The situation of the women has not changed at all. We have the hope that the current Governor, who is really brave, can change this situation for the Papuan women. Obviously, the situation of women in remote villages is much worse.

SIEGFRIED ZÖLLNER – WPN

When we speak about the viewpoint of NGOs, I already had the privilege to make a lot of comments during the opening this morning. The West-Papua Network is based in Germany. We observe Papua's problems externally, from outside, attempt to analyse them, and then draw our conclusions, which can then lead to action on our part. The problems we have noticed through our external observations for many years are as follows:

- a poor school system and poor health services;
- an unjust legal system;
- great influx of migrants;
- absence of Papuan participation in the economic sphere of small business;
- corruption at all levels;
- Indonesia’s policy of *Divide and Rule*;
- mutual distrust between Indonesia and West-Papua;
- refusal of the Indonesian Government to enter into genuine dialogue;
- increasing military development and the resulting human rights violations.

Up to now, we have seen no indication that any attempt has been made, to seriously apply Law 21/2001 to any one of these problems, let alone to solve them. Nor can I imagine that the law can even point out any way out of the problems, let alone offer any solution to them.

We see that, among the Papuan population, this situation leads to the development of certain attitudes and reactions which are deeply rooted in the psychological sphere. I name the following quoting Papuan people:

- “Our human dignity is not respected.“
- “Our Melanesian culture and race are being discriminated and, in the long run, even destroyed.“
- The Papua are developing a “victim mentality“ – “We are victims“.
- This victim mentality destroys any initiative; the Papua are giving themselves up. Their consciousness of their own worth, their self-respect and dignity – a person’s own identity – is falling to ruins and crumbling to pieces.
- An individualism is developing which seeks only a person’s own interests.

In this psychological region at least in part the roots of force can be found, of the wish for political independence, but also of resignation and frustration, of latent criminal energy and of alcoholism.

What I would wish – or better dream – for in this situation are the following: A process of the development of a strong, universally recognised “leadership“. The following could be steps towards achieving this goal:

- a reconciliation of the two Governors and a definition of common goals;
- a reconciliation of the two DPRPs;
- the formation of a leading council, a forum, which would include the Governors of both provinces, as well as the DPRPs, the MRP, the churches, the religions, the *Dewan Adat*, as well as other organisations or groups of the civil society;
- the formation of a common platform which would further be transferred into a national dialogue, if possible with international participation.

I personally have no trust any more in the special autonomy law. I see a way out only through dialogue with international mediation, as intended by the former Finnish president Marti Ahtisaari.

UWE HUMMEL – WPN

The focus of the German *West Papua Netzwerk* in cooperation with participants in the Faith-based Network on West-Papua in the Netherlands, England and in Geneva has been to advocate human rights and the protection of the unique environment in West-Papua on the basis of Indonesian legislation. First and foremost, we appeal to the Indonesian Constitution (*Undang-undang Dasar*) and the basic rights guaranteed to all Indonesian citizens. More specifically, during the past 5 years, we have based our arguments on the basis of the Special Autonomy Law (UU 21/2001). More recently, we have also referred to the international covenants – on political and civil, as well as on economic, social and cultural rights – as they have been ratified by the national parliament of Indonesia at the end of 2005. Nevertheless, although we stand firmly on the basis of Indonesian law, we have been accused of supporting separatism. This makes our work extremely difficult, like ‘dancing on eggs’.

You can do anything legally possible, and you still get into trouble when it comes to Indonesia; i.e., when you like to travel to remote areas in West-Papua without special permission (*surat jalan*). Even Sorong and Manokwari are considered as ‘remote areas’; let alone Merauke or Wamena. Sometimes, though only equipped with a tourist visa, the local authorities allow you to speak in front of people, or even visit a jail and conduct a worship service in front of political prisoners. On other occasions, however, you just travel to a remote island group – an attractive tourist destination – and be picked up by the police in the middle of the night for interrogation, lasting until the early morning hours and being accused of having violated Indonesian immigration law, threatened with imprisonment for up to five years, etc. (This has actually happened to me and a Dutch friend two years ago!). This makes the position of international NGOs who are in solidarity with West-Papua extremely difficult. You never know what you can do and what you cannot. Even if you refrain clearly from supporting independence (*merdeka*), even if you condemn any forms of violence, you are still suspected of supporting separatism.

I would suggest that we continuously ask our governments in Europe as well as the European Union to establish a consulate general in Jayapura and Manokwari. The work of NGOs in co-operation with Papuan NGOs and churches and other institutions will be easier for the sake of democratisation. Our dream for Papua obvi-

ously is that the civil rights of all Papuans will be respected, and that Papuans will no longer be treated as second class citizens in their own country. I personally can imagine Papuans to feel free and dignified in a democratic Indonesia. But sometimes if you hear expressions which are racist, if you see that Jakarta has been blinded by suspicion, and if you meet Papuans who do not trust their own government, you get some doubts about this so-called national integrity.

The scene of NGOs has been developed at international level. In Europe, we have developed the Faith-Based Network, which is significant. NGOs found access to national parliaments in Ireland, in UK, and to a lesser extend in the Netherlands and Germany. I have no idea what is the situation in Switzerland. On the national level in Indonesia, the situation has deteriorated. There is also a crisis on the level of NGOs in West-Papua, while the need for co-operation, for information and clear messages from Papuan civil society is more urgent than ever. In 2005, ELSHAM Papua broke down completely, because of financial problems, but also because of political pressure. Another important partner in West-Papua is SKP, particularly the one in the dioceses of Jayapura, but I have noticed during the past years, that the information we receive also becomes less. Also other NGOs, such as the network Foker, has disappointed Papuans as well as international partners. Co-ordination among NGOs in West-Papua is highly necessary, but what we see is further disintegration. We just heard that important NGOs such as Walhi-Papua are not functioning. Who can address the problems in West-Papua? We had an improvement in the human rights office of the Protestant Church of Papua (GKI-TP), but this is not sufficient to work systematically on awareness and capacity building, as well as communication with the international partners and networks. At the moment, I feel anxious about how we can make many progress. NGOs also depend on media, and the media in West-Papua lost capacity and offer very little analysis. As international NGOs, we really want to ask our Papuan partners, to provide us with more basic information and thorough analysis. Tell us, what, and how we can do it.

DISCUSSION

The NGO-support dealt with different aspects. Critical questions were raised around the support from the European side as well as questioning the church's role and its stand on autonomy. Also, the cooperation among the church leaders in Papua should be even closer. It was also asked whether there is a common position of the church leaders, and what are the relations to Moslem groups. Finally, the future role of the European Union (EU) was mentioned. The question is what the EU can do regarding matters such as education and health care, considering that the EU as well as

European governments want to limit their involvement to humanitarian support, and not get involved in political issues concerning West-Papua.

A Papuan participant underlined that the views of NGOs in Papua should be taken into consideration more seriously – while knowing that the Faith-based Network in Europe does not support independence and concentrates on human rights, environmental issues, and economic development only. According to this Papuan speaker, there is the impression that the European partners financially support NGOs which are related to the Islamic movement, giving them access to funds under the pretext of the empowerment of the Papuan people. Papuan NGOs who really support Papuan people do not get any funds. In the course of the discussion it was revealed that those European NGOs which might probably support an Islamic movement, can be identified as networks among academics with Islamic background who are living in Germany and Europe. These networks ask for support for the Islamic case. Sometimes allegations are made that these networks might also be used for money laundering.

Besides the problem of suspected funds to Islamic movements, the real impact of the funds was questioned too. There are NGOs in West-Papua with close links to and working for the Papuan people but sometimes alleged of being close to independence. They often do not have access to funds, and if they use violent means or promote independence, they lose sympathy. On the other hand, there are a number of NGOs which receive money e.g. from the Netherlands, and which are in a certain conflict with more traditional NGOs. Some support is given for the congregations or human rights organisation, but they do not reach down to the grass roots though they make use of radio broadcasting. People need medicine and teachers at the village level but no radio broadcasting. The outcome of such support is low, there is not much change to the situation of the people.

In relation to the church's role it was argued that some church leaders had problems from the very beginning with the communion of churches in Papua, suspecting a political reason behind this concept. The cooperation between church leaders only happens on the top level and not on the congregational level. This is a problem with the implemented concept of the ecumenical approach. There is a forum where different religions can meet but this also happens only at top level. There is nothing at the grass roots. This inter-religious forum decided that religions might not be represented in the MRP. The GKI-TP followed this decision. Nevertheless, on October 6th, 2005, an article in the Cenderawasi Post claimed that the religious forum determined its representation in the MRP.

Secondly, the inter-religious community decided to follow the strategy of Papua as a Land of Peace while at the grass roots there is nothing alike. It is rather a symbolic matter, because both, the ecumenical communion of churches and the inter-religious forum, only issue statements, which does not have any effect. A minimum

effect should have been to make the authorities in Jakarta and Jayapura take these statements into account. As one of the examples, a statement was mentioned where a demand was made for the Police to stop their raids on students. The head of the Police of the province made a promise accordingly, but the students remained afraid and if one visits the dormitories of the students, one finds they are still empty. The students are afraid to return to their dormitories as they might be captured by the Police and put into jail. So, the statement did not have any effect at all.

With regard to the field of humanitarian help, it was analysed that there are three areas to be attended to: education, health and economic development of the people. The situation for the people is indeed very bad. Only, if the European Union wants to help, it should improve and directly supervise the support they already render. The financial support should really reach the people; due to conflicts, troops are sent to certain areas, and the financial support is used for these troops which was originally given for the development of schools, health and economy.

Another statement revealed one of the main reasons for this misuse of funds: they are made available by Jakarta. One mechanism has been established by the Special Autonomy Law, the other one stems from the fact that Papua is a province of Indonesia. Every province receives funds for bureaucracy etc. from Jakarta. A further consideration deserves the tendency to build infrastructure preferably in cities and in certain selected rural areas, but not in the villages, where people prefer to follow their traditional way of life. This kind of infrastructure approach attracts settlers, and the Indonesian government does not distinguish between Papuans and other citizens of Papua. In the census of 2000/2002 you do not see figures on indigenous Papuans but only general figures on the citizens living in West-Papua. If this problem is not accordingly addressed, indigenous Papuans are unlikely to benefit from Jakarta's money, and the finances keep being used to build this kind of infrastructure.

IV Autonomy, Security and Human Rights

DOMINGGAS NARI – Foker LSM

I want to give a brief impression about security and human rights in Papua. Although in Papua we live in our own place, we cannot feel safe at all. There are a lot of intelligence officers coming from Java or other places of Indonesia. Sometimes they infiltrate NGOs while we are just working for the people and we do nothing wrong. We develop dialogues about peace and peace building. Very often we have the feeling that we have to smile though we are not feeling happy, because we have to live together with people who take away our rights. We are obliged to say that we are peaceful but sometimes in our hearts we are not peaceful at all. When we point out the violence which happens, then many people are not very happy with us. We show a lot of films to the people on anti-violence strategies, amongst students, young village people. We want to express our opposition but we do not want to do this in a violent way. There are a number of positive developments. There are different groups which work with the people. All seek to promote non-violent actions. We have a lot of discussion with these people, and we see that they sometimes change their attitude. Very often, there are conflicts with the military, and we know who is behind this. We know those who have a peaceful approach and those who do not have.

Some remarks on human rights violations and about the system of the conflicts

We heard about the conflicts between the army and the people of the highlands in the Mulia area some months ago. We had the case of Kujawagi some years ago (Wamena). We see a development, that the reaction of the military is now much harsher than in former times. Very often today, affected people flee from the villages. Then the military enters the villages, burns down the houses; it is a policy of 'scorched earth'. The military even burns down small clinics, destroying even the scissors. It reminds us of the 1960s. The reports of SKP also say that quite a number of equipment of these polyclinics is being sold at the market of Wamena. Only the military is able to do this.

ADRIEN-CLAUDE ZOLLER – Geneva for Human Rights

I do not explain again what happens at the international level, but just taking a couple of points for further reflection. Principally, there is a responsibility of the central

state, and we certainly have to challenge the state which is not only the government, in relation to respect, to protect, to promote and to guarantee human rights. Security and human rights can be translated into the freedom from fear and from want. This is at the moment far from being the case in West-Papua. My understanding from the reading the discussion of the last days, I noticed five urgent situations. The first one is a humanitarian crisis as the internal displaced people in the highlands suffering from starvation together with the ongoing military operations. Second, there is an HIV/AIDS crises and we should not only support to help the people but also to support those who are investigating the real origins of the crisis.

Third, there is repression, a general atmosphere of fear and insecurity in the country. We should develop a program of protecting human rights defenders and to protect our partners. Four, population transfer, which is contrary to the fundamental right of self-determination. There is a big tension between two objectives of the state: on the one hand to promote the welfare of the Indonesians when coming to West-Papua, and on the other hand to respect the rights of the Papuan people. Finally, the discrimination is the 5th issue. Discrimination has become in Papua ‘segregation’; I would call it Apartheid.

My assessment: there is a concept of false security. There is no security in the region if the military power is corrupt, which have been built up and strengthened by the West over the years. The TNI creates trouble and then intervenes. This is a situation of flagrant and massive human rights abusive. These are no longer incidents but systematic. Speaking in terms of Apartheid, we are going to face a division amongst those we are supporting. We shall need among our groups a lot of efforts on mediation, on reconciliation and dialogue.

In addition, as a next step to be taken by Indonesia, inside West-Papua, there will be most likely a further restriction to the movement and to the monitoring, and therefore, it is so important to protect the human rights defenders. At international level, more efforts will be made by the Indonesian diplomats to use the argument of the Special Autonomy Law in order to make the Papuans responsible for failures. This is the speech of Indonesia at the United Nations in Geneva at that moment.

My conclusions: Continue with the reflection: Who are our Papuan partners? We have to accept that in our groups we are going to feel tensions between our partners and the victims. The partners will not be always identical with the victims. We will have to make sometimes difficult choices or to exercise critical comments towards our partners; particularly when the victims are suffering from the segregation. Second, there is a need for a Human Rights Strategy. If it is true that we will face tensions amongst our partner groups, one of the way to strengthen the coalition is to work with concrete cases and no longer on concepts. Even the concept of peace might be difficult in the future. Third, we should continue to integrate human rights concept values into the Governor’s development plan. Finally, the struggle and the

campaign against discrimination seems to me to be a priority. We should not hesitate to use difficult words for Indonesian delegations. We should demand what UN bodies have already demanded from the Indonesian delegation: Desegregate the data in the statistics, e.g. in relation to the Convention against Racism in order to know who are the minorities, who are the potential victims. Also, the fight against the big plantations is, in my view, a must in relation to the sustainability of development. There is the need for respecting the rights of indigenous peoples.

