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# Chapter 1

## Introduction

### 1. Rationale

The two years of study at the University of Waikato have led me to a growing fascination with the field of human security, particularly globalization, environment and development politics along with the policies, ethnic conflicts and indigenous affairs in Southeast Asia. In particular, Dr. Keith Barber, who specializes in contemporary ethnic conflicts and rural/urban settlements in Papua New Guinea and West Papua, has influenced my interest in the ongoing conflict occurring in West Papua which contains issues regarding globalization, environmental justice, development politics and policies, ethnic conflict and indigenous rights.

Also, it is revealed in this thesis that West Papua was unwillingly incorporated into the Indonesian Republic. As a result, West Papuans have lived under unacceptable oppression and human rights violations conducted by the Indonesian state, the Indonesian Military (*Tentera Nasional Indonesia-TNI*), the Indonesian enterprises and the multinational companies (MNCs) such as Freeport McMoRan.

I have been long concerned about the human rights situation in Indonesia, especially in West Papua where human rights abuses by both multinational corporations and the TNI are concentrated. These violations of human rights are the result of conflict over the rich natural resources contained there. The revelation of recent human rights situations in West Papua by the Indonesian Human Right Committee

(IHRC) fuelled my concern and desire to contribute to moving the situation forward by investigating the issues and exploring possible solutions through academic research. In fact, the Western Highlands of West Papua, where Freeport McMoRan operates, has been one of the areas where the human rights violations have been concentrated. Yet, only a limited amount of research has been done regarding the Freeport's social policies and the prospect of settling the dispute within its mining area. Thus, it was these factors that led me to further research on this area.

## **2. Background (About West Papua, West Papuans, Freeport McMoRan and Amungme and Kamoro)**

This section first provides concise information about West Papua and West Papuans and then introduces the Freeport McMoRan mining company and the Amungme and Kamoro communities. West Papua is the western half of the New Guinea island. It is located in the bottom of Southeast Asian region, north of Australia and north-west of New Zealand. It was first colonized between 1828-1962 by the Netherlands and then from 1963 by Indonesia. A central West-East trending mountain range dominates the geography of New Guinea island. The island measures a total length of over 1600 km and its western region is about 100 km across and 600 km long.<sup>1</sup> Both the north and west parts of West Papua include mountains, measuring 1000 to 2000 m above sea level, and is covered by a significant amount of rain forest with warm humid climate throughout the year.<sup>2</sup> There are several precipitous mountains which reach up to 5000 m high along the range (including the Puncak Jaya,

<sup>1</sup> West Papua New Guinea National Congress. In *West Papua Today You could be Murdered (Shot), Jailed, Tortured, Tried and Convicted of Treason and Jailed for 20 Years for Carrying Out or Even Attending or Observing Such Activities*. 2006. <http://www.wpngnc.org/flagraising.htm>

<sup>2</sup> Ibid.

the highest mountain on the New Guinea island) and this provides a stable supply of rain from the tropical atmosphere.<sup>3</sup> West Papua has 40 islands, 12 lakes and 40 major rivers.<sup>4</sup> The Mamberamo river occasionally referred to as the 'Amazon of Papua' is the largest river in West Papua and runs through the northern part of the area.<sup>5</sup> The border with Papua New Guinea (PNG) follows the 141 meridian with one section defined by the Fly River.<sup>6</sup> The border is usually undefended, and due to this, it has witnessed a significant number of illegal aliens and refugees crossing over to PNG to escape from the colonialists.

In terms of demography, the total population of West Papua was approximately 2,646,489 in 2005.<sup>7</sup> The two biggest cities in West Papua are the provincial capital of Jayapura, in the northeast, and Sorong in the northwest of the Bird's Head Peninsula. Both cities contain around 200,000 people.<sup>8</sup> The indigenous people of West Papua are Melanesian, being genetically disposed to curly hair and black skin. There are approximately 312 different tribes, including unknown tribes who inhabit the interior of the territory.<sup>9</sup> They normally have a root crop subsistence agriculture based on taros and sweet potatoes. At the same time, people in the swamps and lowlands, acquire their starches from sago palm which provides a substantially generous gain for an extraordinary little effort. The introduction of domestic and feral pigs in West Papua from Southeast Asia was an event which had enormous cultural significance for West Papuans. These pigs are generally regarded as family members. In some places, they follow women to the gardens everyday when they are weaned.

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<sup>3</sup> Ibid

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Omnipelagos. *Western New Guinea*. 2006. [http://www.omnipelagos.com/entry?n=western\\_New\\_Guinea](http://www.omnipelagos.com/entry?n=western_New_Guinea)

<sup>8</sup> Ibid.

<sup>9</sup> Survival International. *Amungme*. 2006. [http://www.survival-international.org/tribes.php?tribe\\_id=15](http://www.survival-international.org/tribes.php?tribe_id=15)

Archaeologists estimate that the ancestors of the West Papuans arrived around 6,500 years ago.<sup>10</sup> While people in other parts of the world still lived through a foraging economy, West Papuans had already started gardening. Until recent times, many of them lived within a simple Stone Age culture, decorating their bodies with animal skins, bird feathers, pig tusks, shells, and paintings with little clothing.<sup>11</sup> Some of the more isolated tribes still have almost no communication with the outside world. Finally, as in some adjacent east Indonesian provinces as well as Papua New Guinea, the majority of West Papuans are Christian. In the 2000 census, 54 percent of the population identified themselves as Protestant, 24 percent as Catholic, 24 percent as Muslim, and less than 1 percent as either Buddhist or Hindu.<sup>12</sup> There is also considerable practice of animism, but this is not recorded by the census.

The focus turns now to Freeport. Freeport McMoRan is the mining company which originates in Louisiana, the United States (U.S.). Freeport signed its Contract of Work (CoW) with the Indonesian state in 1967 and has operated since. However, during the last four decades since the company started its mining operation, its operation has had enormous environmental and social impacts on the adjacent areas and Amungme and Kamoro communities who have inhabited in its operating area. Situated in the Western Highlands of West Papua, Freeport works together with the Rio Tinto company of the United Kingdom (UK), the biggest mining company in the world, manage Mt Grasberg, which is the third largest copper mine and the largest gold mine in the world.<sup>13</sup> The mountain is abundant with gold and copper stocks worth at least U.S.

<sup>10</sup> Peter van der Heijden. *Papuans in Netherlands New Guinea*. 2005. <http://www.vanderheijden.org/ng/papuas.html>

<sup>11</sup> Ibid.

<sup>12</sup> Omnipelagos. *Western New Guinea*. 2006. [http://www.omnipelagos.com/entry?n=western\\_New\\_Guinea](http://www.omnipelagos.com/entry?n=western_New_Guinea) [http://en.wikipedia.org/wiki/West\\_New\\_Guinea](http://en.wikipedia.org/wiki/West_New_Guinea)

<sup>13</sup> Gedicks, A. *Resource Rebels*. South End Press: Cambridge, 2001, p. 92.

\$40 billion.<sup>14</sup> It is estimated that one billion tonnes of ore are contained in Mt Grasberg which are expected to last for a maximum twenty years.<sup>15</sup> In 2005, Grasberg mine generated 3, 410,000 oz of silver, 273,900 tonnes of copper and 1,676,000 oz of gold and the company's net income in that year was US \$995.1 million.<sup>16</sup> The company has also been the highest tax payer to the Indonesia. According to the company, it has provided more than U.S. \$33 billion in indirect and direct benefits, including fees, dividends, royalties and taxes, to Indonesia from 1992 to 2004 and \$1.2 billion in 2005.<sup>17</sup> However, only 13 per cent of the Indonesian state revenue from Freeport currently goes to West Papuan provincial and local governments and very little benefit has gone to the West Papuans until today.<sup>18</sup>

The Amungme (highlanders) and Kamoro (lowlanders) are the native landowners of the Tembagapura and Timika areas of West Papua where Freeport has operated gold and copper mining and constructed the infrastructure. Currently, approximately 13,000 Amungme including around 4,300 in the Freeport operating area, live in the highlands of West Papua.<sup>19</sup> They engage in a nomadic agriculture, sustaining their livelihood by gathering and hunting. The Amungme have very strong ties to their ancestral land and regard the adjacent mountains as sacred.

The Amungme's first contact with Westerners was in 1912, when the Alexander Wollaston led Dutch climbing expedition was accompanied by an Amungme clan guide into the area, and arrived at the base of the Puncak Jaya glacier. Believing that these

<sup>14</sup> Australia West Papua Association. *West Papua Information Kit*. 1995. <http://www.cs.utexas.edu/users/cline/papua/core.htm>

<sup>15</sup> Ibid.

<sup>16</sup> Down to Earth. *Freeport-Rio Tinto: New Reports Expose Impacts Investors*. No 69, May 2006. <http://dte.gn.apc.org/69fd4.htm>

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Survival International. *Amungme*. 2006. [http://www.survival-international.org/tribes.php?tribe\\_id=15](http://www.survival-international.org/tribes.php?tribe_id=15)

Leith, D. *The Politics of Power. Freeport in Suharto's Indonesia*. University of Hawaii Press: Honolulu, 2003, pp. 95-96.

strange new people would guide them to a mystical place with the promise of perpetual life, many Amungme accompanied the expedition down to the lowlands, only to result in whole families and communities dying from illness such as malaria.<sup>20</sup> Contact with outsiders did not occur again for the next two decades until 1936, when a Jean-Jacques Dozy led Dutch expedition climbed the glacier. These Westerners once again visited hundreds of Amungme villages, and the welcoming Amungme guided them to Puncak Jaya glacier. Yet, large numbers of Amungme who accompanied the second expedition to the lowlands died again through illnesses. The Amungme then from the early 1940s initiated contact themselves with missionaries in the lowlands, though these missionaries did not reach the remote Amungme villages until the 1950s. Due to the small number of inhabitants and the inaccessibility of its territory, the Dutch colonial authorities (1828-1942) made only occasional medical visits to the Amungme's territory accompanying the missionaries.

In contrast, approximately 15,000 Kamoro, including around 8,000 in the Freeport operation area live in the lowlands of West Papua.<sup>21</sup> Surrounded by the world's richest mangrove area, Kamoro live a semi-nomadic life-style, shifting their few belongings between the excellent fishing areas near the coast and the sago palm forests (which begin at the furthest inland extension of the tidal zone).<sup>22</sup> The Kamoro made first contact with foreigners much earlier than Amungme. For several centuries Kamoro suffered with slave traders coming from adjacent islands and endured fierce attacks from the Asmat headhunters in the east.

<sup>20</sup> Leith, D. *The Politics of Power. Freeport in Suharto's Indonesia*. University of Hawaii Press: Honolulu, 2003, p. 85.

<sup>21</sup> Muller, K. *The Kamoro People of the South Coast of Irian Jaya (Papua)*. 2000. From Papua Web. <http://www.papuaweb.org/dlib/tema/kamoro/muller/the-kamoro.rtf>

<sup>22</sup> Ibid.

First contact with Westerners for the western Kamoro was made in 1623 when Jan Carstensz, a Dutch explorer led an expedition to ‘discover’ the snowcapped mountains.<sup>23</sup> Although initial contact with Westerners resulted in the death of many Westerners due to the violence by the Kamoro, relations between the two groups gradually became more favourable. At the turning of the twentieth century, the Dutch started to map the territory and permitted Chinese traders contact with the Kamoro. The first government post in the territory was established in 1926. In the early 1930s, missionaries (who arrived in the territory at the same time as the government) helped the government to establish schools and undertake programs to relocate the Kamoro into permanent villages. The contact between the highland Amungme and lowland Kamoro also grew after the Jean-Jacques Dozy led the Dutch expedition in 1936. During World War II (1942-45), the Kamoro once again suffered from cruel occupation, this time by the Japanese. Yet, for the Amungme and Kamoro, the most significant disruption to their lives came with the arrival of Freeport in 1967, which is discussed in the following chapters.

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<sup>23</sup> Leith, D. The Politics of Power. Freeport in Suharto's Indonesia. University of Hawaii Press: Honolulu, 2003, p.86.



Map 1: West Papua<sup>24</sup>



Map 2: West Papua in the Regional Context<sup>25</sup>



<sup>24</sup> Huibers, R. Papua: People under the Threat. 2000. <http://www.photo.nl/Papua/PapuaMap.html>

<sup>25</sup> West Papua Information Kit. 2006. <http://fandom.net/InfoKit/Src/map.html>

**Figure 1: Amungme people<sup>26</sup>**



**Figure 2: Kamoro people<sup>27</sup>**



<sup>26</sup> Project Underground. Irian Jaya/West Papua. 1997. <http://www.moles.org/ProjectUnderground/pix/amungme.jpg>

<sup>27</sup> Netherlands Centre for Indigenous Peoples. Kamoro People. 2003. <http://www.nciv.net/site3/img/pap.jpg>

### **3. Research Statement, Research Questions and Methodology**

This study examines an ongoing conflict in West Papua between the Amungme and Kamoro communities and the Freeport company as well as the Indonesian state and the TNI. It then explores the prospect of further development of the Amungme and Kamoro peoples. The chapters to follow examine how the Freeport company has exploited the Amungme and Kamoro and how these two communities resisted the oppression by this company. The following chapters investigate the contemporary issues surrounding the two communities.

Smith argues that one of the research agendas regarding indigenous self-determination is the achievement of social justice which is fought through a psychological terrain and ultimately involves a process of healing.<sup>28</sup> In fact, as discussed in the following chapters, genuine reconciliation between Amungme and Kamoro and Freeport is a crucial step to achieve successful community development around the mine which will also contribute to the future development of these two indigenous communities. For these reasons, a case study of the South African reconciliation processes via the Truth and Reconciliation Commission (TRC) is employed to explore the prospect of achieving genuine reconciliation between Amungme and Kamoro communities and Freeport. The TRC has succeeded, to a certain degree, in achieving reconciliation between White and Black South Africans after the collapse of the apartheid government. Its reconciliation processes are examined and analyzed and relevant key principles and lessons are applied to the Memorandum of Understanding (MOU) Forum which is expected to play an important

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<sup>28</sup> Smith, L.T. *Decolonizing Methodologies. Research and Indigenous Peoples*. University of Otago Press: Dunedin, 1998. See Chapter 3, p. 31 of this thesis.

role in creating reconciliation between the Amungme and Kamoro communities and the Freeport company in West Papua.

Finally, Harawira argues the importance of an acknowledgement by the international community of the ongoing colonization of indigenous people and the right of indigenous self-determination.<sup>29</sup> As discussed in the following chapters, major countries, including the U.S., the UK, New Zealand and Australia, have until today, largely disregarded the ongoing colonization of West Papuans by the TNI and the rights of West Papuans to self-determination. Instead, they have supported the Indonesian state and the TNI. For these reasons, the attitude of other Pacific Island states towards the issue is examined.

There are two research questions which are addressed through this study. These questions are:

1. What lessons can the MOU Forum learn from the South African TRC in promoting genuine reconciliation between the Amungme and Kamoro communities and the Freeport company which will lead to successful community development around the mine in West Papua?
2. What is the role of the Pacific community, particularly Melanesian community, in preventing further TNI abuses against indigenous West Papuans including Amungme and Kamoro?

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<sup>29</sup> Harawira, S M. *Economic Globalization, Indigenous Peoples, and the Role of Indigenous Women*. Paper Presented at the Hague Appeal for Peace Conference, May 1999. <http://www.apc.org.nz/pma/Mak.htm> See Chapter 3, p. 29 of this thesis.

Field research is not employed by this study since the topic involves human rights issues and there is a danger of causing harm to people who might participate in the research. Instead, the research presented in the following chapters is conducted through the examination, investigation and analysis of primary and secondary published sources. Through such analysis, the thesis attempts to address the two research questions raised above, and hopefully provides some solutions to the issues of indigenous development and self-determination around the mine in West Papua.

#### **4. Research Limitations**

Although the conflict continues to the present day, the research contained in this study outlines the situation in West Papua only up until November 2006. Also, as discussed in the following chapters, there are three main contemporary issues surrounding the Amungme and Kamoro communities which are: community development, transmigration, and human rights violations by the TNI. But, due to the scale of the thesis, the study is limited to the exploration of possible solutions and consequent successful development of Amungme and Kamoro regarding only two of these issues and not with the issue of transmigration.

#### **5. Overview of Chapters**

The thesis is set out in eight chapters. The following chapter examines Dependency Theory, a Marxist oriented International Relations theory which examines globalization and capitalism, a theory which is relevant to this thesis. Chapter 3 provides a review of the literature concerning the definitions and issues relating to the indigenous people, indigenous development and indigenous self-determination in West

Papua. The literature reviewed examines a wide range of perspectives from which these issues can be approached. Chapter 4 provides concise information about the historical background of West Papua which is followed by a discussion of the contemporary social, economic and political situation. This chapter allows readers to gain an overview of the historical and contemporary situation in West Papua. This may promote an understanding of the dispute around the mining area which is further discussed in the following chapters. Chapter 5 investigates the background of the conflict around the mine between Amungme and Kamoro, Freeport, the Indonesian state and the TNI. Chapter 6 identifies the contemporary issues surrounding Amungme and Kamoro communities by examining and analyzing academic publications, journals, media articles, organizational documents and official publications. Chapter 7 explores the prospects of achieving the successful development of the Amungme and Kamoro communities. Here, a case study of the South African reconciliation processes via TRC is employed. The attitudes of Pacific community, particularly Melanesian community, towards the issues of TNI abuses against indigenous West Papuans in West Papua are also examined. Chapter 8 utilizes findings from the research to answer the two initial research questions stated above. Then, the relevance of the theories employed by this thesis is discussed. Finally, through its findings, it is hoped that this thesis will help provide some possible solutions to the conflict in West Papua which will lead to the future development and prosperity of the Amungme and Kamoro peoples.

## Chapter 2

### Globalization and International Relations Theory

This chapter provides a definition of globalization and capitalism and then briefly describes the structuralist view of international relations which culminates into a discussion of Dependency Theory. Dependency Theory, a Marxist oriented international relations theory examines the impact of globalization and capitalism. The theory is a predominant variant of Structuralism (neo-Marxist theory) and has been influential in developing a structuralist view within the contemporary discipline of international relations theory. Dependency Theory is relevant to the thesis because it explains the economic development of a state in terms of external influences such as the political, economic, and cultural on domestic development policies. In a nutshell, it explains the phenomenon of continuous poverty in developing states.

#### **1. Globalization and Capitalism**

This section provides definitions of globalization and capitalism which are examined in the following discussion of Structuralism and Dependency Theory. Harawira, as well as the Center for Strategic and International Studies (CSIS), International Monetary Fund (IMF), World Bank, and Moore, define globalization as a process of integration and interaction among the governments, firms and people of various states.<sup>30</sup> It is a process spurred by global investment and trade which is

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<sup>30</sup> Harawira, S M. *The New Imperial Order*. Huia Publishers: Wellington, 2005, p. 6.  
 Center for Strategic and International Studies (CSIS). *What is Globalization*. 2006.  
[http://www.globalization101.org/What\\_is\\_Globalization.html](http://www.globalization101.org/What_is_Globalization.html)  
 International Monetary Fund. *Globalization: Threat or Opportunity?* 2000.  
<http://www.imf.org/external/np/exr/ib/2000/041200.htm>  
 World Bank. *Poverty in an Age of Globalization*. 2000, p. 1.  
<http://www1.worldbank.org/economicpolicy/globalization/documents/povertyglobalization.pdf>



assisted by the advent of information technology. The evolution of information technology and the dissemination of the open market economy have accelerated the pace of globalization over the past few decades.<sup>31</sup>

Saunders, Rogers and Norberg say that capitalism refers to an economic system based on market exchange, production for profit and the private ownership of property.<sup>32</sup> It is a system in which groups of individuals or individuals themselves compete with each other to accumulate affluence by buying the right to use capital, land and labour to generate services or goods and selling them in an open market for profit.<sup>33</sup> It is also “a system where the individual is his own master and the master of his property, with the power to make contracts and start up a business, who has the ability to move about, travel and trade regardless of national boundaries.”<sup>34</sup> Decision making, as much as possible, remains with individuals, rather than with the state.

## **2. Structuralism**

Structural theory of international relations is largely influenced by Marxism and is sometimes referred to as neo-Marxism, scientific Marxism, or structural Marxism. Structuralism has been significant in the history of international relations theory, and continues to have great relevance today. The theory addresses issues of justice and harmony in societies, especially in developing states. Generally, structuralism is regarded as a ‘bottom up’ view of the world that prioritizes the predicament of the

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Moore, M. *A World Without Walls. Freedom, Development, Free Trade and Global Governance*. Cambridge University Press: Cambridge, 2003, p. 16.

<sup>31</sup> See Endnote 1.

<sup>32</sup> Saunders, P. *Capitalism*. University of Minnesota Press: Minneapolis, 1995, p. 9.

Rogers, W M. *Third Millennium Capitalism: Convergence of Economic, Energy and Environmental Forces*. Westport, Conn: Quorum, 2000, p. 11.

Norberg, J. *Capitalism-Questions and Answers*. 2006. [http://www.johannorberg.net/?page=indense\\_qa](http://www.johannorberg.net/?page=indense_qa)

<sup>33</sup> Saunders, P. *Capitalism*. University of Minnesota Press: Minneapolis, 1995, p. 9.

<sup>34</sup> Norberg, J. *Capitalism-Questions and Answers*. 2006. [http://www.johannorberg.net/?page=indense\\_qa](http://www.johannorberg.net/?page=indense_qa)



oppressed, the alienated, and the poor. In terms of core principles, structuralists perceive the initial units of analysis as not states, but the interconnected and conflictual global capitalist economy and its manufacturing and exchange systems and social classes. The reason behind this view is that the state-system is determined by the global capitalist economic system, or they manifested together and are therefore mutually constitutive.<sup>35</sup> It is also because global capitalist economic relationships are formed in order to benefit particular privileged classes. Consequently, the resulting 'world-system' is initially unfair, and it leads to inter-state disputes. Hence, structuralists perceive these disputes as a core process in international relations. Structuralists also regard the disputes as due to the structure in which inter-state (economic) relationships occur. Finally, structuralism focuses on the significance of non-state actors and systematic relationships of dependence and domination, rather than the disorder of the state structure, or complicated interdependence under the global capitalist economic system.<sup>36</sup>

Another core principle of structuralism is its emphasis on the link between economies and politics. It highlights the significance of the overall structure of relationships within which economic and political interactions occur, and the mechanism and processes that assist this very structure. That is to say, actors of the world system, states, transnational elites, multinational companies, and so on, have to be understood according to their position in the overall system of global capitalism.<sup>37</sup> Yet, structuralists also believe that although these actors play a vital role in sustaining the

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<sup>35</sup> Rahming, A. J. Introduction to World Politics. POLS 113 (Course Note)

Lecture 8: Marxism and Structuralism, Victoria University of Wellington: Wellington, 2004, p. 4.

<sup>36</sup> Steans, J and Pettiford, L. Introduction to International Relations: Perspectives & Themes. Second Edition. Pearson Education Limited: England, 2005, p. 75.

<sup>37</sup> See Endnote 2.

global capitalist order, classes are the core factors of it. Furthermore, inter-state relations, or international relations, are determined by the nature of global capitalist economic relationship. Thus, structuralists argue that it makes more sense to examine international relations by reference to the larger picture than by analyzing each action, event and actor individually.

### **3. Dependency Theory**

Dependency Theory is one of the two important variants of structuralism in the contemporary discipline of international relations theory. The theory explains the economic development of a state in relation to external influences - cultural, economic, and political - on national development policies and ongoing poverty in the developing states. In detail, there are several key views which most dependency theorists share. Firstly, they see the global system as composed of two kinds of states, positioned as dominant or dependant. According to these theorists, the dominant states are the economically advanced states in the Organization of Economic Co-operation and Development (OECD). Dependant states include those of Asia, Latin America, and Africa, states which have low per capita Gross National Product (GNP)s and which depend heavily on the exportation of a single commodity for earning foreign exchange.<sup>38</sup>

Secondly, dependency theorists argue that dominant states actively, but not necessary intentionally, create a state of dependency within dependant states via several policies and initiatives. These policies and initiatives include communications, foreign assistance, global commodity markets, and MNCs, through

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<sup>38</sup> Ferraro, V. Dependency Theory: An Introduction. 1996. <http://www.mtholyoke.edu/acad/intrel/depend.htm>

which the dominant states can promote their economic interests within the outside world.<sup>39</sup> Moreover, dependency theorists argue that the state of dependency is the most important factor influencing the development of dependant states. This involves the manipulation of politics, economics, banking and finance, education, media control, and all aspects of human resource development.<sup>40</sup> As Theotoino Dos Santos states:

[Dependency is]...an historical condition which shapes a certain structure of the world economy such that it favors some [states] to the detriment of others and limits the development possibilities of the subordinate economies...a situation in which the economy of a certain group of [states] is conditioned by the development and expansion of another economy, to which their own is subjected.<sup>41</sup>

Most dependency theorists perceive the inequalities of power, particularly those generated by global capitalism, as the structuring force behind dependency relations.<sup>42</sup> Under the global capitalist economic system, dependant states provide ecological resources, cheap minerals, cheap labour, and agricultural products. They also provide the storehouses of manufactured products and outdated technologies, and providing surplus capital to the dominant states, without which dominant states are unable to acquire the standard of living they enjoy.<sup>43</sup> In addition, political and economic power is largely centralized and concentrated in the dominant states. Any division between political and economic power is spurious: governments of dominant states take whatever steps are required to protect their economic interests, such as those held by multinational companies.<sup>44</sup>

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<sup>39</sup> Ibid.

<sup>40</sup> Lay, V. A Biography of Khieu Samphan (PhD). 2006. From Ezine Articles. [http://ezinearticles.com/?A-Biography-of-KHIEU-Samphan-\(PhD\)&id=233501](http://ezinearticles.com/?A-Biography-of-KHIEU-Samphan-(PhD)&id=233501)

<sup>41</sup> Ferraro, V. Dependency Theory: An Introduction. 1996. <http://www.mtholyoke.edu/acad/intrel/depend.htm>

<sup>42</sup> See Endnote 3.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

Thirdly, dependency theorists argue that the relationships between these two sets of states are dynamic because not only do the interactions between them tend to strengthen, but also the unequal patterns of wealth distribution will grow. In one way, this is attributed to the fact that particular classes have common interests regardless of their nationality. For instance, the distribution of resources over time is sustained not only by the power of dominant states, but also via the power of the privileged in the dependant states. Privileged people in dependant states sustain a dependant relationship because their own personal interests correspond with those of the dominant states. These privileged populations are generally trained in the dominant states and share a similar culture and values to those in dominant states. They play an intermediate or managerial role within their own states for global capital by using control of state power to defend the interests of multinational capital to the detriment of the majority of the poor.<sup>45</sup> Dependency theorists point to the way in which the state institutions, the economic system, the law courts, the military and the police function to defend the interests of privileged.<sup>46</sup> For these reasons, in a very actual sense, a dependency relation is a 'voluntary' relation.

In another way, dependency theorists argue that increase of the unequal patterns of wealth distribution is attributed to the central distributive structure of the neoclassical model, which are commonly known as 'trickle-down' economies.<sup>47</sup> They say that it worked to grow the interests of the already advanced, rich economy of the West (or North), and to increasingly impoverish already poor states (the South or Third World).<sup>48</sup>

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<sup>45</sup> Steans, J and Pettiford, L. *Introduction to International Relations: Perspectives & Themes*. Second Edition. Pearson Education Limited: England, 2005, p. 93.

<sup>46</sup> See Endnote 4

<sup>47</sup> Ferraro, V. *Dependency Theory: An Introduction*. 1996. <http://www.mtholyoke.edu/acad/intrel/depend.htm>

<sup>48</sup> Steans, J and Pettiford, L. *Introduction to International Relations: Perspectives & Themes*. Second Edition. Pearson Education Limited: England, 2005, p. 83.

They say the reason for this is that the neoclassical model of economic development pays comparatively little attention to the question of wealth allocation. Its initial concern is with efficient production and supposes that the market will distribute the rewards in an unbiased and rational way. This supposition may be true in a well integrated, economically flexible economy where people are able to adapt quickly to economic shifts and where consumption habits are not twisted by non-economic forces such as gender, ethnic, and racial bias.<sup>49</sup> Yet, these situations, they argue, are not disseminated in the economies of dependent states, and economic activity does not easily pervade in these states. For these reasons, dependency theorists argue that the nature of the markets for primary products, existing trading regimes, and the fundamental structure of the global economy primarily direct the development path of each state.

Due to this, dependency theorists argue that dependent states are in a situation of underdevelopment where their resources are being largely utilized in a way which is beneficial to dominant states thus maintaining the dominant position of the privileged minority to the detriment of the majority poor population.<sup>50</sup> They argue that the majority population in dependent states are poor not because they fell behind the Enlightenment values of the European states or scientific transformation, but because they were forcibly integrated into the capitalist economic system only as generators of raw materials, and were refused the opportunity to sell their resources in a way which competed with dominant states.<sup>51</sup> Thus dependent states, they say, are in a completely negative situation, which provides no opportunity of sustained and self-governing

<sup>49</sup> Ferraro, V. *Dependency Theory: An Introduction*. 1996. <http://www.mtholyoke.edu/acad/intrel/depend.htm>

<sup>50</sup> Rahming, A. J. *Introduction to World Politics*. POLS 113 (Course Note)

Lecture 8: Marxism and Structuralism, Victoria University of Wellington: Wellington, 2004, p. 5.

<sup>51</sup> Ferraro, V. *Dependency Theory: An Introduction*. 1996. <http://www.mtholyoke.edu/acad/intrel/depend.htm>

economic operations in their states which results in the persistence of poverty.

Yet, dependency theorists believe that the national interest of the dependent states can only be fulfilled by addressing the needs of poor within their states, rather than via the fulfillment of the needs of privileged. To this extent, although the privileged in dependant states are deliberately betraying the interests of their poor, the dependant theorists say that these privileged truly believe that the key to economic development remains in going along with the methods of liberal economic principle.<sup>52</sup> In summary, Dependency Theory explains the current ‘underdeveloped’ situation of dependant states as the result of how they are integrated into the world-system. They also say that disparity among states is an inherent part of interactions among and within those states.

## **5. Conclusion**

The structuralism and Dependency Theory examined above articulate the view that the global economy can only be understood by analyzing its relationship within the global capitalist economic system as a whole. Structuralism holds a view that the system was established to benefit certain social classes, and that the resulting ‘world–system’ is inevitably unfair. Dependency Theory complements this thesis and argues that the initial structure of the global economy, existing trading regimes and the nature of the markets for primary goods primary has directed the development path of each state. Thus, the underdeveloped situation of developing states in the contemporary era is the result of how these states are integrated into the global capitalist economic system. The disparity among states is an inherent part of interactions which occur among and between them. This Marxist oriented international relations theory is

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<sup>52</sup> Ibid.

relevant to this thesis, an issue which is further discussed in the following chapters.

## Chapter 3

### Indigenous Development and Self-determination

There is a significant volume of literature relating to indigenous people, indigenous development and indigenous self-determination which is all applicable to this thesis. This chapter provides a review of the literature examining a wide range of perspectives from which these issues can be approached. This has involved investigating the definitions of indigenous people and their self-determination, as well as the issues regarding indigenous development and self-determination. The chapter concludes by providing a summary of the reviewed literature.

#### **1. Indigenous People**

According to the United Nations (UN) Economic and Social Council, Commission on Human Rights (1982):

Indigenous [p]opulations are composed of the existing descendants of the peoples who inhabited the present territory of a country wholly or partially at the time when persons of a different culture or ethnic origin arrived there from other parts of the world, overcome them and, by conquest, settlement or other means, reduced them to a non-dominant or colonial situation: who today live more in conformity with their particular social, economic and cultural customs and traditions than the institutions of the country of which they now form part, under a state structure that incorporates mainly the national, social, and cultural characteristics of other segments of the population that are predominant.<sup>53</sup>

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<sup>53</sup> Indigenous Technology International. Who are the Indigenous? 1998. <http://www.inditek.com/definition.html>  
See Endnote 1.



Similarly, the International Labor Organization Convention (ILO) No. 169 (1989) states that “indigenous people” refers to:

tribal peoples whose social, cultural and economic conditions distinguish them from other sections of the national community and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations and to peoples who are regarded as indigenous on account of their descendants from the populations which inhabited the country at the time of conquest or colonization.<sup>54</sup>

By contrast, the World Bank Operational Directive 4.20 (1991) disregards the elements of the colonized and minority status of indigenous people. According to them, “indigenous people” refers to the people who have

- a) close attachment to ancestral territories and to the natural resources in these areas;
- b) self-identification and identification by others as members of a distinct cultural group;
- c) an indigenous language, often different from the national language;
- d) presence of customary social and political institutions; and
- e) primarily subsistence-oriented production.<sup>55</sup>

## **2. Indigenous Development**

Harawira says that in present times, the world is “witnessing the assertion of new forms of capitalism, of a new global capitalist order in which the resources, the wealth, the assets of the world are concentrated in the hands of a few, while the vast majority is increasingly dispossessed.”<sup>56</sup> Indigenous people and other minority communities across the world are the most dispossessed, disempowered and disenfranchised

<sup>54</sup> Netherlands Center for Indigenous Peoples. Indigenous Peoples - Some Working Definitions. 2006.

[http://www.nciv.net/Millennium/Definitions/some\\_indigenous\\_peoples\\_english.htm](http://www.nciv.net/Millennium/Definitions/some_indigenous_peoples_english.htm)

<sup>55</sup> Amazon Conservation Team (ACT). Act in the News. September 2005. 2005.