ALEX FLOR

Adrien Zoller already stressed a lot of points which I mostly share. I fully agree that it is the obligation of the state to protect human rights, but let me stress that it is not only the state. It is our all obligation as citizens, as part of civil society. My call to our partner in Papua as well as in Europe is, do not let us wait for the local or national government. Let us think about what can we do ourselves to put some pressure on the government for being pro-active. This might not be possible in all fields of activities; e.g. asking for implementing the Human Rights Court. What may be possible is to ask for a Truth and Reconciliation Commission to be established in Papua according to the Special Autonomy Law. It is a demand which also involves the national level as well as the intention to establish such a commission in Aceh though the law for the national level has been declared unconstitutional by the Constitutional Court. So, let us think about what we can do as a first step e.g. by implementing an alternative truth and reconciliation commission what might be an internationally excepted symbol that civil society is not just waiting for the government. Victims could be heard, documents elaborated, public meetings arranged. Another pro-active step can be in establishing an education of non-violence.

A second comment relates to the challenge, do not fall into the trap to create distrust among each other. We heard a lot about the climate of distrust existing between Jakarta and Papua and may be also inside the civil society. To give an example: It is true that the number of military increased tremendously within the last years, and the common understanding among Papuans is, based on their experience, that this increase is due to a discriminatory approach by the state. This might be a side effect, but we have to look also at other factors determining the military strategy of Indonesia. Seen from the pure military perspective, it is absolutely necessary that troops in the Eastern part of Indonesia will be increased. Independent of who lives in Papua, the extension of military would be the same; e.g. the disputed station for satellite purposes at Biak is part of a national military strategy and not part of the fight against Papua.

A third remark relates to raise realistic expectations amongst the people. Unfilled expectations will result in frustration, and frustration turns into violence and ergo counter-violence by the military. So, considering the outcome of the lobby in Berlin, there is the information, that in a couple of weeks there will be a delegation to visit Papua and to interview different people in order to generate an action program of the EU. The delegation comprises staff members of EU embassies in Jakarta together with staff members of the Indonesian government. Most probably, some of you might be contacted for the preparation of the visit. A second information: there is a dialogue between the EU and the Republic of Indonesia scheduled on the further cooperation between the two parties. Among others, there will be one issue on human rights in form of an institutionalised dialogue. Let us look for further information on that for being involved with our views in that dialogue.

AGUS ALUA

With respect to what has been said on security, military presence and its operation, it is based on the national philosophy of unity and the integrity of the Republic of Indonesia. During the new order in Indonesia, a main position was developed towards West-Papua. The first is the security approach, and the second is 'capital integrity'. The security approach and the need for more control on all Papuans is clear. The second relates to the issue that national and international investors would come to Papua and their security would be guaranteed by military troops: Freeport, logging etc. There, the human rights violations started. This policy is still valid even in areas under the Special Autonomy Law, and the military institutions progressed. There will be 2 military commanders in West-Papua according to the 2 Provinces (Papua and West Irian Jaya). Under the military commander, additional institutions will be established. Now, we already have 5 military districts; a new one in Merauke and Timika together with Jayapura, Sorong and Biak. We also have 3 new battalions, one in Merauke, one in Timika and one in Wamena. This is the program of the military commander in West-Papua to organically increase the troops.

We also have non-organic troops from Jakarta, special commander, strategic commander, and intelligence operation everywhere. When you end your meeting, the intelligence is already there. We may arrange some rules on Special Autonomy Law, but we cannot guarantee human rights nor that the Papuan people will be safe. We have no power; neither the governor nor the MRP, to control all these military troops and activities. All these are conducted via Jakarta, and human rights violations are still going on.

DISCUSSION

In relation to a recent urgent action on massive human rights violations the question was raised, what kind of actions and support would be the most efficient or what might be counter-productive. European NGOs have been showing their willingness to respond i.e. by writing letters to people of the European Union responsible for Papua either at the level of embassies or of governments. At the same time, effective support requests accurate and timely information and communication. The problem is even more complicated as the material should be available in the English language.

On the Papuan side it was stated that, indeed, it is still difficult to supply information soon after an incident has happened. After an incident, potential informants are immediately surrounded by intelligence forces, and Police and military are restricting access to the place where the incident happened. Under such conditions, a 'quick' report means to have it available after one or two weeks. Even the governor depends on rather non-formal links to get information and to extend his influence. Obviously, the intention to have access to accurate information is an ongoing problem while knowing that something has happened. Solidarity should ask to get access to such accurate information.

Beyond the problem of fact-finding, international interventions are important anyway in order to put pressure on the Indonesian government; as happened on March 16th last year, when the son of Rev. Berotabui together with many others was put in jail and tortured during the interrogations. There was the feeling that the international interventions helped to improve the situation for the people, and the prisoners were treated in a better way. Letters sent directly to the court were also helpful. Nevertheless, the influence of politicians from the other side and the Police is high and has to be taken into consideration. The real outcome of solidarity is limited. Also, the fact has to be taken into consideration that Papuan actors are frequently categorised as 'separatists'; including now the MRP. Therefore, international involvement is really needed. It might be extended towards the Special Procedures of the UN Human Rights Council (Special Rapporteurs and other experts) in order to achieve an immediate reaction.

In relation to the strategy and the reasons of the Indonesian army for deploying troops to the Eastern part of the country, the challenge was made whether the deployment could reasonably be explained while not relating to the specific situation of Papua. Rhetorically, the question was raised whether the Indonesian government would feel threatened by Australia or by smugglers. On the other hand, though there is no foreign enemy at the moment, according to written documents of the Indonesian government ('Whitebook') the government is trying to fill up missing links. According to the military logic, there is still an under-representation of Navy,

Air Force, and air surveillance in the Eastern part of Indonesia. So, the Indonesian government would deploy troops anyway, independent of whether there are Papuans or not; without diminishing the terror exercised by the military towards Papuans.

Other participants identified this argument as being an artificial distinction because the effects are unquestionable on Papuan side and conflicts are ruled out by military approaches. In the places where troops are accommodated, e.g. in Biak, the troops are interacting with the people. In cases like Biak, which is a small island, we should imagine the interrelation of special troops. If anything goes wrong there, the first to be accused will be Papuans. This interrelation is part of the traditional military doctrine. Also, it is not a mere coincidence that military presence is high where natural resources are found and are being exploited. Finally, there is evidence that the extension of Kabupaten (districts) automatically means more troops and not necessarily Police, which would be more appropriate in terms of security for the entire society. This obviously indicates the relation of military deployment and Papuan issues; quite apart from the behaviour of such military personnel.

In addition, there is – though not everywhere – some cooperation between the local leadership (Bupati) and the military, as there is not enough money being spent by the central government on land, buildings etc. Besides forming part of the military in remote areas of Indonesia, this promotes careers and increases income, particularly when there are conflicts. Speaking about ‘security’ in positive terms on the Papuan side, it is important to stress that the young policemen should be trained e.g. by European institutions. This year, Jakarta is going to recruit a lot of local people for the Police service at local stations. The churches might also play a role in that.

V Concluding Session

Reports of the Working Groups

WG 1

At stake are gross violations of human rights and of the rights of indigenous peoples as well as an obvious lack of development. In this context, the governor of the Papua Province would appreciate letters encouraging him to introduce an appropriate curriculum for police training. With respect to the Papuan branch of Komnas Ham, it seems that it could still not properly develop its work. The issue might be tackled by encouraging the national Komnas Ham. The suggestion was made to approach the UN Human Rights Council in order to ask for technical assistance, e.g. enabling Komnas Ham to follow the Abepura case.

There is also a need to examine the kind of – new – leadership and the ways to overcome the crisis. The task is huge: In terms of autonomy, the aspirations of the Papuan people need to be addressed, the local government issues to be accommodated, and trust among the Papuans themselves and with the central government to be built. Many of these things did not happen in the past, and there is no improvement in daily life either. Corruption and a low rate of accountability are key words to understand why. Based on the same rationality, the current governor of Papua Province elaborated the above mentioned strategy. Those, who are interested to follow the discussion on the budget via Internet, may consult the website www.papua.org.id. An urgent matter is the supply with energy, i.e. electricity (solar). Related to energy supply, development and income generation, there is a plan to plant an oil-palm plantation. It might become a major means to overcome poverty. One Mio. has of so called ‘Conversion Forest’ are available which will be distributed benefiting 250.000 families in total (4 hectare per family). The strategy intends to favour social and economic development together with sustainable development. The government of Papua is aware of the risks and the criticisms made but open for comments and visitors.

Also in terms of development, capacity building is a general need. A first step consists in learning to spend funds properly. There is a role for the church to provide training in this matter by means of program; e.g. the GKI-TP in cooperation with the government of Papua together with additional churches, taking the development boards at village level into consideration. At district level, the villages need support in terms of programming and training in accountability.

More attention should be spent to improving the relation of NGOs to the media in Jakarta. The latter play an important role in promoting the dialogue between Papua and Indonesia and addressing human rights’ violations. There is a need for

coordinators to conduct that debate and to establish a mechanism of accountability at international level.

WG 2

In relation to the delegations from EU embassies visiting West-Papua, lobby activities are suggested, though it was not clear how far the Interfaith Network as such should play a role. In addition to the visit of the embassies and to the existing commitment of Western countries (like the Netherlands via UN bodies), the idea might be launched to open an EU office in Jayapura. This could contribute to diminishing the overall feeling of Papuans of not being safe; e.g. there is no real freedom of speech. Supervision and support is also necessary to improve the participation of Papuans within the legal system. The case was presented that 10 candidates went to be examined for becoming barristers (lawyers) and none of them met the demands. The question was raised whether those facts should be dealt with as a mere matter of capacity or to what extent it involves aspects of discrimination. Currently, there are hardly any Papuan working within the legal system (one prosecutor).

Repeatedly mentioned was the need share information on the autonomy law better, to distribute the law among the people, to seek technical cooperation with the EU towards this end, and to improve communications between West-Papua and Europe. A third-party mediation is necessary for the dialogue between Indonesia and West-Papua, and an independent international body should monitor the implementation of the autonomy law; the Finish mediator Ahtisaari could be one of the resource persons. International monitoring is further needed to follow the human rights violations, e.g. the Abepura, the Wamena and Wasior cases.

WG 3 and WG 4

A major issue dealt with the question of how the Papuan network in Europe is working, e.g. in order to support internal processes. Lobby on several issues has been mentioned, such as: women, children, autonomy law as well as supporting the capacity building in West-Papua. Mediation for dialogue would be appreciated too. The civil society in Papua should be strengthened, particularly NGOs like Foker or SKP. Preference should be given to NGOs with which certain relations have already been established. NGOs like Foker are supposed to authentically identify the needs of the people. In addition, the institution MRP needs support too in order to provide more power in public and, therefore, enable the MRP to seek the protection of the life of indigenous peoples better.

Training on human rights is needed, considering that a) young people should be encouraged for human rights training, b) the exchange of Papuans with churches in

European countries should be better organised, c) the commitment in Europe should be improved in order to increase the pressure towards capacity building and the formation of leadership, and finally d) the internal dialogue needs more moral and political investment in order to bring together tribal people. This may also encourage the dialogue with the Indonesian government as well as bringing the Papuans into a better position to implement the Special Autonomy Law according to their own schedule and with their own instruments. In addition to MRP, further institutions of civil society might be enabled to supervise the implementation of programs and tasks e.g. on health, education etc. In a near future, a kind of expert hearing or a study might be organised on that.

DISCUSSION

Some key aspects have been taken up stressing the capacity building for MRP, with special attention to its female representatives and other specific needs. The West-Papua Network is requested to sustain the role of MRP. Special attention to women's issues means to contribute to the development of the economy on a family basis; i.e. micro credit programmes in order to build up business of grass root people. An overview should be elaborated in order to know what has already been established and what still needs to be done. In some sectors specific agencies and different partners might be helpful to strengthen the self-organisation; as it has been integrated into the governor's plan of activities (Papua Province).

The Geneva Appeal still seems to be relevant while it should develop a more practicable approach. Up to now, there does not exist any time schedule for implementation or dissemination in West-Papua. The MRP might think of discussing it with special attention to the question of land ownership and communal land rights. In the context of indigenous peoples' rights, the MRP may also be supported to draft a rule where the use of indigenous territories, general access to natural resources and the protection of land rights in relation to the project of a palm-oil plantation are regulated. Concern was raised whether failure of the ambiguous and ambitious palm-oil plan would lead to violence among Papuan people.

The slogan 'Papua, Land of Peace' requires investment into the social development of people. Poverty alleviation is a major issue. It needs an elaborated design on budgets, know-how on access to investors and donors, transparency in relation to the process of planning and implementation. Similar to the Geneva Appeal, the concept of Papua, Land of Peace needs to be appropriated to the grass roots level; as there are many conflicts among Papuan themselves, e.g. at village level. This fact challenges Papuan institutions.

Further attention deserves the situation of big business. Freeport is still an issue

of concern considering the kind of operation and the violation of the rights of indigenous peoples. Also, the intention to develop Biak as a kind of free trade zone is a matter of concern though the land shall only be leased. On the other hand, it was argued that establishing a free trade zone might push education and introduce English teaching even at the level of primary schools.

VI Concluding Remarks

UWE HUMMEL, THEODOR RATHGEBER

There is a chance that a new era will soon be dawning in West-Papua. The potential of the Special Autonomy Law could be transformed into a win-win solution while for now it is a symbol for crisis. Beyond the Special Autonomy Law, however, there are not that many alternatives. More radical approaches would endanger the very existence of the Papuan people. If they let themselves be subdued to the will of Jakarta, they will be marginalised; if they go for independence they run the risk of being crushed by force. Therefore, although there is an unfortunate ‘smell’ of ‘*Realpolitik*’ in Special Autonomy, it remains the only realistic option to bring about self-determination for Papuans in accordance with international law. Human rights are a key issue to be addressed. Dialogue and peace strategies for Papua should be closely followed by the European Network.

A special challenge stems from the fact that some long-term partners of both *West Papua Netzwerk* and Faith-Based Network are presently holding government positions and thus are co-responsible for the policy and the implementation of Special Autonomy, e.g. the economic, social and cultural development. Particularly the MRP should be strengthened and used as a link for inter-mediation between the state authorities and the Papuan people. The present crisis of Special Autonomy contains opportunities for setting up procedures and launching other authentic Papuan institutions.

West Papua Netzwerk and Faith-Based Network are requested to extend their forums to even more organisations internationally. The prime objective is to strengthen world-wide communication and awareness on West-Papua. ‘Dialogue’ should also be improved among the networks themselves. Some dialogue with the Indonesian government should be sought, too, in accordance with the international tools.

This documentation part was edited by Dr. Theodor Rathgeber (Königswinter/Kassel, May-June, 2007), on the basis of written statements and the transcription of audio tapes.

Epilogue to Königswinter

Through the large windows of our conference room in Königswinter, we had an unhampered view of the majestic Rhine River. Only a few hundred meters farther on, the prominent “Drachenfels“ (Dragon Rock) Mountain arose, a very popular goal for outings. If we had granted ourselves two hours of free time, we could have taken the cog railway up to the top and enjoyed the majestic view. From up there, we would have been able to enjoy the view of the Rhine for many kilometres both upstream and downstream. Instead, however, we chose to dig into the highly diversified problems of West-Papua. The intention of this Epilogue is to take us, after the event, up the Drachenfels. The many-faceted and often confusing variety of information which lies before us as the end product of the papers and of the discussion summaries, is, in retrospect, to be organized thematically – as a sort of view of the Rhine from the Drachenfels. The question which is to be our guide is: What impulses for our work have we gained from the conference? As one participant put it: “The information is on the table. The question now facing us is: Who will do what when?“

The Law of Special Autonomy

Five years after the Law of Special Autonomy had become valid, we were asking ourselves: Has, to the present, this law contributed toward a solution of West-Papua’s problems? Is it possible to speak of a far-reaching self-determination of the Papuans within the framework of the Republic of Indonesia? The answer is: No. One of our guests from Papua put it this way: Jakarta has given us a fish, but Jakarta is holding onto its tail. All of the guests from Papua complained about the half-hearted implementation of the law, even though a bit of progress can be noted. However, the law is, nevertheless, necessary. As one participant said: Even though the Law is not the goal, it is a tool. Adrien-Claude Zoller mentioned that lately representatives/speakers of the Indonesian government in Geneva have been placing the blame for the partial failure of the Law of Special Autonomy on the Papua. This is the official line being followed at present by Indonesia at the United Nations in Geneva. Our guests from Papua requested of us, that in our lobbying work we consistently and repeatedly continue to insist on the full implementation of the Law. Exercising influence at the international level is an absolute necessity. In the presentation of his paper, Dr. Sumule said: “Unless there is an international involvement, there will not be any hope for the full and true implementation of the Special Autonomy Law in Papua.“

International Mediation

Whereas the Indonesian government systematically attempts to prevent any kind of international interference, our guests from Papua regarded international observation to be of the utmost importance. We explained that we are systematically in touch with our governments and with the EU in Brussels, but that none of our governments wish to endanger their economic ties to Indonesia. “Watch Indonesia!” reported that in the next few weeks a delegation of the EU was scheduled to visit Papua. In the meantime, this visit has taken place. On Tuesday, May 22, 2007, the Ambassadorial Secretaries of the EU-Troika (Germany, Austria and Portugal) visited West-Papua and also met with representatives of the West-Papuan churches. Rev. Hermann Saud moderated the conversation on the part of the churches. The West-Papuan churches submitted a thirty-page document describing the over-all situation from the churches’ point of view. The document had, beforehand, been agreed upon and signed by all of them. This fact makes it possible for us to request/demand a follow-up of this document (see Appendix). In various conversations, the idea arose to suggest to the EU that it establish an office in West-Papua. Such an office could facilitate and further the contacts between the governments of the Provinces of Papua and West Irian Jaya and its international partners, could shorten administrative paths and could act in an advisory capacity.

The Aceh-MoU as a Model for Papua

Dr. Sumule and others raised the question, whether the MoU to Aceh could not be used as a model for a similar dialogue for West-Papua. Reference was made to Timo Kivimäki’s study, *Initiating a Peace Process in Papua*. As an advisor to the former Finnish President Martti Ahtisaari, Timo Kivimäki had taken part in the transactions between the GAM and the Indonesian government. The guests from Papua asked why such a dialogue should not also be possible in relation to Papua. We were requested, in the course of our discussions with our governments, to urge that such mediation take place. It is of course a moot question, whether the Indonesian government would agree to such mediation.

Human Rights

The human-rights situation in West-Papua is still thoroughly unsatisfactory. One of the participants from Papua said, “Although, in Papua, we live in our own place, we cannot feel safe at all.” Zoller emphasized that Indonesia, as a member of the UN,

is legally obligated to guarantee human rights. This obligation derives from Indonesia's ratification of the international treaties on Human Rights, as well as of those on the Protection of Minorities. "We need to develop a survival for a people,... survival of the Papuans first, their culture, their tradition." Paragraph 45,2, concerning Human Rights, of the Law on Special Autonomy has partially been implemented, in that a branch office of Komnas Ham has been established in Papua. Zoller suggested that this receive further support through the UN Council on Human Rights and through Komnas Ham in Jakarta. Racial discrimination and insufficient medical care were also named as forms of the violation of human rights. If a government does not fulfil its obligation to uphold human rights and to protect its indigenous minorities and protest is of no avail, the international laws on indigenous peoples (*Völkergewohnheitsrecht*) grants, as a last resort for such segments of the population, the possibility of demanding their separation from the state in question in order to preserve their identity and their rights.

The Military and the Secret Service

In moving words, one of the guests from Papua described the omniscience of the military (TNI) and the Secret Service. Neither the Governor, nor the MRP, nor any standing body has any control over the military. No meeting and no assembly can take place in West-Papua without its being observed by the Secret Service. The Law of Special Autonomy provides no possibility for exercising any sort of control over the military. At the conference, attention was called to the fact that, independent of the situation in Papua, there exists an overall plan for the professionalization and strengthening of the Indonesian military. But it has been the Papuas' experience, that they themselves are always the victims of any military activities in Papua. Many violations of human rights can be attributed to the military. In the meantime, the situation has taken a turn for the worse: The new commander of the Military District (Danrem) 172/PWY, Colonel Burhanuddin Siagian, is in the process of building up, as he did prior to 1999 in East Timor, a so-called red-white (Indonesia's national colours) militia and thus of creating an incalculable potential for conflict.

Development

Dr. Sumule gave a detailed presentation of the policies of the government of the Province of Papua (provincial government) with respect to economic development. These policies have three points of emphasis: 1) The reform of the budget and the bureaucracy, as well as the fight against corruption; 2) Development programs for

the villages, and 3) Investment in logging and in planting oil-palm plantations (*kela-pa sawit*). The third point, especially, led to critical questions and to vehement discussions. Indonesia is the country in which deforestation is progressing the fastest in the whole world. This pillage is leading to the destruction of the population's way of life, for the forest is where they live. The government's plan is to invite Chinese investors to plant these oil-palms. Neither the negative results of this monoculture, which can be seen in Sumatra and Malaysia, are being taken into account, nor the profit-oriented point of view of the Chinese investors, who take no consideration whatsoever of the interests of the native population. Dr. Sumule called upon us to write letters to the Governor in which we call attention to other possible options. The aim of the provincial government is to lead the people out of poverty. In the course of the following discussion, it became clear that during the past five years of Special Autonomy, no improvements had been noted either in the realm of schools or in the realm of health care. It was emphasized that unless major efforts are made in the educational sector, the investive development policies would lead to an even clearer marginalization of the native population.

Papua – a Land of Peace

Whereas we, as European NGOs, have largely adopted the slogan *Papua – Land of Peace* as a planned goal, the Papuans themselves regard the situation much more critically. One of the guests said that, whereas this slogan was familiar to a small inter-religious group which propagates it as its goal, the slogan means nothing to the majority of the Papuan population. Another participant said: "We are obliged to say that we are peaceful, but sometimes in our hearts we are not peaceful at all." The slogan means nothing to either the police nor to the military. The security forces have never demonstrated any intention of taking a peaceful approach in the face of conflicts. The Papuans' impression is, on the contrary, that the security forces use conflicts and therefore provoke them. We witness increasing tension and are afraid that in future increasingly more use will be made of force, on the parts both of the security forces and of protesting Papuans. Nevertheless, as European NGOs, we hold fast to the conviction that peaceful solutions must be found. For this reason, the slogan *Papua – Land of Peace* and the program behind the slogan will continue to have our support.

*Recommendations and Actions:**Addressed to European governments and to the EU:*

1. We emphatically call attention to the fact that the Law of Special Autonomy is far from having fully been put into effect. The full effectiveness of the Law is prerequisite to a relaxation of the situation in Papua.
2. We emphatically call attention to the fact that, in our opinion, international observation is indispensable.
 - 2.1 The visit of the ambassadorial representatives of the EU-troika in May, 2007, was an extremely encouraging signal.
 - 2.2 We request a statement of the EU in response to the churches' report which was submitted to the ambassadorial representatives in May, 2007.
 - 2.3 The establishment of an office/a Consulate of the EU in Jayapura should be taken into consideration.
3. We support an initiative which would, following the model of Aceh, set in motion a dialogue between the Papuan population and the Indonesian government.

To the Indonesian government:

1. We call attention to violations of human rights in West-Papua which have come to our attention and request that the international covenants on human rights be enforced and observed in relation to Papua, also.
2. In this context, we place particular emphasis on respect for the right to free speech.
3. We request that trials be initiated in cases which were investigated by Komnas Ham and turned over to the public prosecutor.
4. We request the revision of the sentences in all cases concerning political prisoners.

To the Provincial Government:

1. We request that the regional offices of Komnas Ham be enabled to report, after thorough research, all cases of violations of human rights.
2. We request that that the policies concerning the logging economy and large plantations be re-examined.
3. We request that the education and health policies be re-examined and organised in such a way that they noticeably benefit the Papua population.

To our partners in Papua:

1. We assure our continued solidarity.
2. We request regular information concerning the situation in West-Papua, and advice and support in relation to our lobbying activities.
3. We request abidance by peaceful methods of solving conflicts, in concurrence with the slogan *Papua, Land of Peace*.

Let us once again cast our eyes from the Drachenfels onto the diversity of the landscape of the Rhine Valley and onto the majestically flowing river and ask ourselves, what we, as an international community, should and can do in respect to Papua: We must continue to insist on the realization of human rights; we must, ever anew, attempt to bring about international participation in monitoring this realization; we must, with the help of third parties, work toward the goal of making progress in the conflict concerning the political and legal constitution of West-Papua; we must accompany the development program of the Governor of the Province of Papua: with solidarity as far as the reduction of poverty is concerned, and critically as far as the cultural and ecological after-effects are concerned; we must help the voices of the Papua to be heard in other countries – more frequently and to better effect.

SIEGFRIED ZÖLLNER

Annex

Annex I

WEST PAPUAN CHURCHES REPORT ABOUT THE FAILURE OF THE SPECIAL AUTONOMY LAW NO 21/2001

WEST PAPUAN CHURCHES' DEEPEST CONCERN AND APPEAL TO THE INTERNATIONAL COMMUNITY

As leaders of churches in West Papua who are concerned about all aspects of our people's life, we are deeply concerned that the Special Autonomy which should have brought solutions to the Papuan people's problems, has, in fact, failed.

We witnessed that the government of Indonesia did not seriously, wholly and systematically implement the Special Autonomy law No 21/2001. We have an assumption that two very secret documents of the Government of Indonesia have influenced and affected the way the Special Autonomy was inconsequently and inconsistently implemented.

First, on the 9th June 2000, the Director-General for the National State Integrity (which is a section of the Ministry of Home Affairs) issued a very secret document. The document with the following registration number: 578/NK/KESBANG/D/IV/VI/2006 was issued following a radiogram and a fax from the acting Governor of Irian Jaya province (radiogram no: 190/1671/SET/dated 3rd June 2000 and fax no: 190/POM/060200/dated 2nd June 2000) about the demand by the native West Papuans for self determination. The main point of the very secret document from the Home Affairs Ministry was to take strict actions to end the aspirations of West-Papua for Independence through a plan for regional conditioning and community networking development designed to anticipate the political direction of West-Papua (then known as Irian Jaya) towards independence and freedom from the Unitary State of the Republic of Indonesia.

- Location of the military operations: all regencies, towns, and remote regions of Irian Jaya province.
- Method of implementation: through extension of regencies and municipalities as many as necessary.
- Operation Agents: Ministry of Home Affairs, Ministry of Foreign Affairs, Intelligence Units (BAKIN, BAIS TNI, BIN), Indonesian Arm Force Headquarters, Regional Military Headquarters, Indonesian Police Headquarters, Strategic Armed Force, and Special Arm Force[KOPASSUS]).

Second, a document issued from General Secretariat of the National Defence Board in Jakarta dated 27th May 2003 and 28th May 2003 regarding "strategies to solve separatism conflicts in West Papua province through political and security approaches".

1. ACHIEVEMENTS OF THE SPECIAL AUTONOMY LAW NO 21/2001

Measures of achievements of the Special Autonomy during 6 years (2001 – 2007) are:

The extension of West Irian Jaya province based on the presidential decree No 1 2003. Although, all native West Papuans have rejected this decree, the Government of Indonesia for political, security and economic interests implemented the decree.

- The extension of new regencies in all the Land of West Papua for the interests of migrants and for economic, political and security reasons.
- The formation of the Papuan People's Assembly (MRP) was made 6 months after the approval of the special autonomy law No 21/2001.
- The installations of new regional military headquarters and battalions in all parts of the Land of West Papua and the increase of modern equipment.
- The increase of military soldiers and intelligence in many forms of disguises.
- The increase of migrants almost every week by Royal Line passenger ships and every day by aeroplane.
- The construction of top exclusive buildings, 5 star-hotels, shopping centers, malls, supermarkets in all parts of the Land of West Papua.

2. INDONESIAN DEMOCRACY IN WEST PAPUA

The government of Indonesia claims itself to be a democratic state; however, the native West Papuans experience forced democracy, violent democracy, terror democracy, intimidation democracy, and a democracy that has military, police, mobile brigade faces.

An example of a recent case was seen on Friday, 27th April 2007 when a coalition of community groups and students concerned with Papuan development and who identified themselves as KNPP, an Indonesian acronym for the coalition, had a demonstration in front of the Governor of Papua's office. The demonstration, which was led by Markus Haluk, had the following messages and demands:

- SPECIAL AUTONOMY HAS FAILED, SPECIAL AUTONOMY HAS BROUGHT DISASTER;
- STOP GENOCIDE OF THE PAPUANS;
- SPECIAL AUTONOMY HAS FAILED, LET'S HAVE AN URGENT DIALOGUE FOR A REFERENDUM;
- SPECIAL AUTONOMY HAS FAILED, PLEASE OPEN THE DOOR FOR A RESPECTABLE DIALOGUE FOR THE PAPUANS;
- GOVERNOR OF PAPUA: DON'T SELL OUR LAND TO CHINA AND JAPAN FOR BUSINESS;
- REVIEW OF THE ACT OF FREE CHOICE (AFC) 1969 AND A REFERENDUM FOR WEST PAPUA;

– INDONESIAN OCCUPATION OF WEST PAPUA IS ILLEGAL.