[http://www.amazonteam.org/news/news\\_0905\\_article01.html](http://www.amazonteam.org/news/news_0905_article01.html)

<sup>56</sup> Harawira, S M. Economic Globalization, Indigenous Peoples, and the Role of Indigenous Women. Paper Presented at the Hague Appeal for Peace Conference, May 1999. <http://www.apc.org.nz/pma/Mak.htm>

communities within this world order. The reason for this, as Wilmer says, is moral and legal justification for indigenous dispossession by the order that has excluded them from the enjoyment of universal human rights such as economic and political sovereignty and self-determination.<sup>57</sup> As a consequence, ensuring political, economic and cultural rights have been the most important agendas sought by the indigenous movement. Nevertheless, indigenous people generally in the world, including the Amungme and Kamoro, have been politically, economically and culturally marginalized by capitalist oriented economic development and resource exploitation. Also, in many cases, the marginalization has been justified by the political and economic interests of the states as shown in the following chapters.

Furthermore, Harawira argues that through the struggle to maintain the right to live in their lands which are not only crucial to their survival but have ancient, deeply-held genealogical and spiritual connections, thousands of indigenous people have died.<sup>58</sup> Despite documented evidence, these facts are largely ignored by the governments, both international and domestic media due to the well-restricted flow of information by the state and by the majority of people who do not know, either because of a well-restricted media, or simply because they are completely consumed by their own daily efforts.<sup>59</sup> Nevertheless, indigenous people generally, including the Amungme and Kamoro, have been suppressed and murdered over the struggle to maintain their indigenous rights as discussed in the following chapters.

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<sup>57</sup> Wilmer, F. *The Indigenous Voice in World Politics*. Sage Publications, Inc: California, 1993, p. 7. See Endnote 2.

<sup>58</sup> Harawira, S M. *Economic Globalization, Indigenous Peoples, and the Role of Indigenous Women*. Paper Presented at the Hague Appeal for Peace Conference, May 1999. <http://www.apc.org.nz/pma/Mak.htm>

<sup>59</sup> Ibid.

Although the situation of indigenous people to a certain degree has improved in recent years, it is still in crisis. For example, Lutz discusses Fair Trade and says that the idea was designed in recent years to amend the harsh effects of global capitalism on the poorest world population.<sup>60</sup> She claims however that it disaggregates other human values such as culture, ethnic identity, religion, extended family and politics which indigenous people require the most except through the premise that if each individual follows his/her own social and economic interest, society as a whole will in some way be better off.<sup>61</sup> If creative expression is the way in which indigenous people honour their gods and ancestors, and transmit traditions to their children, there will be harsh consequences for them when they accept Western aesthetics or sell their inheritance to tourists.<sup>62</sup> If the integrity of indigenous society is based on face to face, interdependent, reciprocal relationships, harsh consequences will eventuate when a depersonalized paid worker becomes the only the way of survival.<sup>63</sup>

For these reasons, Lutz argues that Fair Trade does not address such fundamental issues and even at its most capacity-expanding, transparent and inclusive, it rarely encourages indigenous peoples' access to an imposed economic system which cannot initially accommodate different ideas about social relations, community or ownership.<sup>64</sup> In fact, her argument is that the capitalist economic system itself fundamentally contradicts indigenous values in many cases. Since Fair Trade is based on the capitalist economic system, it seldom assists the indigenous peoples' access to an imposed economic system as discussed in the following chapters.

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<sup>60</sup> Lutz, E L. Is Fair Trade Fair? Cultural Survival Quarterly Issue 29, No 3, 2005. See Endnote 3.  
<http://www.cs.org/publications/csq/csq-article.cfm?id=1843>

<sup>61</sup> Ibid. See Endnote 4.

<sup>62</sup> Ibid

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

In relation to the previously mentioned issues, Harawira, Wilmer and Lutz suggest several solutions. At a domestic level, Lutz argues that it is important for the public to participate in a fair discussion on Fair Trade by being open to the things which do not correspond to their expectations, by adapting their actions to the knowledge they get, and by claiming that all the people along the production network do the same.<sup>65</sup> By doing so, the public not only can create trade which is fairer for indigenous people but can also participate in fundamental process of establishing the good life for all of humanity.<sup>66</sup> Yet, her argument is not persuasive because in many states, the majority ethnic group, as a public social group, holds a largely racist view of indigenous people and regard them as inferior. The majority ethnic group has also benefited from dispossessing and marginalizing indigenous people and it is unlikely that they can create a fairer situation for the indigenous people as shown in the following chapters.

Wilmer discusses the importance of environmental organizations and social critiques, since the state and also the unethical process of unchecked industrialization have been vulnerable to them.<sup>67</sup> As a consequence, the state now gradually applies regulations to the industrialization process for example by engaging in environmental impact reports, in the way it once encouraged industrialization.<sup>68</sup> In addition, more social criticism of modernity and bureaucratization is needed involving bureaucracies from both the private and public sectors.

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<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> Wilmer, F. *The Indigenous Voice in World Politics*. Sage Publications, Inc: California, 1993, p. 26.

<sup>68</sup> Ibid, p. 26.

Wilmer also suggests there is a need for the state to modify the goal of national integration. In most states, the possibility for majority ethnic groups to control the state and perpetrate genocide or discriminate politically against minority groups is problematic.<sup>69</sup> This is particularly significant when a minority group asks for autonomy or greater representation only to find that the state suppresses them in the name of national security.<sup>70</sup> To achieve multi-ethnicity and multi-culturalism in the name of the state, majoritarian rules are inadequate. For this reason, Wilmer says that adopting pluralistic national politics, and in some cases the disintegration and renegotiation of state for autonomy is crucial.<sup>71</sup> What he argues here about adopting pluralistic national politics is important, however, he disregards the fact that although such pluralistic national politics is adopted in theory in several states, it has not contributed to multi-ethnicity and multi-culturalism in any sense since it implies a lack of capacity in seriously adopting such pluralistic politics as discussed in the following chapters.

Finally, Wilmer argues that the insistence of indigenous people to limit the meaning and capacity of state sovereignty is important. Sovereignty in practice has never been absolute, and, through indigenous claims, the state may get into diverse relationships with ethnic groups, in which relationships concerning issues of external and internal sovereignty can be negotiated.<sup>72</sup> His arguments are that indigenous people themselves are the ones who have suffered from the majoritarian rule and know the most about what they need and what they want for their prosperity. Unless indigenous

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<sup>69</sup> Ibid, p. 27.

<sup>70</sup> Ibid, p. 27.

<sup>71</sup> Ibid, p. 27.

<sup>72</sup> Ibid, p. 27.

people themselves initiate action, multiethnicity and multiculturalism in states are unlikely to be achieved.

With respect to the global level, Harawira argues that it is crucial for the global society to acknowledge the ongoing colonization of indigenous people and the right of indigenous self-determination.<sup>73</sup> However, Harawira disregards the fact that there are states which tend to ignore the facts depending on their political and economic interests, a fact that is shown in the following chapters.

#### **4. Indigenous Self-Determination**

The Draft Declaration on the Rights of Indigenous People by the UN Commission on Human Rights (1994) says that self-determination is the right for all people to “freely determine their political status and freely pursue their economic, social and cultural development.”<sup>74</sup> The Australian Legal Information Institute also discusses the relationship between indigenous people and the state and says that self-determination is the inherent right for indigenous people due to “their status as self-governing peoples prior to their subjection to processes of colonization in their own territories.”<sup>75</sup> Since the dispossession of indigenous people happened without their consent but by force, and since indigenous people have not been part of state-building, self-determination for indigenous people means a search for opportunities to renegotiate their social position and to claim that they give their authentic agreement regarding future relations with existing States.<sup>76</sup> In addition, indigenous self-determination also refers to the core

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<sup>73</sup> Harawira, S M. Economic Globalization, Indigenous Peoples, and the Role of Indigenous Women. Paper Presented at the Hague Appeal for Peace Conference, May 1999. <http://www.apc.org.nz/pma/Mak.htm>

<sup>74</sup> Australia West Papua Association. West Papua Information Kit. 1995. <http://www.cs.utexas.edu/users/cline/papua/>  
See Endnote 5.

<sup>75</sup> Australian Legal Information Institute. Human Rights Law Resources. 2001.  
<http://www.austlii.edu.au/au/other/HRLRes/2001/8/#Heading203>

<sup>76</sup> Ibid.

processes of constitutional change and repositioning of power, because these processes of belated Nation-building are the same as decolonization, based on the acknowledgement of distinctive indigenous status as the first people and not just as cultural or ethnic minorities in a mainstream society.<sup>77</sup> The right of indigenous self-determination is the same as the right of non-indigenous self-determination. But for indigenous people self-determination means the universal and indivisible application of the UN's principles, standards and instruments which provide everyone, worldwide, with acknowledged rights, which they operate with no bias, and with no discrimination based on ethnicity, colour and religion.<sup>78</sup>

In contrast, Friedman and Chase-Dunn discuss self-determination in relation to globalization and capitalism by exemplifying self-determination as an indigenous movement. They argue that self-determination is the legal right of any indigenous group to build and live their lives in a way other than those allowed or favored by the practices enclosed under the capitalist order.<sup>79</sup> Thus, indigenous self-determination is the search for transforming the force of global capitalism into a gentler system that can consider the life of everyone in the world.<sup>80</sup> It challenges commodification, privatization, prevalent family organizations, prevalent gender roles, and prevalent views and practices of the basic relationships between humankind and their environment.<sup>81</sup> Finally, indigenous self-determination also seeks to restructure the globalization process by leaving lands in their original condition, or engaging in movements claiming a larger share of worker control of working conditions.<sup>82</sup>

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<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> Friedman, J and Chase-Dunn, C. *Hegemonic Declines. Present and Past*. Paradigm Publishers: Colorado, 2005, p. 206.

<sup>80</sup> Ibid, p. 208.

<sup>81</sup> Ibid, p. 206.

<sup>82</sup> Ibid, p. 208.

However, they also acknowledge that for most indigenous communities, the fundamental object of self-determination is to create spaces in the existing society where they are able to continue to exist. The global capitalist system is not able to undertake the basic revolutions, evolution or reforms which are important for providing the continuous appearance of such social spaces or autonomy of indigenous communities.<sup>83</sup>

In fact, their arguments are that indigenous people generally in the world, including the Amungme and Kamoro, have suffered from the global capitalist order and its social and economic development model. Particularly, they have suffered from the Foreign Direct Investment (FDI) which is the key element of global capitalism. It entails exploitation of indigenous people and environmental resources, leaving little benefits to them. Thus, indigenous self-determination for most indigenous people, including the Amungme and Kamoro, has been to create spaces in the existing society where they are able to continue to exist.

Smith discusses indigenous self-determination from the perspective of a research agenda. She argues that self-determination in research is the “goal of social justice which is expressed through and across a wide range of psychological, social, cultural and economic terrains.”<sup>84</sup> She argues that it involves the processes of mobilization, of healing, of decolonization and of transformation of peoples. In addition, there are states and conditions where indigenous people move toward self-determination and these are survival, recovery and development. However, it does not happen in order and the survival of community as physical beings, of the arts, of social relations, of

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<sup>83</sup> Ibid, p. 207.

<sup>84</sup> Smith, L.T. *Decolonizing Methodologies. Research and Indigenous Peoples*. University of Otago Press: Dunedin, 1998, p. 116.



social and spiritual practices and of languages are all dependent on fundamental prioritizing.<sup>85</sup> Likewise, the recovery of histories, indigenous rights, and territories also depends on prioritizing and on acknowledgement that indigenous cultures have changed unavoidably. Recovery is a discerning process, often answering to sudden crises rather than an arranged approach and this is related to the reality that indigenous people are not in control and are dependent on an external conditions.<sup>86</sup> In reality, this means particular areas become a priority because “the bulldozers are due to start destruction any day now.”<sup>87</sup> Figure 3 outlines the indigenous research agenda promulgated by Smith.

Finally, Freire discusses the relationship between the oppressors and the oppressed. He argues that through colonization, both oppressor and oppressed become dehumanized. Due to this, self-determination for the oppressed is the struggle against the oppressors. However, to achieve real self-determination, he argues that the oppressed must search for not only regaining their humanity, but also to restore the humanity of the oppressor. The oppressed’s efforts to weaken the oppressor’s force in deference of themselves mostly generates the oppressor’s false generosity.<sup>88</sup> To continuously have the opportunity to show their generosity, the oppressors also have to perpetuate injustice.<sup>89</sup> An unjust social order is the perpetual source of this false generosity which is fostered by poverty, despair and death.<sup>90</sup>

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<sup>85</sup> Ibid, p. 116.

<sup>86</sup> Ibid, p. 116.

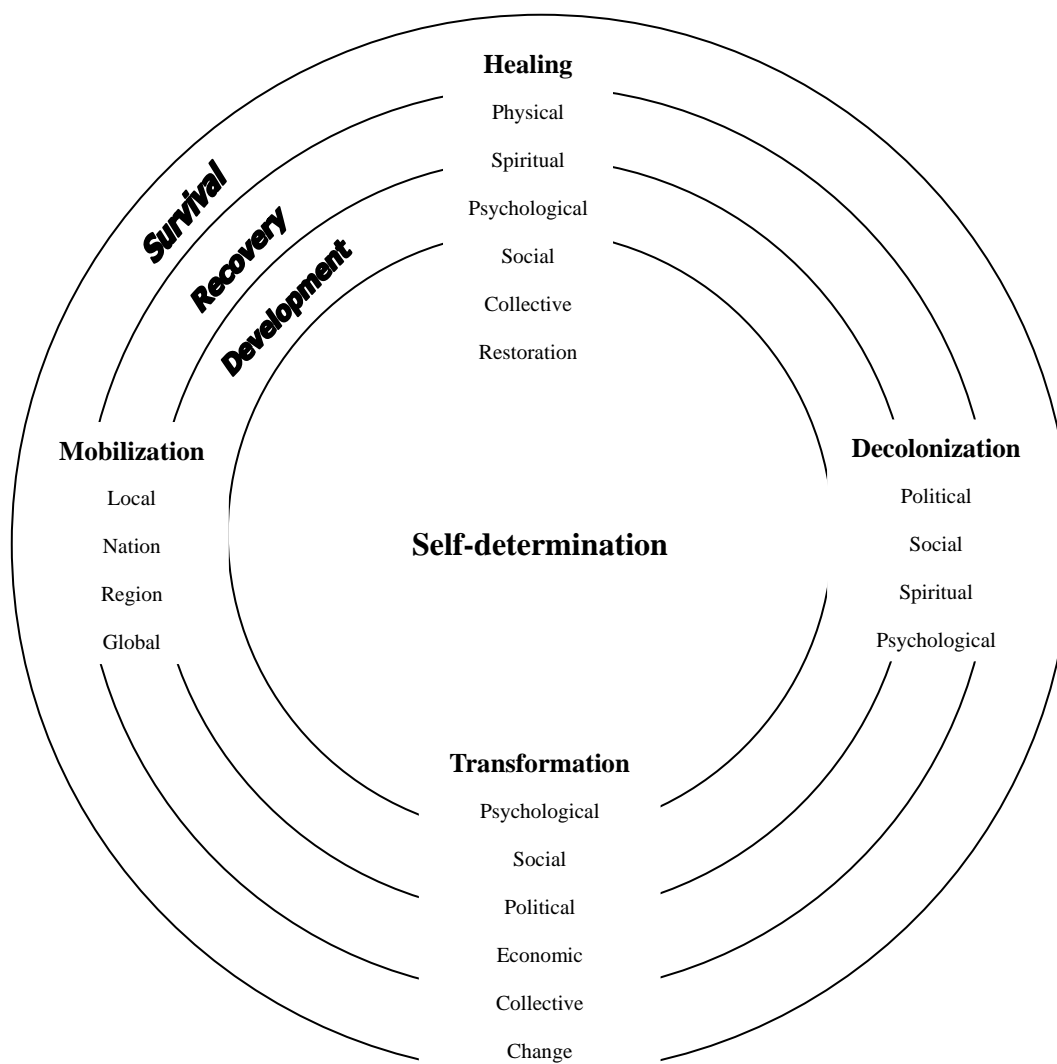
<sup>87</sup> Ibid, p. 116.

<sup>88</sup> Freire, P. *Pedagogy of the Oppressed*. Penguin Books: London, 1996, p. 26.

<sup>89</sup> Ibid, p. 26.

<sup>90</sup> Ibid, p. 26.

**Figure 3: The Indigenous Research Agenda.**<sup>91</sup>



Thus, Freire says that through engaging in the struggle for their self-determination, oppressed must create true generosity by recognizing the necessity to fight for it and consequent praxis of their quest for it.<sup>92</sup> According to Freire, true generosity refers to the struggle to destroy the causes which contributes to the oppression.<sup>93</sup> The oppressed, who struggle for the restoration of their humanity, are able to generate true generosity because the oppressed understand the terrible condition

<sup>91</sup> Smith, L T. *Decolonizing Methodologies. Research and Indigenous Peoples*. University of Otago Press: Dunedin, 1998, p. 117.

<sup>92</sup> Freire, P. *Pedagogy of the Oppressed*. Penguin Books: London Ibid, p. 27.

<sup>93</sup> Ibid, p. 27.

of an oppressive society the most, suffer the effects of oppression the most, and understand the necessity of liberation the most.<sup>94</sup> He argues that this struggle by the oppressed “will actually constitute an act of love opposing the lovelessness which lies at the heart of the oppressor’s violence, lovelessness even when clothed in false generosity.”<sup>95</sup> Freire’s argument is that through the struggle to achieve self-determination, indigenous people in many states, including the Amungme and Kamoro, have tried to weaken the force of oppressor in defence against them. As a consequence, they have been further suppressed by the oppressor. For these reasons, to achieve real self-determination, the oppressed must restore not only their humanity, but the humanity of the oppressor by generating true generosity as discussed in the following chapters.

## **5. Conclusion**

Through the literature reviewed here, broader perspectives on the definitions of indigenous people and the issues of their self-determination, and development and self-determination have been considered. Firstly, in terms of the definition of indigenous people, indigenous people are the ones who live more in conformity with their traditional social, economic and cultural practices within the present political and social institutions. UN Economic and Social Council, Commission on Human Rights and the ILO recognize the colonized and minority status of indigenous people, but the World Bank disregarded these elements.

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<sup>94</sup> Ibid, p. 27.

<sup>95</sup> Ibid, p. 27.

Indigenous people are the most dispossessed, disempowered and disenfranchised communities within the global capitalist order. Also, through the struggle to maintain the right to live in their lands, thousands of indigenous people have died. Although the situation of indigenous people to a certain degree has improved in recent years, it is still in crisis. For example, Lutz discusses fair trade and says it does not address fundamental issues which are crucial to the development of indigenous people. As a solution to the above issues, on a domestic level, it is important for the public to participate in a fair discussion and by doing so, the public can create a good life for all humanity. Also, environmental organizations and social critics must play an important role in solving the above issues. Finally, it is important to adopt pluralistic national politics to achieve multi-ethnicity and multi-culturalism and indigenous people must initiate such a movement. With respect to the global level, it is important for the global society to acknowledge the ongoing colonization of indigenous people and the right of indigenous self-determination.

Finally, regarding indigenous self-determination, self-determination is the right of all people to freely pursue their cultural, social and economic development and the freedom to decide their own political status. Moreover, it is the fundamental right for indigenous people, due to their status as self-governing peoples prior to their subjugation to processes of colonization in their own lands, to determine their own destiny. In relation to global capitalism, self-determination is the legitimate right for any indigenous communities to establish and live their lives in a way other than those favoured or allowed by the practices enclosed under global capitalism. However, for most indigenous communities, the essential aim of self-determination under the global capitalist order is to establish spaces within the existing society where they can continue

to exist and thrive. In terms of self-determination as a research agenda, it is the goal of social justice that is expressed via a broad range of economic, cultural, social and psychological terrains. Finally, regarding the relationship between the oppressors and the oppressed, self-determination for indigenous people is not only a matter of regaining their humanity but it is also about regaining the humanity of the oppressor. Thus, in order for the oppressed to be able to engage in the struggle for their own self-determination, they have to realize the reality of oppression, not as a confined world from which there is no exit, but as a limiting situation in which they are able to shift. These perspectives on the definition of indigenous people and their self-determination, as well as the issues regarding indigenous development and self-determination are relevant to this thesis, as discussed in the following chapters.

## **Chapter 4**

### **Historical Overview and the Contemporary Social, Political, and Economic Situation in West Papua**

Historically, West Papua has long suffered from foreign occupation. It first became a formal colony of the Netherlands in 1828 and its occupation was taken over by Japan during World War II (1942-44). After World War II, during the 1950s and early 1960s, West Papua was shifting towards independence with the worldwide decolonization movement. However, it became unwillingly involved in the Cold War competition and as a consequence, was denied the right of self-determination. Control over West Papua was passed on to Indonesia in 1963 and formally became the part of the Indonesian Republic after the fraudulent Act of Free Choice Referendum in 1969. Under Indonesian rule, West Papuans have until today endured cultural and environmental destruction, human rights abuse and mass killing. This chapter will provide the historical background of West Papua followed by a discussion of the contemporary social, political, and economic situation. Due to the availability of the statistics, data used in this chapter are from 1995 to the 2006.

#### **1. Colonization**

As early as the seventh century BC, West Papua was being visited by traders from the southern Sumatran empire known as Sriwijaya. Chinese merchants and their agents followed, whose ceramics and metal objects have been discovered in some coastal areas. Finally, Malay merchants had frequent contact with coastal tribes and even with those further inland, where Malay words have been traced in local languages

along the old trade routes.<sup>96</sup> In 1527, New Guinea was discovered by Europeans, when the Portuguese navigator, Jorge de Meneses sighted land on one of his journeys. He was followed by Spanish and Portuguese adventurers, including Ortes de Retes in 1545 who named the island 'New Guinea' due to the similarity he perceived between the Papuans and the Africans of Guinea.<sup>97</sup>

The first Dutch contact with West Papuans occurred in 1597, and in 1605 Willem Janz landed on the mainland where local West Papuans attacked him and killed six of his men.<sup>98</sup> Since then, Dutch merchants and explorers established their influence over the territory by using economic power or military pressure, as part of their efforts to maintain control of the profitable spice trade from the Straits of Maluku, Java and Maluku. In 1714, the Dutch East Indies Company acquired New Guinea following an agreement with the Sultan of Tidore.<sup>99</sup> In 1828, the Dutch proclaimed the territory in New Guinea west of 141° East longitude as theirs, and in 1895 the Eastern border was set at 141° 1'47" E.L.<sup>100</sup> In 1884, Germany occupied the Northeast of New Guinea as Kaiser Wilhelmsland and the Southeast was claimed by Britain.

Since the beginning of the 20th century, the Dutch have conducted oil and mineral exploration in West Papua. In 1907 Royal Dutch Shell was established to oppose the monopolies of the U.S. oil industries such as Caltex which was creating growing inroads into Dutch territories. In the same year, Shell exploration found a huge seepage near the Teer River and by 1935 fifteen more seepages had been found.<sup>101</sup>

<sup>96</sup> Whittaker, A. *West Papua. Plunder in Paradise*. Anti-Slavery Society: London, 1990, p. 17.

<sup>97</sup> Peter van der Heijden. *History of Netherlands New Guinea (Irian Jaya/West Papua)*. 2005. <http://www.vanderheijden.org/ng/history.html>

<sup>98</sup> Whittaker, A. *West Papua. Plunder in Paradise*. Anti-Slavery Society: London, 1990, p. 18.

<sup>99</sup> Tidore is an island in the Maluku Islands, just west of the larger island of Halmahera and located in eastern Indonesia.

<sup>100</sup> Peter van der Heijden. *History of Netherlands New Guinea (Irian Jaya/West Papua)*. 2005. <http://www.vanderheijden.org/ng/history.html>

<sup>101</sup> Whittaker, A. *West Papua. Plunder in Paradise*. Anti-Slavery Society: London, 1990, p. 18.

Nevertheless, except for these explorations and the establishment of administrative posts, the presence of the Dutch in West Papua was mainly concerned with the creation of concentration camps and penal colonies for rebels from Java.<sup>102</sup> The resistance of West Papuans to colonization started with the occupation of their territory by the Dutch. The key area of this resistance was on the northern coast of the mainland near Hollandia and in the islands of the north, especially Biak Island.<sup>103</sup> Examples of this were the temporary insurgences on the north coast, in the Geelvink Bay area in 1906 against the use of West Papuans as enforced workers to construct roads, and the Aweho and Aduweri insurgencies in 1921 and 1926.<sup>104</sup>

In the first few decades of the 20th century, Japanese economic and military expansion in south-east Asia increased.<sup>105</sup> During the Second World War, Japan took over the Dutch administration of West Papua in 1942 and quickly occupied the whole Indonesian archipelago. The presence of the Japanese in West Papua in June 1942 was considered by the West Papuans as the mere substitution of one set of foreign colonizers by another. West Papua was emancipated from the Japanese in 1944.

## **2. Toward Independence**

After World War II in 1945, Indonesia quickly proclaimed independence from the Netherlands and insisted on North Borneo, Brunei, Sarawak, East Timor and West Papua as part of its territory. Indonesia was granted full independence in 1949 and continued to insist that West Papua was part of its nationhood.<sup>106</sup> Indonesia's claim for

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<sup>102</sup> See Endnote 1.

<sup>103</sup> See Endnote 2.

<sup>104</sup> Ibid, p. 19.

<sup>105</sup> See Endnote 3.

<sup>106</sup> See Endnote 4.



West Papua was seen as an effort to unite diverse ethnic, cultural, political and economic interests. Particularly, it was aimed at unifying the conflicting factions in the Indonesian Communist Party (Partai Komunis Indonesia) and the TNI over an issue on which they could consent and to shift attention from other problems and conflicts.<sup>107</sup> Several attempts were made by the Netherlands, Indonesia and West Papuan representatives to reach an agreement on the future of West Papua in late 1940s.<sup>108</sup> West Papuan representatives insisted clearly that they did not want to join the Indonesian Republic. Thus, the Dutch were determined to shift West Papua quickly towards independence by 1970 to resist the charge of anti-colonial protests, especially those coming from Jakarta, as an excuse for Indonesia's own territorial and colonial aspirations.<sup>109</sup>

For this reason, the Dutch started to generate an educated West Papuan elite, who could manage everyday administration. Many public schools were built from 1949 onwards and during the 1950s, specialist schools were founded, including an agricultural college initially situated at Kota-Raja outside Hollandia which later shifted to Manokwari, where a forestry academy was founded.<sup>110</sup> Dutch initiatives also extended to the creation of representative assemblies and West Papuans became motivated to establish political parties.<sup>111</sup> Following the creation of regional councils, elections took place in February 1961 and 22 of the 28 seats were won by West Papuans.<sup>112</sup> As a result, anti-Indonesianists dominated the councils. Finally in 1961, the West Papua National Committee adopted 'West Papua' as the name for the state, the

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<sup>107</sup> Ibid, p. 25.

<sup>108</sup> See Endnote 5.

<sup>109</sup> Ibid, p. 21.

<sup>110</sup> Ibid, p. 22. See Endnote 6.

<sup>111</sup> See Endnote 7.

<sup>112</sup> Ibid, p. 23.

‘Morning Star’ as the national symbol and ‘My Land of Papua’ as the national anthem. In the light of these developments, the prospect of West Papua’s self-determination seemed bright.

However, with the rapid political development of West Papua and move toward self-determination, Indonesian’s growing preparations for war started to cause international concern. As a result, Dutch and Indonesian representatives met in New York in July 1962. At this meeting, the U.S. intervened. The Soviet Union had sold a billion American dollars worth of arms to Indonesia.<sup>113</sup> The U.S. countered this with a similar deal, regarding Indonesia as too valuable a prize to give to the Communist Block.<sup>114</sup> Threatened by the further possible expansion of communism in Southeast Asia and the emerging war in Vietnam, John F. Kennedy lobbied the Netherlands to stop its involvement in West Papua’s affairs and pass it to Indonesia.<sup>115</sup> Under huge pressure from the U.S. and with increasing concern at home about the threat of war with Indonesia, the Dutch were forced to pull out and accept Indonesian demands. Their only requirement being a face-saving formula, which was the enforcement of a referendum called the ‘Act of Free Choice’ by the West Papuans in five years time (1969) to decide whether West Papua should join the Indonesian Republic. Consequently, in May 1963, the official transfer of West Papua to Indonesia occurred. No West Papuans had been involved in the Agreement and their hopes and aspirations were not represented.

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<sup>113</sup> Peter van der Heijden. *History of Netherlands New Guinea (Irian Jaya/West Papua)*. 2005.

<http://www.vanderheijden.org/ng/history.html>

<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

The day after the transfer, Indonesia celebrated with a bonfire of West Papuan books, aircraft and flags. The local police were imprisoned in barracks, all political groups were dissolved, public assemblies banned, and the West Papuan education system was destroyed. Since then, there were a number of insurgencies by the West Papuans against Indonesian control.<sup>116</sup> By the end of 1967, more than 3,700 West Papuans had been killed by the TNI operation by the end of 1967.<sup>117</sup> The insurgencies continued until August 1969 and these rebellions demonstrated the obvious - that the West Papuans did not have any aspirations toward the continuation of Indonesian rule. For this reason, West Papuans regarded the Act of Free Choice referendum as another opportunity for gaining self-determination.

However, the Act did not follow the New York Agreement. It was arranged by the Indonesian leaders in 1969 and it did not include universal ballot.<sup>118</sup> Indonesians selected assembly members themselves to get a quick agreement. When the Act took place, voting was restricted to 1,025 representatives chosen by the Indonesians.<sup>119</sup> At the same time, the TNI conducted an effective campaign of intimidation to kill any voters who might vote for independence. As a result, the majority of voters chose to be a part of Indonesia. Protests came quickly and neighboring PNG expressed disappointment. Also, the report of the United Nations Secretary General was critical of the way in which the Act had taken place.<sup>120</sup> Although the report was sent to the UN, the Netherlands, France, Australia and the U.S., who they did not want to become further involved with the issue strongly lobbied the UN to acknowledge the Act.

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<sup>116</sup> See Endnote 8.

<sup>117</sup> Whittaker, A. *West Papua. Plunder in Paradise*. Anti-Slavery Society: London, 1990, p. 32.

<sup>118</sup> See Endnote 9.

<sup>119</sup> Ibid, p. 34.

<sup>120</sup> See Endnote 10.

Therefore, a UN resolution allowing Indonesian control over West Papua was passed in 1969 and West Papua formally became the part of the Indonesian Republic.

In short, the West Papuans were betrayed. They were condemned to a fate at the hands of a cruel regime, which promptly undertook cultural and environmental destruction, human rights abuse and mass killings. The UN, the body responsible for ensuring basic human rights, the pride and value of individuals, the equal rights of women and men, to create conditions under which respect and justice can be sustained, to encourage development and a better quality of life with greater freedom, turned its eyes, washed its hands and quietly walked away.

### **3. General Knowledge about Contemporary West Papua**

The focus now turns to contemporary West Papua. Firstly, in terms of living standards, West Papua is today the second poorest province out of the 33 Indonesian provinces, next to Nusa Tenggara province; and a substantial number of people there, including around 40 per cent of indigenous West Papuans, live in poverty.<sup>121</sup> It also has the lowest health standard in Indonesia with the highest maternal and infant mortality rates. The average annual budget of the health department in the provincial government is only AU\$ 1.3 million (1995 figure) though it has increased after the passing of Special Autonomy Law (SAL) in 2001 mentioned below.<sup>122</sup> The rate of infant mortality in West Papua varies between 70 to 200 out of 1000 and the maternal mortality is 4.5/1000 in rural areas where large numbers of West Papuans live (1995

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<sup>121</sup> Down to Earth. Freeport-Rio Tinto: New Reports Expose Impacts Investors. No 69, May 2006.

<http://dte.gn.apc.org/69fd4.htm>

<sup>122</sup> Australia West Papua Association. West Papua Information Kit. 1995. <http://www.cs.utexas.edu/users/cline/papua/core.htm>  
See Endnote 11.

figure).<sup>123</sup> This can be compared with a rate of 1.3/1000 as the Indonesian national average (1995 figure).<sup>124</sup> According to one non-governmental organization (NGO), this high mortality rate is mainly attributed to malnutrition with more than 20 percent of the population in the central highlands facing it.<sup>125</sup> Also, less than half the children under five are regarded as well nourished. There are only 40.8 percent of immunized children – much lower than the Indonesian national average (1995 figure) of 60.3 percent.<sup>126</sup> In addition, West Papua has the lowest life expectancy compared to other areas of Indonesia, especially for women, who have a 50.3 year life expectancy compared to 62.7 year which is the Indonesian national average (1995 figure).<sup>127</sup> Finally, illiteracy in West Papua is almost double that of the national average of 30.5 percent with a rate of 81.5 percent in the highlands area (1995 figure).<sup>128</sup>

In relation to economy, West Papua is home to a huge array of natural resources, including timber, marine resources, gas and oil, as well as rich copper deposits, silver and gold. Yet, the local economy of the province had not until recently benefited much from its vast natural resources, as only about 20 percent of resource revenue had gone toward local government.<sup>129</sup> However, it has increased to a certain degree after the passing of SAL in 2001. Also, the population of the productive age (over 15 years old) in West Papua was 1,586,230 people and the population of unemployed people was 72,599 (2004 figure).<sup>130</sup> Total imports are more than \$400 million and total exports are

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<sup>123</sup> Ibid.

<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

<sup>127</sup> Ibid.

<sup>128</sup> Ibid.