The Indonesian police heavily guarded the Governor's office and stood in the way of the demonstrators. There was a huge presence of intelligence agents who mixed with the demonstrators. The intelligence agents carried weapons and cameras and acted as if they were journalists and photographed everybody who took part in the demo.

Since the beginning of occupation of the Land of West Papua on the 1st May 1963, the Indonesian government have turned the values of respecting people's safety, truth and justice, honesty, peace, love, democracy, respecting equality, protecting West Papuan human rights and human dignity in the uniqueness of the native West Papuan life into a violent and torturing democracy. We as the Church hoped that the implementation of the Special Autonomy law 21/2001 would revitalize, reconstruct and defend the above universal values. However, the implementation of Special Autonomy law 21/2001 was even more cruel and made the future of the native West Papuans even darker. The "democracy process" has become a serious threat.

Democracy has disastrous and cruel faces in West Papua. There is no freedom for the native West Papuans to move and do open activities. What now exists in West Papua are fears and no freedom. Any activity needs permission and approval from the Indonesian police. The freedom of the native human beings in West Papua has been handcuffed and killed. During the time of the Special Autonomy law, there is no freedom, justice and peace for the native West Papuans. Indeed the native West Papuans do not have freedom in the time of the Special Autonomy law 21/2001. The native West Papuans have experienced intimidation and terror because the Indonesian military restricted and violently oppressed the people to stop them holding open demonstrations in West Papua.

Indonesian intelligence agents in many forms of disguise are everywhere in all parts of West Papua. They prevent the native West Papuans from being able to act freely. In order to stop or kill democracy, the Indonesian police and intelligence agents arrest, bring to court, and jail leaders who lead and guard the growth of democratic freedom.

On the 29th March 2007 the Indonesian state police at Jayapura headquarters issued a letter (the letter with a registered police no B/421/III/2007/Taud) that forbids the native West Papuans from holding open and peaceful demonstrations in Jayapura.

3. STIGMATIZATION AND MILITARY BASED APPROACH

Old approaches such as stigmatizing the native West Papuans still continues even in

the time of the Special Autonomy law. This includes stigmatizing any church in West Papua with the label “separatist” which tries to speak out about the sufferings and injustice of the native West Papuan church congregations. One of Indonesian government high officials in Jakarta told the press on the 6th February 2006 that the churches in West Papua supported West Papuan independence. This kind of stigma has silenced or shut out the involvement of all strata of society to find solutions to the Papuan conflict in order to create West Papua as a land of peace.

In addition, the Indonesian military, without any convincing evidence, accused Goliat Tabuni, an OPM leader of taking part in a violent case that happened in Mulia, Puncak Jaya regency, on the 12th December 2006. This false accusation, however, has been used as justification for adding a great number of troops to Mulia. The addition of troops has caused 1000 civilians to flee to the jungles and 5000 other civilians are homeless and threatened with starvation.

At the beginning of the year 2007, all military institutions in West Papua ranging from district headquarters right up to regional XVII/TRIKORA headquarters actively gave lectures/talks at high schools on the topic of National Defence Education. The lectures aimed at promoting the young generations to love and to defend the Unitary State of the Republic of Indonesia. This type of approach is a kind of indoctrination which destroys the freedom of ideas and expression of the young native West Papuans. Besides, the National Defence education has the potential to create polarizations between native West Papuans which will easily cause horizontal conflicts.

4. CONTINUING MILITARY VIOLENCE

West Papua (previously Irian Jaya) has become a place where native West Papuans are slaughtered since the Indonesians began occupying the Land of West Papua on the 1st May 1963.

The culture of violence in the forms of chasing, arresting, kidnapping, imprisonment, torture, killing because of the Papuans are stigmatized as “OPM”, “separatists”, and “subversives” has caused trauma, terror and fears among native West Papuans. These experiences have left bitter memories within the native West Papuans’ hearts.

The Indonesian government has told the international community that through the Special Autonomy law, they have improved the condition and human rights situation in West Papua. However, the human right abuses have actually increased during the time of the Special Autonomy law no 21/2001. The evidence is as follows:

- Abepura case (7th December 2000). The Abepura district police headquarter was attacked by an unidentified person. The attack had caused the death of a police-

man and had injured 3 other policemen. After the incident, the head of Jayapura police headquarters, AKBP Dr Daud Sihombing, with the assistance of Dr Johny Wainal Usman, commander of Papuan Regional Police headquarters mobile brigade task force (Brimob) chased and arrested people that were accused of the attack. The target areas for the search were native West Papuan students' residences such as Ninmin dormitory, Kobakma dormitory, Mamberamo and Wamena settlement, Yapen Waropen dormitory, the settlement of the Lani tribe, Yali tribe, Anggruk tribe, and Association of Illage students' dormitory. The result of the attack on the student dormitories was the death of Ory Doronggi and Yonny Karunggu who were killed by police officers inside the Jayapura police cell.

- In February 2001, the National Human rights commission formed the Abepura Human rights Commission to investigate the case. The Commission's report stated that based on the law no 26/2000 human rights crimes had been committed in the chase and arrest of the students. The crimes were: torture, summary killings, persecution, unlawful arrest and detention and involuntary displacement of people.
- Wasior case. Five mobile brigade (Brimob) personnel and one civilian were killed at CV Vatika Papuana Perkasa (VPP) company base camp in Wondiboi village, Wasior district, on the morning of the 13th June 2001. The police accused the OPM as being the armed group who attacked and took away 6 guns from the police officers who had been killed. After the incident, the police created an assumption that some civilians had committed heavy human rights violations and were hiding in some villages. The named villages were: Wondiboi, Yomakan, Wondamawi I and Isei. The chase involved mobile brigade personnel from Manokwari led by Iptu Widiyanto who at that time reported to AKBP Bambang Budi Santoso, head of Manokwari police headquarters. The next chase was ordered by Mangku Pastika, head of Papuan regional police headquarters. In addition, the police personnel in each of the regional police headquarters such as Wasior, Manokwari, Serui and Nabire were suspected of committing heavy human rights violation in each of the police headquarters region as a result of the chase.
- A very special case that the Government of Indonesia handled was the shooting of a teacher of PT Freeport International School in August 2002 at Mile 62-63 Tembapapura Timika that caused the death of 3 civilians (2 US citizens and 1 Indonesian citizen) and other injured victims. Twelve civilians were accused as actors of the incident and were arrested. The FBI who arrested the twelve civilians cheated them and promised to take them to the US but then handed them over to an Indonesian riot police unit and mobile brigade of Kuala Kencana. Clearly, there was collusion between the FBI and the Indonesian police to sacrifice the twelve civilians for their only one interest. Seven of the civilians who

were kept at Cipinang prison (Jakarta) are Antonius Wamang (life sentence), Agustinus Anggaibak or Joni Karamol (8 years), Yulianus Deikme or Pely Deikme (8 years), Rev. Ishak Onawame (5 years), Esau Onawame (5 years), Yairus Kiwak or Kibak (5 years) and the late Hardi Tsugumol (5 years).

- On the 15th of December 2001 at 10.30 in Tiom, Jayawijaya regency, an Indonesian military personnel shot to death four civilians named Babier Wenda (45 years old), Tepinus Wandik (29 years old), Terianus Tabuni (29 years old), and Wekinus Wenda (37 years old). The motive behind the shooting was that the four civilians had raised the Morning Star [West Papuan independence] flag in Tiom.
- The killing of Kimaam ship crews (15?) and other incidents in July 2001 in Kimaam Merauke.
- The kidnapping and the killing of Theys Eluay and Aristoteles Masoka committed by Indonesian special force on 10th November 2001. Aristoteles Masoka's body has not been found until today. Evidence of They's murder was convincingly proved at the High Military court III in Surabaya.
- Human rights abuses against the refugees from Merauke in PNG in 2002.
- The shooting of Elsy Bonai, the wife of Johannes Bonai, a Papuan human right activist in Wutung Jayapura on the 28th December 2002.
- Wamena case began from the destruction of the weapon store of Wamena military district headquarter on the 4th April 2003. The incident was followed by heavy human rights violation towards the civilians from several villages who were accused of destroying the military weapon store. The villages are Wamena town, Sinakma, Bilume, Asologaima, Woma, Honai lama, Napua, Wlaik, Moragame-Piramyd, Ibele, Ilekma, Kwiyage-Tiom, Hilume, Okilik, Kikume, near Kwiyage such as Luarum, Wupaga, Negeyagin, Negeya, Mume and Timine. The military operation after the destruction of the weapon store which took 3 months since April 2003 was ordered by Marumсыyah, local commander of the military district headquarters, Ontang Roma P, commander of the regional military headquarter and Nurdin Zainal, High Commander of Trikora Military XVII Region.
- After the Wamena case, at least seven civilians were accused as criminals and given life imprisonment. Six of them are in Makassar prison and one of them is in Wamena prison. At present the conditions of three prisoners are deteriorating (ill). The three prisoners are Kanius Murib (Wamena prison), Numbungga Telenggeng (Makassar) and Linus Heluka (Makassar). The four other prisoners in Makassar are Enos Lokobal, Yaprai Murib, Mikael Heselo and Kimanus Wenda.
- Military operation in Kuyuwagi on 19th April 2003 that killed 10 civilians and 61 people died of starvation in their hiding place in the jungle. The Indonesian military also destroyed and burned hospitals, church and school buildings, and garden fences.

- In this operation, the Indonesian military burned 23 church buildings, eight of them belong to the Fellowship of West Papuan Baptist Churches, nine church buildings belong to the West Papuan Tabernacle Church, and finally 6 church buildings belong to Indonesian Evangelical Church.
- The killing of Yustinus Murip and his 10 other colleagues in Yeleka village, Kurulu district, Jayawijaya regency – West Papua. The incident happened on the 5th November 2003. Yustinus and his colleagues were accused of destroying the military weapon store in Wamena on the 4th April 2003.
- In 2004 in Puncak Jaya, the special forces killed Reverend Elisa Tabuni, burned people's houses and gardens and forced people to flee to the jungles.
- On the 17th January 2005 Miron Wenda was tortured and beaten near KimiRiver by a soldier from Battalion 753 in Nabire.
- On the 20th January 2006, the Indonesian police shot to death Moses Douw in Wagate village.
- On the 16th March 2006 the Indonesian intelligence killed Denny Hisage and cut open and pulled out his stomach and intestines. There were also many other similar human rights cases that were committed by the Indonesian military and police.
- Mulia Puncak Jaya incident on the 13th November 2003. The incident happened after the distribution of Direct Cash Fund (oil compensation fund). According to a witness, the incident happened because there were people who had not been registered to receive the direct cash fund. Other sources stated that local elites who were involved in the criteria selection of the regional election in Puncak Jaya for the period of 2007-2012 had used several youths to create conflicts. The riot caused destruction and big loss of billions of Rupiahs for the state. People burned government houses and the official residence of the member of the regional parliament.
- On the 8th December 2006, two military personnel, Joko Susanto, a special force member, and Tobias Sirken, a retired military officer were killed. The Indonesian military, then, dropped troops from helicopters on the 27th – 28th December 2006 into Mulia town. The next day (29th December 2006) two traditional customary houses were burned. The houses which located 3 km from Kota Lama Mulia and belonged to Dainus Gaime, chairman of GIDI church and Laringgen Murib, a member of GIDI church. At 14.00 hrs, a mobile brigade personnel chased and searched for Morning Star flag raisers and killed Gumi Murib (34 years old) near the location of the two burned houses. On the 6th – 7th January 2007, a massive number of refugees from the Lani tribe in Yamo district in GIDI church evangelical regions across from Yamo river fled to the areas across from Yamo river. Others kept walking to Kiyage. (The Kiyage area is 2 days walk through very heavy and dangerous jungles).

- Total number of refugees is 5,137. The refugees experienced starvation. Some of the refugees went to Mulia town and stayed with their families and relatives. Others stayed at GIDI residence in Kota Lama.
- Four refugees who died in the refugees camp because of illness and starvation are Tano Telenggen (50 years old), Laya Morib (30 years old), Mitiles Moriob (20 years old), and Walin Wonda (41 years old).
- The death of Ardi Sugumol who died on the 1st December 2006 in the Indonesian Police headquarter's prison. His body is still in the morgue in Jakarta. Ardi Sugumol was accused of being involved in the mile 63 incident at PT Freeport mining area.
- Eko Berotabui, son of the Synod chairman of the West Papuan Evangelical Christian Church, died in the Abepura prison on 2nd February 2007. Eko Berotabui was accused of being involved in the 16th March 2006 Abepura incident. The death of Eko was suspicious and mysterious.
- Recently, Kostan Yolman, 30 years old, was shot to death in a remote village of the Merauke regency. The police acknowledge that the shooting was because of a misunderstanding. After Kostan was shot to death, his body was taken to the police office and was laid on the police office yard until his family came to pick his body up and take him to the hospital. The family could not see him freely because the police guarded his body. There are many cases like this one in West Papua.
- In a recent case in Manokwari, for instance, a policeman who was assigned to guard the regional secretary of West Irian Jaya province, beat and tortured Mr Obed Ayok, a respectable community leader. Mr Ayok has requested many times for a meeting with the regional secretary of the province but his requests have been continuously rejected. The rejection was considered as an insult to a community leader such as Mr Ayok.

5. SECURITY SITUATION AND MILITARY OPERATIONS

- On 17th April 2007 in the village of Kwel, Eligobel district, near the border of Merauke regency, the regional military XVII/TRIKORA bought 2 hectares of traditional customary lands from Okto Kwamaljai for Rp. 10,000,000 (ten million Rupiahs). The land will be used for a new military base. Along the border region between Papua New Guinea and southern part of Papua province, the Indonesian military has posts which are guarded by soldiers from Siliwangi Kala Hitam, West Java. In every post, there are 25 personnel. The distance between the military post and the village of the native West Papuans is 5 km.
- During the implementation of the Special Autonomy Law No. 21, 2001 in West Papua, the Indonesian government, military, and the state police reported to the

international community that the security situation in West Papua was safe, conducive, and under control. And during that time the international community has been fed with false information and unjustified reports. The information was not based on the reality in West Papua.

- The truth is that during the implementation of the Special Autonomy law in West Papua, the [apparently stable] security situation was forced. It did not happen naturally. Indonesian military, police and courts created the security condition through force, oppression, terror and intimidation. Thus, the security that was created by the Indonesian military, the Indonesian police and the Indonesian courts was a fake security. It was not a natural security condition and it can only last for a temporary time.
- The military operations in West Papua are still continuing for the sake of defending the Unitary State of the Republic of Indonesia without any consideration for or awareness of the protection of human rights, human dignity, justice, democracy and peace.
- The military operations in West Papua during the Special Autonomy era has been the most frightening ones up till now. Military faces are everywhere in many forms of disguises. There is no freedom for the native West Papuans. The military has built its bases along the land border and sea border and also in the transmigration areas. They have also built up a military presence such as battalions in almost all parts of West Papua. Everyday we can see military trucks full of soldiers. The soldiers are walking around the towns of West Papua and they usually stand in front of shopping centers. The native West Papuans are confronted by faces intended to terrorize them. Open and hidden intimidation happens everywhere.
- Indonesian intelligence agents are in disguise everywhere in almost all corners of towns in West Papua. They dress and act as motor cycle riders, shop assistants, street traders, voucher salesmen, hotel and restaurant waiters, hotel and airport drivers, public transport drivers, students, civil servants and collectors of scrap metal. Their task is to watch Papuans in places such as supermarkets and any roads used by the native West Papuans.
- At Sentani Airport in Jayapura, in Timika, Biak, Nabire, Serui, Sorong, Merauke, Manokwari, the ticketing officers, the security guards, the airport staff, airport workers, airport taxi drivers and the people walking around as motor cycle riders are Indonesian soldiers and police in disguise.
- The Indonesian intelligence agents monitor and even terrorize any native West Papuan. The future of the native West Papuans under the Special Autonomy law is even more dangerous because of terror, intimidation and violence. This has directly and indirectly become a serious threat.
- The expansion of Indonesian military units and their establishment in various places in West Papua such as the battalions in Wamena, Timika and Merauke in

2004, and in 2006 the establishment of Navy headquarters in Sorong and Manokwari and the establishment of Air Force headquarter in Biak. Beside the Air Force headquarters in Biak, military posts have been installed in remote areas of Biak such as Mapial Island, Barari Gulf, and Korem beach. The Indonesian Air Force also has cooperated with Russia to use Biak as a place to test their ballistic weapons. The instalment of military posts and headquarters has not only created fear among the native West Papuans, but they have also created an injustice for the people because most of the land taken for building military posts was not fairly compensated for. In other words, the people did not have a fair payment for their traditional right to the land that has been taken away.

6. SPECIAL AUTONOMY FUND FOR MILITARY OPERATIONS

It is very clear that the military operations in Pucak Jaya regency were paid for out of the Special Autonomy fund. This fund has been used to kill the native West Papuans through military operations.

As the President of the Fellowship of West Papuan Baptist Churches, I (Rev. Socratez Sofyan Yoman) found the evidence that an amount of Rp. 2,500,000,000,00 (two billion, five hundred million Rupiahs) has been used to support military operations.

The Papuan Provincial House of Parliament found the evidence that Rp. 3,000,000,000,00 (three billion Rupiahs) were used for the military operations.

The regional government of Puncak Jaya allocated Rp. 19,000,000,000,00 (nineteen billion Rupiahs) for food and medicines for refugees. There is no evidence that the money was given to the refugees. The money was simply lost.

7. TERROR & INTIMIDATION.

On 17th April 2007 in the village of Kwel, Eligobel district, near the border of Merauke regency, the regional military XVII/TRIKORA bought 2 hectares of traditional customary lands from Okto Kwamaljai for Rp. 10,000,000 (ten million Rupiahs). The land will be used for a new military base. Along the border region between Papua New Guinea and the southern part of Papua province, the Indonesian military has posts which are guarded by soldiers from Siliwangi Kala Hitam, West Java. In every post, there are 25 personnel. The distance between the military post and the village of the native West Papuans is 5 km.

On Friday, 4th May 2007, at 08.00am in the KUWERA office and in the evening at 20.00pm in front of Papua Post office, two Indonesian intelligence officers named

Charles Telabanua and Frans Sembiring visited two Papuan men, Musa Tipogauw and Napan Yoman. They questioned Musa and Napan on their involvement in a struggle to defend traditional rights of the UGIMBA tribe over the areas where PT Freeport Indonesia is doing its mining explorations in Tembagapura. The officers asked to see the letters of recommendation from government, customary and religious leaders that support the struggle of the native UGIMBA tribe. They said that the purpose of their request was that they had an intention to help the UGIMBA tribe in their struggle. One of their questions was whether the UGIMBA's struggle to defend their traditional land rights related to West Papuan independence. The two West Papuans replied "NO" "Our struggle for our traditional land rights does not relate to West Papuan independence".

On Friday, 11th May 2007 at 10.30am, a man named Brigadier-General Albert who introduced himself as the co-ordinator of the State Intelligence Agency (BIN) for Papua region came to my house. Two days earlier he phoned me and invited me to go out and have a meeting and lunch. I refused his invitation and said that I had already had other appointments. The purpose of his visit was to invite me to speak to the Strategic Research Board of the State Intelligence Agency in Jakarta in the middle of June 2007. I questioned Albert's full name and requested his name card but he said his name was Albert only and he did not have a name card. I asked Albert what issues need to be addressed in Jakarta and what Papua problems need to be presented. Albert asked me to mention names of important people in Jakarta whom he could also invite to speak to the Strategic Research Board.

On the same day, 11th May 2007, two intelligence agents went to Cahaya Papua, a small bookshop in Jayapura. The two intelligence agents questioned the shop assistant on many things about West Papua and about myself. Feeling a bit suspicious, the shop assistant told them not to ask questions about West Papua but if they wanted to know about West Papua and about Mr Socratez Sofyan Yoman, they could buy the books about West Papua. The two officers apologized and left the shop.

On the 12th May 2007, the regional military commander of 172/PWY Colonel Kav Burhanuddin Siagian made a statement that "traitors of the nation must be destroyed". The commander said "if I meet any individual who has enjoyed the sate facilities but who still betrays the nation, honestly, I will destroy him. Do not do any demonstrations or actions which are not useful. Do not try to dig up past history." His comments were published in Cenderawasih Post newspaper in Jayapura in response to demands of the native West Papuans for a review of the 1969 Act of Free Choice and the human rights abuses during the past 44 years in West Papua and for a national and an international dialogue.

8. SPECIAL REGULATIONS FOR THE DISTRIBUTION OF SPECIAL AUTONOMY FUND NO 21/2002 IS NOT CLEAR

The Papuan People's Assembly (MRP) has proposed a Special Regulation for the distribution of the Special Autonomy fund. The Special Autonomy fund has been approved by the Regional House of Parliament and was given to the governor of Papua. However, the regulation is not clear and transparent.

The Special Regulation that governs the distribution of the Special Autonomy fund to churches that have the majority of Papuans such as Christian Evangelical Church in West Papua, the Fellowships of West Papuan Baptist Churches, Indonesian Evangelical Church, Tabernacle Church, Pentecostal Church, for instance, was cancelled by the Governor.

The Governor plans to give Rp. 100,000,000.00 (one hundred million Rupiahs) cash to each village. It is not a good and wise solution. It is far better if the Special Autonomy fund was channelled through existing church institutions that have established organizational structure and service administration and which have been working closely with the people as members of the church.

The churches already have educational, health and economic institutions. The church institutions can function optimally through regular and accountable funding. The role of the government, therefore, should be as a control institution, which will receive periodical reports from the church. However, the government has ignored the church that has played important roles in the field of education, health and economic empowerment since 5th February 1855 – 2007 (152 years) and since the Indonesian occupation of West Papua for 44 years since 1963 – 2007.

9. INDONESIAN LAW AND JUSTICE IN WEST PAPUA

The native West Papuans are very unfortunate in the state of Indonesia. The native West Papuans have been labelled "separatists" or "OPM" and accused of conducting subversive actions since the 15th August 1962 New York Agreement and the Act of Free Choice in 1969 that forced the native West Papuans into Indonesian occupation.

The West Papuans from the Melanesian race have been hunted, arrested, imprisoned, tortured, kidnapped, and raped, and were taken to the court to face trial. History has proved that the native West Papuans never won any trial and never has justice in an Indonesian court. The native West Papuans are always accused as the ones on the wrong side because of their opposition against the official ruling government. They have even been poisoned to death in the prison and some of them were even killed openly by torture in a very inhuman way. The Indonesian law never defends the native West Papuans.

The expectation of the native West Papuans was that Special Autonomy would guarantee justice and that the law would defend them and their freedom in the court. However, it is very sad to say that in reality that expectation has never been fulfilled. The native West Papuans only experience fake expectations and disappointment.

Based on the law no 26/2000 about human rights court, the National Human Rights Commission has completed investigations into two serious human rights violations (Wamena case and Wasior case) and submitted the report to the Indonesian Supreme court with a letter no 290/TUA/IX/2004 dated 3rd September 2004. The report had details of the suspects and their evidence. Without any clear reasons, the Supreme Court judge returned the National Human Rights Commission's report with a letter no R-209/A/F.6/II/2004 dated 30th November 2004. The National Human Rights Commission, however, sent the report back to the Supreme Court judge because they did not see any clear reason why the report was returned to them. This case shows that the Indonesian government did not have any intention of seriously bringing those guilty of serious human right violations in West Papua to the court. On the other hand, the Wamena case happened after the 1st July 2002 so it entered into force *statuta Rome* and therefore was considered to be brought into International forum/court.

In February 2003, the Indonesian Supreme Court judge pronounced AKBP Dr. Daud Sihombing, ex-commander of Jayapura regional police headquarters and Johnny Wainal Usman, commander of the Papuan regional mobile brigade force as the suspects of the Abepura case. The Supreme Court did not however charge 23 other suspects of the Abepura case who were involved in the Abepura human rights case as had been reported by the Abepura Human Rights Commission.

In addition, the Supreme Court's delay in bringing the suspects to trial was a serious violation of the human rights law no 26/2000 article 24 that says that "The prosecution ought to be conducted no later than 70 days after the time the investigation report was received." The Supreme Court judge has also violated universal principles of the International Civil Rights Covenant of 1966 which states that cases must be tried without undue delay.

After going through a long process, the Indonesian court freed the two suspects of the human rights crime. The court decision showed how the Government of Indonesia in fact never had a genuine intention to bring to justice the suspects of serious human rights violations in West Papua.

10. NATIVE WEST PAPUAN POLITICAL PRISONERS

Special Autonomy law no 21/2001 was expected to protect the basic rights of the native West Papuans and to guard democracy, freedom and peace.

However, Special Autonomy has become a tool for oppressing the native West Papuans. During the time of the implementation of Special Autonomy, the native West Papuans are still living behind bars in Indonesian prisons in West Papua, Makassar, and Java island. The Indonesians are applying the same Dutch colonial approach. In who in the Dutch time, they sent Indonesian freedom fighters to Digul prison in West Papua.

And now, since the time the Indonesians occupied West Papuans, the fighters of justice, peace and human rights have been arrested, punished and imprisoned outside West Papua such as in Makassar and Java island.

Examples of the native West Papuans who are still living inside Indonesian prisons are Filep Karma, Yusak Pakage, Selfius Bobi, and many others in West Papua. Special autonomy law 21/2001 did not bring justice, freedom, democracy and did not respect the native West Papuans' human rights.

11. THE INDONESIAN MILITARY AND THE INDONESIAN STATE POLICE BUSINESS INTERESTS.

In order to keep the integrity of the Unitary State of the Republic of Indonesia, the Indonesian military and police always chase, arrest, torture, rape, kill, and shoot to death the native West Papuans.

The Indonesian military (TNI) is directly involved in various businesses. They are involved in illegal logging, illegal fishing, gaharu wood (the rooted xylem which yield fragrant resinous material), and bring prostitutes who had been infected with HIV AIDS to the native people and especially the people who collect gaharu wood. They are involved in panning for gold and distribution of alcoholic beverages to the native West Papuans. They are also involved in setting up body massage centers, supporting and protecting foreign companies and involved in facing the native West Papuans with violence to take away their lands to be used for their business interests. The involvement of military personnel in illegal business has disabled the legal system. As a result, none of the military officers can be brought to trial. The existence in West Papua of the Indonesian military and police, who are here not only for security reasons but also for business, has created a complex economic conflict.

The truth has been revealed about the relation between the interest of defending the Unitary State of the Republic of Indonesia and the interest of defending the economic advantages of the Indonesian military and police in West Papua. The reality showed that the military and police get advantages from their involvement in both legal and illegal business. Furthermore, their position has become much stronger because business companies (mining and timber companies) request the military and police to ensure the companies' exploitation and theft of West Papuan natural

resources runs smoothly. PT Freeport Indonesia, for instance, spent \$4.7 million US dollars in 2001 and \$5.6 million US dollars in 2002 for “protection fees” during the time when Special Autonomy was supposed to be working to protect the native West Papuans.

Special Autonomy has not given any benefits and is not helping the native West Papuans to have their rights fairly. The most fortunate people who get benefits from Special Autonomy are the Indonesian military, police and migrants.

12. CHINESE AND JAPANESE COMPANIES

The Governor of Papua has not given his opinion or in depth analysis about the operations of foreign companies such as Freeport in West Papua.

The presence of PT Freeport and BP has brought bad impacts to the native West Papuans such as exploitation and destruction of the environment (for example forests and mountains), pollution and poisoning of clean water. Native West Papuans were removed, killed, and lost their land, mountains and clean water forever because Indonesian and foreign companies have taken it all away. However, the Governor did not consider all these things but was still looking for new investors to oppress the native West Papuans and exploit all their natural resources. He is now inviting Chinese and Japanese businesses to come into West Papua.

The Church does not agree with and does not support foreign companies that do not protect the native West Papuans, their land, forests, and mountains. Special Autonomy has brought disadvantages to the native West Papuans.

13. “WEST IRIAN JAYA” PROVINCE & “WEST PAPUA” PROVINCE

The name “WEST PAPUA” is the name that reflects the identity and the true self of Papuans who live from Sorong (in the West) to Merauke (in the East). This is because the Papuan land from Sorong (West Papua) to Samarai (PNG) geographically is one island (New Guinea island) which was divided in the middle with a red line by the colonial powers into two parts; East Papua (Papua New Guinea) and West Papua (formerly called Irian Jaya).