<sup>129</sup> Humanitarian Policy and Conflict Research. Building Human Security in Indonesia. West Papua/Irian Jaya: Overview. 2001. [http://www.preventconflict.org/portal/main/maps\\_wpapua\\_overview.php](http://www.preventconflict.org/portal/main/maps_wpapua_overview.php)

<sup>130</sup> House of Representatives of Papua (DPR). The Increase of Unemployment Rate in Papua. 2004. <http://dpr.papua.go.id/index.php?mod=news&page=4&id=23&PHPSESSID=72bb9bd0e896fc6c230ec3fa8edaf07b>

around \$1.5 million (1998 figure).<sup>131</sup>

#### **4. Transmigration**

Transmigration has been one of the most important factors to have an impact on contemporary West Papua society. Transmigration was originally initiated under the Dutch colonial authority during the early twentieth century and passed on to Indonesia after it took over West Papua from the Netherlands. There are generally three types of transmigration: general transmigration, supported spontaneous transmigration, and self-assisting spontaneous transmigration.<sup>132</sup> Approximately 800,000 people (2005 figure) in West Papua are migrants brought into the area from the other parts of Indonesia by Indonesia's 'transmigration' policy.<sup>133</sup> In addition, around 10,000 families each year continue to arrive in West Papua as sponsored migrants, with an unknown number arriving on their own accord.<sup>134</sup> The current rate of transmigration makes West Papua's population growth rate higher than any other area in Indonesia.<sup>135</sup> It is estimated that the population of West Papua will have increased to between 2.6 and 3.9 million by 2010 and this will be mainly due to transmigration, both general and supported spontaneous transmigration and spontaneous industrialization resulting from the Indonesian state's 1990s Eastward Development Policy.<sup>136</sup>

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<sup>131</sup> Humanitarian Policy and Conflict Research. *Building Human Security in Indonesia. West Papua/Irian Jaya: Overview*. 2001. [http://www.preventconflict.org/portal/main/maps\\_wpapua\\_overview.php](http://www.preventconflict.org/portal/main/maps_wpapua_overview.php).

<sup>132</sup> See Endnote 12.

<sup>133</sup> Ondawame, O. *West Papua: New Prospects for Change*. A Briefing Paper No1. Representatives of West Papuan Representative Office: Republic of Vanuatu, 2005, p. 3.

<sup>134</sup> Australia West Papua Association. *West Papua Information Kit*. 1995. <http://www.cs.utexas.edu/users/cline/papua/core.htm>

<sup>135</sup> Suter, K. *East Timor, West Papua/Irian and Indonesia*. Minority Rights Group: Great Britain, 1997, p. 23.

<sup>136</sup> Australia West Papua Association. *West Papua Information Kit*. 1995. <http://www.cs.utexas.edu/users/cline/papua/core.htm>

Transmigration is targeted at mitigating population pressure on the islands of Bali, Java and Sulawesi. It is also to mitigate poverty by supplying new opportunities and land to generate a better standard of living for poor landless inhabitants. Transmigration has been financed by the United Nations Development Program, the U.S., Asian Development Bank (ADB), the European Economic Community (EEC), and the World Bank.<sup>137</sup> One geographer described it as “the world’s largest invasion.”<sup>138</sup> It is obvious that the major impact of transmigration on West Papua is the huge displacement of West Papuans from their native lands and subsequent marginalization. Firstly, in most cases, the transmigrants are of different ethnicity to the West Papuans and their land has been taken from them, and cleaned, in order to establish a residential area for transmigrants. However, Indonesian law justifies it. Clause 17 of Indonesia’s Basic Forestry Act of 1967 says, “[t]he rights of traditional law communities may not be allowed to stand in the way of transmigration sites.”<sup>139</sup> Also Article 2 of the Basic Agrarian Law of 1960 says, “...it is not permissible...for a community based on its traditional rights, to refuse to allow forest land to be cleared on a large and organized scale for the implementation of large-scale projects undertaken in the framework of plans to increase the production of foodstuffs and to shift the inhabitants.”<sup>140</sup>

Due to the above displacement, West Papuans have been marginalized, resulting in their becoming an ethnic minority within their own land. Since personal development (in western terms) is normally based upon education and urban living, West Papuans who were displaced and have inhabited rural areas, stand little chance of

<sup>137</sup> Gedicks, A. *Resource Rebels*. South End Press: Cambridge, 2001, p. 94. See Endnote 13.

<sup>138</sup> *Ibid*, p. 94.

<sup>139</sup> Australia West Papua Association. *West Papua Information Kit*. 1995. <http://www.cs.utexas.edu/users/cline/papua/core.htm>

<sup>140</sup> *Ibid*.

benefiting from the development. Yet, those already in the urban areas had not, until recently, been placed in positions of authority because the Indonesian government did not trust them and it was also afraid that West Papuans would acquire too much voice in the administrative sector. For example, the provincial capital of Jayapura had, until now, been mainly administered by transmigrants, particularly Indonesians and Asians, with West Papuans obtaining only inferior positions. It was only in the late 1990s that genuine attempts were made to invite Papuans into the formal sector. By 2005, approximately 35 percent of the labor force in the provincial government was West Papuan.<sup>141</sup> Yet, it is still a poor reflection of the demographic reality where around 60 percent of the population in West Papua is indigenous West Papuan.<sup>142</sup> Even worse, Indonesian transmigrants hold a largely racist view of indigenous West Papuans, who are regarded as inferior to them - except, of course, those who swapped their own identity and culture for a more Indonesian one, including language, culture and ways of behavior.<sup>143</sup> Finally, the Indonesian officials and the TNI enjoy substantial wealth in West Papua (compared with the local population), which is not shared with West Papuans.

Transmigration is also one of the Indonesian State's policies which assimilates West Papuans into Indonesian society with the aim of creating a single ethnic state. According to one of the successive Indonesian governmental officials, transmigration is "to integrate all the ethnic groups into one nation ... the different ethnic groups will in the long run disappear because of integration...and there will be one kind of man..."<sup>144</sup>

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<sup>141</sup> Timmer, J. *Decentralization and Elite Politics in Papua*. State, Society and Governance in Melanesia. Discussion Paper. Research School of Pacific and Asian Studies: The Australian National University, 2005/6, p. 8.

<sup>142</sup> Ibid, p. 8.

<sup>143</sup> Suter, K. *East Timor and West Irian*. Minority Rights Group: Great Britain, 1982, p. 12.

<sup>144</sup> Australia West Papua Association. *West Papua Information Kit*. 1995. <http://www.cs.utexas.edu/users/cline/papua/core.htm>



Currently, there are no less than 250 main languages spoken by the indigenous West Papuans.<sup>145</sup> The Indonesian state's long-term policy is targeted at making everyone speak Bahasa Indonesia, the Indonesian national language. It is expected that intermingling with transmigrants will encourage West Papuans to use Bahasa Indonesia to facilitate their communication and so keeps them away from their native language groups. Yet, despite the long history of transmigration, large numbers of West Papuans have still not made any perceivable transition to date. Even the most articulate tribal community who once initiated assimilation into Indonesia lost their eagerness for Indonesian rule once they started to realize the full cost of Indonesian control.<sup>146</sup>

## **5. Logging and Mining**

Apart from transmigration, logging and mining are the other factors which have had a major impact on contemporary West Papua society. The destruction of West Papua's environment and the West Papuans' culture has taken place with the economic interests of both Indonesia and the Western states defending the business interests of local companies and large MNCs active in West Papua. In fact, the Indonesian law allows the state to act in a way that allows it to appear to be respecting West Papuans land and resource rights. However, state-sponsored developments, including commercial mining and logging, are regarded as national interests and have priority over any land and resource claims by West Papuans. In addition, the Indonesian law regards all land, not being actively utilized for industry, housing or farming, as state property. Hence, when a concession is granted, local West Papuans are not normally consulted and little compensation is paid. Also, the Indonesian Ministry of Forestry

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<sup>145</sup> Suter, K. *East Timor, West Papua/Irian and Indonesia*. Minority Rights Group: Great Britain, 1997, p. 23.

<sup>146</sup> Suter, K. *East Timor and West Irian*. Minority Rights Group: Great Britain, 1982, p. 12.

has not acknowledged the West Papuan's indigenous rights to forest lands. To make the matter worse, once a concession is granted, local West Papuans who enter lands to gather firewood or hunt are accused of trespassing. Finally, the Indonesian state has regarded opposition to economic development as a crime of disruption resulted in the cruelest retaliations by the TNI.

For example, logging has been one of the main causes of environmental and cultural destruction in West Papua. The island of New Guinea holds one of the largest tracts of tropical rainforest (next to the Amazon) remaining in the world and West Papua's forested area is around 24 percent of Indonesia's total forested area.<sup>147</sup> Since Indonesia's own forest resources have been decimated, attention has now been shifted to West Papua. There were 43 logging companies in West Papua in 1996 with a total of 10.7 million hectares of forest concession (about the size of Wales).<sup>148</sup> However, logging companies' forest activities have paid no or little attention to the impact of logging on the local inhabitants. As a result, large numbers of West Papuans are intimidated as huge tracts of land have been granted as concessions to timber firms - activity which is having serious physical and social consequences. Furthermore, the heavy machinery has destroyed trees used by West Papuans for traditional medicine and food.<sup>149</sup>

Mining has been another major cause of environmental and cultural destruction in West Papua. Several largest MNCs in the world have until today operated in West Papua to exploit the mineral and oil deposits. These multinational firms include: CRA Cudgen RZ, BHP, Aneka Tambang and Dominion Mining (Australia); Kepala Burung

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<sup>147</sup> Suter, K. *East Timor, West Papua/Irian and Indonesia*. Minority Rights Group: Great Britain, 1997, p. 24.

<sup>148</sup> Ibid, p. 24.

<sup>149</sup> See Endnote 14.

and Marathon Oil (UK); Ingold (Canada); Total (France); Oppenheimer (South Arica); Freeport, Sun Oil, Atlantic Richfield, Petromer Trend Exploration, Shell, Mobil, Texaco, Esso, Phillips, Conoco, Agip, Amoko, and Union Oil (U.S.).<sup>150</sup> Areas where mining concessions are located, particularly in the PNG border area, the 'Bird's Head' on the western tip, the Baliem Valley, Fak Fak, the Paniai and Wissel Lakes region, and Grasberg and Ertsberg mountains, are where displacement and oppression of West Papuans has taken place.<sup>151</sup> They have also experienced the most powerful insurgencies with the cruelest retaliations by the TNI. Since Indonesia and TNI's economic interests correspond with those of MNCs, they have protected the interests of MNCs in West Papua and have sought to keep the problems hidden from the outside world. Geographical isolation and difficulties with access to the highlands, highly manipulated Indonesian media and constraints on protest movement within the area, have all contributed to West Papua undergoing the quietest yet most serious cultural and environmental genocide in this contemporary era.

## **6. Human Rights and the Resistance Movement**

For more than four decades after West Papua was passed to Indonesia in 1963 the West Papuans have, right up until today, experienced one of the most unjust and oppressive colonial occupations ever. West Papuans have been prohibited from exercising their basic freedoms, including their rights to develop in conformity with their own interests and needs. The best example of this has been the denial of their land rights. The appropriation of West Papuan land for development projects, from road construction, mining and forestry to transmigration settlements, has led to

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<sup>150</sup> Australia West Papua Association. *West Papua Information Kit*. 1995. <http://www.cs.utexas.edu/users/cline/papua/core.htm>

<sup>151</sup> Ibid.

substantial numbers of West Papuans being displaced from their traditional land. It has also resulted in the several large-scale conflicts with the TNI as well as emotional and physical damage for the people affected. For these reasons, there have been conflicts between a popularly assisted West Papuan movement whose members are against both Indonesia's rule and the local population who support Indonesian development.

The conflicts have also resulted in widespread human rights violations. Large numbers of violations have taken place in the context of on-going conflicts between the TNI and the Free Papua Movement (*Organisasi Papua Merdeka-OPM*). For example, since Indonesia's takeover, there has been a popular West Papuans' peaceful protest, supported throughout West Papua and one of the most common ways of conducting peaceful resistance has been to hold flag raising ceremonies. After one such event, in December 1988, held after a meeting at the Mandala sports stadium in Jayapura, several West Papuans were arrested. The ceremony started with a prayer reading, followed by the hoisting of the 'Morning Star' flag and the singing of 'My Land of Papua'. However, before the ceremony ended, TNI vehicles arrived and armed forces detained all those participating in the ceremony. Over the next month, 37 of those detained, including civil servants and university lecturers were found guilty of disruption and sentenced to terms of 2 to 20 years in jail - and the wife of the group's leader was imprisoned for 9 years for making the flag.<sup>152</sup> According to Amnesty International's report, there were over 140 political prisoners from West Papua who were serving sentences of between two years and life imprisonment for subversion in 1994.<sup>153</sup> Many of these were prisoners of conscience, imprisoned for their non-violent political

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<sup>152</sup> Ibid.

<sup>153</sup> Ibid. See Endnote 15.

beliefs or activities.

A number of violent insurgencies by the OPM have also taken place in the Baliem Valley, Enarotali, Manokwari and other regions. The TNI exacted a heavy toll in response to these assaults, strafing and bombing villages, with thousands of West Papuan inhabitants being killed. Also, since the TNI is incapable of operating in the jungle trying to find guerrilla camps, it has reinstated retaliations. To stamp out violent insurgency, villages were assaulted and suspected subversives were immediately executed. Other West Papuans were coercively resettled in lower land, where substantial number of infants died due to their lack of resistance to malaria. The TNI has engaged in operations to weaken support for the OPM resistance by intimidating the families of West Papuans who are believed to be resisting in the bush. The parents of guerrilla fighters were arrested and their wives attacked. Villages suspected of assisting the OPM were destroyed, property looted, livestock killed and West Papuan inhabitants chased from their homes. By 1995, it is estimated that between 70,000 to 200,000 West Papuans have been killed since Indonesia's takeover in 1963.<sup>154</sup>

## **7. Special Autonomy Law**

Due to the insecurity of the Indonesian government caused by financial crisis and conflicts in East Timor and Aceh, followed by the instability of West Papua and the continuous resistance by West Papuans, Indonesia passed the SAL in 2001.<sup>155</sup> SAL was a political bargain reached between the Indonesian state and West Papuans to settle the comprehensive issues in West Papua with dignity. It was offered as the final

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<sup>154</sup> Ibid.

<sup>155</sup> See Endnote 16.

solution to West Papuans and also assisted by the international community, which supported with proposals, ideas and funds. In theory, Special Autonomy is defined as:

self-government, allowing those concerned people [to] manage their own affairs except defense and foreign affairs. It is a middle ground of any given conflict, that both conflict [parties must be] ready to come to a compromised solution. In some cases, it is seen as a bridge to achieve independence.<sup>156</sup>

Yet, the Indonesian state in reality has failed to implement a full Special Autonomy that would correspond with above definition.<sup>157</sup> The lack of capacity to implement SAL is said to be the reason for it. For example, the SAL No: 1/2001 permitted the West Papua provincial government to administrate West Papuan affairs except for religious, jurisdictional, financial, defense, and foreign relation affairs. Yet, Indonesia defines Special Autonomy as decentralization of state authorities to the provincial government and this indicates that important areas of authorities are still in the hand of the Indonesian government. Due to this, the domination of the Indonesian government in West Papua's affairs has remained the same up to today.

SAL No: 21/2001 guaranteed autonomy for West Papuan institutions and their communities, as well as a greater share of state revenues from resource exploitation activities in West Papua, including 80 percent from mining activities and 70 percent from the gas and oil industry.<sup>158</sup> It also promised special funds for the improvement to infrastructure, education facilities and health services for rural West Papuans community for a 20 years period.<sup>159</sup> Yet, the Indonesian state has failed to implement

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<sup>156</sup> Ondawame, O. *West Papua: New Prospects for Change*. A Briefing Paper No1. Representatives of West Papuan Representative Office: Republic of Vanuatu, 2005, p. 10.

<sup>157</sup> See Endnote 17.

<sup>158</sup> Timmer, J. *Decentralization and Elite Politics in Papua*. State, Society and Governance in Melanesia. Discussion Paper. Research School of Pacific and Asian Studies: The Australian National University, 2005/6, p. 5.

<sup>159</sup> Ibid, p. 5-6.

these promises. For example, Socratez Sofyan Yoman, chairman of the Alliance of Baptist Churches in West Papua says that SAL No: 21/2001 has not contributed to improving the health standard of West Papuans because the doctors have set up pharmacies everywhere in West Papua where they sell medicines at extraordinarily high prices - far beyond the purchasing power of the local West Papuans.<sup>160</sup> He also says that SAL has provided the transmigrants with excellent opportunities to take control of their share of revenues from resources exploitation and from West Papua economy.<sup>161</sup> Yet, he argues that local West Papuans have not been supported in competing with the newcomers in economic activities.<sup>162</sup>

Finally, SAL: 19 to 25 promise the right of West Papuans to organize one of the highest bodies which has consultative status to the provincial government and parliament. Indonesia did in fact allow the establishment of the Papuan People's Assembly (*Majelis Rakyat Papua*-MRP) in March 2005 which consists of women, members of churches and the traditional council, and has the authority under Indonesian state law to fight for the survival and the fundamental rights of the West Papuans.<sup>163</sup> Yet, Indonesia has never heeded the views of the MRP since its conception.<sup>164</sup> For these reasons, despite the passing of SAL in 2001, West Papuans have become poorer than ever in their own land and this clearly indicates the failure of SAL. In fact, at the third Papuan Traditional Council meeting in Manokwari in 2005, the meeting renounced the SAL and agreed to return it to the Indonesian state in August 2005 if the Indonesian

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<sup>160</sup> Yoman, S S. Situation of West Papuan People. *The Indonesian Human Rights Campaign (TAPOL)*. 2006. <http://japan.indymedia.org/newswire/display/2725/index.php>

<sup>161</sup> Ibid.

<sup>162</sup> Ibid.

<sup>163</sup> Ibid.

Ondawame, O. *West Papua: New Prospects for Change*. A Briefing Paper No1. Representatives of West Papuan Representative Office: Republic of Vanuatu, 2005, p. 10.

<sup>164</sup> See Endnote 18.

state continued with the same policy.<sup>165</sup>

Furthermore, instead of implementing full Special Autonomy, Indonesia introduced a new plan to create two new provinces (Central Irian Jaya and Western Irian Jaya), three new regencies (Puncak Jaya, Mimika and Paniai), and one municipality (Sorong).<sup>166</sup> Indonesia claims that this is important for faster improvement of infrastructure and economic development in West Papua. Yet, John Otto Ondawame, an OPM spokesperson and a member of the Papua Presidium Council (PDP) argues that the most important motives behind this new plan have been to destabilize the national unity of West Papuans and to strengthen control over the OPM in the area.<sup>167</sup> Another possible motive, Timmer argues, is to increase the number of troops in the area. A potentially stronger presence of the TNI would generate suspicion, as it may not only increase oppression but also strengthen connections with local businesses with which the TNI is involved.<sup>168</sup>

Part of the plan for two new provinces was adopted in 2003 by the Indonesian state and due to this Bird's Head Peninsular of West Papua was made a separated province of West Irian Jaya. In fact, while the division of West Papua was part of SAL, the procedure, it stated was that it could only be implemented after deliberation of the MRP and upon acceptance by the provincial parliament.<sup>169</sup> Due to this, the legitimacy of new province has been controversial as it has been disapproved by the MRP. In November 2004, an Indonesian court acknowledged that the division violated SAL

<sup>165</sup> Ibid, p. 10.

<sup>166</sup> Timmer, J. *Decentralization and Elite Politics in Papua*. State, Society and Governance in Melanesia. Discussion Paper. Research School of Pacific and Asian Studies: The Australian National University, 2005/6, p. 6.

Irian Jaya refers to West Papua in Bahasa Indonesia which was named by the former president of Suharto.

<sup>167</sup> Ondawame, O. *West Papua: New Prospects for Change*. A Briefing Paper No1. Representatives of West Papuan Representative Office: Republic of Vanuatu, 2005, p. 10.

<sup>168</sup> Timmer, J. *Decentralization and Elite Politics in Papua*. State, Society and Governance in Melanesia. Discussion Paper. Research School of Pacific and Asian Studies: The Australian National University, 2005/6, p. 7.

<sup>169</sup> Ibid, p. 6.



which was granted to West Papua. Yet, the court ruled that since the Western Irian Jaya had already been established, it should remain separate from other part of West Papua. Nevertheless, the court did ban the establishment of Central Irian Jaya, another new province planned by Indonesia since the separation had not yet been carried out.

## **8. Conclusion**

After West Papua was unwillingly incorporated into the Indonesian Republic, West Papuans have suffered from one of the most unjust and oppressive colonial occupations. They have suffered from huge displacement from their native lands and the marginalization by transmigrants. The destruction of West Papua's environment and West Papuan's culture has also taken place through the logging and mining activities which involve the economic interests of both Indonesia and Western states. West Papuans have fought against Indonesia's rule and the local population who support the way of Indonesian development and this has resulted in widespread human rights violations by the TNI. Because of the insecurity of the Indonesian government caused by financial crisis and conflicts in East Timor and Aceh, West Papuans finally received a positive answer from the Indonesian state regarding the settlement of comprehensive issues in West Papua with dignity and SAL was passed in 2001. Yet, despite the SAL being presented as the final solution to West Papuans and supported by the global community, the Indonesian state has failed to implement a full Special Autonomy in reality and West Papuans have become poorer than ever in their own land.

## Chapter 5

### Background to the Conflict

There has been a conflict in West Papua over human rights, environmental justice, the right to control development, and the necessity for more fair distribution of affluence - primarily issues which Western corporations have long believed could go disregarded within the affable confines of Third World dictatorship. For more than forty years Freeport McMoRan, the American mining company, with its strict home laws against corruption, has been able to operate with privilege by adjusting to, and indeed developing a business culture anchored in nepotism, collusion and corruption. This chapter illustrates the background to the conflict in West Papua between Amungme and Kamoro, Freeport and the Indonesian state.

#### **1. Freeport McMoRan**

With the backdrop of the Indonesian state's invasion and suppression of West Papua in early 1960s, the Freeport McMoRan mining company of Louisiana signed its CoW with the Indonesian state in 1967. This agreement provided the company with a wide range of authorities over the West Papuans and resources, including the right to exploit the land, water, timber, and other ecological resources, on a tax free basis and to relocate West Papuans while providing unreasonable compensation to them.<sup>170</sup> Situated in the Western Highlands, Freeport together with the Rio Tinto of the UK, which is the biggest mining company in the world, manage Mt Grasberg, which is the

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<sup>170</sup> Abrash, A. The Amungme, Kamoro & Freeport: How Indigenous Papuans have Resisted the World's Largest Gold and Copper Mine. *Cultural Survival Quarterly* 25:1, 2001.  
<http://www.culturalsurvival.org/publications/csq/csq-article.cfm?id=652>

third largest copper mine and the largest gold mine in the world.<sup>171</sup> The mountain holds gold and copper stocks worth at least U.S. \$40 billion.<sup>172</sup> It is estimated that one billion tonnes of ore are in Mt Grasberg which is estimated to last for twenty years.<sup>173</sup> In 2005, Grasberg mine generated 3,410,000 oz of silver, 273,900 tonnes of copper and 1, 6076,000 oz of gold and the company's net income in 2005 was U.S. \$995.1 million.<sup>174</sup> The company has also been the highest tax payer to Indonesia. According to the company, it has provided more than U.S. \$33 billion in indirect and direct benefits, including fees, dividends, royalties and taxes, to Indonesia from 1992 to 2004 and \$1.2 billion in 2005.<sup>175</sup> The passing of SAL in 2001 promised greater share (80 percent) of Indonesian state revenue from mining activities to West Papua.<sup>176</sup> However, due to the Indonesian government's lack of capacity to implement SAL, only 13 per cent of the Indonesian state revenue from Freeport currently goes to West Papuan provincial and local governments.<sup>177</sup> As a result, very little benefit has gone to the West Papuans until today.

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<sup>171</sup> Gedicks, A. *Resource Rebels*. South End Press: Cambridge, 2001, p. 92.

<sup>172</sup> Australia West Papua Association. *West Papua Information Kit*. 1995. <http://www.cs.utexas.edu/users/cline/papua/core.htm>

<sup>173</sup> Ibid.

<sup>174</sup> Down to Earth. *Freeport-Rio Tinto: New Reports Expose Impacts Investors*. No 69, May 2006. <http://dte.gn.apc.org/69fd4.htm>

<sup>175</sup> Ibid.

<sup>176</sup> See Chapter 4, p. 53 of this thesis.

<sup>177</sup> Down to Earth. *Freeport-Rio Tinto: New Reports Expose Impacts Investors*. No 69, May 2006. <http://dte.gn.apc.org/69fd4.htm>

**Figures 4, 5: Mt Grasberg<sup>178</sup>**



<sup>178</sup> Freeport-McMoRan Copper & Gold Inc. 2006. <http://www.fcx.com/>  
Mealey, G A. Grasberg Book. Freeport-McMoRan Copper & Gold Inc, 1996. <http://www.fcx.com/aboutus/grasbk.htm>

The Amungme (highlanders) and Kamoro (lowlanders) are the native landowners of the Tembagapura and Timika area of West Papua where Freeport has operated gold and copper mining and constructed the infrastructure. When Freeport signed the contract in 1967, around 800 Amungme resided in the Wa Valley - where Timbagapura is - and used the adjacent territory for cultivation of gardens and hunting.<sup>179</sup> Another 1200 Amungme lived in two surrounding Aroanop and Tsinga valleys.<sup>180</sup> Even though the mill and mine, which are above the tree line at 14,000 and 10,000 feet, had no commercial use for the Amungme, trials show that the territory was used for hunting.<sup>181</sup> Most important is that this land held deep cultural and spiritual importance for the Amungme. In comparison, around 947 Kamoro resided in the two villages of Nawaripi/Koperapoka and Tipuka.<sup>182</sup> Arriving after the long history of penetration, especially the most recent cruel Japanese occupation, the first Freeport personnel described the Kamoro as “exhibiting a seeming indifference to outside influence and disinterest in their own future.”<sup>183</sup>

Since the presence of Freeport, Amungme and Kamoro people have suffered from the huge, permanent, and escalating disruption of their lives. The confrontation between Western capitalist values and highly traditional West Papuan values has resulted in the company disregarding the local landowners’ rights and their concerns. Even though Freeport and the West Papuan community have shared the land for forty years, the benefits to the West Papuan landowners were insufficient, with the company pretending to know surprisingly little of indigenous spiritual beliefs and customs. One

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<sup>179</sup> Leith, D. *The Politics of Power. Freeport in Suharto’s Indonesia*. University of Hawaii Press: Honolulu, 2003, p. 85.

<sup>180</sup> Ibid, p. 85.

<sup>181</sup> Ibid, p. 85.

<sup>182</sup> Ibid, p. 86.

<sup>183</sup> Ibid, p. 86.

example of this is that Freeport's mining operation has resulted in the construction of the Tembagapura town for its own employees. However, this disrupted the Amungme inhabitants who were displaced from Tembagapura and were forced to resettle at Timika near the airport which serves the complex, and is one of eight transmigrants settlements areas in Timika.<sup>184</sup>

The company also constructed a U.S. \$500 million 'new town' with an Indonesian partner on the flatlands nearby Grasberg, which provides accommodation for a maximum of 20,000 of its workers and families.<sup>185</sup> The Amungme and Kamoro have been further displaced and alienated culturally, politically, socially and economically by the outsiders who moved to the region of economic boom produced by the mine and its infrastructure. These newcomers include thousands of Javanese by the state's transmigration policy, thousands of West Papuans from other parts of the region, traders from Sulawesi, and Australian and North American workers of Freeport. Until the 1990s, the local population had risen to more than 60,000 people, making Timika the "fastest-growing economic zone in the entire Indonesian archipelago."<sup>186</sup>

Also, Freeport's mining activities have had a significant impact on environmental deterioration and public health. By 1995, the company was mining 110,000 tonnes of ore per day.<sup>187</sup> Most of this had been dumped as mine waste and tailings into the adjacent rivers, making the water thick with sludge and toxic, killing and smothering all plant life along the formerly rich river banks.<sup>188</sup> The company estimated that their

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<sup>184</sup> Australia West Papua Association. *West Papua Information Kit*. 1995. <http://www.cs.utexas.edu/users/cline/papua/core.htm>

<sup>185</sup> Ibid. See Endnote 1.

<sup>186</sup> Abrash, A. The Amungme, Kamoro & Freeport: How Indigenous Papuans have Resisted the World's Largest Gold and Copper Mine. *Cultural Survival Quarterly* 25:1, 2001. <http://www.culturalsurvival.org/publications/csq/csq-article.cfm?id=652>

<sup>187</sup> Ibid.

<sup>188</sup> Australia West Papua Association. *West Papua Information Kit*. 1995. <http://www.cs.utexas.edu/users/cline/papua/core.htm>.

operation has resulted in the disposal of more than 40 million tons of tailings into the adjacent Ajkwa River in 1996 and average tailings have doubled since then.<sup>189</sup> Environmental organizations have claimed that the huge amounts of mine disposal, which contained dissolved mercury, lead, arsenic and other possible harmful metals, have wiped out approximately 26 square miles of rainforest, destroying palm trees which are the source of sago.<sup>190</sup> The Kamoro people in the Koperapoke area were told not to consume sago which is their major food and the company has also provided them drums to obtain drinking water from the rain since the river water had been polluted. Also, Amungme and Kamoro communities inhabiting the company's operating area were often forced to shift to lower lands, where they tend to receive malaria and where traditional mountain foods like pandanus trees do not grow. The Amungme have emphasized respect for their native lands. One Amungme author writes:

‘[The Amungme’s] respect toward nature restrains them from causing any destruction to their environment. To destroy the environment is akin to their [own] destruction.’ He states, ‘To the Amungme, the most important thing is to maintain the harmony among the three elements of life: humankind, the natural environment, and the spirit of the ancestors.’ Another Amungme declares, ‘The land is ourselves. The land is our mother.’ Amungme cosmology depicts the mountain that Freeport is mining as the sacred head of their mother and its rivers as her milk. To the Amungme, Freeport’s mining activities are killing their mother and polluting the milk on which they depend for survival.<sup>191</sup>

In contrast, Freeport did not have to compensate the Amungme and Kamoro communities for the loss of forest products, drinking water, fishing grounds, hunting, their food gardens and other component of the natural environment that their livelihoods

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<sup>189</sup> Gedicks, A. *Resource Rebels*, South End Press: Cambridge, 2001, p. 101.

<sup>190</sup> Ibid, p. 101.

<sup>191</sup> Abrash, A. The Amungme, Kamoro & Freeport: How Indigenous Papuans have Resisted the World’s Largest Gold and Copper Mine. *Cultural Survival Quarterly* 25:1, 2001.  
<http://www.culturalsurvival.org/publications/csq/csq-article.cfm?id=652>

rely on due to the reason mentioned in the chapter 4.<sup>192</sup> Instead, Freeport has claimed that they have received benefits from its presence in terms of employment, educational opportunities and medical services. However, the Amungme and Kamoro have opposed it, insisting that they have received almost no benefits from the Freeport and it has been rather the prohibition of their existence bringing an undesired military presence into their lives, together with dispossession and oppression. As one Amungme leader stated:

[T]he smiling faces in Freeport's PR videos mask the grim reality of residents living in clapboard shacks, children scrounging for food, and communities ravaged by malnutrition and preventable disease - this while Freeport's privileged employees enjoy modern apartments, travel benefits, and more.<sup>193</sup>

In fact, Indonesian law allows the state to act as if it was satisfying West Papuans by respecting their land and resource rights. However, economic development, transmigration and other state-sponsored agendas are regarded as national interests and have priority over any land and resource claims by West Papuans.<sup>194</sup> For this reason, under Indonesian governance, the Amungme and Kamoro have had no right of informed consent or rights of refusal, nor any right to appropriate compensation. Although there is compensation it is usually simply in the form of 'a certificate of recognition of right.' Recognition can be in a form of various things, even something with no commercial value like conducting a traditional ceremony, the presentation of a mosque, church, agricultural implements or other public facilities.

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<sup>192</sup> See Chapter 4, p. 48 of this thesis.

<sup>193</sup> Press, E. Jim Bob's Indonesian Misadventure: A U.S. Mining Company Clashes with Indigenous Peoples. *The Progressive* 60, 6, 1996, p.34.

<sup>194</sup> See Chapter 4, p. 46, 48 of this thesis.



The coercive displacement of Amungme and Kamoro from their traditional lands often leads them to reply with open resentment. However, the Indonesian state has regarded opposition to economic development as a crime of disruption.<sup>195</sup> To fight against the two communities' opposition in obscurity, the Indonesian state has strongly blocked the international inspections of human rights situations in West Papua including Freeport's operating areas.<sup>196</sup> It has persistently shut down access by human rights observers, including the UN Special Rapporteur on Violence Against Women (1998), a joint NGO Indonesian-International independent assessment team (1999), and the UN Working Group on Arbitrary Detention (1999).<sup>197</sup>

The violence by the TNI has also been serious. According to the official record, the first killing of West Papuans by the TNI in Freeport's operating area happened in 1972. Researchers have recorded no less than 150 incidents of individual killings of Amungme and other West Papuans around mine since the 1970s.<sup>198</sup> Also, there have been hundreds of deaths amongst West Papuans from injury and illness, especially by malaria, because of the coerced displacement and invasions by the TNI. In 1995, the Australian Council for Overseas Aid (ACFOA), the biggest NGO in Australia reported that there had been disappearances or murders of dozens of indigenous people in and around Freeport's operating area by the TNI between June 1994 and February 1995.<sup>199</sup> In 1995 it was found that obvious human rights abuses had taken place in and around Freeport's operating area and Indonesia's National Commission on Human Rights (*Komisi Nasional Hak Asasi Manusia*-Komnas-HAM) stated that these abuses are

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<sup>195</sup> See Chapter 4, p. 49 of this thesis.

<sup>196</sup> See Endnote 2.

<sup>197</sup> Abrash, A. The Amungme, Kamoro & Freeport: How Indigenous Papuans have Resisted the World's Largest Gold and Copper Mine. *Cultural Survival Quarterly* 25:1, 2001.

<http://www.culturalsurvival.org/publications/csq/csq-article.cfm?id=652>

<sup>198</sup> Ibid.