“West Irian Jaya” province was established for military and security purposes, not in the interests of the native West Papuans. Therefore, giving this province the name “West Papua” to replace “West Irian Jaya” was inappropriate and wrong.

14. ENVIRONMENT, INVESTMENT & THE RIGHTS OF THE NATIVE WEST PAPUANS

The Special Autonomy law has not been able to put pressure on or to control or to manage PT Freeport company (the US based company), BP in Bintuni (the British company), Rio Tinto (the British/Australian company), Mr Wong Group (the Malaysian company) and other forest concession companies. The presence of the multinational and national companies has brought negative impacts rather than benefits for the native West Papuans. PT Freeport, Rio Tinto, BP, Mr Wong Group and other forest concession holders have brought heavy destruction to the forests and mountains, and have poisoned clean water with their companies' waste. The native West Papuans who own the land where the mining companies are operating were removed from their land and were not given proper attention. Many of them have suffered and lost their land, forests, mountains and water forever. Company workers were recruited from outside West Papua and for the "protection" of the companies, Indonesian military and police have been placed within the companies.

The environmental destruction will be difficult to restore and rehabilitate. The Mr Wong Group from Malaysia has massively exploited natural resources through illegal logging which has destroyed the environment and wiped out native Papuan flora and fauna such as sago and dammar wood, fish and other unique habitats which are the native West Papuans sources of living.

A series of human rights violations that occurred in this region has created an accumulative injustice which is very disturbing. A special problem that occurred since West Papua was occupied by the Republic of Indonesia was the starting of PT Freeport McMoran Inc.'s copper and gold mining exploitation on the 5th April 1967 in Timika with the approval of the Indonesian government. The gold mining exploitation did not bring any progress to the Papuan people as a whole. Like problems created by other multinational companies, the presence of this company has caused not only environmental destruction but also caused serious socio-economic and socio-political problems. Chris Ballard, an Australian anthropologist, who used to work for PT Freeport Indonesia and Abigail Abrash, a human right activist from the USA have calculated that around 160 people had been killed by the Indonesian military during 1975-1997 in the mining area around PT Freeport Indonesia (New York Times, December 2005).

The West Papuan people's rejection of PT Freeport Indonesia continued simultaneously because the gold mining exploitation did not bring any significant progress to the whole Papuan people. The culmination of protests against PT Freeport was the incident on 16th March 2006, known as "B16M" (Indonesian acronym for 'Bentrokan 16 Maret' / 16 March Riot) in front of Cenderawasih university. It is likely that there were human rights crimes committed against the pro-

testors by legal officials, especially by the police during the chasing, arresting and trial of protestors at the Jayapura court. The court and the judges that examined the case did not do a fair and transparent job. There were 24 suspects sentenced to between 5-15 years imprisonment. However, based on the evidence brought to the court, they were not criminals as accused by the investigator JPU. However, they still got their punishment. On the same day they had their sentence (16th March 2006), the Indonesian mobile brigade and police destroyed Reverend Socratez Sofyan Yoman's (President of the Fellowships of West Papuan Baptist Churches) car with an accusation that Socrates supported and sponsored demonstrations by supplying explosive materials and mineral water.

15. RACIAL DISCRIMINATION

The 16th March 2006 incident gave convincing evidence of racial discrimination. On this day the native West Papuans became the target of the mobile brigade (Brimob) and Indonesian intelligence agents' anger and brutality. Any passing West Papuan pedestrians were beaten, tortured, shot, and experienced other inhuman actions. The migrants, on the other hand, were really free. They opened their kiosk booth, shops, restaurants, and were doing business as usual without any fear. Because the migrants are Indonesians, they received protection from the Indonesian military and police. Reverend Lipiyus Biniluk (Synod chairman of Indonesian Evangelical Church) witnessed several mobile brigade and Indonesian intelligence agents who tortured the native West Papuans. He warned them and said, "Your actions are very racist and discriminative! Are you doing the state's duty or do you want to kill the native West Papuans? Why did you let them (the migrants) laugh freely whilst at the same time behaving so cruelly towards these native West Papuans that you've tortured? You'd better stop your actions before I break your neck!"

The threat of this reverend did help this one case. However, the chase, arrest, and torture of the native West Papuans still continued.

The fact that migrants in all over the Land of West Papua got protection proved the existence of serious racial discrimination. The Indonesian migrants from outside West Papua receive the best treatment. They have land that has been seized from the native West Papuans, their houses, religious buildings, schools, good quality roads and bridges and electricity are all provided for them by the State.

Indonesian Military and police posts have been set up every kilometer and even at every migrant location. Thus, this makes the trans-migrants safe because the Indonesian military and police protect them, whereas the native West Papuans are completely rejected and even killed by being labelled "OPM" (Free Papua Movement), "separatists" and "subversives".

The Special Autonomy law 21/2001 has not improved this situation, in fact, it has increased the police and the migrants and has marginalized the native West Papuans. Indeed, Special Autonomy has been a decision that had brought disaster to the native West Papuans.

The most hurting discrimination towards native West Papuans was when the local government in Manokwari (the town where the first Christian missionaries arrived in 1855) decided to make it a “missionary town” (in which Christian teaching would be enshrined in the local laws). However, the Indonesian Ministers of Religious and Home affairs both prohibited the plan. Why? The Indonesian government does not make restrictions and interventions like this outside West Papua especially in the regions where Muslims are the majority (for example Islamic law is allowed in Aceh).

16. NATURAL RESOURCES AND THE NATIVE WEST PAPUANS' POVERTY

The Land of West Papua from Sorong to Merauke is very rich in natural resources. The native West Papuans live on a land which is very rich with its natural resources. There is gold, silver, gaharu wood, trees, fish, and other unique flora and fauna. There is also rich land belonging to the native West Papuans which grows sago and sweet potatoes. Many of the natural resources cannot be mentioned here.

But on top of this richness, the native West Papuans are poor, not because they are really poor, but because the systems created and applied by the Indonesian government have oppressed and destroyed the native West Papuans. The Special Autonomy law 21/2001 does not guarantee the protection of the native West Papuan rights to survival and to their natural resources.

17. BUSINESS OPERATORS & THE INDONESIAN GOVERNMENT

The Indonesian government gives more support to Indonesia and foreign businessmen to help them exploit the natural resources of West Papua. Native West Papuans are never involved in any business contracts. Instead they are removed with gun violence. The native West Papuans as the rightful owners of the land, forests, and mountains, have been made powerless and hopeless. They have lost their rights over their customary lands. The Government of Indonesia acts as if it is the rightful owner of land and mountains in West Papua and they divide the revenues between themselves and the business operators. Meanwhile, the native West Papuans have become mere observers and witnesses of crime: of the theft of their land and seizure of their resources. Special Autonomy has not fulfilled its promises. It has not protected the rights of the native West Papuans.

18. EXTENSION OF PROVINCES AND REGENCIES

The extension of provinces and regencies in the whole territory of West Papua was an intelligence plan, supported by the military, to destroy the social unity and culture of the native West Papuans (divide and rule). In other words, this is a new form and method of military and transmigration operations.

Unfortunately, the extension of provinces and regencies, which was supposed to accelerate the government's services and give equality in development has in fact, marginalized the native West Papuans and made them even poorer.

The result of the extension of provinces and regencies in West Papua has caused the native West Papuans lose their land. The government claims that the land it has taken will be used to build government offices that will serve the people.

Most ironically, the native West Papuans are not able to compete in the field of government, economy, education and health because the extension of provinces and regencies was implemented without considering local human resource potentials. Therefore the migrants mostly took the new jobs.

Those who occupy important positions in West Papua are 85% migrants, the remaining percentage are the native West Papuans who mostly have very low positions such as porters; they do not make decisions.

In the economic field, the native West Papuans are marginalized and the migrants were dominant.

In addition, there is no serious effort to develop education and health.

In order to protect the extended regions, military and police have been greatly increased. This shows that the extensions of new provinces and regencies are only for security, political and economic reasons, not for the benefit of the native West Papuans.

The goal was to isolate and limit the native West Papuans into each province and regency and therefore it will make it easier to destroy the native West Papuans because they are powerless under a very tight control.

19. CIVIL SERVANTS AND TOP POSITIONS

The Indonesians (migrants) are the ruling class. They occupy all important positions in all regencies and municipalities in Papua and West Irian Jaya provinces. The migrants hold important and strategic positions. Special Autonomy law 21/2001 has not guaranteed important and strategic job vacancies for the native West Papuans, but has given them to the Indonesian migrants who use them to oppress and marginalized the native West Papuans, who are Pacific Melanesians.

During the implementation of the Special Autonomy law 21/2001, the Indonesians reported to the international community that native West Papuans held all

the important positions in West Papua. It is true that the governors, the regents, the mayors, the chairmen of regional houses of parliament and some members of parliament are West Papuans. However, let's have a look at the people that hold positions as deputies, regional secretaries, head of finance departments, head of administration bureaus, head of education departments, and other strategic and important positions in the provinces, regencies and municipalities.

Some real examples:

- Regional Secretary of Papua Province, Drs Tedjo Suprpto, MM (Javanese/migrant) who was inaugurated on the 20th May 2007 to replace Andi Baso Bassaleng (Makassar tribe/Moslem migrant);
- Ibrahim Badaruddin (Ternate/Moslem migrant) holds position as Secretary of the Papuan People Assembly;
- Achmad Hatari (Ternate/Moslem migrant) holds position as Head of Finance department, Papua province;
- Ruslan (Ternate/Moslem migrant) holds position as Treasurer of Papua Province;
- Ali Murdin (Ternate/Moslem migrant) holds position as Head of Treasury department, Papua province;
- Istyanto (Javanese/Moslem migrant) holds position as Head of Financial Verification department, Papua province.

The government argued that certain positions would require professional staff with certain ranks and qualifications. The question is during 44 years of Indonesian occupation of West Papua, what have they done to the native West Papuans? Whom have they prepared to be qualified and professional in order to fulfil the job requirements?

The followings are another example from Jayapura Regency top officials:

- Ir La Achmady, MMT (migrant), second deputy of the regional secretary of Jayapura regency;
- Ir Tunggul TH Sitompul (migrant), Head of Transportation department;
- Drs Mustaming (migrant), Head of Industry;
- Jan Pieter Sondakh, S.Sos, M.Si (migrant), Head of State Integrity and Community Protection department;
- Drs I Nyoman Sutjipta (migrant), Head of Information and Communication department;
- Ir Tasrief (migrant), Head of Plantation department;
- Bintoro, BE (migrant), Head of Cipta Karya (manufacture) department;
- Rachmat Suherman, S.Sos (migrant), Head of Animal Husbandry;
- Ir Amos Hokoyoku (Papuan), Head of Forestry department;
- Drs Alsons Sesa (Papuan), Head of regional training center.

This is a sample taken from Jayapura regency to show that migrants (non-native West Papuans) occupied many of important positions during the Special Autonomy era.

20. ECONOMY & WELFARE

The barometer of the economic progress and the level of welfare of the native West Papuans during the implementation of Special Autonomy must be clear. Some evidence must be provided in order to show the economic improvement of the native West Papuans. Do we see the native West Papuans trading and shopping in the big new shopping centers and luxury buildings? NO, we see native West Papuans on the street with banana leaves covering their goods in front of YASMIN hotel and GELAEL shopping center in the center of Jayapura town. Where is the evidence of economic progress of the native West Papuans during Special Autonomy?

If the picture of the economy of the native West Papuans in town centers already showed terrible conditions such as the picture described above, then, how can we think of the economy of the native West Papuans who live behind the mountains, in the valleys, the highlands and in the coastal areas which are far from towns? The measure of economic progress of the native West Papuans should be viewed from the rural areas and not from the urban areas. However, ironically the conditions in the towns are worse than in rural areas. Workers inside shopping centres, banks, companies, hotels are 99% or even almost 100% dominated by migrants. The native West Papuans are really oppressed, suffering and are marginalized economically in their own regions.

The United Nation Development Project (UNDP) in its millennium development goals in West Papua province, published in March 2007, stated that the human development index of West Papuans was the lowest of all other Indonesian regions. West Papua was the 3rd lowest from 33 provinces in Indonesia. This proves the above assumptions. The number shows that the level of poverty in West Papua is the worst in all Indonesian regions.

Perhaps, the Indonesian government thought there is real development because they associate the establishment of big buildings, luxurious hotels and shopping centres as real development. In Jayapura, we can see supermarkets and shopping centres along the road from Sentani to Jayapura. There seems to be rapid economic development and progress. The question is, however, who is benefiting from this development? Migrants or native West Papuans? (I urge you to look for yourself at the Gelael Shopping Centre in Jayapura and make up your own mind.)

Do we want to regard the native West Papuans who sell their agricultural products along the streets, outside the big shopping centres and hotels such as YASMIN Hotel and Gelael Shopping Centre in Jayapura as economic progress under Special Autonomy?

If the picture described above of economy of the native West Papuans in town centres already shows terrible conditions, then, how can we think of the economy of the native West Papuans who live behind the mountains, in the valleys, the highlands and in coastal areas which are far from towns?

Workers inside shopping centres, banks, companies, hotels are 99% or even almost 100% dominated by migrants.

Who are the owners of the shops, supermarkets, and the top shopping centres?

Who are the workers inside the shopping centres?

Where are the native West Papuans who were removed from their customary lands when their lands were taken for supermarkets and shopping centres?

The native West Papuans are really oppressed and marginalized economically in their own regions.

The Special Autonomy law 21/2001 has brought disaster to the native West Papuans on their own land. During the Special Autonomy era many top hotels have been built in West Papua. The luxury buildings were built in a very short time, only within 5 to 9 months. This repeats the question of whether the construction of top hotels shows the progress and development of the native West Papuans?

Who owns the hotel?

Who works at the hotel?

How much money did the native West Papuans have as compensations for their land that has been used for hotel constructions?

Where have the native West Papuans been moved to in order to survive?

As a result of the above conditions, the native West Papuans have lost everything and their future is dark in their own country. Those who have power over the economy in West Papua are predominantly migrants. They are fully protected and facilitated by the Indonesian military and police.

21. EDUCATION

Educational condition during the time of Special Autonomy is very bad. The future of the native West Papuans who mostly live in coastal areas, highlands, and valleys is dark because they do not have a proper educational service. The UNDP's report published in March 2007 showed that the quality of education in these areas is low because of the lack of teachers and inappropriate educational systems and teaching materials.

This is evidenced by the fact that there is no serious attention to develop better education. The worst situation is that most of the teachers have been recruited as heads of districts and heads of offices in the newly extended regencies. This case occurs in the definitive regencies, which was just extended. It is hard to predict the

future of the native West Papuans. One problem is that more and more teachers leave schools for as long as one year and never return quickly to teach again. Neglect and ignorance in the field of education is one kind of systematic killings of the future of West Papuans.