<sup>199</sup> Gedicks, A. *Resource Rebels*, South End Press: Cambridge, 2001, p. 100. See Endnote 3.

directly linked to the TNI performing its duty as protecting the Freeport mining business.<sup>200</sup>

Finally, Freeport itself had served as the obvious government in their operating area by the 1990s. Despite the establishment of official state governmental systems, Freeport's influence has continuously affected the situation in the area. For example, the company has provided large organizational and financial support to the TNI via the Indonesian state. In fact, the Grasberg mine has been regarded by the Indonesian state as vital to national interest and due to this the TNI has played an important role in protecting the Freeport operation. Simultaneously, the Indonesian state has looked to Freeport to supply infrastructure assistance and additional funding for necessary services since it has had limited capital. In the late 1970s and early 1980s, Freeport management instructed their helicopter pilots to carry armed forces on patrol missions. Also in the same period, the TNI used Freeport infrastructure as a base for severe assaults, including aerial bombings, against local populations in and around the mine.<sup>201</sup> Finally, Freeport financial records from the mid 1990s reportedly stated expenses of more than U.S. \$9 million for police and the TNI, including offices for two army advisors, ammunition storage facilities, parade grounds, barracks, guard posts and houses, recreational facilities and military headquarters.<sup>202</sup> Since the first documented human rights abuses in Freeport's operating area, Freeport officials have insisted that the CoW says that the company has been required to give logistical support to the Indonesian police and the TNI. However, a review of Freeport's 1967 and 1991 CoWs

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<sup>200</sup> Abrash, A. The Amungme, Kamoro & Freeport: How Indigenous Papuans have Resisted the World's Largest Gold and Copper Mine. *Cultural Survival Quarterly* 25:1, 2001.

<http://www.culturalsurvival.org/publications/csq/csq-article.cfm?id=652>

<sup>201</sup> Ibid.

<sup>202</sup> Ibid.

do not reveal these facts.

#### **4. Defending the Amungme and Kamoro's Rights**

The Amungme and Kamoro reacted differently to Freeport's ill-treatment of their communities. The Kamoro, due to their simple lifestyle in the lowlands and their past experiences of cultural suppression, are a less cohesive community and suffered from a loss of self-esteem and weakened social structures. Though resistances have occasionally occurred, they have been comparatively more accepting of the unavoidable dominance and presence of outsiders in general, entering into a state of inactive opposition, resigning themselves to enabling others to manipulate the type and pace of change within their society.<sup>203</sup>

Conversely, the Amungme's harsher life in the isolated highlands, together with their necessity across the centuries to establish coherent political adherence for survival, has resulted in a comparatively politically savvy community with a strong sense of unity, cultural self-esteem, and aspiration to determine their own future.<sup>204</sup> As such they have resisted the company by using both nonviolent and violent tactics and strategies based on strong community organizing, to protect their lives, livelihoods and lands. Their protests against Freeport started in 1967 (the year when the company arrived) by positioning traditional taboo sticks around Freeport's highlands base camp.<sup>205</sup> Later it became the hoisting of the Morning Star flag, sit-ins and public demonstrations and it also occasionally included violent resistances with the open resentment.

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<sup>203</sup> Leith, D. *The Politics of Power. Freeport in Suharto's Indonesia*. University of Hawaii Press: Honolulu, 2003, pp. 88-89.

<sup>204</sup> Ibid, p. 88.

<sup>205</sup> Abrash, A. The Amungme, Kamoro & Freeport: How Indigenous Papuans have Resisted the World's Largest Gold and Copper Mine. *Cultural Survival Quarterly* 25:1, 2001.

<http://www.culturalsurvival.org/publications/csq/csq-article.cfm?id=652>

The Amungme community has also persistently searched for resolving the issues via open dialogue. In 1974 an agreement was made in which Freeport guaranteed to create facilities, including a health clinic and school for West Papuan communities affected, instead of admission of native landowners to company's operations. However, the lack of transparency in the land acquisition continued. Amungme leaders claim that as late as 1995, West Papuan communities around the mine realized for the first time that according to the state records they had ceded all inherited lands in the Timika area (nearly one million hectares) to the state for Freeport's company town, Kuala Kencana, the town of Timika and transmigration settlement.<sup>206</sup>

Discontented by the privileged powers' pledge to addressing native concerns, Amungme leaders in 1996 brought two legal actions against Freeport in the U.S., one in the state court of Louisiana, where the Freeport headquarters is located and the other in the U.S. federal court. They sued the company on the grounds of their stealing of ancestral Amungme lands, human rights violations, "violations of international environmental law tantamount to acts of eco-terrorism and the planned demise of a culture of indigenous people whose rights were never considered during the course of the company's mining operations."<sup>207</sup> Although the suits were unsuccessful, they have further asked the U.S. and the UK government for help. However, these two governments have ignored the request by the Amungme leaders and have continuously provided military training and sold arms to Indonesia since they are the key supporters of the TNI.<sup>208</sup> By doing so, the U.S. government has protected the interests of their mining company in Indonesia. According to the *Engineering and Mining Journal*,

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<sup>206</sup> Ibid.

<sup>207</sup> Gedicks, A. *Resource Rebels*. South End Press: Cambridge, 2001, p. 107-108. See Endnote 4.

<sup>208</sup> See Endnote 5.

Freeport's operation has generated the highest return and that "[Indonesia] has the potential to become a truly world-class mining center over the long term."<sup>209</sup>

The Amungme and later also Kamoro have continuously sought to defend their rights by communicating and chronicling their demands and concerns in several media interviews, public statements, resolutions and letters. They have appealed to the TNI, the Indonesian state and its civil institutions, the U.S., UN policy-makers and courts as well as Freeport shareholders and management. Yet, UN intervention everywhere in the world entails the questions of state sovereignty and the political and economic interests of those states that can exert the veto in the UN.<sup>210</sup> Also, the responses by Freeport and the Indonesian state have been inappropriate. For instance, the state's failure to enforce prosecution of military personnel responsible for human right abuses and compensation to West Papuan communities affected and the state's disregard of Freeport's own involvement in the human rights abuses have continuously frustrated the West Papuan communities.<sup>211</sup> In addition, the dialogues are always held on the privileged powers' terms, leaving West Papuan communities with seriously limited options. Furthermore, the TNI has also disturbed the efforts by the Amungme to be heard or to adopt legal action.<sup>212</sup> Finally, successive Indonesian presidents appear interested only in bringing profitable mining and logging concessions to the TNI so as to guarantee its support.<sup>213</sup> In short, Amungme's movement has sought to ensure their indigenous rights including their cultural, political and economic rights by transforming the force of global capitalism into a gentler system which can consider their life as

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<sup>209</sup> Ibid, p. 119.

<sup>210</sup> Ondawame, J O. Self-Determination in West Papua (Irian Jaya). *Indigenous Affairs*. No1, 2000, p 34.

<sup>211</sup> Abrash, A. The Amungme, Kamoro & Freeport: How Indigenous Papuans have Resisted the World's Largest Gold and Copper Mine. *Cultural Survival Quarterly* 25:1, 2001. See Endnote 6.  
<http://www.culturalsurvival.org/publications/csq/csq-article.cfm?id=652>

<sup>212</sup> See Endnote 7.

<sup>213</sup> The Guardian. Another Massacre is on the Way. November 30, 2000.

Wilmer, Friedman and Chase-Dunn stated.<sup>214</sup>

## **5. Conclusion**

By contributing the highest tax to the Indonesian state through mining activity, Freeport has created a condition of dependency and has influence in West Papua's economy, politics and society. Since the interests of the Indonesian state and the TNI corresponds with that of Freeport, they also voluntarily perpetuate a state of dependency to the detriment of Amungme and Kamoro. While ignoring the two communities' cultural reliance on the natural environment, Freeport, the Indonesian state and the TNI have established a capitalist paradigm in which natural resources including land are exploitable commodities. However, by being assimilated into an earth-exploiting, consumer-oriented capitalist system, the two communities have found that the system provides neither freedom of choice or property rights to them. For these reasons, Amungme and Kamoro have been in the situation of underdevelopment where their mineral resource is being largely utilized in a way which is beneficial for Freeport, the U.S., the Indonesian state and the TNI and not for them. Their story tells us about people who are at the mercy of unrestricted global capital in the extractive businesses and asks us to rethink whether sustainable development is achievable through a global capitalist economic system imposed by states and MNCs. It also shows the obvious harm to people's lives and to the condition of politically alienated groups. This occurs when those who control the means of force permit economically driven interests to dominate democratic public policy making, the protection of the environment and fundamental human rights. Unless states and MNCs stop neo-colonial approaches

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<sup>214</sup> Wilmer, F. *The Indigenous Voice in World Politics*. Sage Publications, Inc: California, 1993.  
 Friedman, J and Chase-Dunn, C. *Hegemonic Declines. Present and Past*. Paradigm Publishers: Colorado, 2005.  
 See Chapter 3, p. 25, 30 of this thesis.

toward local inhabitants and ecological resources and respect the universal human right to development, disputes will continue between states, MNCs and the local inhabitants whose territories they exploit.

## **Chapter 6**

### **Contemporary Issues Surrounding Amungme and Kamoro Communities**

With the intensification of West Papuan resistances and increasing pressure from the NGOs, Freeport in recent years has finally started to deal seriously with the Amungme and Kamoro communities and has spent millions of American dollars and human resources on community development. With the little presence of the Indonesian government, except for the TNI, Freeport admitted that it will carry on its responsibility and that it is in its best interest to promote social development within its concession area. Despite this, the two communities have been continuously underprivileged, disadvantaged and disenchanted. Difficulties in achieving successful community development are attributed to cultural differences, the absence of coherent Amungme and Kamoro foundations through which dialogue and development funds would be maintained and managed and the continuous influx of transmigrants which prevent the two communities from succeeding in business and education. However, the fundamental distrust which arose due to the company's condescending attitude toward the two communities, its close tie with the TNI and its 'can do' development policies, have been the main factors in embittering relations and spoiling community development today. Finally, although it is also vital to stop TNI's violence toward West Papuans, other parties have supported the Indonesian state and the TNI.

#### **1. Fundamental Cultural Differences**

Fundamental cultural differences between Western capitalist oriented culture and traditional West Papuan culture have prevented successful community development.



Cultural differences distort communication lines, causing misunderstanding, resentment and inadequate development programs. The Amungme and Kamoro have found it hard to adapt quickly to the remarkable changes being demanded of them. Also, Freeport, which focuses on profits, regards technology and Western development as superior to West Papuan culture. Thus it has also been difficult for Freeport to accept another cultural value. The two communities argue that they have strict codes of conduct and hierarchical systems which Freeport must understand and also say that traditional ways of living do not imply fundamental inferiority or backwardness.<sup>215</sup> For example, they evaluate the quality of life by ties to the land, cultural strength, comforting and familiar rituals and kinship relations, whereas Westerners evaluate it by educational levels, life expectancy and infant mortality.<sup>216</sup> Once when asked ‘How many people does Freeport feel that it has adversely affected by its mining operations?’, Edward Pressman, who is the spokesperson for Freeport Indonesia’s head office in Jakarta, replied:

Has our presence disrupted traditional life style? Yes, but in many more positive aspects than negative. We have provided the means with which the local people can avail themselves of a better standard of living. We have seen life expectancy among the local [West Papuans] rise dramatically since we entered the area. We have seen infant mortality drop drastically since we entered the area. The [West Papuans] in the area have been afforded educational and job opportunities that they never would have been given if not for Freeport’s presence. And for many people, Freeport has provided hope that the next generation will enjoy even more benefits than the present.<sup>217</sup>

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<sup>215</sup> Leith, D. *The Politics of Power. Freeport in Suharto’s Indonesia*. University of Hawaii Press: Honolulu, 2003, p. 91.

<sup>216</sup> Ibid, p. 91.

<sup>217</sup> Ibid, p. 91.

However, although what Freeport argues sounds persuasive, the negative aspects of development have also appeared. For example, whereas Amungmes' lifestyle was dangerous and difficult, it is also true that before the presence of the company, everyone had a home, job and most important, a coherent spiritual culture. Today, unemployment, social disorder, drug abuse, AIDS and economic, social and spiritual disorder are apparent in Timika and Kwamiki Lama and are starting to be seen in the villages. In short, Freeport's capitalist oriented development model has not been able to accommodate different ideas about cultural, social and family relationships and as a result, it has merely encouraged the Amungme and Kamoro's access to an imposed capitalist economic system as Lutz argues.<sup>218</sup>

Regarding communication and negotiation, these have been disturbed by the disregarding by both Freeport and Amungme and Kamoro of different ways of communication and negotiation. Misunderstandings are usual on both sides and while Freeport officials expect to hear coherent decisions presented in one voice, the two communities often revisit settled issues.<sup>219</sup> In the end, difference in negotiation results in the two communities believing that they simply have get to a higher stage of negotiations while Freeport believes it has already settled an agreement. While Freeport has coherent channels of communication and decision making which concentrate on immediate outcomes, the two communities focus primarily on the process and have a variety of voices among which clear channels of decision-making are absent.<sup>220</sup> Thus, reaching an agreement with the two communities' needs understanding and patience. They require time to understand what is being offered by

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<sup>218</sup> Lutz, E L. Is Fair Trade Fair? *Cultural Survival Quarterly* Issue 29, No 3, 2005. See Chapter 3, p.26 of this thesis.  
<http://www.cs.org/publications/csq/csq-article.cfm?id=1843>

<sup>219</sup> See Endnote 1.

<sup>220</sup> See Endnote 2.

following their own negotiation and deliberation rhythm. In contrast, Freeport argues that in the competitive world today, they do not have sufficient time to continue renegotiating agreements.<sup>221</sup>

On the other hand, Freeport's corporate culture has also been far from normative for successful communication. The company believed in its capacity to overcome hardship and to win out over adversity.<sup>222</sup> In fact, this can-do philosophy had brought its success in mining, but had completely failed in managing the mine's critics. As LABAT - Anderson states:

Standard corporate operating procedures and management philosophy - e.g., materialism, individual property rights, formal written law, hierarchical, non-consensual decision-making result in different perspectives, conflict of messages, misunderstandings, and lack of reciprocity with respect to the indigenous peoples.<sup>223</sup>

Finally, constructive communication and satisfactory outcomes are difficult when the two groups derive from significantly different power levels. Living under the TNI occupation, struggling with cultural genocide and feeling comparatively weak in challenging the MNC, Amungme and Kamoro in general have struggled with a loss of self-confidence.<sup>224</sup> In addition, forced interaction between three significantly different cultures has caused the situation to deteriorate. The Indonesian transmigrants regard the West Papuans as backward and inferior. In particular, traditional Melanesian culture with dietary practices including the eating of pigs, their morals, nudity and their pagan belief is regarded by Muslim Indonesians as anathema.<sup>225</sup> Indonesian

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<sup>221</sup> Cook, C D. Papuan Gold: A Blessing or a Curse? The Case of the Amungme. *Cultural Survival Quarterly* 25:1, 2001. <http://www.culturalsurvival.org/publications/csq/csq-article.cfm?id=653>

<sup>222</sup> Elmslie, J. Irian Jaya under the Gun. *Indonesian Economic Development versus West Papuan Nationalism*. University of Hawaii Press: Honolulu, 2002, p. 163.

<sup>223</sup> Leith, D. *The Politics of Power. Freeport in Suharto's Indonesia*. University of Hawaii Press: Honolulu, 2003, p. 94. See Endnotes.3.

<sup>224</sup> See Endnotes 4.

<sup>225</sup> Ibid, p.95

transmigrants have long benefited from marginalizing West Papuans and it is unlikely that they as a public can establish a fairer situation for the Amungme and Kamoro which contradict with what Lutz says.<sup>226</sup> To make the matter worse, while the population of the area today is around 100,000, the West Papuans, who number around 40,000 have become a minority in their own territory, and the Amungme (around 4,300) and Kamoro (around 8,000) have become minorities within the minority.<sup>227</sup>

## **2. One Percent Fund, Land Rights Recognition Programs and Land Rights Trust Fund**

Since there had been a growing necessity to find prompt resolutions to the social problems around the operating area and to respond to West Papuan demands Freeport announced the Integrated Timika Development Plan or more commonly, ‘the One Percent Fund policy’ in April 1996, as its effort at socioeconomic development to address West Papuans’ concerns. According to Freeport, this plan was based on a tripartite cooperation between the company, the West Papuans and the Indonesian government in which each party takes equal responsibility for development. To commit to its agreement, Freeport has contributed 1 percent of its annual profit for the fund. According to Freeport, it contributed U.S. \$42 million for the fund through 2005.<sup>228</sup> Between 1996 and 2005, it had spent an estimated U.S. \$194 million for the fund.<sup>229</sup> The fund is administered via Pembangunan Wilayah Timika Terpadu (PTW2) under the control of the Project Coordination Unit (PCU).

<sup>226</sup> Lutz, E L. Is fair Trade Fair? Cultural Survival Quarterly Issue 29, No 3, 2005. See Chapter 3, p. 27 of this thesis. <http://www.cs.org/publications/csq/csq-article.cfm?id=1843>

<sup>227</sup> Leith, D. The Politics of Power. Freeport in Suharto’s Indonesia. University of Hawaii Press: Honolulu, 2003, p. 95-96.

<sup>228</sup> Freeport McMoRan Copper & Gold Inc. *The Elements of Sustainable Development. 2005 Working toward Sustainable Development Report.* 2005, p. 12. <http://www.fcx.com/envir/wtsd/pdf-wtsd/2005/WTSD-ver4.pdf> See Endnote 5.

<sup>229</sup> Ibid, p. 12.

However, a number of issues have appeared from the One Percent Fund policy and one of them is the communication. There has been a breakdown in the channels of communication between West Papuans, Freeport and the Indonesian government. There were few West Papuan elites who could negotiate properly with the company. In fact, a continuum of representative leadership is not familiar to West Papuans' culture, where leadership is often diffused, challenged, fluid, and in a state of constant change.<sup>230</sup> Within this fragile institutional structure, where the recipients often lack local credence, a corrupted Indonesian officer from the government planning agency in Jayapura, with no previous experience in community development and no clear or accountable plan, mismanaged the allocation of funds.<sup>231</sup> Under the scheme, the fund was allocated with equal amounts going to each West Papuan community irrespective of Amungme and Kamoro who have been the initial victims of the Freeport operation. Moreover, the disbursement of funds was project driven (initially house construction) rather than being based on needs. This meant that Indonesian contractors started engaging in projects for communities or borrowing funds "on the understanding that when the funds became available these funds be channeled straight to them to make them a handsome profit."<sup>232</sup>

Furthermore, these compensation funds by Freeport worsened already existing tensions and jealousies within and between West Papuan communities. Because of the misallocation of the funds, the Amungme and Kamoro had been little satisfied. They complained that they had never been properly compensated while most of those who received the fund were not entitled to it. Amungme Traditional Council (*Lembaga*

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<sup>230</sup> See Endnote 6.

<sup>231</sup> McBeth, J. Indonesia---Bull's-Eye: Global Activists have a New Target: Freeport. *Far Eastern Economic Review*, December 4, 1997.

<sup>232</sup> Leith, D. *The Politics of Power. Freeport in Suharto's Indonesia*. University of Hawaii Press: Honolulu, 2003, p.105.

*Masyarakat Adat Amungme-LEMASA*) estimated that the two communities had received no more than .001 percent of the fund.<sup>233</sup> Due to this, in April 1996, LEMASA renounced the company's offer, announcing that the fund failed to satisfy the Amungme needs.<sup>234</sup> However, the rejection of Freeport's offer by the LEMASA divided the coherent Amungme. With the support of Freeport which controlled who could or could not represent the Amungme, Breakaway Amungme yayasan (AMUNGKAL) a rival Amungme representative group was formed and they obtained development funds for the Amungme.<sup>235</sup> Yet, no preference was given to Amungme communities under this arrangement. The LABAT - Anderson report says:

The [council]s that supposedly represent the peoples...were formed in response to the money, not from the grassroots of the people's needs. They are staffed by people who have various allegiances: some were leaders of the riots of March 1996, some [were] Freeport employees, government employees and businessmen, the very contractors who implemented infrastructure projects. Many lack[ed] the skills needed to perform their management and representation function effectively.<sup>236</sup>

By accepting Freeport's offers, AMUNGKAL was given Rp 500 million from the fund each time, and another small Amungme group in the Banti village which aligned with the military and refused LEMASA was also guaranteed special privileges.<sup>237</sup> As well as the Amungme, the Kamoro had also been split as well by the offer of Freeport's funds. They caused discontent to grow between the Kamoro Traditional Council (*Lembaga Adat Masyarakat Suku Kamoro-LEMASKO*) which were also formed with Freeport's support and were the direct recipients of funds and those in the Kamoro villages who perceived they were comparatively ignored yet asserted a strong tie to the

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<sup>233</sup> Ibid, p.107.

<sup>234</sup> See Endnote 7.

<sup>235</sup> Breakaway Amungme yayasan refers to the God in Amungme language. See Endnote 8.

<sup>236</sup> Ibid, p.105.

<sup>237</sup> Ibid, p.108.

mining area. Nevertheless, Kamoro as a whole benefited from the company's offers and education and health projects.

Due to the above problems caused by the One Percent Fund Policy, from 1998 the company started to re-evaluate the projects and restructure the mechanism and the People's Development Foundation Irian Jaya (LPM-Irja) was founded. By including provincial government representatives, local church representatives, leaders from the local Kamoro and Amungme communities, other West Papuan regional leaders and Freeport, its initial purpose was to generate a number of responsible representative foundations capable of managing the One Percent Fund on an everyday basis. By establishing it, the company encouraged a more decentralized and representative decision-making system and implementation mechanism. Within this new system, the attempt at socioeconomic development was village oriented rather than project or foundation oriented. Freeport personnel and those NGOs willing to support the company, were engaged within the villages to assist setting up and training representative foundations, whose task was to decide what was required in their village, after which they handed in a proposal to LPM-Irja for evaluation. If their proposal was accepted, funds were provided for the project, but under this system the village was asked to accomplish the project itself.<sup>238</sup> With the conclusion of a Memorandum of Understanding (MOU) with LEMASKO and LEMASA in 2000, LPM-Irja was reorganized and renamed as the Development Foundation of Amungme and Kamoro People (*Lembaga Pembangunan Masyarakat Amungme dan Kamoro-LPMAK*) in 2001.<sup>239</sup>

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<sup>238</sup> See Endnote 9.

<sup>239</sup> See Endnotes 10.

However, a number of issues again appeared. Although the new system would witness certain successes, its effectiveness continuously suffered from the apparently continuing problems of jealousy among recipients and the absence of responsibility - which LPM-Irja were expected to bring to an end, coupled with communication breakdowns between involved parties.<sup>240</sup> Several village leaders were witnessed in Timika having cash in hand and sporting sunglasses; one person even allegedly fled to Java with U.S. \$200,000 to pursue a better life and a new woman.<sup>241</sup> In addition, the large inflow of money created unforeseen consequences such as an increase in the HIV/AIDS rate in these areas and a rise in the economically and socially significant bride-price.<sup>242</sup> These are source of the outcomes which may occur when traditional cultures are suddenly bombarded by a Western capitalist culture.

Tom Beanal, a recognized Amungme leader who is now a member of the company's consulting group, expressed his concerns and said, "people don't know how to use money properly and suddenly they have huge amounts. It's like instant cash. But we can't blame the people."<sup>243</sup> Instead, he criticizes Freeport, for not educating West Papuans before the disbursement of cash. To deal with the above issues, in 2001 the company established a new Community Liaison Program. The program required that trained workers engage within the villages to better understand the local West Papuans' needs and their disquiets about the company. The company also attempted to rely on NGOs for development programs and Yayasan Sejati an Indonesian NGO which had negotiated with Kamoro about the company's land rights agreement, has engaged in small development projects in the Kamoro villages. In the highlands

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<sup>240</sup> See Endnote 11.

<sup>241</sup> Dodd, T. Cash Culture Fails to Appease. *Australian Financial Review*. December 8, 2000.

<sup>242</sup> See Endnote 12.

<sup>243</sup> Ibid.



the strongly religious Village Heartbeat Foundation, founded by former community relations workers and the missionary John Cutts, have carried out these tasks.

Finally, the One Percent Fund Policy also created a culture of dependency among the two communities. A growing number of Amungme and Kamoro seem to be worried if there was no payment of the funds. Rumbrar stated that local West Papuans such as farmers had left their jobs and were waiting for funds.<sup>244</sup> Kilangin similarly stated that “[i]nstead of doing their routine activities such as gardening and their other daily activities, they carried their proposals around looking for funding from office to office.”<sup>245</sup> Within the present atmosphere in which the Fund is disbursed, a mentality of reliance will grow and may result in serious problems after the end of the policy in 2006 as there seems to be no promise from the company regarding the continuation of the policy.

In relation to land rights, there had been misunderstanding regarding land rights which Amungme and Kamoro argued that their greatest loss had been that of their spiritual lands. Due to this, resentment and trouble around the mine had continued. For this reason, Freeport has engaged in the Land Rights Recognition Programs to carry over the years by supplying millions of American dollars value of social, economic and infrastructure development projects for Amunme and Kamoro.<sup>246</sup> Also the Land Rights Trust Fund agreement was signed by Freeport, Amungme and Kamoro communities in 2001. Nevertheless, it was not a voluntary agreement and the local government, after being invited by Freeport, coerced the Amungme to sign the

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<sup>244</sup> Soares, A J. The Impact of Corporate Strategy on Community Dynamics: A Case Study of the Freeport Mining Company in WestPapua, Indonesia. *International Journal on Minority and Group Rights*. Vol 11, No1-2, 2004, p.140.

<sup>245</sup> Ibid, p. 140.

<sup>246</sup> See Endnote 13.

agreement and they also signed the Kamoro land settlement illegally. Under the agreement, Freeport's compensation of land rights, which was U.S. \$1 million annually, has been provided to the two communities to buy shares in Freeport, thus becoming stakeholders in the mine.<sup>247</sup> This system was invented to appease the two communities by fulfilling all their requests, which included compensation, a voice within Freeport and equality. In a provision which was similar to existing traditional land ownership practices of the Amungme and Kamoro, it also diminished compensation to them for loss of land by giving a way for continued transgenerational resource stewardship via ownership.<sup>248</sup> In turn, they were asked to switch their land rights to permanent shares in Freeport and according to the agreement, the shares could never be sold. By providing both the Land Rights Recognition Programs and the Land Rights Trust Fund, Freeport argues it has done more than it is obliged under Indonesian law to fulfill requests for acknowledgment.<sup>249</sup> LEMASA in recent years has gradually understood Freeport's dilemma regarding land rights, with a member expressing that "while the group believed that there is some goodwill from Freeport, the company's actions were limited by Indonesian laws."<sup>250</sup>

### **3. Broad-Based Development Programs**

While Freeport now attempts to bring development to the operating area, it is continuously funding the broad-based development programs. The funds for these programs come separately from the One Percent Fund and Land Right Trust Fund, and

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<sup>247</sup> Freeport McMoRan Copper & Gold Inc. The Elements of Sustainable Development. 2005 Working toward Sustainable Development Report. 2005, p. 25. <http://www.fcx.com/envir/wtsd/pdf-wtsd/2005/WTSD-ver4.pdf>  
See Endnote 14.

<sup>248</sup> Leith, D. *The Politics of Power. Freeport in Suharto's Indonesia*. University of Hawaii Press: Honolulu, 2003, p. 111

<sup>249</sup> See Endnote 15.

<sup>250</sup> Leith, D. *The Politics of Power. Freeport in Suharto's Indonesia*. University of Hawaii Press: Honolulu, 2003, p. 113.

from 1990 to 2000 U.S. \$155 million was spent on the programs.<sup>251</sup> However, several issues have again emerged from the programs. Regarding Freeport's employment, Amungme and Kamoro have found it difficult to adjust to a Western working timetable, with Freeport making no accommodation for their work habits. Also, transmigrants have become their greatest competitors for jobs. Freeport, for many years, has benefited from importing skilled labor and employing cheap Indonesian transmigrants rather than spending the money, effort and time to train West Papuans. Also, regarding the other business opportunities, most business in Timika today is run by the transmigrants from Sumatra, Java, Maluku and North and South Sulawesi - even in the senior positions in government and the stores which sell West Papuans' traditional crafts.<sup>252</sup> As Earl states, Timika's taxis and markets hold "a growing sea of people from western Indonesia with absolutely no regard for who was there first."<sup>253</sup> The local Amungme and Kamoro women, who now inhabit Timika and Kwamki Lama are required to depend on selling their vegetables in the marketplace to support their families, complaining that the more aggressive transmigrants took their business opportunities away.<sup>254</sup> For these reasons, tension between the two communities and transmigrants regarding job opportunities has become a significant social problem.

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<sup>251</sup> Ibid, p. 118.

<sup>252</sup> See Endnote 16.

<sup>253</sup> Earl, G. Explosive Mix on Indonesia's Eastern Frontier. *Australian Financial Review*. October 25, 1995. See Endnote 17.

<sup>254</sup> Leith, D. *The Politics of Power. Freeport in Suharto's Indonesia*. University of Hawaii Press: Honolulu, 2003, p.120.

**Figure 6: Domination of Transmigrants in West Papua**<sup>255</sup>



**Figure 7: The West Papuans' Traditional Properties being Sold by Transmigrants**<sup>256</sup>



<sup>255</sup> Yoman, S. S. Genocide in West Papua 1963-2006. We Need Justice, Peace and Freedom. PowerPoint Presentation Presented at Seminar on West Papua. 'The Hidden Pacific Conflict'. Held on August 18-19, 2006 at the Auckland University of Technology, New Zealand.

<sup>256</sup> Ibid.

**Figure 8: West Papuan Women Selling their Vegetables in the Market Place<sup>257</sup>**



Freeport, at first, denied that it has favored transmigrants - arguing that West Papuans are naturally disadvantaged against the more aggressive transmigrants, regarding employment. The company says that since the technology for the mine is so complex, most West Papuans who have lived in traditional hunter-gatherer societies, with a lack of education or the benefit of past recruitment, lack the fundamental abilities required in most areas of the company's jobs.<sup>258</sup> Yet, in 1995, the company adopted a positive discrimination policy on behalf of the West Papuans. It stated that employment priority today is given first to Amungme and Kamoro, and then to other West Papuans. Freeport is also running a popular literacy course for West Papuan adults and vocational training centers for West Papuans where they can learn the skills which they need for employment.<sup>259</sup> Followed by these initiatives, the company argues it has

<sup>257</sup> Ibid.

<sup>258</sup> Leith, D. *The Politics of Power. Freeport in Suharto's Indonesia*. University of Hawaii Press: Honolulu, 2003, p.120.

<sup>259</sup> See Endnote 18.

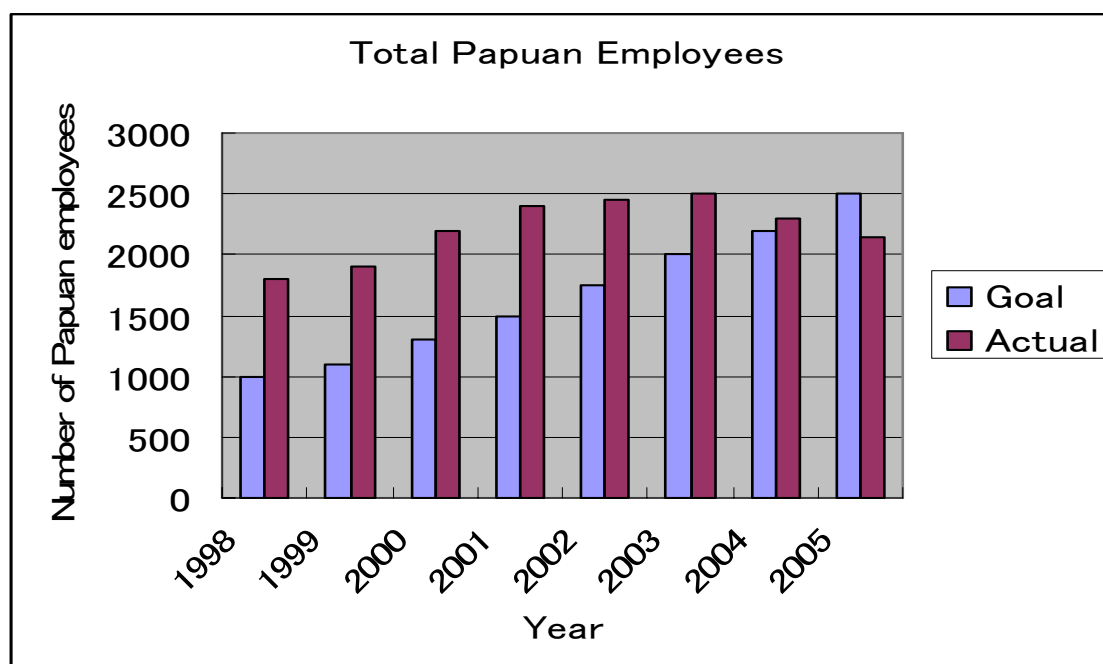
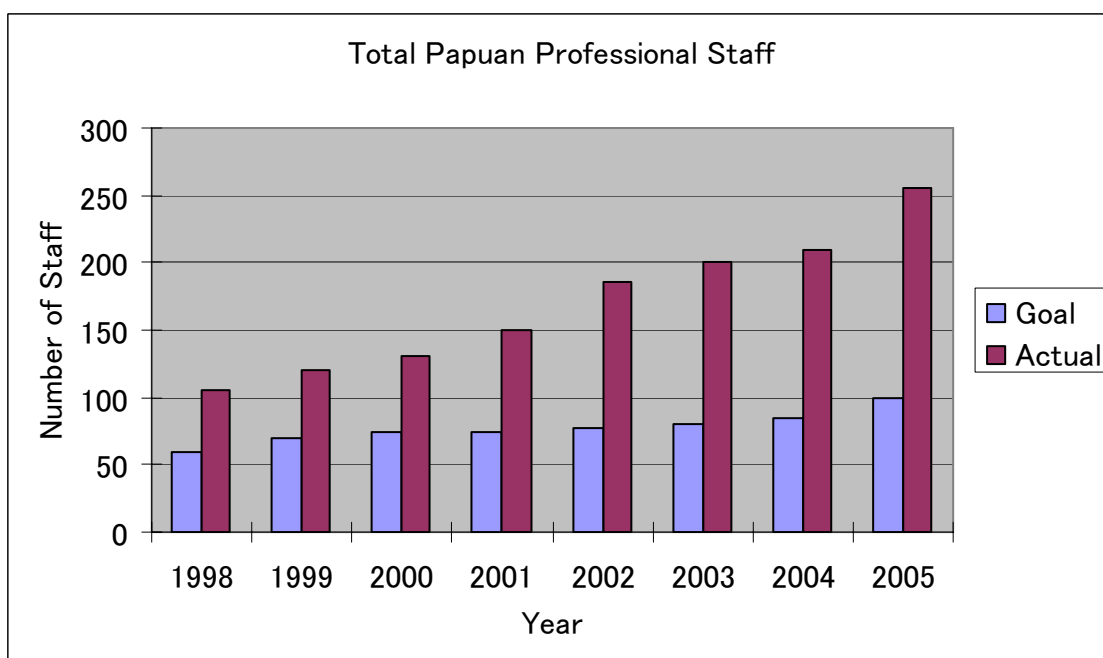
committed to employing more West Papuans. It stated that from 600 West Papuans in 1996, West Papuan employment had increased to almost 2,400 by 2005, with staff numbers (professional and managerial) in the same period increased from 50 to 250, with more than half of these being Amungme and Kamoro heads of households.<sup>260</sup> However, to position a large number of West Papuans in highly skilled areas Freeport is realistically expecting the next generation who are in school now. Thus it will take a certain period of time before the benefits can be seen, even though the company continues to commit to these promises. Yet, it also should not be disregarded that the Kamoro Baseline Study warned that it found a large number of errors in Freeport's employment records.

However, the same as in the case of the One Percent Fund policy, there has been significant jealousies between West Papuan communities regarding the company's positive discriminatory policy. For example, Kamoro complained that the company favours the Amungme who are the original owners of the mine and are historically fiercer than Kamoro. In fact, Amungme found more employment than Kamoro in the ratio of 3:1 so that more than 60 percent of the Amungmes' cash income is derived from Freeport employment compared to 27 percent of the Kamoro's.<sup>261</sup> Also, the same as with other Freeport initiatives, company policy and the Amungme and Kamoro's understanding of the policy are different.

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<sup>260</sup> Freeport McMoRan Copper & Gold Inc. *The Elements of Sustainable Development. 2005 Working toward Sustainable Development Report*, 2005, p. 17. <http://www.fcx.com/envir/wtsd/pdf-wtsd/2005/WTSD-ver4.pdf>  
See Endnote 19.

<sup>261</sup> Leith, D. *The Politics of Power. Freeport in Suharto's Indonesia*. University of Hawaii Press: Honolulu, 2003, p.121.

**Table 1: Freeport's Estimation of West Papuan Employees at Freeport<sup>262</sup>****Table 2: Freeport's Estimation of West Papuan Staffs at Freeport<sup>263</sup>**

<sup>262</sup> Freeport McMoRan Copper & Gold Inc. *The Elements of Sustainable Development. 2005 Working toward Sustainable Development Report*. 2005, p. 17. <http://www.fcx.com/envir/wtsd/pdf-wtsd/2005/WTSD-ver4.pdf>

<sup>263</sup> Ibid, p. 17.

Most Amungme and Kamoro do not perceive Freeport's initiative on their behalf, believing that it is intentionally excluding them from employment. However, due to the nature of the mining operation and the area's demographics, it is not possible for Freeport to provide work for all those who look for employment.

Regarding education, which is a crucial requirement for solving the existing problems and achieving right socioeconomic development, the company has directly engaged in the education of the Amungme and Kamoro via its community development education program.<sup>264</sup> In fact, the two communities desire education the most because it is seen as a passport to a company job and as the magical door through which access can be obtained to a seductive world created by Freeport affluence.<sup>265</sup> However, only 10 percent of 1.3 million West Papuans until today have completed primary and senior school, and only one percent have completed university degrees.<sup>266</sup> In fact, whereas the company argues that its educational programs support the two communities, discrimination in favour of Indonesian transmigrants has been obvious and few scholarships for higher education have been awarded to the two communities. Yet, any present or past discrimination in the education program might be the outcome of a flow-on from issues other than apparent discrimination by the Freeport itself. The local priest points out that transmigrants are naturally better in school and as a result deserve more scholarships, since their history and language give them an original advantage.

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<sup>264</sup> See Endnotes 20.

<sup>265</sup> Leith, D. *The Politics of Power. Freeport in Suharto's Indonesia*. University of Hawaii Press: Honolulu, 2003, p. 126.

<sup>266</sup> Sijabat, R M. Papuans Wait Impatiently for Autonomy or Freedom. *Jakarta Post*. August 27, 2001.



He said:

Reading primers are written in Bahasa Indonesia, which 70 percent of the province does not speak. They tell about rice paddies and trains. Who knows anything about paddies and trains here? It's too big a jump. My people drop out, remain illiterate, and Jakarta says, 'See? West Papuans don't want to learn.'<sup>267</sup>

Yet, in Amungme and Kamoro's perspective, they believe that the discrimination in the education is an intentional policy of Freeport's in coalition with the Indonesian state, to keep them stupid, split and remaining in a stone age culture to respect the more competitive transmigrants.<sup>268</sup>

On the other hand, the company's support for education is a two-edged sword for the two communities as well. As Theys Eluay, who was the leader of the PDP, stated, "[e]ducation is the solution, but it's also where the problem starts."<sup>269</sup> Whereas the company's support of the education system provides chances to many Amungme and Kamoro, it also contributes to their cultural destruction. In fact, Jakarta's policy enforces every Indonesian citizen to receive a state-sponsored education using Bahasa Indonesian to assimilate every minority group into the dominant culture.<sup>270</sup> The two communities complain about the Indonesian education system which is a form of brainwashing that undermines their culture. Therefore, whereas lack of access to education is condemned by the two communities, so too is the system itself.

Finally, disappointment with the education system is not only limited to access and content, but also to results. While education may fundamentally increase

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<sup>267</sup> Leith, D. *The Politics of Power. Freeport in Suharto's Indonesia*. University of Hawaii Press: Honolulu, 2003, p.126.

<sup>268</sup> Ibid, p. 126.

Sijabat, R M. Papuans Wait Impatiently for Autonomy or Freedom. *Jakarta Post*. August 27, 2001. See Endnote 21.

<sup>269</sup> Leith, D. *The Politics of Power. Freeport in Suharto's Indonesia*. University of Hawaii Press: Honolulu, 2003, p.127.

<sup>270</sup> See Endnote 22.

expectations, failure to achieve these expectations can be relatively detrimental to the individual and the community as a whole. One community which received empty promises of education was the Kamoro. Muller states that due to the Kamoro's fairly simple lifestyle and their negative experiences of education in the 1930s - which witnessed the Kamoro receiving an education that was not useful in the village situation and failed to guarantee Western employment - makes it difficult to persuade them of the benefits of education, especially post high school level education.<sup>271</sup> The Kamoros' perception of education is obviously reflected in the statistics and while the access to education is easier for the lowland Kamoro and they generally receive a higher level of education compared to Amungme, more Amungme generate a higher level of attainment. Simultaneously the Kamoro Baseline Study proved that high drop-out rate of the Kamoro was also linked to the significance of sustaining resource and social bases in various parts of their territory. That means "they often left their village for extended periods and returned to their seminomadic lifestyle, making continuity in education difficult."<sup>272</sup> Nevertheless, whereas education entails no guarantees, it is regarded as a passport to future development by most West Papuans. As McBeth states:

[I]nvariably, when you sit down with [West] Papuan leaders and ask them what they want, they say a school or a clinic. They say they want their children to have more than they had and to relate to a world that is changing.<sup>273</sup>

The TNI also realize this and has subsequently blocked West Papuan students from studying overseas, believing that education for West Papuans will threaten its control on the area.

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<sup>271</sup> Ibid, p.127.

<sup>272</sup> Ibid, pp.127-128.

<sup>273</sup> McBeth, J. Indonesia---The Lost Mountain: Plunged into the 20<sup>th</sup> Century, Tribes Struggle to Cope. Far Eastern Economic Review. March 24, 1994.

#### **4. Continuous support by other parties to Indonesia and the TNI**

While achieving successful community development is an important next step, it is also crucial to stop ongoing human rights abuses which have been conducted by the TNI over many years to promote further prosperity of Amungme, Kamoro. TNI abuse has been widespread throughout the whole of West Papua since the turn of the 21<sup>st</sup> century, especially in the Freeport operating area in Timika which has become the most militarized zone.<sup>274</sup> Despite the passing of SAL in 2001, it has done little to prevent the TNI oppression and human rights abuses until today. Conversely, although the current Indonesian President Yudhoyono promised to decrease the amount of TNI presence in West Papua, it is in fact, growing significantly. Today, no less than 50,000 troops are in West Papua with 15,000 stationed in the Mimika regency.<sup>275</sup> In fact, the TNI has spent not only the 30 percent of the state budget distributed to them but also has spent money from international donors which is provided for humanitarian aims.<sup>276</sup> Furthermore, despite the historical record of human rights violations, Indonesia and the TNI up to the present have continuously been supported and provided with aid and training from the other parties including Freeport, the U.S., UK, New Zealand and Australia.

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<sup>274</sup> See Endnote 23.

<sup>275</sup> Ondawame, O. West Papua: New Prospects for Change. A Briefing Paper No1. Representatives of West Papuan Representative Office: Republic of Vanuatu, 2005, p. 12.

<sup>276</sup> Ibid, p. 12. See Endnote 24.

**Figure 9: Theys Eluay, a Leader of the PDP Murdered by the TNI in 2001.<sup>277</sup>**



**Figure 10: Yustinus Morip, a local West Papuan ill-treated by the TNI in November 5, 2003.<sup>278</sup>**



<sup>277</sup> Yoman, S. S. *Genocide in West Papua 1963-2006. We Need Justice, Peace and Freedom*. PowerPoint Presentation Presented at Seminar on West Papua. The Hidden Pacific Conflict: Held on August 18-19, 2006 at the Auckland University of Technology, New Zealand.

<sup>278</sup> Ibid.

**Figure 11: Paul Morkaneak Kossay, a local West Papuan murdered by the TNI in May 14, 2006.**<sup>279</sup>



Firstly, the Grasberg mine has been regarded by the Indonesian state as vital to national interest and due to this the TNI has played an important role in protecting the Freeport operation. Also, the Indonesian state has looked to Freeport to supply infrastructure assistance and additional funding for necessary services since it has had limited capital. Thus, Freeport has until today assisted the TNI and in 2005, it spent a total of U.S. \$7.3 million (U.S. \$ 6.2 million net to PT Freeport Indonesia).<sup>280</sup> The support has included the cost of infrastructure, dining hall and carted costs, vehicle repairs, fuel, housing, travel as well as allowances to cover administrative and incidental costs.<sup>281</sup>

<sup>279</sup> Ibid.

<sup>280</sup> Freeport McMoRan Copper & Gold Inc. *The Elements of Sustainable Development. 2005 Working toward Sustainable Development Report*, 2005, p. 29. <http://www.fcx.com/envir/wtsd/pdf-wtsd/2005/WTSD-ver4.pdf>

<sup>281</sup> Ibid, p.29. See Endnote 25.

With regards to the U.S., the U.S. Congress once stopped providing International Military Education and Training (IMET) to the TNI in 1992 when it murdered East Timorese protestors in November of that year. Although the regulation was moderated in 1995, it was again restricted in August 1999 when the TNI engaged in sabotage and violence in East Timor following the referendum supporting the independence from Indonesia, and also in August 2002 when two U.S. teachers were killed in the Freeport operating area. However, in 2005, the Secretary of State confirmed that the U.S. could restore the full IMET since Indonesian collaboration regarding the murders had met the requirements set by Congress. In November of the same year, the U.S. enforced a National Security Waiver given in the 2005 Foreign Operations Appropriations Act and this waiver removed congressional regulations on Foreign Military Financing (FMF) and lethal defence articles, and represented recreation of normalized military cooperation.<sup>282</sup> The U.S. expects this restoration of support to the TNI to provide significant assistance for Indonesia's attempts to improve its ability to deal with national and regional disasters, and encourage regional stability particularly in relation to terrorists.<sup>283</sup>

As well as the U.S., the UK has enjoyed unregulated military cooperation with Indonesia for many years. It has also been one of Indonesia's biggest suppliers of arms and in March 2005, Prime Minister, Tony Blair, declared a renewed military tie with Indonesia by licensing an £11 million arms exportation to Indonesia, ranging from combat aircraft parts to gun silencers which were mainly for the purpose of 'mopping up the terrorists'.<sup>284</sup> In fact, UK-made Tactical armoured vehicles were

<sup>282</sup> U.S. Department of State: Bureau of East Asian and Pacific Affairs. Background Note: Indonesia. 2006.

<http://www.state.gov/r/pa/ei/bgn/2748.htm>

<sup>283</sup> See Endnote 26.

<sup>284</sup> Barber, P. Closer UK Defence Ties Threaten Fight against Military Terror in Indonesia. The Indonesia Human Rights Campaign

deployed against demonstrators in West Papua in the same year, which resulted in the use of excessive force, thereby committing further human rights violations.<sup>285</sup> Although East Timor's Commission for Reception, Truth and Reconciliation warned that military assistance for Indonesia should be completely on the condition of progress towards strict adherence to universal human rights and full subordination to the civilian government and law, the British government has appeared to ignore it.<sup>286</sup>

With regards to New Zealand, it terminated its bilateral defense cooperation program with Indonesia in September 1999 when the TNI engaged in human rights violations in East Timor. Yet, its policy on West Papua since the Labour party took over the government in 1999 has been focused on avoiding any interruption to its relations with Indonesia. New Zealand officials engaged in a form of words created to keep everyone happy: a formulation which would give no resentment to Indonesia, while still answering to public opinion in New Zealand.<sup>287</sup> The written advice from its Embassy in Jakarta in July 2000 suggested that "expressions of concern about human rights abuses should be framed as far as possible to avoid giving offence to Indonesia."<sup>288</sup> In the same year, as part of the response to the questions from the human rights groups and the media, the New Zealand government responded that it wished to see a democratic, stable, united and prosperous Indonesia and supported Indonesia's attempts to settle issues peacefully via consultation and dialogue.<sup>289</sup> For these reasons, New Zealand's role in lobbying Indonesia has been ineffective since it

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(TAPOL). 2006. <http://tapol.gn.apc.org/press/files/pr060331.htm>

Lewis, M. Letter to Guardian on UK Military Ties with Indonesia. *The Indonesia Human Rights Campaign* (TAPOL). 2006. <http://tapol.gn.apc.org/news/files/let060403.htm>

<sup>285</sup> See Endnote 27.

<sup>286</sup> Barber, P. Closer UK Defence Ties Threaten Fight against Military Terror in Indonesia. *The Indonesia Human Rights Campaign* (TAPOL). 2006. <http://tapol.gn.apc.org/press/files/pr060331.htm>

<sup>287</sup> Leadbeater, M. Expediency, Hypocrisy, Policy. From Henderson, J and Watson, G. *Securing a Peaceful Pacific*. Canterbury University Press: Canterbury, 2005, p. 495.

<sup>288</sup> Ibid, p. 496. See Endnote 28.

<sup>289</sup> Ibid, p. 496. See Endnote 29.

has consistently given the higher importance to maintaining a good relationship with Indonesia rather than the rights of West Papuans.

Finally Australia has also enjoyed military cooperation with Indonesia up until today. As well as other states, Australia once shut down relations with Indonesia in 1999 when it was preparing to use TNI backed violence against pro-independence advocates in East Timor as the justification for military intervention. However, although having participated in the East Timor intervention, Australia had been eager to restore formal relations with Indonesia since Canberra has long regarded Indonesia as crucial to ensure its national interests especially regarding the fight against terrorism. Due to this, it restored its formal relationship with Indonesia in February 2002 by signing a Memorandum of Understanding (MOU), which enabled the joint investigation of the Bali attacks which happened in the same year. Also, in 2004, Australia provided a 10 million AUS\$ support package to Indonesia to underpin law enforcement capabilities for counterterrorism capacity-construction.<sup>290</sup> In the same year, the Jakarta Centre for Law Enforcement Cooperation (JCLEC) was established, which Australia supplies 38.3 million AUS\$ over the five year period ending in 2009.<sup>291</sup> The Centre is expected to enhance counter-terrorism capabilities as well as to make available a place for military and police exchanges between Australia and Indonesia.

In short, although Harawira argues the importance of acknowledgement by international society about the on-going colonization of indigenous people and the right of indigenous self-determination, major parties have until today ignored these issues in

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<sup>290</sup> Nabers, D. The 'War on Terrorism' and Security Cooperation in the Pacific. Paper Prepared for Presentation at the 39<sup>th</sup> University of Otago Foreign Policy School, "Redefining the Pacific? Regionalism. Past Present and Future", 25 June to 28 June 2004, p. 14. <http://www.otago.ac.nz/otagofps/FPS05/fps2004/pdfs/Nabers.pdf>

<sup>291</sup> Ibid, p. 15.



West Papua.<sup>292</sup> Though the motivation is different for each party, Freeport, the U.S, UK, New Zealand and Australia have, up until today, supported Indonesia and the TNI and it is very unlikely that their attitudes toward human rights issues in West Papua will be positive in the near future. As mentioned in chapter 5, international humanitarian organizations, especially the UN, have also taken a negative attitude towards the West Papua issue since its intervention entails the question of Indonesian sovereignty and the political and economic interests of major states, including the above four states that can exert the veto in the UN.<sup>293</sup> For these reasons, there is a growing concern that another Rwanda and East Timor could happen in West Papua.

## **5. Conclusion**

It is only recently that Freeport has begun to deal seriously with the social problems around the mine and Amungme and Kamoro have been invited to be partners in the development process. With the absence of an accountable government, Freeport will unwillingly continue its roles as developer and administrator of its operation area. However, without establishing acknowledged representation and clear and agreed goals, significant progress cannot be made in accommodating the mine and the aspirations and rights of Amungme and Kamoro. There are a number of problems which must be solved if there is to be reconciliation and further effective development. First, what the two communities desire from Freeport is respect and equality, but unless the problems of fear, sense of betrayal and mistrust which they feel toward Freeport are solved, constructive dialogues and positive cooperation are impossible. Also, Freeport must accept that community development is a long term task where outcomes are slow and

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<sup>292</sup> Harawira, S M. *Economic Globalization, Indigenous Peoples, and the Role of Indigenous Women*. Paper Presented at the Hague Appeal for Peace Conference, May 1999. <http://www.apc.org.nz/pma/Mak.htm> See Chapter 3, p. 29 of this thesis.

<sup>293</sup> See Chapter 5, p. 68 of this thesis.

due to this, continuity in both projects and staffing is crucial in increasing the company's understanding and effectiveness, and in gaining the credence and support of the two communities. In addition, Amungme and Kamoro are required to present an appropriately united front, accept accountability for the administration of their own growth and give up the notion of having the company satisfy their desires if they wish to be equal participants in the development process. Enhancing education and producing more educated Amungme and Kamnoro are crucial next steps. Finally, the ongoing human rights violations by the TNI which West Papuans around the mine have many years suffered must be solved. Since major parties have supported the Indonesian state and the TNI, the roles of minor states, especially the Pacific Island states and their subordinate organizations, are crucial in taking a positive step toward resolving the issue.

## Chapter 7

### Prospects of Achieving Successful Development

Smith argues that one of the research agendas regarding indigenous self-determination is the goal of social justice which is expressed through the psychological terrain and involves the process of healing.<sup>294</sup> As discussed in chapter 6, genuine reconciliation between Freeport and Amungme and Kamoro is a crucial next step in achieving successful community development.

In fact, the Memorandum of Understanding (MOU) mentioned in the chapter 6 was agreed between Freeport and LEMASA and LEMASKO and it consequently resulted in the establishment of MOU Forum. The Forum is expected to play an important role in promoting genuine reconciliation between Freeport and the two communities. For these reasons, this chapter investigates the South African reconciliation process via Truth and Reconciliation Commission (TRC) to explore a possible way for the MOU Forum to achieve genuine reconciliation between the two parties and contribute to the further prosperity of Amungme and Kamoro. The South African TRC has succeeded, to a certain degree, in achieving reconciliation between White and Black South Africans after the collapse of the apartheid government.

With regards to the issue of ongoing TNI abuses, since major parties have supported the Indonesian state and the TNI, the attitude of the Pacific community toward the issue is investigated in order to explore its possible role in solving the issue. Finally, although the transmigrants have been another major issue surrounding the

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<sup>294</sup> Smith, L. T. *Decolonizing Methodologies. Research and Indigenous Peoples*. University of Otago Press: Dunedin, 1998. See Chapter 3, p. 31 of this thesis.

Amungme and Kamoro communities, the possible solution to it is not explored in this study due to the scale of the thesis.<sup>295</sup>

### **1. Memorandum of Understanding (MOU) Forum**

The MOU signed in 2000 between Freeport and LEMASA and LEMASKO focused on human rights, land rights, environmental issues and socioeconomic resources. As a part of the agreement, the MOU Forum was established which consists of representatives of provincial government, Freeport, YAHAMAK (a non-profit advocacy group for West Papuan children and women), LEMASA and LEMASKO. The Forum regularly meets to discuss issues in relation to the implementation of the MOU. According to Freeport, “[t]his continual dialogue has led to further agreements and mutually beneficial projects and has instilled a sense of partnership and community between [Freeport] and [their West] Papuan neighbours aligning [Freeport’s] shared interests in a sustainable and more promising future.”<sup>296</sup> The company also states that the Forum promotes continuous dialogue for better respect and mutual understanding, in order to allow the West Papuans to accomplish their desires and to keep harmonious relations.<sup>297</sup> For these reasons, it seems that the Forum is an appropriate arena for promoting genuine reconciliation between Freeport and Amungme and Kamoro. Yet, to achieve its purpose, the Forum can learn from the experience of the South African TRC.

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<sup>295</sup> See Chapter 6, p. 82 of this thesis.

<sup>296</sup> Freeport McMoRan Copper & Gold Inc. *The Elements of Sustainable Development. 2005 Working toward Sustainable Development Report*, 2005, p. 8. <http://www.fcx.com/envir/wtsd/pdf-wtsd/2005/WTSD-ver4.pdf>  
See Endnote 1.

<sup>297</sup> Ibid, p. 8.

**Figure 12: Chairman of Freeport, James R. Moffett Meets with the MOU Forum Members in November, 2005 as part of Dialogue with the Initial Stakeholders in its Operating Areas.<sup>298</sup>**



## **2. Truth and Reconciliation Commission (TRC) in South Africa**

In South Africa, there had long been a racial segregation system called apartheid. Started in 1948, it was created to frame a legal system for continued political and economic supremacy by people of European descent. Under apartheid, the South African people were officially divided into ethnic groups - Black, White, Coloured and Indian. They were geographically and coercively segregated from each other on the basis of the official ethnic classification.<sup>299</sup> Because of apartheid, there had been significant confrontation in South Africa, particularly between the White minority and the Black majority. During the 1980s, confrontation between the Black forces of liberation and that of the apartheid state was serious. The African National Congress

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<sup>298</sup> Ibid, p. 8.

<sup>299</sup> See Endnote 2.

(ANC) which was at the forefront of the liberation movement had set up a campaign to make the state ungovernable and it succeeded to a significant degree. Due to this, the apartheid government was forced to announce a state of emergency and violence in the city became the norm.<sup>300</sup>

As a result of the confrontation, the racial attitudes of both groups were largely polarized. The perception of Whites toward Blacks was heavily influenced by the historical discrimination dominating most of their lives under apartheid. In addition, Whites viewed the liberation movement as the threat of Communists, believing the ANC to be a puppet of global communism. The liberation movement was relentless as well. Violence in the city intimidated Whites. Some Whites feared that their Black South African housekeepers would stand up in revolution, “perhaps even poisoning their families while serving one of the daily meals.”<sup>301</sup> Forced ethnic separation made anything but pro forma inter-ethnic contact unlikely, and what interaction occurred was unavoidably established on inequality. Most Whites, even those who did not strongly advocate apartheid, perceived the liberation movement as a movement dominated by evil. For this reason, the war against the liberation forces was seen as a ‘just war’ and under such circumstance, reconciliation would be unlikely.

As with the Whites’ attitudes towards the Blacks, the Blacks’ attitude toward the Whites was also negative. Whites were perceived by Blacks as irreversible racists, irrecoverably committed to apartheid and willing to deal with Blacks only when forced to. They believed that “[a]partheid was a ‘crime against humanity’, making those who

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<sup>300</sup> See Endnote 3.

<sup>301</sup> Gibson, J L. Overcoming Apartheid: Can Truth Reconcile a Divided Nation? *Politikon*, Vol.31. Issue 2, 2004, p. 143.

benefited from apartheid criminals themselves.”<sup>302</sup> Blacks’ contact with Whites seldom occurred and even when it did, it often happened within the context of dehumanizing circumstances. Many Blacks were coercively displaced from where they resided with some being exiled to the so-called Bantustans.<sup>303</sup> For these reasons, for many Blacks, war against the apartheid regime was a ‘just war’.

With these background landscapes, TRC was established in 1995, a year after the apartheid government finally collapsed. The TRC was founded as a legal commission by the newly established ANC government. Its primary aim was to create a more unified South Africa and external force was needed to open the door for changing both parties’ attitudes. It was set up with a number of high profile members including Archbishop Desmond Tutu (chairman), Dr Alex Boraine (Deputy Chairman) and most members were South Africans themselves. Its initial tasks were creating as unexaggerated a picture as possible of the causes, nature and scale of gross human rights abuses; awarding amnesty to perpetrators who fully revealed their crimes; reinstating the dignity of victims by providing them a chance to tell their stories and by suggesting restitution; and giving suggestions for the prevention of future violations.<sup>304</sup>

The task of the TRC was achieved via three committees below:

- Human Right Violations (HRV) Committee investigated human rights abuses that took place between 1960 and 1994.
- Reparation and Rehabilitation (R& R) Committee was charged with restoring victims’ dignity and formulating proposals to assist with rehabilitation.

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<sup>302</sup> Ibid, p. 143.

<sup>303</sup> See Endnote 4.

<sup>304</sup> Nagy, R. The Ambiguities of Reconciliation and Responsibility in South Africa. *Political Studies*, Vol. 52, 2004. p. 714.

- Amnesty Committee (AC) considered applications for amnesty that were requested in accordance with the provisions of the Act.<sup>305</sup>

The fundamental principle behind the TRC reconciliation process was the promotion of both Black and White South Africans' attitude change via the creation of cognitive dissonance. To make both sides change their attitudes toward each other, the cognitive basis of ethnic beliefs needed to be shaken up. In fact, this principle is hard to attain because exogenous forces capable of creating widespread dissonance seldom happen naturally, and most people can repulse a trickle of unwanted information as it filters into their awareness.<sup>306</sup> Yet, one of the most important lessons from the South African conflict was that both sides did horrible things during the struggle over apartheid. The TRC documented the abuses on both sides making many on both sides less certain about the legality of their side in the struggle, and forcing people to realize that the other side was also unfairly victimized.<sup>307</sup> If one became involved in the TRC initiative, then they might have come to perceive the struggle over apartheid as one of good versus evil rather absolute good against infinite evil.<sup>308</sup> It is difficult to reconcile with infinite evil but it is perhaps easier to reconcile with bad which is not completely evil (particularly if there is some degree of remorse). Gobodo-Madikizela (2003) asserts that "to demonize one's enemies as monsters is too easy—it lets them off too easily; further, ... to dismiss perpetrators simply as evildoers and monsters shuts the door to the kind of dialogue that leads to an enduring peace."<sup>309</sup>

<sup>305</sup> South African History Online. 10 Years of the Constitution. Celebrating Freedom and Democracy. 2006.  
<http://sahistory.org.za/pages/specialprojects/10years/trc.htm>

<sup>306</sup> Gibson, J.L. Overcoming Apartheid: Can Truth Reconcile a Divided Nation? *Politikon*, Vol.31. Issue 2, 2004, pp. 143-144.

<sup>307</sup> See Endnote 5.

<sup>308</sup> See Endnote 6.

<sup>309</sup> Ibid, p. 147.



She further argues:

Daring, on the other hand, to look the enemy in the eye and allow oneself to read signs of pain and cues of contrition or regret where one might almost have preferred to continue seeing only hatred is the one possibility we have for steering individuals and societies toward replacing long standing stalemates out of a nation's past with genuine engagement. Hope is where transformation begins; without it, a society cannot take its first steps toward reconstructing its self-identity as a society of tolerance and coexistence.<sup>310</sup>

Yet, generally strong obstacles exist for new information to create attitude change. However, the information given by the TRC had several attributes making it likely to be effective. First, information was extensively accessible. The South African media was enormously focused on the human-interest aspect of the TRC's activities, in contrast to the wider intellectual and logical goals in which the TRC was also interested.<sup>311</sup> South Africans learned the extensive suffering of Blacks through the TRC initiative. What they learned was often extensively graphic - as in Policeman Benzein's demonstration of his notorious 'wet bag' way of torture, telecasted widely throughout South Africa.<sup>312</sup> Few people in South Africa could have ignored these exposures of evidence revealed by the TRC. Also, the TRC information, in general, included no visible ideological content; no apparent message was being sold. As a result, TRC information did not actually raise the kind of defensive warnings which frequently make new information impotent in terms of bringing about attitude change.<sup>313</sup> In addition, TRC information was not generally rebutted either, partly because miscreants appeared before the TRC to acknowledge their crimes and to be awarded amnesty.<sup>314</sup> Surely, dispute periodically occurred (e.g. some victims were

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<sup>310</sup> Ibid, p. 147.

<sup>311</sup> Ibid, p. 148.

<sup>312</sup> Ibid, p. 148.

<sup>313</sup> Ibid, p. 148.

<sup>314</sup> See Endnote 7.

against the motivations of the perpetrators, arguing, for example, that they were not political but economic (and thus not judged by the amnesty legislation).<sup>315</sup> Yet, in general the extreme rebuttals which often cloud political disputes were limited in the case of the TRC

Another significant feature of the TRC initiative was its emphasis on non-retributive forms of justice.<sup>316</sup> For example, even despite granting amnesty to gross human rights abusers, the process also produced justice that emerged in which the justice deficit was overcome.<sup>317</sup> This allowed Blacks to come forward and tell their stories. It also allowed others to hear these stories, in all their violent and human detail, which created an enormous impact on how South African people reacted to the reconciliation process. The TRC also held public hearings on the apartheid role of political parties, prisons, media, the health sector, the legal community, faith communities, businesses and labour in order to better understand how ordinary people could ignore the suffering and impoverishment of their fellow citizens.<sup>318</sup> The moral awareness of passive eyewitnesses was also reawakened during the witnessing of perpetrator and victim testimony. Therefore, some perpetrators showed heart-felt contrition, apologizing for their actions in terms that were broadly understood to be sincere. In fact, it is true that the victims of political killings cannot be brought back to life, nor can the damage and trauma of abuse and torture be negated.<sup>319</sup> Yet, the TRC brought back the human and civic dignity of these victims by making public the truth of what had been done to them. In addition, since the reconciliation process was

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<sup>315</sup> Ibid, p. 148.

<sup>316</sup> See Endnote 8.

<sup>317</sup> Ibid, p. 149.

<sup>318</sup> Nagy, R. The Ambiguities of Reconciliation and Responsibility in South Africa. *Political Studies*, Vol. 52, 2004, p. 715.

<sup>319</sup> Toit, A. Experiments with Truth and Justice in South Africa: Stockenström, Gandhi and the TRC. *Journal of Southern African Studies*, Vol.31, No. 2, 2005, p. 443.

procedurally fair, humanized and transparent, the TRC could penetrate the awareness of all South African ethnic groups with its message. Finally, the absence of legalistic proceedings made the hearings easier to Black South Africans. Although sometimes forced to take action by litigation, it would be hard to understand reconciliation processes and conclude that perpetrators, victims and witnesses were treated unequally (even if there were some grievances about the comparative amount of attention given to abuses by the each side in the struggle).<sup>320</sup>

As a result of the above processes, the TRC succeeded in creating cognitive dissonance, to a certain degree, for both White and Black South Africans. For example, Whites learned from the processes that the protection of the apartheid regime involved many unjustifiable actions. Much of the documented evidence revealed by the TRC included excessive suppression by the apartheid state of the liberation movement. Whether they should have known or not, many Whites were said to have been shocked by these revealed documents claiming that they never expected the state would go as far as it did to confront opposition to apartheid.<sup>321</sup> There are those still who cannot accept that apartheid was a crime against humanity. These people have in recent years, gradually come to perceive apartheid, and its continuation, as a crime. Therefore, the 'just war' to protect apartheid has become less 'just' to the Whites after the reveling of the documents by the TRC. They also understood that the liberation movement was not communist. The TRC did not have to teach them about this, but the historical evidence was enough. With the collapse of the global communist movement, few Whites today would associate the ANC governance with the rule of cruel

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<sup>320</sup> Gibson, J L. Overcoming Apartheid: Can Truth Reconcile a Divided Nation? *Politikon*, Vol.31. Issue 2, 2004, p. 151.

<sup>321</sup> See Endnote 9.

communists.<sup>322</sup> Finally, Whites may have come to acknowledge some of the blame and guilt for the advantages they enjoyed under apartheid and for the sacrifices the system inflicted on the vast majority of Black South Africans. Although some Whites may have been unconscious of the crimes carried out by their state against the liberation movements, no Whites could claim to be unconscious of the huge subsidy apartheid supplied to their higher standard of living. In short, Whites involved in the TRC reconciliation process learned that their position was less than honorable in establishing and protecting apartheid, and that the opposition was less evil in its attempts to establish a new system in South Africa.