Ironically, the Indonesian government systematically destroyed the Christian Education foundations that were established by the Catholic and Protestant churches before the Indonesian government occupied and ruled West Papua. These are some of the Christian educational foundations; Catholic Education Foundation, Christian Education Foundation, Evangelical Churches Education and Teaching Foundation, and Adventist Education Foundation. The Indonesian government has established schools in West Papua based on the presidential decrees. These schools are, however, not suitable for the native West Papuans.

22. HEALTH

The quality of health of the West Papuans can be measured from the health of mother and child. UNICEF 2006 data showed that the mortality rate of mothers giving birth in West Papua is the highest in Indonesia. The mortality rate of mother giving birth reached 1,025 per 100.000 compared to the national Indonesian average rate which is 307 per 100.000. This rate of death is the highest in Asia. The cause of the high mortality rate of mothers giving birth is the minimal access to health facilities, low nutrition, and endemic diseases such as malaria.

Child and baby mortality rate is the worst problem in West Papua because this relates to the survival of the native West Papuans in the future. UNICEF reported that the child mortality rate is 50.5 per 1000 births, which is the highest in Indonesia. The Indonesian national rate is 43.5 per 1000 births. The cause of the high mortality rate relates to low nutrition.

Some facts that have occurred during the implementation of the Special Autonomy law:

- The health services does not have a focus. Government doctors run chemist/pharmacy near hospitals;
- Doctors give most Papuan patients' prescriptions, but the patients have to pay for the prescriptions at the doctors' chemist/pharmacy. Most Papuans cannot afford to pay. This raises the question of the Special Autonomy health fund for medicines. How were they spent and who used them?
- During the Special Autonomy era, health problems have become a serious threat in West Papua. Remote regions in West Papua have poor health services because most of health workers prefer to work in towns and refuse to work in the remote areas.

- Ironically, the Indonesian Government has systematically destroyed health institutions funded by churches in West Papua by expecting them to operate without government assistance. Both the Catholic and Protestant churches funded these health institutions in West Papua. Some examples are the Effata Hospital in Anggruk, the Evangelical Christian Churches Health Service Centre and some of its health clinics all over West Papua; Pick Up Memorial Hospital in Pit river (Pirime); Health Services Centre of the Fellowships of West Papuan Baptist Churches with 54 clinics in all Baptist Churches regions in the highlands of West Papua; Immanuel Hospital in Mulia; Indonesian Evangelical Church health Centre with health centres in all their service areas. All these centres have been destroyed by the government's establishment of Community Health Centres which usually lack medical staff, doctors, nurses and medicines.

23. CULTURE

There have been no serious efforts to preserve the native West Papuan culture during the Special Autonomy era. Foreign culture such as Indonesian culture is more dominant than the local culture. Indonesian migrants even control West Papuan culture such as cultural songs, Asmat and Biak carvings. The West Papuan culture has not been preserved and protected. Native languages become extinct because there were no efforts to preserve West Papuan native languages nor to use them as languages of instruction in schools. The existence and the life of the native West Papuans have become commercial commodities and have been massively exploited by migrants. The Indonesian Government through its special forces killed Arnold Clemens Ap, a prominent West Papuan anthropologist. The killing of this leader was the beginning of the killing of West Papuan identity and culture.

24. ILLEGAL LOGGING

Illegal logging is a serious problem in West Papua. There is no clear protection for the native West Papuans as the rightful owners of the forests. The ordinary native West Papuans are powerless to protect their forests from illegal logging because the illegal logging business involves the Indonesian military and police. Special Autonomy has not been powerful enough to protect the native West Papuans and their resources.

25. PROSTITUTION & HIV AIDS

From 2001 prostitution has grown in the form of traditional massage centres in West Papua. More and more sex workers have been transported from outside West Papua and were placed in the traditional massage centres. The fees for the services range from Rp. 700,000 (seven hundred thousand Rupiahs) to Rp. 1,000,000 (one million Rupiahs) per sex worker. The worst situation is that the prostitution centres are located in the local ordinary people's settlements. Data from Jayapura, for instance, show several prostitution centres such as:

- Traditional Queen men and women massage and karaoke center in Waena–Jayapura;
- Timung Krisna massage and karaoke in Sentani street No. 38A, Waena–Jayapura;
- Ayu Asih Traditional Massage Centre for men and women and Karaoke centre behind Mega shopping centre, Waena–Jayapura;
- Waikiki Traditional Massage, near Relat Hotel Jayapura;
- Ibu Tuti Traditional Massage, Jl. Kelapa Dua Entrop Jayapura;
- Timung Darmo Men and Women traditional Massage, Jl. Kelapa Dua Entrop–Jayapura;
- Timung Srikandi Traditional Massage and Karaoke, Jl. Kelapa Dua, Entrop–Jayapura;
- Timung Anggrek Men and women traditional massage in Expo, Waena–Jayapura;
- Timung Dewi Traditional Massage and Karaoke in Jalan Baru Youtefa, Hamadi–Jayapura;
- Timung Srikandi, Ruko Jupiter Blok B/15 Sorong, Jayapura Branch I, JL SMU 45 Entrop–Jayapura. Facilities: Standard room, VIP room, steam bath, rheumatism and fatigue therapy.

26. ALCOHOLIC DRINKS

The distribution of alcoholic drinks to West Papua has increased during the time of the Special Autonomy. Certain labels of alcoholic beverages have been continuously distributed to West Papua. There have been no efforts from the Indonesian Government to stop the distribution of alcohol to West Papua. The government says that it increases regional income. The question is which is more important, regional income or the life of human beings? The reality shows that native West Papuans die every day because of drunk driving. This has increased the number of death of the native West Papuans. The Indonesian Government seems to allow such a situation

to happen in order to kill the native West Papuans slowly through certain ways such as alcoholic drinks.

27. DEPOPULATION OF NATIVE WEST PAPUANS

Uncontrolled migration of migrants to West Papua or the controlled one such as transmigration program has radically changed the composition of the West Papuan population. Moreover, the UNICEF and UNDP reports, showing that the mortality rate of mother and child is still very high, proves that depopulation of the native West Papuans is a serious problem.

This situation happens in all parts of West Papua especially in Sorong, Merauke, Timika, Jayapura, Kerom, Nabire, Biak, Manokwari, Serui and Puncak Jaya.

The current composition of the West Papuan population is 30 % native West Papuans and 70 % migrants. The native West Papuans have been marginalized in all aspects of life.

In order to protect the native West Papuans through integrated and sustainable programs, a population census is crucial to identify clearly the number of native West Papuan and migrant populations.

During the Special Autonomy era, the number of migrants who have traveled to West Papua by Royal Line passenger ships is 5000 people every week. This number does not count the number of migrants who came to West Papua by air planes every day.

Recently Dino Kusnadi, a spokesperson for the Indonesian Embassy in Australia told SBS TV that Indonesian citizens are free to move wherever they want including places such as West Papua. The question is whether the native West Papuans also are free to move/migrate to Bali or Aceh and could get regional identity cards from the local governments because they are also Indonesians? Why are the screening/clearance examinations towards visitors who enter these regions much stricter and why is the length of stay limited only to a short period?

28. ETHNIC GENOCIDE

We as churches in West Papua have deep concern over our own observation and experiences of the Indonesian government's development programs which have been turned into killing efforts and systematic destruction of the native West Papuan for almost 44 years since 1st May 1963 to 2007. The systematic destruction has been conducted deliberately and also indirectly through the process of allowing things to happen.

Therefore, in this report we have tried to reveal the true situation in West Papua which has led to a systematic ethnic genocide of the native West Papuans. The Special Autonomy law no 21/2001 has brought sufferings and disasters for the future of God's native people in West Papua.

Our deepest concern is supported by Mr Juan Mendez, a Special Adviser to the UN Secretary-General on the Commission for the Prevention of Mass Killing of Native People, who made a statement on 26th January 2006 that "West Papua is a region in great danger because its native people are becoming extinct because of the genocide; Indonesia prohibits experts or human rights observers and researchers from monitoring the human rights situation which has been very worrying in West Papua. There is evidence that human rights violence has been committed in West Papua since 1963".

The deepest concern about the genocide threat in West Papua has been raised in the research of Yale University, USA released on 10th December, 2003 and the research report released by the Centre for Peace and Conflict Studies, Sydney University, Australia on 18th August 2005 which indicated very strongly that a systematic ethnic genocide of the native West Papuans is taking place.

All the above descriptions give impression to us that the Special Autonomy law 21/2001 was only a tool to achieve the objectives of the two secret documents mentioned on the first page of this report. The Special Autonomy fund and policies have been used to achieve the objectives of the two documents.

We as churches in West Papua who have experienced and witnessed the Indonesian government's systematic killings and allowing the destruction of the native West Papuans' future for almost 44 years from 1st May 1963 to 2007 wish to express our deepest concern about the situation. As a Church, we honestly say that the implementation of the Special Autonomy law no 21/2001 HAS FAILED to be conducted honestly and consistently by the Indonesian Government. Based on this dangerous experience, the churches of West Papua express our deepest concerns and request the international community to take preventive actions to protect and save the future of God's native people of West Papua.

Recommendations and Solutions:

1. An honest and peaceful dialogue, the same as in Aceh's case, with a neutral third party to mediate the dialogue, requested and agreed upon by both the native West Papuans and the Government of Indonesia.
2. All aid and funding from donor countries such as the USA, European Union, Australia, New Zealand and other countries for the implementation of Special Autonomy needs to be frozen until the Government of Indonesia opens itself for a dialogue with the native West Papuans.

3. The international community must put pressure on the Government of Indonesia to open access for human right workers from the United Nations (a UN Special Rapporteur [on the killings and torture]), foreign journalists, researchers from abroad, and human rights and peace NGOs to visit West Papua. If the Government of Indonesia does not allow the international community to visit West Papua, then, we have to question it. What are the Indonesians trying to hide in West Papua? What are they doing to the native West Papuans?
4. The governments of the USA, European Union, Australia, and other independent states in the international world must NOT to use the slogan “supporting and maintaining the territorial integrity of the Unitary State of the Republic of Indonesia”. Such statements have justified and supported the impunity of the Government of Indonesia toward the native West Papuans.
5. The churches in West Papua must push the Government of Indonesia to recognize West Papua as a LAND OF PEACE. That recognition must be followed by real actions such as the withdrawal of non-organic military forces, stopping all installations of military posts, stopping the addition of members of battalions, stopping the militia groups and stopping business carried out by the Indonesian military (legal and illegal) in West Papua.

“Blessed are those who bring peace, for they will be called children of God.”
(Matthew 5:9).

CHURCH LEADERS (who signed this Report):

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Annex II

HUMAN RIGHTS WATCH

Indonesia. Out of Sight. Endemic Abuse and Impunity in Papua's Central Highlands
Extracts from the report of July 2007, Volume 19, No. 10 (C)

(The entire report can be downloaded at <http://hrw.org/reports/2007/papua0707>)

The Indonesian territory of Papua occupies the western half of the island of New Guinea. Originally one province in the republic, in 2003 it was controversially divided into two new provinces. The new province of West Irian Jaya now occupies the western part of the region with a new provincial capital of Manokwari. The new province in the eastern half is still called Papua, with Jayapura still serving as the provincial capital. Plans for a proposed third province named Central Irian Jaya, have been postponed. On April 18, 2007, the name West Irian Jaya was changed to West Papua. As used here, Central Highlands refers to the districts along the mountainous “spine” of the eastern province of Papua: the districts of Jayawijaya, Puncak Jaya, Mimika, Tolikara, Yahukimo, Pegunungan Bintang, and Paniai.

I. Summary

The performance of security forces in the Central Highlands region of Indonesia's Papua province is an important barometer of the success of security sector reform efforts in the country more generally. Outside scrutiny is minimal and the security challenges are pronounced—pro-independence guerrillas have long been based in the region and public resentment of Indonesian authorities and institutions continues to simmer. The Central Highlands show how security forces act when hidden from public view.

For this report, Human Rights Watch investigated 14 cases of alleged human rights violations in the region, interviewing more than 50 victims, witnesses, and family members of victims. Government limits on access and the rugged terrain of the region posed unique obstacles to research and follow-up as needed what we found gives serious cause for concern.

Among our key findings are that while civilian complaints of brutal treatment by soldiers continue to emerge, police officers rather than soldiers are responsible for most serious rights violations in the region today. We found that both army troops and police units, particularly mobile paramilitary police units (Brigade Mobil or Brimob), continue to engage in largely indiscriminate village “sweeping” operations

in pursuit of suspected militants, using excessive, often brutal, and at times lethal force against civilians. Another finding is that even in routine policing, officers sometimes use excessive force.

Underlying these mostly violent abuses is a culture of impunity. Members of the security forces continue to act as if they are above the law because, in fact, they rarely are prosecuted even when they commit the most serious of crimes. In the 14 incidents documented in this report—which include eight alleged killings, two rapes, and many cases of ill treatment and torture—at writing, only one member of the security forces had faced prosecution, and that was before a military court; a low ranking officer was sentenced to eight months in prison for killing a 16-year-old Papuan high school student. To our knowledge, no Brimob or regular police officers have been investigated or prosecuted for their role in the remaining seven killings. No officers have been charged in either of the two rape cases in which police were implicated. No officers have been charged in connection with the cases of alleged police ill-treatment we documented. This report thus documents what appears to be the near total absence of accountability for members of the security forces who commit abuses in the Central Highlands.

The Central Highlands region for years has been the site of tense confrontations between Indonesian police and military units and small cells of Organisasi Papua Merdeka (OPM, known in English as the Free Papua Movement) guerrillas. The pro-independence guerrillas have conducted repeated low-level armed attacks against Indonesian security forces, while Indonesian security forces, fearful of a repeat of the successful movement for independence in East Timor, have conducted regular sweeping operations to search for OPM guerillas or their supporters. These operations have typically involved looting, destruction of property, and in some cases harm to civilians and displacement. Public support for the guerrillas is perhaps stronger in the Central Highlands than anywhere else in Papua.

Some proponents of Papuan independence have alleged that Indonesia is carrying out genocide in the Central Highlands, while others claim that serious human rights violations are a thing of the past. The reality is that surprisingly little is known about what is happening in many parts of the region. One reason is that this region is a large, mountainous, inaccessible, and sparsely populated area with little modern infrastructure. News can take days to reach towns if it reaches them at all.