The TRC initiative also contributed to changing the Blacks' attitude. In fact, prior to the collapse of the apartheid government, Blacks were completely aware of the cruelty of apartheid, and the TRC did not drive away this perception of the Blacks. Yet, TRC also taught Blacks that terrible things had taken place against both Whites and Blacks in the name of liberation. In many ways, the campaign of ungovernability in the 1980s turned Blacks against Blacks, with substantial pressures toward conformity (strengthened by the dreadful crime of 'necklacing') and with a certain degree of 'gangsterism' being executed under the guise of the struggle.<sup>323</sup> Furthermore, the TRC initiative was significant for Blacks because it often proved what many had considered as 'disinformation' generated by the apartheid state. In the 1980s, many Blacks never knew what to believe. Due to this, some Blacks were swept up by revelations of violence directed against innocent White citizens. Many Blacks who came away from the TRC initiative were persuaded by the TRC that the struggle against apartheid was

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<sup>322</sup> See Endnote 10.

<sup>323</sup> Ibid, 145. See Endnote 11.

nevertheless a 'just war' but many unjustifiable actions were conducted in the name of liberation. Finally, Blacks have learned that apartheid is not the single source of the myriad of issues confronting Blacks. Crime, poverty, HIV/AIDS and widening social and interethnic gaps have been the most important agendas.<sup>324</sup> The end of apartheid did not provide relief to the millions of Blacks living in wretched poverty.

The success in the creation of cognitive dissonance consequently led to a certain level of reconciliation between them. In the early 1990s, many South Africans were afraid of civil war engulfing the state and political violence was widespread. Even the comparatively more optimistic South Africans were afraid of enormous White flight and destabilization. Also, with the ANC having almost enough power to change the constitution unilaterally, some prophets feared that South Africa would go the same way as many other failed African states. However, none of these things occurred after the collapse of the apartheid government, and it shows that reconciliation must have replaced the course of the South African transition. On the contrary, there has been an increase in inter-racial interactions within South Africa. Of course, it is important not to overstate the point, but Whites encountering Blacks in an atmosphere of social equity are gradually becoming common after the end of coerced separation by the collapse of the apartheid government. Since the transition, not only has the number of interethnic interactions increased but also the quality of these interactions, particularly regarding legal equality, has improved. The chances for both Whites and Blacks to understand each other have blossomed since the transition (even if benefit from the change has been unevenly allocated) and this is expected to lead to further reconciliation. In summary, the TRC was a crucial element in the transition to free and full democracy in South

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<sup>324</sup> See Endnote 12.

Africa and, its reconciliation processes despite some flaws, has been accepted by the South African people as successful.

### **3. Attitude of Pacific Community toward the Issue of TNI Abuses**

Historically, geographically and culturally, West Papua has always been part of Melanesia and the broader Pacific community. Referred to as West New Guinea in the 1947 Canberra Declaration, it was primarily a member of the Pacific Conference of Churches and South Pacific Commission. Its leaders such as Willem Zonggonau, Jufuai and Franz Kaisiepo participated in the opening ceremony of the South Pacific Commission in Noumea in 1949.<sup>325</sup> However, since 1969, when West Papua was coercively incorporated into the Indonesian Republic after the Act of Free Choice referendum, it has been marginalized from the rest of the Pacific community. The Pacific community had until recently regarded West Papua as part of Asia and due to this, West Papuans became a forgotten people in the region.

One reason behind this is that there has been a large security concern in the Pacific community as a whole, particularly PNG which shares its border with Indonesia. Since the TNI constructed its capacity in West Papua, its systematic infiltration into the Pacific community has influenced their foreign policy. There is a strong suspicion that the TNI plans to occupy PNG and other Pacific Island states. Despite this, there has been little done to prevent this systematic invasion mainly because they have feared the occurrence of new regional conflict. Due to this, the Pacific community, until recently, had ignored the issue of TNI abuses in West Papua and had denied the West Papuans'

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<sup>325</sup> Ondawame, O. *West Papua: New Prospects for Change*. A Briefing Paper No1. Representatives of West Papuan Representative Office: Republic of Vanuatu, 2005, p. 3. See Endnote 13.

rights. Particularly in recent years, security issues have been the most important agenda for the Pacific community due to the border problem between PNG and Indonesia, ethnic and tribal conflicts in the Fiji, Solomon Islands, PNG and East Timor and the issue of nations' and states' relationship with Hawaii, Tahiti, Kanaky, Bougainville and West Papua.<sup>326</sup> Also, another and the most important reason has been the fundamental misperception about the political status of West Papua by the Pacific community who believes that West Papua is an already dead issue since the territory has been acknowledged by the UN as a part of the Indonesian Republic. The Pacific community has regarded the issue of TNI abuses in West Papua as an internal affair of Indonesia and has advocated that any solution to the issue must be found within the Indonesian context.

However, since the turn of the 21<sup>st</sup> century, the Pacific community is attempting to redefine the boundaries of the community and have also taken responsibility for the regional stability and world peace and sustainable development as a part of the global community in this globalization era. To achieve their goal, the Pacific community acknowledges that the collaboration between neighbours is very important and solidarity with people who have not yet seized self-determination is crucial. Therefore, the Pacific community has gradually acknowledged that the issue of TNI abuses in West Papua are a regional issue and not an Indonesian internal matter. For this reason, the support from the Pacific community is now significantly increasing.

Especially, West Papua has enjoyed huge support from Vanuatu, PNG, the Melanesian Spearhead Group (MSG), the Pacific Islands Forum (PIF) and other

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<sup>326</sup> Ibid, p. 15.

regional organizations.<sup>327</sup> One example of this, at the UN Millennium Conference in 2000, the Pacific community, including Vanuatu, blamed the UN for its failure to protect the rights of West Papuans in 1969 and demanded the UN review the Act of Free choice.<sup>328</sup> Also, Vanuatu Associations for Free West Papua was established in Luganville in 2003 and Port Vila in 2004 to promote public support in Vanuatu and they have actively engaged in advocacy, networking, lobby works and campaigns to raise public awareness.<sup>329</sup>

In relation to the MSG, it was organized to assist liberation movements in Kanaky and West Papua to end the existing colonization in Melanesia.<sup>330</sup> As a member of the PIF, the MSG has jointly expressed their concerns over the political situation including the human rights issue in West Papua since 2000. It has also indicated that it may focus on the issue of West Papua as a prioritised agenda since the Kanaky issue has already been put on the table of the UN Decolonization Commission. Consequently, in 2006, the West Papua issue was listed by the Melanesian states who participated in the third Melanesian arts and cultural festival in Suva as one of recommendations for the MSG.<sup>331</sup> Also, West Papuans were invited to the festival and it was great progress for them in their struggle to be acknowledged by the member states of the MSG. In this context, although West Papua has not yet been invited to become a member of MSG, it is part of Melanesia and it should be granted full rights as a member. This will be a crucial next step. In fact, at the 2005 MSG Summit in PNG, the Solomon Islands was told to draw up a concept paper to set the procedures for the granting of Observer status

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<sup>327</sup> See Endnote 14.

<sup>328</sup> Ibid, p. 18.

<sup>329</sup> See Endnote 15.

<sup>330</sup> See Endnote 16

<sup>331</sup> Lasibori, S. Melanesian Spearhead Group Moves for Papua Independence, 2006.  
<http://kerrycollison.net/index.php?archives/3782-Melanesian-Spearhead-Group-moves-for-Papua-Independence.html>



to those that demand it.<sup>332</sup> As soon as the procedures are set in place, granting observer status to West Papua is crucial.

Finally, PIF, the largest regional organization also broke the long silence and the issue of West Papua has been on the agenda of its meetings since 2000. For example, in October 2000, West Papua for the first time was invited to the PIF meeting. At the meeting, the member states expressed their concerns about issue of TNI abuses in West Papua and asked the West Papuans and Jakarta to settle the issue via peaceful dialogue and defend the human rights of all inhabitants in West Papua.<sup>333</sup> Similar statements were also expressed at its meeting in Nauru in 2001 and Suva in 2002. Yet, the most significant support was seen in the PIF meeting at Auckland in 2003. At this meeting, the West Papuan struggle received a higher profile than at any former Forum and all the member states became aware of West Papuans' demands, and they were impressed by the significant attention given to their struggle by the member states, the Pacific and the Auckland public.<sup>334</sup>

Yet, although the PIF has lobbied the Indonesian state to bring to justice the perpetrators of human rights abuses in West Papua, the failure of the first test case in the new Human Rights Court in Makassar to bring those in charge to justice would suggest a more primal approach to Indonesia is required.<sup>335</sup> Therefore, it is important for the PIF to seek support from the Indonesian state for a PIF fact finding mission to West Papua to investigate the human rights situation in West Papua. Also, it is the right time

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<sup>332</sup> Australian Coalition of West Papua Support. *Third Gathering of Coalition For West Papua*. 2006. <http://www.scoop.co.nz/stories/WO0610/S00001.htm>

<sup>333</sup> Ondawame, O. *West Papua: New Prospects for Change*. A Briefing Paper No1. Representatives of West Papuan Representative Office: Republic of Vanuatu, 2005, p. 21.

<sup>334</sup> Ibid, p. 22.

<sup>335</sup> Sullivan, N. *Disappointment at Continuing Pacific Islands Forum Support for Colonization of West Papua*. 2006. <http://freewestpapua.com/node/129?PHPSESSID=438522e906572037b12ad40cb0278368>

for the PIF as well as MSG to grant observer status to West Papua since the West Papuans require the regional support now more than ever. In fact, at the 2005 summit, PIF decided to enforce a policy that establishes a new classification of related membership, and administers the admission standard and permissions for observer status and associate membership.<sup>336</sup> For this reason, granting observer status to West Papua by the PIF is the important next step so that the Forum could be organized as an adequate arena to assist dialogues between the Indonesian representatives and West Papuan leaders to work toward peaceful settlements of the many issues in the territory.

#### **4. Conclusion**

There are several principles behind the TRC reconciliation processes which contributed to creating the reconciliation between Whites and Blacks in South Africa. These include promotion of attitude change on both sides via creating cognitive dissonance, emphasis on non-retributive forms of justice through granting amnesty to human rights violators who totally expressed their misconducts, and restoration of Blacks' human and civic dignity by allowing them to come and tell their stories and allowing other South Africans to hear these stories in all their violent and human detail. These processes were procedurally fair, humanized and transparent and due to this, TRC at certain level successfully created reconciliation between Whites and Blacks. Since the confrontation between Freeport and West Papuans in West Papua contains several common elements with that of South Africa, the MOU Forum can learn from the above principles of TRC reconciliation processes in promoting genuine reconciliation between the two parties which is discussed in the next chapter. In relation to the attitude of the

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<sup>336</sup> Australia West Papua Association. Letter to Pacific Islands Forum Leaders, 2006.  
[http://asia-pacific-action.org/statements/2006/awpa\\_letter2pacificislandforumleaders\\_150806.htm](http://asia-pacific-action.org/statements/2006/awpa_letter2pacificislandforumleaders_150806.htm)

Pacific community regarding TNI abuses, West Papua in recent years has gained huge support from Vanuatu, PNG, the MSG, the PIF and other regional organizations. Yet, the MSG and PIF, which are two key organizations in the region, must continuously play an important role in facilitating the West Papuans self-determination. Particularly, it is crucial for these organizations to become facilitators of dialogues between Indonesia and West Papua to make the two parties work toward peaceful settlement of the many issues in the territory which is discussed in the next chapter.

## **Chapter 8**

### **Findings from the Research and Conclusion**

In many aspects, the confrontation between Freeport and Amungme and Kamoro in West Papua resembles that of Blacks and Whites in South Africa. Due to this, there are several elements from the South African TRC reconciliation processes which can be applied to West Papua in encouraging genuine reconciliation between the two parties. Also, by looking at the TNI issue in West Papua from both the international law and historical points of view, it is one of the ongoing colonized territories in Melanesia that needs resolutions through legal and political channels. An independent West Papua is the only possible way of settling the issue which also prevents further inflow of transmigrants into the area and contributes to regional stability, security, and world peace. Therefore, the Pacific community must continuously commit themselves to assist one of the longest self-determination struggles in the world. This chapter utilizes findings from the research to answer the two initial research questions which are stated in chapter 1. Also, the relevance of the theories, which are examined in chapter 2 and 3 to the thesis, is discussed. Finally, the author presents the conclusion of the thesis by discussing the prospects of further prosperity of Amungme and Kamoro.

**1. What Lessons can the MOU Forum learn from the South African TRC in Promoting Genuine Reconciliation between the Amungme and Kamoro Communities and the Freeport Company which will lead to Successful Community Development around the mine in West Papua?**

In many ways, the confrontation between Freeport and West Papuans in West Papua is similar to that of Whites and Blacks in South Africa. Due to this, there are a number of principles from the South African reconciliation processes which can be applied to West Papua in promoting genuine reconciliation between the two parties. Firstly, as well as the South African case, not only Freeport but also the Amungme, Kamoro and other West Papuans around the mine including the member of OPM have engaged in unjustifiable actions over the struggle with Freeport. The resistance has occasionally entailed violence with open resentment and it has to a certain degree caused damage to Freeport property. A major example of this is the riots by the West Papuans around the mine in March 1996 which continued for three days. This resulted in the deaths of three people, destruction of Freeport property and U.S. \$3 million worth of damage which led to the temporary closing of the mine.<sup>337</sup> However, the West Papuans' efforts to weaken the Freeport's force in defence against them have resulted in the company recruiting its own security force and cooperating with the TNI, which has suppressed West Papuans and conducted a large numbers of human rights abuses against them, to protect Freeport's mining operations. In this regard, so called false generosity by the Freeport was created as Freire argues.<sup>338</sup> For these reasons, the humanity of both Freeport and Amungme and Kamoro must be restored, as Freire states.

<sup>337</sup> Leith, D. *The Politics of Power. Freeport in Suharto's Indonesia*. University of Hawaii Press: Honolulu, 2003, p. 102.  
Kenny, Z. Indonesia: Protests Demand Freeport Mine Closure. *Alternatives*. 2006. <http://www.alternatives.ca/article2420.html>  
See Endnote 1.

<sup>338</sup> Freire, P. *Pedagogy of the Oppressed*. Penguin Books: London, 1996. See Chapter 3, p. 32 of this thesis.

For the reasons above, the MOU Forum can restore the humanity of both sides and promote reconciliation by promoting attitude change on both sides via the creation of cognitive dissonance. There are several tasks which the Forum can do to achieve this. Firstly, the Forum should include external people such as church leaders who can fairly lead the reconciliation process without having any biases toward either side. Also, a human rights committee similar to the South African HRV Committee should be established within the Forum. This committee would be expected to investigate the human rights violations in the past committed by both parties including Freeport's own involvement in the TNI abuses and create as complete a picture as possible of the reasons, nature and the degree of human rights violations committed. Certainly, the truth which can be generated through this process is regulated to some degree by reality: no collective memory can be generated out of any given set of historical facts. However, the Forum can seek to act impartially, distributing blame wherever it may exist, or it can "engage in a form of 'victor's justice' in which the victors are held to lower human rights standards than the vanquished."<sup>339</sup>

Yet, obstacles to creating attitude change may appear with the information revealed by the Forum. However, the Forum can generate attitude change by making information accessible to relevant people including Freeport, its stakeholders and local West Papuans. As for Freeport and its stakeholders, the media must play an important role in broadcasting the human-interest side of the Forum activities so that they can learn about the disastrous consequences which West Papuans have suffered due to the company's mining operation to extract vast amounts of wealth - and not escape from the exposure of evidence revealed by the Forum. As for Amungme and Kamoro,

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<sup>339</sup> Gibson, J L. Overcoming Apartheid: Can Truth Reconcile a Divided Nation? *Politikon*, Vol.31. Issue 2, 2004, p. 149.

improvement in communication through LEMASA, LEMASKO and other West Papuan leaders is crucial so that the two communities can learn from the revealed truth that the struggle against Freeport was nevertheless justifiable, but many unjustifiable actions were also conducted. Through these processes, it is important to make the two communities shift their perception of the company from infinite evil to bad which is not complete evil, and to open the door for further reconciliation.

The creation of cognitive dissonance is crucial for both Freeport and Amungme and Kamoro due to several reasons. As for Freeport, in fact, several funds and programs which the company has provided in recent years were not based on a 'genuine' voluntary idea. They rather appeared as a consequence of pressure from several parties, particularly the NGOs and local West Papuans and they grew out of a wider view on corporate responsibility. One reason behind this is that some people within the company resent Freeport continuously providing funds to community development via the company's Community Affairs Department. The joint Cenderawasih University (UNCEN)-Australian National University (ANU) Baseline Studies Project report, concluded in December 1998, stated that the department was under-resourced and was alienated within the company and that its efficacy was spoiled by the heavy hand of administration in Louisiana and Jakarta.<sup>340</sup> Although community development in general is a long-term task, with outcomes being slow, many within the higher ranks of the company still believe that any issue can and must be solved quickly. For these reasons, creating Freeport's cognitive dissonance through the above processes is crucial in getting the company to behave more openly to understand Amungme and Kamoro and thereby commit seriously to long-term community development by

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<sup>340</sup> Leith, D. *The Politics of Power. Freeport in Suharto's Indonesia*. University of Hawaii Press: Honolulu, 2003, p. 139

establishing genuine policies which address the two communities' concerns. This will also be crucial in gaining genuine trust and support from the two communities.

As for Amungme and Kamoro, creating their cognitive dissonance through the above processes is crucial as well so that they can restore the humanity of Freeport and they themselves can also open the door for further reconciliation. Also, the creation of cognitive dissonance is not only important for mitigating the two communities' view of hatred towards the company, but also to make them realize that the company is not the single source of the myriad of issues confronting them and will hopefully make them turn their attention to the other social problems. Today, corruption at the local community level, prostitution, unemployment, social disorder, drug abuse, AIDS and economic, social and spiritual disorder are apparent in the mining area. Although some of these issues are directly attributed to the company's presence, issues such as corruption, prostitution and AIDS are the results of Amungme and Kamoro's own mismanagement of the funds provided by the company and they themselves must take responsibility in solving these issues. For these reasons, it is important for the two communities to realize the importance of the funds and programs which the company offers to them, and to make the best use of them, particularly the education and health care programs.

Finally, an amnesty commission and a reparation and rehabilitation commission should also be established, similar to the South African AC and R & R committees, to provide amnesty to human rights violators who have fully confessed their misconduct and to restore the Amungme and Kamoro's human and civic dignity and organize proposals to support them with their rehabilitation. As in the South African case, the



Forum can achieve these by emphasizing non-retributive forms of justice. For instance, while granting amnesty to human rights violators, the Forum can also restore the Amungme and Kamoro's human and civic dignity and produce justice which can satisfy them that the justice deficit was overcome. It can do these by allowing the two communities to come forward and tell their stories and concerns - and making others including Freeport and its stakeholders hear these stories, in all their violent and human detail and ask them to accept the truth of what had been done to them. Nevertheless, these reconciliation processes must be procedurally fair, humanized and transparent so that the Forum can penetrate the awareness of all relevant parties with its message.

However, in the case of the South African TRC, there were criticisms as well of its reconciliation process. One of criticisms is of its extensive focus on remarkable abuse together with narratives of forgiveness and healing. As Archbishop Tutu stated in his opening speech at the victim hearings:

We are charged to unearth the truth about our dark past, to lay the ghosts of that past so that they will not return to haunt us and that will thereby contribute to the healing of the traumatized and wounded people for all of us in South Africa are wounded people – and in this manner to promote national unity and reconciliation.<sup>341</sup>

In this regard however, the TRC ignored the fact that, even despite all South Africans may have been victimized by apartheid, the White minority obviously benefited from it, in socio-economic aspects, and they, in no small way, continued to benefit from it. Nagy criticizes that depiction of a wounded nation which resulted in conflating individual abuses and sufferings with the suffering of the nation as a whole and consequently weakened the TRC's position that the fight against the apartheid state was

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<sup>341</sup> Nagy, R. The Ambiguities of Reconciliation and Responsibility in South Africa. *Political Studies*. Vol. 52, 2004, p. 718.

not morally equivalent to apartheid's defence.<sup>342</sup> The TRC initiative was also criticized for its emphasis on forgiveness, where some victims felt pressure to forgive. Nagy argues, "[t]alk of forgiveness simplified the costs of reconciliation by suggesting that victims' generosity of spirit meant nothing further needed to be done."<sup>343</sup> Also, the forgiveness of individual violators does not necessary exonerate beneficiaries of their responsibility, especially when the beneficiaries opposed victim exaggeration and whining, and asserted disregard of killings and torture perpetrated in their name, and where only a few in fact believed that they were responsible for the Black suppression.<sup>344</sup> In summary, the TRC's call for the collective moral criticism of violations was criticized in not addressing continuing structural inequality by disregarding the issue of responsibility. Also, the pressure to forgive misplaced the responsibility of reconciliation not on those who were responsible for apartheid but on victims and to this extent, the TRC weakened its own assertion that beneficiary recognition is part of national reconciliation.

However, the principle of the above criticisms is not applied to the MOU Forum. In fact, it is true that both Amungme and Kamoro and Freeport have been victimized through the struggle over the mine in West Papua. However, it is Freeport which has initially benefited by extracting wealth from the mine and by violating the two communities' rights. Therefore, the company to a certain degree, though not based on genuine voluntary idea, has already started to address the continual systematic injustice through several funds and programs. Also, while the Forum emphasizes forgiveness, it

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<sup>342</sup> Ibid, p. 718.

<sup>343</sup> Ibid, p. 718.

<sup>344</sup> Ibid, p. 718.

Toit, A. Experiments with Truth and Justice in South Africa: Stockenström, Gandhi and the TRC. *Journal of Southern African Studies*, Vol.31, No. 2, 2005, pp. 438-439.

can also encourage the company to further address the ongoing systematic injustices. The Forum can do so by creating the cognitive dissonance of its staff and stakeholders through exposing the truth and making them lobby the company to take further responsibility and commit seriously to long-term community development. For these reasons, the Forum's call for the collective moral criticism of violations can also address ongoing structural inequality while placing the burden of reconciliation on Freeport which is responsible for it.

## **2. What is the Role of the Pacific Community, particularly Melanesian Community, in Preventing further TNI Abuses against Indigenous West Papuans including the Amungme and Kamoro?**

By viewing the West Papua issue from the perspective of international laws and history, West Papua is one of the remaining colonized territories in Melanesia for which any solutions have yet to be found in legal and political contexts. Independent West Papua is the only possible solution to the ongoing abuses by the TNI, which also prevents further inflow of transmigrants into West Papua and contributes to the regional security, stability, and world peace. As far as West Papua remains colonized by Indonesia, its issues will remain as a cancer for the Pacific community, especially for the Melanesian community. Particularly for Papua New Guinea that shares the boundary with West Papua, this indicates a continuation of security issues well into the next decades. For this reason, the Pacific community must continuously commit themselves to assist one of the longest liberation struggles in the world to prevent these security threats.

There are several tasks which the Pacific community must do to contribute to achieving West Papuans' self-determination. For example, it must constructively

support the provisions of the UN resolution on the granting of independence to colonial countries and peoples together with the principles of the UN Charter. It also has to guide the global community towards a better world where the basic freedom and human rights of all nations and states regardless of large or small are fairly respected. In detail, the Pacific community must engage in the following tasks.

Firstly, each UN member of the respective Pacific Islands states must exercise their rights to vote or support an upcoming UN General Assembly resolution regarding the re-inscription of West Papua on the Non-Self-Governing Territories lists. In 1961, a Special Committee on decolonization was established by the UN General Assembly and it has become the centre for dealing with decolonization. The committee is today also known as the ‘Committee of Twenty Four’ which investigates the social, economic and political situations in those states listed on the UN lists as Non-Governing Territories. Now, PNG and Fiji are the only two Pacific Island members of the committee. In fact, this case is the same as those of French Polynesia and New Caledonia. Despite West Papua being on the UN list of non-Self-Governing Territories in the 1960s, it was removed from the list when the Dutch colonial authority reviewed the lists in 1963.<sup>345</sup> Yet, this does not prevent the re-inscription onto the list as long as the UN General Assembly accepts this by its resolution. This was the case of Oman and Djibouti in 1965, the Comoro Islands in 1972, and New Caledonia in 1986.<sup>346</sup> For these reasons, UN member Pacific island states must play an important role in supporting the UN to re-inscribe West Papua onto its Non-Self-Governing Territories list.

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<sup>345</sup> Ondawame, O. West Papua: New Prospects for Change. A Briefing Paper No1. Representatives of West Papuan Representative Office: Republic of Vanuatu, 2005, p. 8

<sup>346</sup> Ibid, p. 8.

Secondly, the leaders of MSG and PIF must jointly put the West Papua issue onto the UN agenda as soon as possible. The UN has a mandate and capacity to engage in issues of decolonization and self-determination adequately. They are reflected in its Charter and the General Assembly Resolution 1514 of 14 December 1960 on Declaration Regarding the Granting of Independence to Colonial Countries and Peoples.<sup>347</sup> Simultaneously, the MSG and PIF must also support the widespread request for the UN to review the conduct of Act of Free Choice in 1969 and must allow West Papua in due course, to restart its legal role in regional affairs.

Thirdly, MSG must grant permanent membership to West Papuan representatives. In accordance with its primary object, MSG member states must give focused attention to the self-determination struggle of West Papuans under the initiative of the OPM. The OPM is the only legal organization which represents a desire for self-determination of all West Papuans and it has coordinated and supported the self-determination struggle for more than four decades. For these reasons, the OPM has been fully charged to take political responsibility.

Finally, in relation to the PIF, it must grant observer status to West Papuan representatives. One of the PIF criteria for granting observer status is “a Pacific Island territory on a clear path to achieving self-government or independence may be eligible for observer status at the Forum, subject to the approval of Forum Leaders.”<sup>348</sup> Since West Papua ethnically and culturally belongs to Melanesia and the broader Pacific community, it perfectly meets the above criteria and is entitled to obtain PIF observer status. By granting PIF observer status, West Papuan representatives are able to

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<sup>347</sup> Ibid, p. 30. See Endnote 2.

<sup>348</sup> Ibid, p. 16.

dialogue with those of Indonesia at the 'Post Forum Dialogue', to attempt and settle many issues in the territory. PIF also must seek support from the Indonesian state for its fact finding mission to West Papua to review the human rights condition in the territory. In addition, PIF must persuade the Indonesian state to free all political prisoners to show its good faith to the West Papuans, to control the TNI in West Papua and withdraw all non-organic troops, and to dialogue with the West Papuan leaders to cooperate towards peacefully settling the many problems in West Papua.<sup>349</sup> Finally, the PIF must encourage the Australian state (as one of the most resourced states in the region) not to participate in any training with the TNI which only increases the suffering of West Papuans – but rather to support West Papuans in the area of education and health programs.

The PIF has a potential to play a same role as the European Union in the Pacific region and as well as participating in regional development, it should also focus seriously on the human rights condition in the region. Although Australia and New Zealand, two influential states for the PIF and older brothers to the Pacific community (which are supposed to lead the way and protect the community) have hesitated in antagonizing Indonesia by supporting West Papua, smaller Pacific states have a moral obligation to support West Papuans' self-determination. They must not forget about their ancestors, wantoks right across the Pacific must continuously pay attention to the tragedy happening to their wantoks over the artificial border on the map.<sup>350</sup> They are connected by song and stories and that is why the Pacific community must continuously support the self-determination of their own family.

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<sup>349</sup> See Endnote 3.

<sup>350</sup> Wantok refers to 'one-talk'-an association of trading partners, close friends, extended families, and linguistic groups in Melanesia.

### **3. Relevance of the Theories**

By examining the ongoing dispute in West Papua between Amungme and Kamoro, Freeport, the Indonesian state and the TNI through this thesis, various theories which are examined in chapters 2 and 3, are found to be relevant to the study. Firstly, in relation to Dependency Theory, the U.S., via Freeport has perpetrated a state of dependency upon West Papua. Since its arrival in 1965 the company has influenced the politics, economies and society around the mine in West Papua, which is consistent with the theory.<sup>351</sup> Also, since economic power has been largely concentrated on Freeport, the U.S. government refused an appeal by the Amungme and has protected its economic interest in Indonesia.<sup>352</sup> In addition, since the interests of the Indonesian state and the TNI corresponds with that of Freeport, they have also voluntarily sustained this state of dependency.<sup>353</sup> As the theory argues, the TNI has played an intermediate role around the mine by using control of state authority to defend the interests of Freeport, to the detriment of Amungme and Kamoro.<sup>354</sup>

Finally, the Freeport operating area does not have a well-integrated and economically flexible economy and Amungme and Kamoro have not been able to adjust to the economic shifts of the area. To make the matter worse, the Amungme and Kamoro's economic activity has been disturbed by ethnic discrimination against them by Freeport, the Indonesian state, the TNI and the transmigrants. Therefore, the neoclassical model of capitalist economic development brought by Freeport has significantly impoverished Amungme and Kamoro.<sup>355</sup> This is consistent with

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<sup>351</sup> See Chapter 2, pp. 17-18; Chapter 5, pp. 60-66 of this thesis.

<sup>352</sup> See Chapter 2, p. 18; Chapter 5, pp. 67-68 of this thesis.

<sup>353</sup> See Chapter 2, p. 19 of this thesis.

<sup>354</sup> See Chapter 2, p. 19; Chapter 5, pp. 64-66 of this thesis.

<sup>355</sup> See Chapter 5, pp. 60-66 of this thesis.

Dependency Theory.<sup>356</sup> For these reasons, the two communities have been in a situation of underdevelopment in which their mineral resources have been utilized in a way that is beneficial to Freeport, the Indonesian state and the TNI but not to them.<sup>357</sup> The Amungme and Kamoro are poor because they were coercively integrated into a capitalist economic system only as the owners of the mineral resources. Also, they were given no opportunity of sustained and self-governing economic operations in their own lands and were refused the opportunity to sell their minerals in a way that is beneficial to them.<sup>358</sup> These negative situations of the Amungme and Kamoro are largely relevant to the dependency theory.<sup>359</sup>

With regards to indigenous development and indigenous self-determination, Amungme and Kamoro have been dispossessed and marginalized by the global capitalist order brought to the area by Freeport, as Harawira argues.<sup>360</sup> However, state-sponsored developments, including mining, are regarded in Indonesia as national interests and they have had priority over any land and resource claims by Amungme and Kamoro.<sup>361</sup> Due to this, Amungme and Kamoro under the Indonesian governance have had no informed consent or been given rights of refusal, nor any right to appropriate compensation.<sup>362</sup> Therefore, these legal justifications for the two communities' dispossession by the capitalist oriented development have excluded them from the enjoyment of universal human rights such as economic and political

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<sup>356</sup> See Chapter 2, pp. 19-20 of this thesis.

<sup>357</sup> See Chapter 5, pp. 60-66 of this thesis.

<sup>358</sup> See Chapter 5, pp. 60-63 of this thesis.

<sup>359</sup> See Chapter 2, pp. 20-21 of this thesis.

<sup>360</sup> Harawira, S M. *Economic Globalization, Indigenous Peoples, and the Role of Indigenous Women*. Paper Presented at the Hague Appeal for Peace Conference, May 1999. <http://www.apc.org.nz/pma/Mak.htm> See Chapter 3, p. 24-25; Chapter 5, pp. 60-63 of this thesis.

<sup>361</sup> See Chapter 5, p. 63 of this thesis.

<sup>362</sup> See Chapter 5, p. 63 of this thesis.



sovereignty and self-determination.<sup>363</sup> As a consequence, Amungme's movement has sought to ensure their indigenous rights including their cultural, political and economic rights by transforming the force of capitalism into a gentler system which can consider their livelihood.<sup>364</sup> This is the view expressed by Wilmer, Friedman and Chase-Dunn.<sup>365</sup>

Through their struggle to achieve their self-determination, many West Papuans have been suppressed and murdered by the TNI. Also, the constraint on the West Papuan resistance movement within the area, constraint of access to the area by international human rights organizations and largely manipulated media have allowed a silent genocide in the Freeport operating area, as Harawira argues.<sup>366</sup> Yet, through their struggle to achieve self-determination, West Papuans have also tried to violently weaken the force of Freeport, in self-defence.<sup>367</sup> As a result, the company's false generosity is exposed.<sup>368</sup> Furthermore, they have been further suppressed by the TNI which has protected the company.<sup>369</sup> For these reasons, to achieve Amungme and Kamoro's real self-determination, according to Freire, not only must the Amungme and Kamoro regain their humanity but they must also restore the humanity of Freeport.<sup>370</sup>

Although Freeport has in recent years begun to deal seriously with the social problems around the mine, and the Amungme and Kamoro have been invited to be partners in the development process, Freeport's capitalist oriented community

<sup>363</sup> Wilmer, F. *The Indigenous Voice in World Politics*. Sage Publications, Inc: California, 1993. See Chapter 3, p. 25 of this thesis.

<sup>364</sup> See Chapter 5, p. 66-69 of this thesis.

<sup>365</sup> Wilmer, F. *The Indigenous Voice in World Politics*. Sage Publications, Inc: California.  
Friedman, J and Chase-Dunn, C. *Hegemonic Declines. Present and Past*. Paradigm Publishers: Colorado, 2005.  
See Chapter 3, p. 25, 30 of this thesis.

<sup>366</sup> Harawira, S M. *Economic Globalization, Indigenous Peoples, and the Role of Indigenous Women*. Paper Presented at the Hague Appeal for Peace Conference, May 1999. <http://www.apc.org.nz/pma/Mak.htm> See Chapter 3, p. 25; Chapter 5, p. 64, 68 of this thesis.

<sup>367</sup> Freire, P. *Pedagogy of the Oppressed*. Penguin Books: London, 1996. See Chapter 8, p. 116 of this thesis.

<sup>368</sup> Ibid. See Chapter 3, p. 32; Chapter 8, p. 116 of this thesis.

<sup>369</sup> Ibid. See Chapter 3, p. 32; Chapter 8, p. 116 of this thesis.