A more important reason is that journalists, human rights workers, and even diplomats are barred from entry to the area without permits, which are hard, at times impossible, to obtain. Outsiders who do visit are able to do so only very irregularly and under tight surveillance by authorities. This means that little solid information comes out, creating fertile ground for rumors and unfounded speculation. The lack of reliable factual accounts means that unfounded rumors circulate with much the same potency as accurate accounts. The prominence of misinformation

has served only to magnify the Central Highlands' reputation as a hotbed of dissent and abuse.

While Indonesian security forces have improved their practices in some important respects in the provinces of Papua and West Papua, the situation remains of serious concern, particularly in the highlands. Security forces often presume civilians to be linked to, or vicariously responsible for, acts by the OPM.

During the course of this research Human Rights Watch documented eight confirmed and five other possible extrajudicial killings since 2005, all involving members of the police, and one for which members of the Tentara Nasional Indonesia (TNI), the Indonesian military, appear to be primarily responsible. We documented two rapes, one by a TNI soldier of a child, and another by Brimob officers.

In 10 of the 14 cases documented in this report, members of the police force were the perpetrators. Several victims told Human Rights Watch about their forced displacement due to sweeping operations by Brimob and army units, and were eyewitnesses to the deaths of nine civilians (two children and seven adults), most likely caused by exposure to diseases such as malaria and lack of access to medical treatment during displacement.

As noted above, many of the most serious violations we documented occurred as the police conducted sweeping raids through the communities believed to have hosted OPM leaders, or in areas where the OPM had allegedly led attacks upon security forces. In 2005 the operations caused the dislocation of thousands of villagers fleeing in fear to the mountains. This displacement restricted peoples' access to food, medical treatment, and other basic services such as education and access to livelihoods.

Extrajudicial killings and ill-treatment also occurred when regular police and Brimob units used disproportionate or excessive force to break up or control gatherings of people. In one of the cases, victims were individuals trying to fly the "Morning Star," the Papuan independence flag. The Indonesian government remains highly intolerant of even peacefully expressed pro-independence sentiment. Those involved in Morning Star flag-raising or other peaceful expressions of aspirations for independence are dealt with harshly.

Police officers appear to regularly commit abuses while carrying out ordinary police tasks, including arrest and detention of suspects for non-political crimes. This kind of daily abuse appears to be a reflection of the heavy security presence, the lack of meaningful consequences for offenders, and the general state of lawlessness in the area. Many of these violations took place when officers were not on official duty but in pursuit of private business or other ventures.

Human Rights Watch found that rape and other sexual violence against women and girls by security forces is a continuing problem. Such attacks, as well as the broader fear such attacks generate, shape the daily lives of women and girls in the Central Highlands region.

Many of the ordinary yet disturbing abuses we have documented arise primarily due to the impunity extended by the state to human rights violations by security forces in Papua and Indonesia more generally. Confidence of impunity is enjoyed by members of the security forces when they can abuse basic rights knowing that the risk of being held to account is negligible.

The vast majority of suspected perpetrators identified in this report are police officers (the majority are non-Papuan). This is a perceptible change from previous eras when members of the military committed the vast majority of serious human rights violations in Papua.

It appears that police and military members commonly abuse their power because they can do so, confident that no sanction or penalty will follow. They are, for all intents and purposes, above the law. When agents of the state, responsible for human rights protection, become its violators, there is a serious breach of public trust. Failure to rein-in abusive police and soldiers undermines the rule of law and the legitimacy of the state itself—in this case a state that still has much work to do to persuade Papuans of the benefits of citizenship. Much more attention needs to be paid to ensure that police re-direct their resources and energies to effective community protection and service.

II. Key Recommendations

Human Rights Watch urges the Indonesian government to:

- Allow unfettered access for diplomats, journalists, and human rights organizations to all parts of the two Papuan provinces. Increased access to information will ensure more balanced and accurate reporting and allow problems such as police abuse to be identified and tackled rather than fester and contribute to continuing tensions in Papua;
- Investigate all cases, including those presented here, involving allegations of abuses by the police or soldiers. Where the information justifies prosecution, the cases should be brought before civilian courts under the criminal law and not be dealt with solely as disciplinary offences to be resolved by internal police or TNI mechanisms;
- Suspend from active service all police officers being investigated for human rights violations, pending the final determination of any legal proceeding. Authorities should dismiss officers found responsible for human rights violations;
- Provide victims of sexual violence with appropriate and timely health services. These services should include counselling, emergency contraception, and post-exposure prophylaxis (PEP) to prevent HIV-transmission, voluntary testing, and treatment for those affected with HIV/AIDS.

Annex III

The International Crisis Group

Papua: The Dangers of Shutting Down Dialogue

Asia Briefing No. 47, 23 March 2006

The entire report can be downloaded at www.crisisgroup.org/home/index.cfm?id=4042

There is serious risk the long-awaited Papuan People's Council (Majelis Rakyat Papua, MRP) is about to collapse, only five months after it was established, ending hopes that it could ease tensions between Papuans and the central government. The MRP was designed as the centrepiece of the autonomy package granted the country's easternmost province in 2001. Almost as soon as it came into being, however, it was faced with two major crises – stalled talks over the legal status of West Irian Jaya, the province carved out of Papua in 2003, and violence sparked by protests over the giant Freeport mine – while Jakarta marginalised its mediation attempts. To revive genuine dialogue and salvage the institution before autonomy is perhaps fatally damaged, President Yudhoyono should meet the MRP in Papua, thus acknowledging its importance, while the MRP should move beyond non-negotiable demands and offer realistic policy options to make autonomy work.

Papuan leaders had envisaged the MRP as a representative body of indigenous leaders that would protect Papuan culture and values in the face of large-scale migration from elsewhere in Indonesia and exploitation of Papua's natural resources. Jakarta-based politicians saw it as a vehicle for Papuan nationalism and deliberately diluted its powers, then delayed its birth. By the time it emerged, the province had been divided into two, many Papuans were disillusioned with autonomy and some were already questioning how the MRP could function under such circumstances.

The MRP's authority remains uncertain. If it can manoeuvre its way through these two crises, it may yet be able to take on other outstanding grievances and become what Papua has always lacked, a genuinely representative dialogue partner with Jakarta. If it fails, not only will its own legitimacy be diminished, but local resentment against the central government will almost certainly increase.

The signs are not good. As negotiations between the MRP and the central government were underway to resolve the disputed legal status of West Irian Jaya (Irian Jaya Barat, IJB), Jakarta suddenly authorised gubernatorial elections there, cementing its status as a separate province outside autonomy. The MRP, despite its hard-line rhetoric, had begun to show signs of willingness to compromise, but rather than

reciprocate, the central government sidelined it. The MRP is now grappling with whether continued negotiations are possible, and if not, whether it should disband. But with large local turnout in the West Irian Jaya elections, and the local support that implies for the province, the bigger question is whether the MRP is still a relevant actor.

Meanwhile, student-led demonstrations in Papua and by Papuan students in Java and Sulawesi demanding closure of the Freeport mine in Timika and the withdrawal of military forces there, which had been escalating since late February, culminated in a violent clash in Abepura on 16 March, in which four police and an air force officer were killed and several civilians seriously injured. The subsequent police sweeps have been heavy handed, and the atmosphere remains tense. The MRP's attempts to engage the central government on this issue were quickly brushed aside.

Successful MRP mediation of these tensions is becoming more crucial as the chances of it happening become more remote. The MRP has not made its own case any easier but it is now up to the central government to bring it back on board. If sufficient trust can be reestablished to resume dialogue, a compromise on West Irian Jaya is still possible, building on the baseline consensus reached by the central government and top Papuan provincial leaders in late November 2005. The essence of that agreement was that Papua would remain a single economic, social, and cultural entity, regardless of the administrative division. That is, there would be a single MRP, and the autonomy funds from the central government and revenues raised in each province from resource exploitation – from the gold and copper of the Freeport mine in Papua and from the BP natural gas project in West Irian Jaya – would be shared by both.

Since the elections, the MRP's bargaining position has been further weakened, but it is critically important now to reach a compromise on the issue – not just in the interests of resolving two crises, but to make the MRP a functioning institution. Failure to bolster the MRP would almost certainly deal a fatal blow to an autonomy package in which many Papuans are already losing faith. Given the current volatility in Papua, it is in everyone's interests to make sure this does not happen.

Jakarta/Brussels, 23 March 2006

Annex IV

Recognition of customary rights in Papua

Creating the basis for poverty reduction and growth in the forest sector

An overview in key words

AGUS SUMULE

Forests exploitation and customary peoples in Papua

- De facto, almost the whole of Papua is regulated by customary law communities, spanning approximately 262 language groups.
- Customary ownership consists of clearly defined territorial units, held in common by community institutional structures with their own management systems.
- Customary peoples remain highly dependent on forest resources. Fieldwork by the Provincial Forest Office shows that around 40% of cash and 30% of subsistence needs are met by forests.
- 70% (or ~39 million hectares) of Papua is classified as National Forest Estate.
- However, forest law and policy does not recognise the existence of or work with customary peoples as de facto owners of the forest resource.

Customary rights have been overridden in the allocation of land for commercial concessions, conservation areas as well as conversion.

Inequitable benefit-sharing

- Weak transparency with respect to forest sector revenues mean that few of the profits from the timber industry feed back to communities on the ground.
- Timber concessions are required to provide mandatory compensation (per m3) and community development (PMDH). But weak monitoring means that only a few people benefit and many communities are left disappointed.

Poverty in the midst of wealth...

- The forestry sector is Papua's second biggest revenue earner at 5.24% of total export values (or 59,43% of export values without the Freeport mine).
- Yet forest areas in Papua are characterised by the highest per capita rates of poverty in Indonesia
- 90% of villages in forest areas can be categorised as poor in terms of village infrastructure (health, education etc), compared to 76% of villages outside forest areas) (BPS 2003)
- 69.69% of households inside forest areas are estimated to be poor compared to 55% outside (BKKBN, 2003)

Growing forest-sector conflict

- Customary peoples remain marginalised from forest-sector development; fuelling escalating and (often violent) conflict.
- Partly as a result of conflict, of 68 concessions in 1984, only 23 are now active.
- Without recognition of adat rights, support for community empowerment and monitoring of benefit-sharing, companies and communities are finding it hard to reach agreement.
- The ultimate victims are local communities, due to environmental degradation and loss of long-term income-generating opportunities.

The need to recognise customary (adat) rights

- The mechanisms for negotiating land-use allocation with de facto customary owners are not yet in place.
- The Basic Agrarian Law (1960) and Resolution of the Indonesian Upper House TAP MPR IX/1999 provide for communal titling of customary lands. This has never been implemented.
- Law 41/1999 on Forests considers customary (adat) forest as just one part of the National Forest Estate. It only recognises private forests as those with private individual title.
- Art 67 of Law 41/1999 mandates a regulation on adat forests to be passed. Again, this has never been implemented.

Opportunities presented by Special Autonomy

- Special Autonomy granted to Papua in 2001
- Articles 38 and 42 of Law 21/2001 on Special Autonomy mandates the protection and economic empowerment of customary law communities.
- It also requires natural resource management to be regulated through the issuance of Provincial Special Legislation (Perdatus).
- Implementation had been delayed by political foot-dragging. The Papua People's Council (necessary to approve Perdatus legislation) was only established in December 2004.

Attempts to recognise adat rights – IPKMA

- In 2002, the Provincial Government of Papua used its Special Autonomy powers to begin issuing 1000ha annual community logging licenses (IPKMA)
- Its intentions were good: (i) tackle growing conflict; (ii) allow communities to transact directly with the private sector – a position which they had never enjoyed before.
- However, IPKMA was designed without proper legal analysis and an enabling Perdatus, and without adequate social and environmental safeguards.

- Failed to provide a long-term solution. 1000ha annual licenses were beyond the capacity of many communities to manage.
- IPKMA licenses were easily ‘captured’ by external timber syndicates, leaving customary communities as passive by-standers.

‘Operasi Hutan Lestari’

- The Environmental Investigation Agency exposed massive abuse of IPKMA licenses by illegal logging syndicates (‘The Last Frontier’, 2005).
- In March 2005, IPKMAs were declared illegal by the Ministry of Forests in Jakarta.
- A massive law enforcement crackdown ‘Operasi Hutan Lestari’ targeted both illegal logging syndicates as well as local communities with valid IPKMA licenses.
- The Ministry of Forest did not provide customary communities with a viable alternative, and once again exist in a legal vacuum without access to legal timber markets.
- Where dependency on forest resources is high this has serious implications for poverty reduction.

New solutions

- Following the withdrawal IPKMA in March 2005, the Provincial Government of Papua has been working actively to seek new solutions under Special Autonomy for recognition of customary rights to manage forest resources.
- The Provincial Government is now developing a Special Provincial Law (Perdatus) on Sustainable Forest Management with Papuan Customary Law Communities.
- This provides a more secure, sustainable basis for community-based forest management.

The Special Provincial Law (Perdatus) on ‘Sustainable Forest Management with Papua Customary Law Communities’

- Adapts the national legal framework on forests (Forest Law 41/1999 and Regulation PP6/2007) to the requirements of Special Autonomy.
- Mandates the recognition of customary land rights as the basis for long-term investment security and a fairer share of benefits for customary peoples.
- Regards customary peoples as long-term forest managers, with rights and responsibilities to plan, implement and monitor forest management.

Important aspects regulated by the Perdatus on Forests

- Participatory mapping as a tool for determining ownership and land-use negotiation.

- Community forestry management units (KPH-HKM), managed using the ‘eco-forestry’ approach developed in PNG as an alternative to IPKMA.
- Re-designation of commercial concessions (HPH) in line with customary land-use and forest potential to tackle long-term conflict.
- Development of home industries (increasing value-added for customary forest managers).
- Public control mechanisms (access to information ombudsman, third-party auditors, involvement of customary communities in monitoring, a Papuan Forestry Council including customary representatives)

Mitigating the effects of biofuels development

- In light of previous experience with illegal logging, the timber sector is seen as high risk.
- Investors are shifting their interests to biofuels, with planned large-scale land conversion for biofuels (over 1 million ha for oil palm, sago and cassava).
- The *Perdasus* on Forests will play a key role in mitigating its effects by providing a basis for:
 - Recognition of customary land rights.
 - Negotiation of land allocation and use with customary owners.
 - Enhanced social and environmental due diligence.

Conclusion

- There is an urgent need to begin piloting the implementation of the *Perdasus*; five key sites have been identified, including those affected by bio fuels development.
- Its success depends on the support of both Central Government and the international donor community.
- If there is no genuine political will to implement Special Autonomy for Papua, customary communities will remain poor and marginalised.