<sup>370</sup> Ibid. See Chapter 3, p. 32-34; Chapter 8, p. 116 of this thesis.

development initiative has not been able to accommodate the fundamental cultural differences.<sup>371</sup> Although Westerners evaluate the quality of life by educational levels, life expectancy and infant mortality, Amungme and Kamoro evaluate it by ties to the land, cultural strength, performing familiar rituals and kinship relations.<sup>372</sup> Therefore, the company's community development initiative has merely encouraged the Amungme and Kamoro's access to an enforced capitalist economic system, as discussed by Lutz.<sup>373</sup>

As a solution to the issues associated with indigenous development and indigenous self-determination, Lutz stresses the important role of the public, though her argument is not applied to the mining area in West Papua.<sup>374</sup> The reason is because Indonesian transmigrants, as a public, hold a largely racist view of Amungme and Kamoro, regarding them as inferior and it was them who have created the unfair situation for the two communities by dispossessing and marginalizing them.<sup>375</sup> Also, although the adoption of pluralistic politics which Wilmer says is important, the adoption of it via SAL in West Papua has failed to create multiethnicity and multiculturalism.<sup>376</sup> The reason is because the Indonesian state has a lack of capacity to implement SAL. With respect to the global level, Harawira argues the important role of global society in acknowledging the ongoing colonization of the indigenous people and the right of indigenous self-determination.<sup>377</sup> However, major states,

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<sup>371</sup> Lutz, E L. Is Fair Trade Fair? *Cultural Survival Quarterly* Issue 29, No 3, 2005. See Chapter 3, p. 26 of this thesis. <http://www.cs.org/publications/cs/q/article.cfm?id=1843>

<sup>372</sup> See Chapter 6, p. 72 of this thesis.

<sup>373</sup> Lutz, E L. Is Fair Trade Fair? *Cultural Survival Quarterly* Issue 29, No 3, 2005. See Chapter 3, p. 26 of this thesis. <http://www.cs.org/publications/cs/q/article.cfm?id=1843>

<sup>374</sup> Ibid. See Chapter 3, p. 27 of this thesis.

<sup>375</sup> See Chapter 5, p. 61; Chapter 6, pp. 74-75 of this thesis.

<sup>376</sup> Wilmer, F. *The Indigenous Voice in World Politics*. Sage Publications, Inc: California. See Chapter 3, p. 28; Chapter 4, pp. 52-56 of this thesis.

<sup>377</sup> Harawira, S M. *Economic Globalization, Indigenous Peoples, and the Role of Indigenous Women*. Paper Presented at the Hague Appeal for Peace Conference, May 1999. <http://www.apc.org.nz/pma/Mak.htm>. See Chapter 3, p. 29 of this thesis.

including the U.S., UK, New Zealand and Australia have largely ignored the facts and have supported the Indonesian state and the TNI since they have gained economic or political benefits by supporting Indonesian state and the TNI.<sup>378</sup>

#### **4. Conclusion**

Since Freeport arrived in West Papua, few Amungme and Kamoro had, until recently, witnessed the benefits of the twentieth century which the company's presence guaranteed. The opportunities for advanced education and jobs, modern technology, four-star hotels, airports and the satellite cities had been only beneficial for a few privileged West Papuans and the majority of Amungme and Kamoro had struggled with cultural destruction and dispossession from their livelihood and land. With the increasing pressures from several parties, especially the NGOs and local West Papuans around the mine, Freeport, only in recent years, has gradually recognized the full extent of the impact of its operations on West Papuans around the mine and Amungme and Kamoro finally started to be invited to be partners in the development processes. With the absence of an accountable government except for the TNI presence, the company today admits that it will carry on its responsibility which is in its own best interests for development within its concession area to be both acceptable and adequate.

For the Amungme and Kamoro who have lost access to, and control of, much of their ancestral lands, and whose culture is threatened and undermined by modernity, development is confusing, disorienting, and painful. However, since modernization following Freeport's presence in West Papua has already made inroads into their territory, it is impossible for them to remain as they were. Hence, though within their

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<sup>378</sup> See Chapter 5, pp. 67-68; Chapter 6, pp. 90-96 of this thesis.

cultural framework, they must move forward and should make the best use of the benefits which Freeport offers them. As Elmslie says, although it was rough by Western standards, schools which he saw, constructed by Freeport, were much better than many of those which he has seen in PNG.<sup>379</sup> This indicates that by extracting and making the best use of Freeport wealth, West Papua has a very high potential to be one of the most developed and advanced areas in the region.

Today, Amungme and Kamoro generally do not renounce development per se and what they want is better development. They argue that development initiatives must be led by them rather than for them. Freeport has also started to realize this and realistically says that development works best when West Papuans participate in selecting the program and implementing it by themselves rather than when the company imposes development on an uninterested or unwilling group. Yet, even though this is the ideal community development model, both benefits and problems remain within this approach, as a parochial perspective of development (which certain higher ranked staffs within the company still hold) often competes with the wider view, which is often absent in locally initiated development. Also, without establishing acknowledged representation and clear and agreed goals, significant progress could not be made in reconciling the mine and the aspirations and the rights of Amungme and Kamoro.

There are a number of problems which must be solved if there is to be reconciliation and further effective development. First, the problem of fear, sense of betrayal and mistrust which Amungme and Kamoro feel toward Freeport must be solved to establish a constructive dialogue and positive cooperation. Also, it is important to

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<sup>379</sup> Elmslie, J. *Irian Jaya under the Gun. Indonesian Economic Development versus West Papuan Nationalism*. University of Hawaii Press: Honolulu, 2002, p. 164.

make Freeport accept that community development is a long term task from which outcomes are slow - and due to this, continuity in both projects and staff is crucial for increasing the company's understanding and effectiveness in gaining the credence and support of Amungme and Kamoro. Finally, the ongoing human rights violations by the TNI, which West Papuans around the mine have suffered for many years, must be solved. In fact, thirty years of damages which Amungme and Kamoro had suffered before the company acknowledged that the full extent of the impact of its operation on them has sunk into their hearts - and some say it is too late. However, there are still many things which can be done to move the issue forward. Resolution of above issues and consequent establishment of genuine reconciliation between the two parties through the MOU Forum and the Pacific community discussed in this thesis are possible examples which can move the ongoing issue forward and lead the Amungme and Kamoro's successful development.

Finally although the role of the MOU Forum and Pacific community discussed in this thesis are important, even more importantly, the Amungme and Kamoro themselves must take responsibility for their plight and take positive actions wherever possible to solve the issues surrounding them. For example, they must generate coherent decisions and present them with one voice, accept accountability for the administration of funds and their own growth by preventing further corruption, prostitution, drug abuses and AIDS. Unless Amungme and Kamoro themselves undertake fundamental changes, they will continue to be marginalized in their own territory. Generating an Amungme and Kamoro elite with advanced qualifications from both local and overseas universities, especially PhDs in all the required skills of administration is the only solution, so that they can be effectively involved in the governing of their territory and

province. Without advanced education, they will continue to be alienated within Indonesian domination and will not have strong political power which will also be crucial in preventing further TNI abuse. Also, without political power, their timber, mineral, and fishery resources will continue to be plundered and their indigenous rights will continue to be disregarded. Most of the Dutch-educated elite left after the Indonesian invasion. For these reasons, it is crucial for the Amungme and Kamoro to make the best use of any educational opportunity including Freeport educational programs to produce more educated Amungme and Kamoro for their own prosperity and that of West Papua.

## **5. Further Directions**

This study examined the socio-political and economic impact of mining upon the Amungme and Kamoro. In particular, the study investigated Freeport's social policies which have attempted to address the community development and human rights violations by the TNI and explored the further prosperity of Amungme and Kamoro regarding these issues. Yet, the research was limited to the examination of the situation up to date of November 2006. Since the situation continues to evolve, advanced research can be done on investigating the future situation regarding the Freeport social policy, human rights violations by the TNI and the prospect of achieving the successful development of the Amungme and Kamoro. Especially, Freeport's One Percent Fund policy is prospected to terminate in the end of 2006 and there has been no promise from the company regarding the continuation of the policy. Thus, it would be valuable for advanced research investigating the future direction of the company's social policy and explore how Freeport is going to respond in advance to the social

problems around its operating area and Amungme and Kamoro's claims and concerns after the termination of the One Percent Fund Policy.

Also, the study was limited to the examination of issues regarding community development and human rights violations by the TNI. However, as discussed in the earlier chapters, Indonesian transmigrants have been another important source of issues which have negatively impacted upon the Amungme and Kamoro. As far as West Papua remains part of the Indonesian Republic, preventing the continuous inflow of transmigrants into the area is also crucial in achieving the further prosperity of the Amungme and Kamoro. Since transmigrants have been brought to the area by the Indonesian transmigration policy, it would be valuable for advanced research investigating the future direction of the policy and the prospect of preventing continuous inflow of the transmigrants into West Papua. Particularly, the role of international organizations in redirecting the policy and preventing the continuous inflow of transmigrants into West Papua can be explored since the policy has been supported by these organizations.

## Endnotes

### Chapter 2

1. According to the Center for Strategic and International Studies (CSIS), information technology is an important element. This is because information technology has provided all kinds of individual economic investors and actors, consumers, commerce-valuable new instruments for determining and searching for economic opportunities.<sup>380</sup> These include faster and more informed investigation of economic movement around the world, easy transfers of benefits, and cooperation with far-flung partners.<sup>381</sup> Also, the World Bank says that an open market economy is another important element because most states have reduced obstacles that had restrained the development of domestic markets and their connections to the global economy.<sup>382</sup> Finally, regarding the degree of globalization in recent years, since 1950 for example, the amount of global trade has grown by twenty times and only from 1997 to 1999, flows of overseas investment became almost doubled, from U.S. \$468 billion to U.S. \$827 billion.<sup>383</sup>
  
2. Louis Althusser, a French philosopher and structuralist thinker argued:
 

[C]apitalism was a system - a set of ordered economic, political, social and legal relationships - reinforced by a range of institutions, like the family, church and education system. The part of the system can only be understood in relation to the function they fulfill in the system as a whole - thus, institutions and their practices have to be understood in terms of their place in the overall system of ordered relationships. The structure of the capitalist system determines the nature/purpose of the various parts.<sup>384</sup>
  
3. Andre Gunder Frank (1972), one of the earliest dependency theorists says:
 

...historical research demonstrates that contemporary underdevelopment is in large part the historical product of past and continuing economic and other relations between the satellite underdeveloped and the now developed metropolitan [states]. Furthermore, these relations are an essential part of the capitalist

<sup>380</sup> Center for Strategic and International Studies (CSIS). *What is Globalization*. 2006.  
[http://www.globalization101.org/What\\_is\\_Globalization.html](http://www.globalization101.org/What_is_Globalization.html)

<sup>381</sup> Ibid.

<sup>382</sup> World Bank. *Poverty in an Age of Globalization*. 2000, p. 1.  
<http://www1.worldbank.org/economicpolicy/globalization/documents/povertyglobalization.pdf>

<sup>383</sup> Center for Strategic and International Studies. *What is Globalization*. 2006.  
[http://www.globalization101.org/What\\_is\\_Globalization.html](http://www.globalization101.org/What_is_Globalization.html)

<sup>384</sup> Steans, J and Pettiford, L. *Introduction to International Relations: Perspectives & Themes*. Second Edition. Pearson Education Limited: England, 2005, p. 80.



system on a world scale as a whole.<sup>385</sup>

4. A good example of this state repression (which is sometimes called ‘state terrorism’) is the case of El Salvador during the Cold War. During the Cold War, El Salvador was a close ally of the U.S. Yet, pro-U.S./pro-market and anti-communism in the state generated a significantly unfair society with a majority of the population living in poverty, caused by a lack of access to money and resources.<sup>386</sup> By the 1970s and 1980s, pro-U.S. right-wing governments could only retain power through substantial suppression of peasant activism, trade union activity and left-wing politics; the military, as it had long done, played a crucial role in this suppression.<sup>387</sup> Authorities were corrupted, elections were manipulated and people were intimidated by fear. The state was in fact, the representative of a few elite known as ‘the fourteen families’.<sup>388</sup>

### Chapter 3

1. According to the commission, even if the populations have not suffered colonization or conquest, marginal or isolated communities existing in the state are regarded as indigenous people for following reasons:
  - (a) they are descendants of groups which were in the territory of the country at the time when other groups of different cultures or ethnic origins arrived there;
  - (b) precisely because of their isolation from other segments of the country’s population they have preserved almost intact the customs and traditions of their ancestors which are similar to those characterized as indigenous;
  - (c) they are, even if only formally, placed under a state structure which incorporates national, social and cultural characteristics alien to theirs.<sup>389</sup>
2. Wilmer says that examples of moral and legal justification for indigenous alienation are the processes of national integration, assimilation and inclusion into the world system. These entail an economic process that lays claims to resources (land and subsurface minerals) occupied or used by indigenous people by the modern state on the basis that indigenous peoples are morally inadequate to maximally utilize the resources.<sup>390</sup> Another example is the

<sup>385</sup> Ferraro, V. *Dependency Theory: An Introduction*. 1996. <http://www.mtholyoke.edu/acad/intrel/depend.htm>

<sup>386</sup> Steans, J and Pettiford, L. *Introduction to International Relations: Perspectives & Themes*. Second Edition. Pearson Education Limited: England, 2005, p. 87.

<sup>387</sup> Ibid, p. 87.

<sup>388</sup> Ibid, p. 87.

<sup>389</sup> Indigenous Technology International. *Who are the Indigenous?* 1998. <http://www.inditek.com/definition.html>

<sup>390</sup> Wilmer, F. *The Indigenous Voice in World Politics*. Sage Publications, Inc: California, 1993, p. 7.

indigenous way of life which is often described as inferior and a barrier to the economic development of modern societies.<sup>391</sup> Finally, there is also a global value which legitimates the destruction of the indigenous way of life as required for 'the greater good of the greater whole.'<sup>392</sup>

3. According to Lutz, the principles of Fair Trade are

-While anchored in free market economies, the movement imposes on fair traders the duty to pay producers at least a living wage, to promote democratically run producer cooperatives that are invested in their communities, to help producers obtain affordable financing and technical support, and to engage in environmentally friendly production practices.

-[They] are supposed to encourage the development of products based on producers' cultural traditions, adapted for Western markets, as a means of preserving their cultural identity.

-[T]hey are supposed to educate consumers about [F]air [T]rade's benefits for producers.<sup>393</sup>

4. Lutz says that the reasons are because Fair Trade within the present free market capitalism entails the assumption that ideas, land, materials and equipment are property which can be possessed and presumes that workers generate wages so that they can purchase the public services and goods they want.<sup>394</sup>

5. The draft in addition states several principles of indigenous self-determination which it is the right of indigenous people

(A) to freely determine their relationships with states in a spirit of coexistence, mutual benefit and full respect.

(B) to maintain and strengthen their distinctive spiritual and material relationships with the lands, territories, waters and coastal seas and other resources which they have traditionally owned or otherwise occupied or used, and to uphold their responsibilities to future generations in this regard.

(C) to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to determine and develop all health, housing and other economic and social programs affecting them and as far as possible, to administer such programs through their

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<sup>391</sup> Ibid, p. 6.

<sup>392</sup> Ibid, p. 6.

<sup>393</sup> Lutz, E L. Is Fair Trade Fair? *Cultural Survival Quarterly* Issue 29, No 3, 2005.  
<http://www.cs.org/publications/csqsq-article.cfm?id=1843>

<sup>394</sup> Ibid.

own institutions.

(D) to the restitution of the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, occupied, used or damaged without their free and informed consent. Where this is not possible, they have the right to just and fair compensation. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status.

(E) to live in freedom, peace and security as distinct peoples and to full guarantees against genocide or any other act of violence. [They also] have the right to conservation, restoration and protection of the total environment and the productive capacity of their lands, territories and resources, as well as to assistance for this purpose from States and through international cooperation. Military activities shall not take place in the lands and territories of indigenous peoples, unless otherwise freely agreed upon by the people concerned.

(F) [to use] indigenous knowledge, culture and traditional practices [for] sustainable and equitable development and proper management of the environment.

(G) to determine priorities and strategies for the development or use of their lands, territories and other resources, including the right to require that States obtain their free and informed consent prior to the approval of any project affecting their lands, territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. Pursuant to agreement with the indigenous peoples concerned, just and fair compensation shall be provided for any such activities and measures taken to mitigate adverse environmental, economic, social or spiritual impact.

(H) not [to] be forcibly removed from their lands or territories. No relocation shall take place without the free and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

(I) to access, without any discrimination, to all medical institutions, health services and medical care.

(J) not to be subjected to ethnocide and cultural genocide,

including prevention of and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources; (c) Any form of population transfer which has the aim or effect of violating or undermining any of their rights; (d) Any form of assimilation or integration by other cultures or ways of life imposed on them by legislative, administrative or other measures.

(K) [to control] over developments affecting them and their lands, territories and resources [which] will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs.<sup>395</sup>

## Chapter 4

1. Haji Misbach, an Islamic Communist, was expelled by the Dutch to West Papua in 1924. Also in 1927, around 1,300 Communists were jailed in West Papua after an insurgency in Java.<sup>396</sup>
2. The most famous insurgent in the time of Dutch colonization was the Koreri Movement which occurred in 1938 and originated from Biak island. “This movement awaited the liberator spirit of Manseren, who had been transformed into a human being in the 1860s and would one day return to free the Papuans.”<sup>397</sup> Several insurgencies had occurred since the 1860s, but in 1939 a woman called Angganita Menufandu became widowed while suffering from beriberi.<sup>398</sup> While recovering in isolation she was visited by Manseren. She preached protest against the Dutch and advised hoisting the Morning Star flag. Even though Angganita Menufabdu was arrested by the Dutch, the movement was still powerful when the Japanese took over West Papua in 1942.
3. The Japanese had actively operated in West Papua during those days. Several Japanese logging firms had constructed trail timber cuttings, especially in the Bird’s Head peninsula area, and as became evident later, these logging firms had a significant number of geologists amongst their workers.<sup>399</sup>

<sup>395</sup> Australia West Papua Association. West Papua Information Kit. 1995. <http://www.cs.utexas.edu/users/cline/papua/>

<sup>396</sup> Peter van der Heijden. *History of Netherlands New Guinea (Irian Jaya/West Papua)*. 2005. <http://www.vanderheijden.org/ng/history.html>

<sup>397</sup> Whittaker, A. *West Papua. Plunder in Paradise*. Anti-Slavery Society: London, 1990, p. 19.

<sup>398</sup> Ibid, p. 19.

<sup>399</sup> Ibid, p. 20.

4. The Indonesian claim to West Papua was based on three principal tenets:

(A) A territorial claim which was based on the inclusion of all Dutch East Indies territories at the time of Indonesian independence. The West Papuan territory had been nominally under the jurisdiction of the Dutch administration in Batavia (Jakarta) and its main use was for political internment camps at Tanah Merah on the Digul River. The terrain was considered difficult and the indigenous peoples so hostile, that the Dutch felt it unnecessary to mount guard on their mainly Javanese prisoners. However, Dutch control over the territory for most of the colonial period was purely nominal and was connected with the (also nominal) claim of the Sultanate of Tidore, in Maluku. The claim was essentially to prevent any other colonial power from threatening the Dutch spice trade from Maluku. Indeed, Indonesia's territorial claim over West Papua follows exactly the colonial boundaries determined in the initial division in 1828.

(B) A historical claim which was based on the writings of the Javanese poet Prapantja who suggested in 1365 that the Java-based Majapahit Empire of the 13th century had some contact with New Guinea. However, from archaeological evidence, this empire is known to have occupied only Java, Sumatra and Nusa Tenggara. Similarly, the Sultanate of Tidore claimed jurisdiction over West Papua and it was by agreement of the puppet regime of the Sultanate that the Netherlands originally gained an interest in the area. Neither the Majapahit Empire nor the Sultanate of Tidore has ever been shown to have established a settlement or any effective control over even a part of the area. The claim to sovereignty appears to be based upon intermittent trading contact, probably for slaves, and certainly for bird of paradise plumes which the Sultan of Tidore supplied to European market. The terrain was too difficult and the Papuans too hostile for any attempt at control by distant rulers.

(C) Indonesia's claim was also based on threats, force and political maneuvers at the United Nations, and it benefited from the connivance of the United States with, to a lesser extent, Australia.<sup>400</sup>

5. For example, in 1946 Dr H.J. Van Mook who was the head of the Netherlands administration set up a conference to discuss the future of the area in Malino, South Sulawesi. Participants included West Papuans, Indonesians and Dutch. Throughout the conference, Franz Kaisiepo, the West Papuan representative clearly stated that West Papuans did not want to be included in an Indonesian Republic. Certain efforts were also made in 1947 and 1948 to reach an

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<sup>400</sup> Ibid, p. 26.

agreement between the two parties. However, in 1949, the U.S. lobbied the Dutch to shift position since they recognized that their own economic interests were better served by rejecting the Dutch presence in the area. A strong pressure from the U.S. came from the intimidation that if the Dutch were not more flexible, they would not receive their post-war Marshall Aid. Finally, in the same year, the United Nations Security Council established the United Nations Commission on Indonesia that set up a round table conference. For Indonesia, the claim was predominantly that West Papua should join the Republic. Yet, a minority, influenced by Mohammad Hatta who was the Indonesian politician, maintained support for West Papua's separation from Indonesia and for remaining with Melanesia. He led the Indonesian delegation and due to this, his claim carried weight. Johan Ariks, who was the West Papuan representative also claimed against incorporation into the Republic. As a result, the issue of West Papua was left to future negotiation.

6. The Dutch also promoted the use of Malay across West Papua. Education in elementary schools was in Malay, whereas selected pupils then went on to secondary schools in Sarui, Sorong, Manokwari, Hollandia (now Jayapura), and Biak, where the medium of tuition was Dutch.<sup>401</sup> These elite schools were aimed at generating administrators and leaders for the future. By 1957, 30 per cent of the state positions in the colony were assigned to West Papuans and 50 per cent by 1960.<sup>402</sup> Also, the Dutch educated 79 junior forestry officials and five West Papuan supervisors between 1955 and 1961.<sup>403</sup>
7. The representative assemblies started some time after the revision of Dutch rule with the establishment of a representative assembly on Biak Island and later similar regional assemblies were founded on the coastal mainland.<sup>404</sup> Also, examples of political parties were the Indonesian Freedom Committee (Komite Indonesia Merdeka) and the Indonesian Irian Independence Party (Partai Kemerdekaan Irian Indonesia).
8. Isolated events widened by 1965 when violence by several hundreds of West Papuans against the TNI at Manokwari brought about the first counter-insurgency operation Operasi Sadar (Consciousness) by the TNI.<sup>405</sup> Continuous insurgencies in 1966 across the whole of West Papua were led by the two-year insurgency of the Arfak people in Manokwari. Operasi Bratayudha (a battle in the Indonesian version of the Hindu Mahabharata) in 1967 was targeted at 14,000 West Papuans who had taken up weapons against the occupying Indonesian authority.<sup>406</sup> In 1968 further attacks by West Papuans resulted in the bombing of villages by Indonesian helicopters. To prepare for the Act of Free Choice referendum, President Soeharto in 1969 established a third counter-insurgency operation, Operasis Wibawa (Authority),

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<sup>401</sup> Ibid, p. 22.

<sup>402</sup> Ibid, p. 22.

<sup>403</sup> Ibid, p. 22.

<sup>404</sup> Ibid, p. 22.

<sup>405</sup> Ibid, p. 32.

<sup>406</sup> Ibid, p. 32.

which was primarily organized to stop another insurgency in the Paniai region by the Dani who had been opposing occupation for more than a year.<sup>407</sup>

9. The New York Agreement Article XVI says that the Act of Free Choice referendum would be composed of an enforcement of self-determination rights under Indonesian arrangements with UN advice, participation and support.<sup>408</sup>

Article XVIII of the New York Agreement said that the arrangements were to include:

- a) consultations, musjawarah, with the nine 'representative councils' on the procedures and methods for ascertaining the freely expressed decision of the people;
- b) the establishment by Indonesian-Netherlands consultation of the exact time of the Act of Free Choice to take place before the end of 1969;
- c) a clear formulation of whether or not Indonesia was to continue in control;
- d) a guarantee of the eligibility of all indigenous inhabitants to participate in the Act of Free Choice which was to be carried out in accordance with 'international practice'.<sup>409</sup>

Article XXII says that Indonesia should also ensure the local West Papuans' rights including the freedom of assembly, movement and rights of free speech.

10. The Report of the Secretary General in relation to the Act of Free Choice in West Papua A/7723 states:

<11> I must state at the outset of this report that, when I arrived in the territory in August 1968, I was faced with the problems of non-compliance with the provisions of article XVI of the Agreement. Though the United Nations experts who were to have remained in the territory at the time of the transfer of full administrative responsibility to Indonesia had been designated, they had never, owing to well-known circumstances, taken up their duties...

<26> I assumed my duties as the United Nations Representative on 1 April 1968...

<27> Despite my willingness and readiness to travel to the territory immediately after my appointment, my departure was postponed until 7 August 1968 at the official request of the Indonesian Government.

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<sup>407</sup> Ibid, p. 32.

<sup>408</sup> Ibid. p. 32.

<sup>409</sup> Ibid, p. 32-33.

<84> The consultative assemblies would not reach a decision through voting but through musjawarah which, as explained at that meeting, consisted in reaching a 'decision based on discussion, understanding and knowledge of a problem'.

<114> When...some elections took place without the presence of the United Nations observers, I went so far as to suggest the holding of fresh elections in some more important places in order to stress the importance of the eligibility of all adults to participate in them.

<144> Many petitions requested our mission to take steps or measures clearly beyond our terms of reference, such as the withdrawal of Indonesian armed forces, the taking over of the administration of the territory by the United Nations, the guaranteeing by the United Nations of proper rights and freedoms for the population, and so on. All of them, however, advocated the severance of ties with Indonesia and the establishment of a Free Papuan State.

<160> The leaders of the insurgents requested the withdrawal of Indonesian troops from Paniai with the explanation that the people wanted to exercise the right of free choice without pressure. A government plane brought reinforcements of sixteen soldiers, and on 30 April shooting started between the Indonesian troops and the insurgents aided by the armed police deserters.

<163> On 1 May the insurgents hoisted their flag at Enarotali and on 3 May the appeal for the withdrawal of Indonesian troops was repeated and the United Nations Representative's assistance in the withdrawal requested. The answer given by the Military Commander was that the withdrawal of troops was a matter for the Army to decide and that the United Nations Representative had nothing to do with it.

<180>. Notwithstanding the fairly negative result achieved up to that time, I continued my efforts to have article XXII properly implemented. At a meeting of the Ministry of Foreign Affairs on 24 May, I said that the problem of the full implementation of article XII concerning the rights and freedoms had to be dealt with because, up to that time, no concrete measures had been adopted. I suggested that the Indonesian Government should allow the opposition the opportunity to express its views, since that was the moment to adopt courageous and generous measures.



<181> In a conversation with the Minister for Foreign Affairs on 30 May, I pressed for concrete measures in regard to this and other outstanding questions.

<182> In a last attempt to have article XXII of the Agreement properly implemented, I asked, on 10 June 1969, for an audience with the President of the Republic of Indonesia, General Suharto. Owing to his heavy schedule of work, the President could not receive me before 12 August, ten days after the completion of the Act of Free Choice, so that I did not have the opportunity of making my appeal regarding the implementation of the basic rights and freedom of the population of West Irian to the highest office of the Republic.

<249> It can be seen from my report that United Nations observers were able to attend the election of 20 per cent of the total membership of the consultative assemblies...250. The petitions opposing annexation to Indonesia, the cases of unrest in Manokwari, Enarotali and Waghete, the flight of a number of people to the part of the island that is administrated by Australia, and the existence of political detainees, more than 300 of whom were released at my request, show that without doubt certain elements of the population of West Irian held firm convictions in favor of independence...

<251> I regret to have to express my reservation regarding the implementation of article XXII of the Agreement, relating to the 'rights, including the rights of free speech, freedom of movement and of assembly, of the inhabitants of the area'. In spite of my constant efforts, this important provision was not fully implemented and the Administration exercised at all times a tight political control over the population.<sup>410</sup>

11. According to the Indonesian Department of Health reports, in the Central Highlands, with a population of 400,000, there is only one hospital with 70 beds, and 15 health centers with a doctor in the 13 subdistricts covering an area of 53,000 square kilometers in 1995.<sup>411</sup>
12. General transmigration (transmigrasi umum) is a state-sponsored transmigration. The Indonesian state supplies transportation to the settlement site: house and an agricultural plot, infrastructure and a living allowance aimed to assist the transmigrant family normally for the first eighteen months.<sup>412</sup> Also, supported spontaneous transmigration (transmigrasi swakarsa berbantuan) is assisted by the Indonesian state in co-operation with investors

<sup>410</sup> Ibid, p. 34-36.

<sup>411</sup> Australia West Papua Association. *West Papua Information Kit*. 1995. <http://www.cs.utexas.edu/users/cline/papua/core.htm>

<sup>412</sup> Adhiati S A M, & Bobsien, A. *Indonesia's Transmigration Program-an Update*. 2001. A report prepared for Down to Earth. <http://dte.gn.apc.org/ctrans.htm>

and businesses related to particular plans. Finally, self-assisting spontaneous transmigration is practiced by the community concerned, individually or by a group of people. Although self-supporting spontaneous transmigrants are more independent than supported transmigrants, both types receive a plot that has been titled and surveyed by the Indonesian state.

13. In the 1980s, significant amounts of Asian Development Bank (ADB)/ World Bank bilateral financial assistance and loans made it possible to enlarge the transmigration program, with the outcome that ten times more people during 1980-90 were resettled than in the previous seven decades since the commencement of state-sponsored transmigration.<sup>413</sup> Yet, huge social, economic, and environmental problems led to the international and domestic criticism and due to the transmigration's failure to accomplish its goals, external financial support to assist new resettlement plans dried up in the 1990s. Simultaneously, external financial support shifted to a new strategy to assist 'Second-stage Transmigration', i.e. to restore the existing resettlement projects.<sup>414</sup> The financial crisis that attacked Indonesia in mid-1997 and the ensuing struggle to re-construct the economy and transform the corrupted political structure resulted in major shifts in the economic, political, and institutional landscape. These have in turn, largely impacted on the transmigration program since 1997. Factors such as the outbreak of social conflicts at several areas in Indonesia, the new phenomenon of refugees and the indirect and direct influences of the International Monetary Fund (IMF)-imposed Structural Adjustment Program (SAP) have featured the post 1997 transmigration program.<sup>415</sup> Finally, today, both the Indonesian state and the provincial government relies on industrial shrimp, farming, oil palm, pulpwood plantations and natural resources exploitation such as industrial timber, mining and logging to create revenue. The huge scale commercial exploitation targeted at export markets is being actively encouraged by Indonesia's external creditors, led by the World Bank and the IMF. If this continues, the need for workforce in West Papua will grow, fueling a new migration and most probably transmigration boom.
14. In fact, these ruthless attitudes and activities by both the Indonesian state and the logging companies have also resulted in the conflict between them and West Papuans. One typical example is the conflicts between the Intimpura Timber Company and the Moi tribe who have resided in the town of Sorong and its surrounding areas. Same as other West Papuan tribes, the Moi way of life has been intimidated by the logging. The Indonesian state granted a logging concession of 339,000 hectares to the Intimpura Timber Company in 1990, without the consent of native landowners.<sup>416</sup> The Moi community has opposed the intrusion of the company on their land, and have established representations to the company, provincial government, the TNI (in Indonesia, the TNI supports national development and was in fact the primal owner of the

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<sup>413</sup> Ibid.

<sup>414</sup> Ibid.

<sup>415</sup> Ibid.

<sup>416</sup> Australia West Papua Association. *West Papua Information Kit*. 1995. <http://www.cs.utexas.edu/users/cline/papua/core.htm>

logging concession) and forestry service. Yet, the Indonesian state, the TNI and the company stay firm in their policy of not acknowledging anything in the way of land rights. Since the Moi community has continued to resist, they have been accused of being ‘security disturbers’.<sup>417</sup>

15. Amnesty International, while not allowed to enter the West Papua, has received substantial reports of torture and ill treatment of political prisoners. They are said to be given electric shocks, burned with lighted cigarettes, submerged in water tanks and beaten.<sup>418</sup> Lawyers who have visited some of the prisoners report that they do not receive proper medical attention. Many of them have also been shifted to Java without first informing them, their lawyers and families. It is not just the mental effect of such separation which causes problems. In Indonesia detainees often depend on medicine, clothing and food brought by visitors to supplement what they are able to obtain via the prison system. Due to this, the separation raises a humanitarian concern, especially for those who are in poor health or old.
16. Key provisions of SAL include:
  - 70% of oil and gas royalties to be channeled to the territory (to be reviewed after a 25 year period)
  - 80% of mining, forestry and fisheries royalties
  - funds from the national General Allocation Fund - as under ‘normal’ autonomy
  - 2% of the national General Allocation Fund for education and health
  - extra funds (amount not yet determined) for infrastructure
  - the creation of a Papuan People’s Council (MRP) – made up of [West Papuans], church and women’s leaders, designated to protect the customary (adat) rights of [West] Papuans
  - Use of [West] Papuan flag as a cultural symbol, not as an expression of [West] Papuan’s sovereignty as an independent state<sup>419</sup>
17. According to the Dr. Agus Sumule, a member of Special Autonomy team and a senior lecturer at the Papua University in Manokwari, the unsuccessful implementation of Special Autonomy is attributed to the following obstacles:
  - The deep-rooted distrust of the people of Indonesia that Special Autonomy will bring a peaceful workable solution for separatism in West Papua.
  - Anti-Special Autonomy groups have a strong feeling that Special Autonomy [poses a] serious threat to their economic interests in West Papua

<sup>417</sup> Ibid.

<sup>418</sup> Ibid.

<sup>419</sup> Down to Earth. *Special Autonomy for Aceh and West Papua*. No. 51, November 2001.  
<http://dte.gn.apc.org/51Ach.htm>

- The lack of capacity to implement Special Autonomy<sup>420</sup>

18. A typical example of this is the MRP Decision No. 04/MRP/2006 and the MRP Recommendation of February 2006 on the results of its public hearing on the establishment of a separated West Irian Jaya province, from which there has been no response from the Indonesian state to date.<sup>421</sup> The MRP is still waiting for a response from the Indonesian state. The Indonesian Vice President Haji Yusuf Kalla says that “the MRP is not a super body or any such thing.”<sup>422</sup>

## Chapter 5

1. Freeport uses Cairns as a supply base, for machinery, employees, food and as a rest and recuperation (R and R) location. It also largely contributes to the economy of Cairns and is actively searching for Australian investment. In fact, it already has the assistance of some superannuation funds in Australia.
2. Whereas investigation remains incomplete, there has been well-documented evidence of human rights violations against the West Papuans in Freeport’s operating territories. These include;
  - Torture; rape; indiscriminate, summary, and extrajudicial killings; disappearances; arbitrary detention; surveillance and intimidation; employment discrimination; and severe restrictions on freedom of movements;
  - Interference with access to legal representation;
  - Violation of subsistence and livelihood rights resulting from seizure and destruction of thousands of acres of rainforest—including community hunting grounds and forest gardens---and contamination of water supplies and fishing grounds;
  - Violation of cultural rights, including the destruction of a mountain and other spiritually significant sites held sacred by the Amungme; and
  - Forced resettlement of communities and destruction of housing, churches, and other shelters.<sup>423</sup>

<sup>420</sup> Ondawame, O. *West Papua: New Prospects for Change*. A Briefing Paper No1. Representatives of West Papuan Representative Office: Republic of Vanuatu, 2005, p. 10.

<sup>421</sup> Yoman, S S. Situation of West Papuan People. *The Indonesian Human Rights Campaign (TAPOL)*. 2006. <http://japan.indymedia.org/newswire/display/2725/index.php>

<sup>422</sup> Ibid.

<sup>423</sup> Abrash, A. The Amungme, Kamoro & Freeport: How Indigenous Papuans have Resisted the World’s Largest Gold and Copper Mine. *Cultural Survival Quarterly* 25:1, 2001. <http://www.culturalsurvival.org/publications/csq/csq-article.cfm?id=652>

Some of these abuses, such as those caused by ecological breakdown, are the by-products of Freeport's activities. Other abuses, such as physical assaults, are the result of the indiscriminate, disproportionate and illegal use of force against West Papuans by the Indonesian police and the TNI.

3. The incidents happened due to the demonstration by the Amungme community with OPM members who opposed the enlargement of Freeport's mining operation at Tembagapura. According to eyewitnesses, 15 supposed guerrillas and 22 civilians have been murdered by the TNI, supported by security forces recruited by Freeport.<sup>424</sup> Others were coerced to run into the jungle, arrested, tortured or beaten. Also, the Catholic Church of Jayapura issued its own report by conducting interviews with Amungme eyewitnesses and it described the incidents of several arbitrary detentions, torture and summary executions which had happened between 1994 to mid-1995 in Freeport's operating area.<sup>425</sup> The report also described the death of three civilians who were tortured by the TNI at a Freeport workshop.<sup>426</sup> The company strongly refused to acknowledge the existence of such workshop and involvement of its security forces in any killing. "We have an excellent relationship with the chiefs of the tribes," said Thomas J. Egan, the Freeport senior Vice President.<sup>427</sup> Finally, the report also illustrated that in 1995, West Papuans were attacked by the security forces at the Freeport security post, its shipping containers and on an operated bus.<sup>428</sup> The report, written on eyewitness testimonies, provides the most informed and troubling public explanation of the human rights violations experienced by Amungme and other West Papuans.

According to the report,

...physical torture consisted of kicking in the belly, chest and head with army boots; beating with fists, rattan, [sic] sticks, rifle butts and stones; denial of food; kneeling with an iron bar in the knee hollows; standing for hours with a heavy weight on the head, shoulders, or cradled in the arms; stepping and stamping on hands; trying and shackling of thumbs, wrists and legs; sleeping on bare floors; stabbing, [sic] taping eyes shut; and forced labor in a weakened condition. The torture caused bleeding head wounds, swollen faces and hands, buries, loss of consciousness and death because of a broken neck.<sup>429</sup>

<sup>424</sup> Australia West Papua Association. *West Papua Information Kit*. 1995. <http://www.cs.utexas.edu/users/cline/papua/core.htm>

<sup>425</sup> Gedicks, A. *Resource Rebels*. South End Press: Cambridge, 2001, p. 100.

<sup>426</sup> *Ibid.*, p. 100.

<sup>427</sup> *Ibid.*, p. 100.

<sup>428</sup> Abrash, A. The Amungme, Kamoro & Freeport: How Indigenous Papuans have Resisted the World's Largest Gold and Copper Mine. *Cultural Survival Quarterly* 25:1, 2001.

<http://www.culturalsurvival.org/publications/csq/csq-article.cfm?id=652>

<sup>429</sup> *Ibid.*

#### 4. Amungme and Kamoro's demands

- Compensation by Freeport for all lands that have been confiscated;
- Independent environmental and human rights assessments to determine the extent of damages;
- Accountability for military personnel who have perpetrated human rights abuses;
- Explanations by Freeport and the Indonesian government of the company's mining plans and activities under its CoW;
- Community-led development programs;
- Cessation by the government of the transmigration program and of "spontaneous" migration;
- Responsibility by Freeport for reclamation of land degraded by mining activities;
- Cessation by Freeport of tailings deposition into local river systems;
- Compensation to the communities by Freeport for pollution-related suffering;
- Cessation by the government of military involvement in the management of natural resources;
- Compensation by the government for past losses suffered as a result of land seizures and exploitation of Amungme lands;
- The return by the government and Freeport of traditional Amungme lands confiscated without the community's permission"; and
- Amungme permission and consent for all activity on Amungme land. This includes sitting on Freeport's Board of Directors and participating in shareholder meetings.<sup>430</sup>

5. Between 1975 and 2000, the U.S. military industry sold approximately U.S. \$ 1.1 billion valued weapons to the TNI.<sup>431</sup> Subsequent to Indonesia's occupation of East Timor in December 1975, the U.S. military aid more than doubled, from U.S. \$ 17 million to 40 million, and its sales raised from U.S. \$ 12 million to U.S. \$ 65 million.<sup>432</sup> Henry Kissinger, who was the former U.S. State Secretary, used his connections to lobby on behalf of Freeport in Jakarta and Washinton.

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<sup>430</sup> Ibid.

<sup>431</sup> Gedicks, A. *Resource Rebels*. South End Press: Cambridge, 2001, p. 121.

<sup>432</sup> Ibid, p. 121.

6. Amungme state:

For us, the Amungme people, the root cause of the human rights violations is Freeport....

Considering that the government decided to designate Freeport as a 'vital project', why was the matter not first discussed with the people who are the owners of the natural resources before the company began its operations? Or is it that because the company was designated as a vital project, it was deemed necessary to sacrifice the interests of the people? If the company is indeed a vital project, making it necessary for the government to sacrifice its own people, we regard this as economic colonization by capitalists in contravention of our national economic system.... The fact that Freeport has been allowed to operate here in Irian Jaya and dig up and exploit our mineral resources, to destroy the very means of our existence, to drive us out of our ancestral lands, to impoverish us and kill us on our own territory, is all the result of a policy which has been determined at the centre in Jakarta. It is the central government that must take responsibility for reaching a solution to this problem.<sup>433</sup>

7. In September 1996, Indonesian police in West Papua exiled U.S.-based lawyer Martin J. Regan on trumped-up charges, forbidding him from seeing the Amungme leaders, Tom Beanal and Yosepha Alomang, in Timika.<sup>434</sup> Also, in May 1998, Ms. Alomang was blocked from traveling to London by the TNI where she planned to talk about human rights violations and other issues to Freeport management and shareholders at the company's Annual General Meeting.<sup>435</sup>

## Chapter 6

1. This difficulty in communication between the two communities and Freeport was obvious when on April 1996 Freeport announced that it had reached an agreement with the Amungme regarding the company's new development scheme. To its embarrassment, this announcement was renounced next day by the Amungme Traditional Council (LEMASA) and completely rejected by it after two months.<sup>436</sup> It was obvious that communications between the two had

<sup>433</sup> Abrash, A. The Amungme, Kamoro & Freeport: How Indigenous Papuans have Resisted the World's Largest Gold and Copper Mine. *Cultural Survival Quarterly* 25:1, 2001.  
<http://www.culturalsurvival.org/publications/csq/csq-article.cfm?id=652>

<sup>434</sup> Ibid.

<sup>435</sup> Ibid.

<sup>436</sup> Leith, D. *THE POLITICS OF POWER. Freeport in Suharto's Indonesia*. University of Hawaii Press: Honolulu, 2003, p. 93.

broken down, resulting in Freeport then settling an agreement with the Breakaway Amungme yayasan (AMUNGKAL), a rival Amungme group established with Freeport's support.

2. Dr. Carolyn Cook who works closely with the Amungme describes the Amungme way of negotiation and states:

The Amungme begin negotiation speeches with a discourse on how God created the heavens and the earth. They then progress through history until finally they come to the point they want to make. Time-oriented administrators often swear they have heard the same speech a thousand times, they became bored before the Amungme have a chance to make their point. Some tribal leaders have modified their traditional speech patterns in order to be heard. Still, each tribal representative has to have his say because persuasive 'talk' is a necessary element of becoming a 'Big Man'. A meeting is unfinished until all aspiring Big Men have had a chance to speak. A few of the younger fellows then chime in, in an attempt to gain prestige among their peers. Some typical Amungme patterns of behavior during negotiations are aggressive jumping toward others, spitting, yelling, and at times brandishing bow and arrow.<sup>437</sup>

3. As Kal Muller noted:

There are no quick answers, and long consultation times are needed, yet everyone at Freeport wants quick results to impress the outside world. You have to spend nights in the villages to have time to talk to the Kamoro (they are busy during the day feeding their families) yet Freeporters have not done this, due to the primitive conditions, inertia whatever.<sup>438</sup>

A former President of Freeport George A. Mealey acknowledged the above statement and said:

You have to understand that we were working on the basis of very little information about the Amungme/[Kamoro] culture, which nobody has ever studied in depth...What motivates them? What is valuable to them? What do they consider as incentives? How do they relate to their peers and the outside world? We just don't know very many of the answers.<sup>439</sup>

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<sup>437</sup> Cook, C D. Papuan Gold: A Blessing or a Curse? The Case of the Amungme. *Cultural Survival Quarterly* 25:1, 2001. <http://www.culturalsurvival.org/publications/csq/csq-article.cfm?id=653>

<sup>438</sup> Leith, D. *THE POLITICS OF POWER*. Freeport in Suharto's Indonesia. University of Hawaii Press: Honolulu, 2003, p. 94.

<sup>439</sup> Ibid, p. 96.



4. In fact, in belated recognition of these issues, Freeport assisted the West Papuan communities to organize the representative assemblies in 1996, at the same time paying for legal mediators or counsel to support these groups in negotiations. However, disbelieving Freeport's favors, LEMASA have favored support from the NGOs. In the end, efforts by the NGOs to address the disparity of power have resulted in the break down in negotiation. It was obvious in 1996, when at the request of the Indonesian Forum on the Environment (Wahana Lingkungan Hidup Indonesia-WALHI), Tom Beanal, the acknowledged leader of the LEMASA sued in the U.S against Freeport.<sup>440</sup> Emmy Hafild of WALHI, who was advising Beanal, said that the trial was established, partly to address the disparity of power between the company and indigenous communities, and to bring out more positive negotiation.<sup>441</sup> Not surprisingly, however, this legal action resulted in a breakdown in negotiation.
5. At the same time, other development initiatives have funded separately from the One Percent Fund up until today. These include the costs of the Community Affairs Department (which between 1996 to the end of 2000 had approximately 80 full-time staff and had an annual budget exceeding U.S. \$3 million) and part of the costs of the Freeport Malaria Control and Public Health Department (approximately U.S. \$4 million annually).<sup>442</sup>
6. As Broek states:

Setting up a representative organization is not that easy, as it has to respect traditional patterns already in place. There are even traditional cultural constraints which have their impact on the organizational structure that can be set up. As LEMASA, also [Kamoro Traditional Council] LEMASKO was meant to be set up as a representative body (based on traditional views and structures of authority); in that way it sets LEMASA as well as LEMASKO apart from all the other pragmatic Foundations.<sup>443</sup>

He also mentions the distinct features of Kamoro and states:

LEMASKO is still in a very special position. It is meant to have the same mission as LEMASA but traditionally it is virtually impossible to fulfill that mission as in the local traditional pattern there is no element of 'the whole tribe being represented by one voice'. Traditionally the Kamoro people are structured in 'taparu' and 'marga' (as traditional owners of the land). Every 'taparu' consists of a number of families, which within the 'taparu' are ordered in a kind of hierarchy of authority. All the existing 'taparu's' as a whole are just equal, and there is no traditional structure such as a 'primus inter pares'. So, it will be very

<sup>440</sup> Ibid, p. 95. See Chapter 5, p. 67 of this thesis.

<sup>441</sup> Ibid, p. 95.

<sup>442</sup> Ibid, p. 104.

<sup>443</sup> Broek, T. *Timika Notes II (Revised)*. 1996. <http://www.foe.org/international/shareholder/timikanotes2.htm>.

difficult to create a simple representative body that is really recognized by all the parties involved.<sup>444</sup>

7. In detail, the main reason why LEMASA renounced the One Percent Fund was as Broek states:

As long as the [One Percent Fund] has been interpreted ‘as a kind of deal’ with the local population (including the traditional landowners of the project area), LEMASA fears that by accepting the [Fund] it helps implicitly to create the impression that all the problems are solved, that there is ‘a deal’; for LEMASA (or at least a number of people-more than 2000 signatures-represented by LEMASA), that is not the case. LEMASA tries to avoid the situation that by accepting some ‘presents’ the real problems will not be dealt with: the problem of land-rights, the problem of environment damage and the problem of human rights violations in the past.<sup>445</sup>

8. In fact, the company was largely condemned by the NGOs for what they understood as an intentional effort to split the generally cohesive Amungme community. However, the company opposed, saying “it would work with any group that wanted to help bring development to its people” while arguing that causing separations within the Amungme community was not its purpose as it was in its own best interests to deal with unified groups.<sup>446</sup> The company in addition said that it was also in the company’s best interest not to have the funds renounced.
9. In this mechanism not only was the village required to learn new skills and become forcibly engaged in its own development, but theoretically, wealth was accumulated in the community which could be available for future sustainable-development projects. The company expected that this new system would address the issues that appeared previously when the disbursement of funds was driven by contractors or manipulated by an individual in Jayapura. Simultaneously, it aimed to reject power from the larger competing community-based foundations in Timika, which misused the funds without considering those remaining in the village.<sup>447</sup> In addition, it also aimed to reject the tensions over access to funds between the each community. Furthermore, this style of village-based development was essentially aimed to minimize the gap between expectation and reality. The village, which was required to accomplish the project itself, would not supposedly expect a shopping mall or five-storey building, but rather projects that were feasible, relevant and important such as a bridge, a water system or a school.<sup>448</sup> The focus of this development scheme was to be sustainable

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<sup>444</sup> Ibid.

<sup>445</sup> Ibid.

<sup>446</sup> Leith, D. *The Politics of Power. Freeport in Suharto’s Indonesia*. University of Hawaii Press: Honolulu, 2003, p. 108.

<sup>447</sup> Ibid, p. 117.

<sup>448</sup> Ibid, p. 117.

development targeted at promoting independence rather than short-term projects that would strengthen dependence. In 1999 LPM-Irja agreed on a scheme for 1999-2000 which was implemented by choosing a number of village foundations to be responsible for funded projects. The project provided some form of support to all the seventy-one villages situated within the operating area, but focused initially on the twenty-nine villages LPM-Irja regarded as being most affected by the mining.<sup>449</sup>

10. According to the company, activities assisted by LPMMAK in 2005 included:

- Two hospitals and five health clinics that treated a total of 30,000 in-patients and more than 100,000 out-patients during 2005 alone. Health care is provided free of charge to members of the seven [West] Papuan tribal groups indigenous to the area.
- Partnership programs with the local government for the prevention and treatment of malaria, tuberculosis and HIV/AIDS, as well as the operation of two clinics built by LPMMAK in the remote Highlands.
- Scholarships for nearly 5,500 students at all levels, including 350 university graduates, and full funding for 13 student dormitories.
- Partnership programs with the local government for teacher training, support for students from the seven local [West Papuans] in the regional Science Olympiad, and renovations to the Banti elementary school.
- More than 1,600 rural income generation activity groups from the seven main [West Papuan communities] in the area in agriculture, animal husbandry, fishing, trade and services.
- Cultural activities including the Kamoro Festival attended by over 4,000 participants and a group of 40 Amungme and Kamoro dancers who attended the Bellingen Global Carnival in Australia.<sup>450</sup>

11. As a part of the successes, Mr Anderson Worabai, a Freeport officer who helped administer the plan, stated that 60 percent of the 71 villages which received funding used it properly.<sup>451</sup> Also according to him, since not all the fund is spent straightforwardly in villages, other projects assisted by the company fund were also successful. For example, the fund spent U.S. \$6.4

<sup>449</sup> Ibid, p. 117.

<sup>450</sup> Freeport McMoRan Copper & Gold Inc. The Elements of Sustainable Development. 2005 Working toward Sustainable Development Report. 2005, p. 12. <http://www.fcx.com/envir/wtsd/pdf-wtsd/2005/WTSD-ver4.pdf>

<sup>451</sup> Dodd, T. Cash Culture Fails to Appease. *Australian Financial Review*. December 8, 2000.

million on a 75-bed hospital which opened recently in Timika to provide free treatment to seven West Papuan communities.<sup>452</sup> The fund has also provided scholarships to 5,000 students for university, college and senior high school education.<sup>453</sup>

12. For example, those who have access to the fund could purchase another wife more easily. Also, the ready money has increased the bride price to U.S. \$5,000 or U.S. \$6,000.<sup>454</sup> Finally, it has also made it easier to cheat on a wife. In West Papuan culture, such crimes meet with fines, which are now around U.S. \$100.<sup>455</sup> In relation to HIV/AIDS, some West Papuan men have sufficient cash to play around in Timika “a rough frontier town which grew with the mine which has an active red-light district.”<sup>456</sup> Due to this, the number of people with HIV/AIDS is increasing, although Freeport has taken several initiatives to prevent it.
13. According to Freeport, Land Rights Recognition Programs are under way in both highlands and lowlands.

- The Kamoro Village Recognition Program.

This program is a compensation for the release of land to the Indonesian state by five Kamoro villages in the lowlands, including its use for an electrical transmission line corridor, the port, cargo dock facilities and the tailings deposition.<sup>457</sup> The program primarily focused on physical infrastructure, including community facilities and housing, but now focuses on existing needs such as preservation of the Kamoro culture, social and village foundation development, ongoing education for post-secondary students, nutritional instruction, access to health facilities, health education, income generation and economic development.<sup>458</sup> Included are programs to grow a sago plantation and to promote the commercialization of the local fishing industry. Projects in 2005 included supplying continuous training in sewing and nutrition to women in all five villages; providing fishing support packages to more than 400 households, including cool boxes, nets, outboard motors and fuel; constructing a permanent bridge and elevating a road in one village; connecting electrical service to three villages; and installing pumps and water wells.<sup>459</sup>

- The Tiga Desa (Three Village) Development Program.

This program is a similar program for three Amungme villages in the highlands. This program supplied extra recognition to the Amungme as inhabiting land

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<sup>452</sup> Ibid.

<sup>453</sup> Ibid.

<sup>454</sup> Ibid.

<sup>455</sup> Ibid.

<sup>456</sup> Ibid.

<sup>457</sup> Freeport McMoRan Copper & Gold Inc. The Elements of Sustainable Development. 2005 Working toward Sustainable Development Report. 2005, p. 23. <http://www.fcx.com/envir/wtsd/pdf-wtsd/2005/WTSD-ver4.pdf>

<sup>458</sup> Ibid, p. 23.

<sup>459</sup> Ibid, p. 23.

closest to the mine, who had been compensated in the 1974 agreement, regarding the expanded prospect and ongoing success of mining operations. This program focused on infrastructure through 2005 and included building of protective levees, roads, bridges, housing, water and hydroelectric development and a sewer service.<sup>460</sup> As a result, a church, 9 bridges and 94 houses were built during 2005.<sup>461</sup>

14. The company states that at the end of 2005, the fund held a combined total of nearly 43,000 common shares in Freeport-McMoRan Copper & Gold Inc., worth more than U.S. \$2.3 million at the share price as of that time.<sup>462</sup>
15. Edward Pressman believed that if Freeport was not restricted by Indonesian law, it would without reluctance, sit down with the West Papuan representatives and work out a large financial arrangement as one would in the West.<sup>463</sup> In other words, the company would just buy the land or the license for using the land. The company believed that this kind of deal would not only satisfy the West Papuans' requests, but would allow the company to get away from the burden of community development. In Pressman's scenario, the money would be deposited into a trust fund which West Papuans would administrate and could use to directly fund their own projects.
16. Today in Timika, which has twelve transmigration dwellings located at its perimeter and within the operating area, not every settler is happy with their lot. With many failing to find jobs and their excess produce failing to find markets, they have stopped working on the settlements and have moved to Timika, creating tension between themselves and the West Papuans.<sup>464</sup>
17. A typical example is the story of Mr Nurdin who is Kamoro and runs the Souvenir Shop in Kamoro. In 1994, one transmigrant from Sulawesi moved to Nurdin's neighborhood. He immediately "gathered a store full of sought-after Asmat art for sale to the tourists, but most at vastly inflated prices compared to the Bali shops."<sup>465</sup> His shop's focus on the more complex art of the more distant Dani and Asmat people indicated how free market capitalism really is.<sup>466</sup>
18. For example, with a perspective toward long-term development of West Papuans in the workforce, Freeport in 2004 established the Nemangkawi Mining Institute. Also the new facilities, that are being built totally by apprentices, open in 2006. According to the company, its goal is to supply pre-apprentices, apprenticeships and advanced career development opportunities for hundreds of West Papuans each year and by the end of 2005,

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<sup>460</sup> Ibid, p. 23.

<sup>461</sup> Ibid, p. 23.

<sup>462</sup> Ibid, p. 25.

<sup>463</sup> Leith, D. *The Politics of Power: Freeport in Suharto's Indonesia*. University of Hawaii Press: Honolulu, 2003, p. 113.

<sup>464</sup> Ibid, pp. 119-120.

<sup>465</sup> Earl, G. Explosive Mix on Indonesia's Eastern Frontier. *Australian Financial Review*. October 25, 1995.

<sup>466</sup> Ibid.

more than 1,000 West Papuans were registered in the institute's programs.<sup>467</sup> These students have received on and off-the-job training in clerical and administration duties, electrical and instrumentation work, equipment operations, heavy duty mechanics, welding and numerous other trades.<sup>468</sup> Freeport states that most of them will be employed by the company and its related companies and since the opening of the institute, 55 apprentices have been employed at Freeport or its related companies.<sup>469</sup> In addition, more than 200 pre-apprentices, all Kamoro and Amungme, have completed the full apprentice program.<sup>470</sup>

Freeport has also provided training to its employees. Through 2005, Freeport's Quality Management Services Department supplied approximately 6 million hours training to around 16,000 workers.<sup>471</sup> The workshop accommodates about 300 workers per day, supplying development opportunities in management and trades fields.<sup>472</sup>

19. Dr. Cook states that Freeport is seriously looking for qualified West Papuans to promote, it is trying to place West Papuans into top supervisory positions and has announced that it will strive to double the number of West Papuans in middle management by around 2006.<sup>473</sup>
20. By mid-2000 Freeport stated that they had funded the estimation of five thousand scholarships for West Papuans with no less than 30 percent being provided to Amungme and Kamoro.<sup>474</sup> However, it should also be borne in mind that sponsorship numbers included things such as dormitories, uniforms and other items.
21. In what could be classified as a common understanding among West Papuans facing the power of a multinational, the Amungme believe that the company would rather make deals with the elders in the community, who are unworthy, undereducated and they believe more easily cheated, than with the more worthy, and educated young West Papuans.<sup>475</sup>
22. One good example is in the new company town of Kuala Kencana where the company was obliged to found two schools: international or American and an Indonesian school, the latter because the Indonesian state obliges every Indonesian citizen to receive only a state-sponsored education using Bahasa Indonesia.<sup>476</sup>

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<sup>467</sup> Freeport McMoRan Copper & Gold Inc. The Elements of Sustainable Development. 2005 Working toward Sustainable Development Report. 2005, p. 17. <http://www.fcx.com/envir/wtsd/pdf-wtsd/2005/WTSD-ver4.pdf>

<sup>468</sup> Ibid, p. 17.

<sup>469</sup> Ibid, p. 17.

<sup>470</sup> Ibid, p. 17.

<sup>471</sup> Ibid, p. 17.

<sup>472</sup> Ibid, p. 17.

<sup>473</sup> Leith, D. *The Politics of Power: Freeport in Suharto's Indonesia*. University of Hawaii Press: Honolulu, 2003, p. 121.

<sup>474</sup> Ibid, p. 126.

<sup>475</sup> Ibid, p. 126-127.

<sup>476</sup> Ibid, p. 126.

23. According to the Ondawame, recent major human rights violations include:

- December 7, 2000, Police raided a student camp in Abepura and arrested 99 civilians and killed Elkuis Suhunaib (18), Jonny Karunggu (18) and Orry Dorongo (17) after torturing them.
- In the beginning of 2001, William Onde, Operational Command of the OPM of Rusa Military Command in Merauke was assassinated by the TNI and indiscriminate terror acts were committed in Bonggo, Sarimi.
- In November 10, 2001, Mr. Theys Eluay, Chairman of [PDP] was abducted and murdered by the Indonesian Special Forces [*Komando Pasukan Khusus*-KOPASUS].
- John Rumbiak, Supervisor of the Institute of Human Right Studies and Advocacy [*Lembaga Studi dan Advokasi Hak Asasi Manusia*-ELSHAM] and his staff members in Jayapura were constantly intimidated and threatened with death by [the] TNI. He was forced to leave the territory and sought political asylum in the [U.S.] in 2004.
- Benny Wenda, Chairman of Council of KOTEKA Traditional Assembly (DEMMAK) was arrested and imprisoned by the TNI in Jayapura but he escaped and got political asylum in London in 2003.
- In the Central Highland particularly in Puncak Jaya district, huge numbers of the troops were also deployed to hunt down OPM. These three regions are highly militarized zones today. The military controls all [West] Papuan's lives: ports, airfields, urban cities and even gardens owned by local people. Consequently, freedom of movement of the local people is restricted. Their lives are tightly controlled and local girls were raped.
- Yusak Pakage (26) and Filip Karma (45) faced a possible life sentence under the Article 106 of the criminal code. Their crime was organizing 43<sup>rd</sup> Anniversary celebration of Morning Star at the university campus in Abepura on 1<sup>st</sup> December 2004. They are also charged under Article: 154 of the Criminal Code, with expressing hostility or hatred towards the state, the maximal penalty for which is seven years.
- OPM resistance persistent. A new weapon contact occurred between the TNI and OPM in Timika, eight Indonesian

soldiers were killed by the OPM and two guerrillas, Musa Tsuggumol and Eanam were killed by the TNI in the Kopi river on 13<sup>th</sup> March 2005.

- Other serial killings occurred in the remote highland village of Wunin, Puncak Jaya regency [in March 2005]. From the photos that were collected by human rights investigators, it shows the aftermath of an attack – with elderly villagers murdered and schools and churches burnt to the ground. [During November 2004 to May 2005], investigations have documented scores of deaths and acts of violence attributed to the Indonesian military. Sources in West Papua say that as a result, throughout the entire province, between 15,000 and 20,000 people have been forced from their homes. In late January [2005], human rights investigators on a secret mission to West Papua's Central Highlands stumbled into a scene of misery and death. More than 6,000 civilians had taken refuge in the jungle escaping from Indonesian brutalities. This 11-month-old girl had just died from malnutrition and exposure - a victim of West Papua's hidden conflict. All these events have threatened the lives of many West Papuans.<sup>477</sup>

24. For example, Yoman stated the case of the Puncak Jaya humanitarian operation. He asserted that the U.S. \$ 250,000, set aside for development was spent on military operations including the murdering of innocent people in the Puncak Jaya regency.<sup>478</sup>

25. Freeport states:

[T]he support for the Government-provided security in [West] Papua includes in-kind assistance and monetary allowances to mitigate living costs and the hardship elements of posting in [West] Papua, better ensuring positive morale and that personnel are properly fed and lodged, and to provide the logistical resources necessary to patrol and secure the company's operating area. Oversight of support requests is designed to ensure that only appropriate and legitimate requests are granted. This support for the [g]overnment security institutions assigned to the company's area of operations represents a prudent and considered step by our company to protect its workforce and property, and to meet the expectations imposed by the [g]overnment on companies conducting business in remote areas of Indonesia. This provision of support is consistent with the company's obligations under the

<sup>477</sup> Ondawame, O. West Papua: New Prospects for Change. A Briefing Paper No1. Representatives of West Papuan Representative Office: Republic of Vanuatu, 2005, pp. 12-13.

<sup>478</sup> Ibid, p. 12.



[CoW], our philosophy of responsible corporate citizenship, the joint U.S. State Department-British Foreign Office Voluntary Principles on Human Rights and Security, and is in keeping with our commitment to pursue practices to promote human rights.<sup>479</sup>

26. The U.S. Defence Secretary Donald Rumsfeld states:

The ability for our militaries to work more closely with each other is clear when one thinks of what took place in the (December 2004) tsunami or what took place with respect to the (May 27) earthquake, and the need to know each other and be able to communicate well with each other and understand each other when there's a disaster of that type.<sup>480</sup>

Also, after the September 11 incident in New York, the U.S. believes that military cooperation with Indonesia is important in terrorist mopping-up operations since Indonesia is the most populous Muslim dominated state and has been a "possible safe haven for al-Qaeda and its sympathizers", a view that was strengthened by the terrorist attack on Bali in 2002 and 2005.<sup>481</sup>

27. However, in response to the incident, British Foreign Office Minister, Ian Pearson said that "the UK no longer seeks guarantees or assurances that UK weaponry will not be used to abuse human rights, since such assurances are not enforceable i.e. essentially worthless"<sup>482</sup>

28. The Embassy further states:

What this means for New Zealand, if the evolution of our domestic public opinion parallels the US, Canadian or Australian trends, is a requirement to make demarches, that in the current Indonesian climate will probably have little impact on Indonesian policy while straining our relationship with Indonesia. Such strains are unavoidable in the circumstances but it may be possible to contain them somewhat. Anything we say may be better received if we have on record some statement about support for Indonesia's territorial integrity.<sup>483</sup>

<sup>479</sup> Freeport McMoRan Copper & Gold Inc. The Elements of Sustainable Development. 2005 Working toward Sustainable Development Report. 2005, p. 29. <http://www.fcx.com/envir/wtsd/pdf-wtsd/2005/WTSD-ver4.pdf>

<sup>480</sup> Rhem, K T. Americans, Indonesians Forging More Cooperative Military Ties. *United States Department of Defense*. 2006. [http://www.defenselink.mil/news/Jun2006/20060606\\_5347.html](http://www.defenselink.mil/news/Jun2006/20060606_5347.html)

<sup>481</sup> Lobe, J. US Paves Way for New Indonesia Military ties. *Asian Times Online*. 2003. [http://www.atimes.com/atimes/southeast\\_asia/EA28Ae02.html](http://www.atimes.com/atimes/southeast_asia/EA28Ae02.html)

<sup>482</sup> Barber, P. Closer UK Defence Ties Threaten Fight against Military Terror in Indonesia. *The Indonesia Human Rights Campaign (TAPOL)*. 2006. <http://tapol.gn.apc.org/press/files/pr060331.htm>

Lewis, M. Letter to Guardian on UK Military Ties with Indonesia. *The Indonesia Human Rights Campaign (TAPOL)*. 2006. <http://tapol.gn.apc.org/news/files/let060403.htm>

<sup>483</sup> Leadbeater, M. Expediency, Hypocrisy, Policy. From Henderson, J and Watson, G. *Securing a Peaceful Pacific*. Canterbury university press: Canterbury, 2005, p. 496.

29. Phil Goff who was the minister of Foreign Affairs and Trade at that time states:

Indonesia would view outside representations of support for West Papua's independence as an attempt to undermine Indonesia's territorial integrity. This would give negative consequences for relations with Indonesia and would weaken New Zealand's ability to make effective representations to Indonesia in support of a peaceful resolution of its differences with West Papua.<sup>484</sup>

## Chapter 7

1. First subsequent contractual agreement of MOU in 2000 included
  - the establishment of PT Kelabuma Permai, a limited company owned by LEMASA employing [West] Papuans to carry out dredging and maintenance work on the tailings containment levees downstream of the mine;
  - an integrated agricultural, aquaculture and livestock project in and around the tailings area, sponsored by Freeport with shareholdings by LEMASA and LEMASKO;
  - the building of an office for LEMASA and a building for tribal elders.<sup>485</sup>
2. Especially, the Black majority who officially became citizens of particular 'homelands' which were formally sovereign nations but operated along lines more similar to the Canadian/Australian Aboriginal Reserves and US Indian Reservations.<sup>486</sup> As a matter of fact, most Blacks had never lived in their homeland under the apartheid government. In practice, apartheid disallowed non-White South Africans – even if they actually lived in White South Africa – “from having a vote or influence, restricting their rights to faraway homelands that they may never have visited.”<sup>487</sup> Public services including medical care and education were sometimes claimed to be equal but separate, but those available to non-White people were in general perceived as inferior.
- 3 During the last years of apartheid governance in South Africa, the state was in a regular state of emergency. Growing civil disorder and township violence resulted in the government (via the President P. W. Botha) declaring a state of emergency on 20 July 1985 in 36 authoritative areas.<sup>488</sup> Areas affected were the Pretoria, Witwatersrand, Vereeniging (PWV) regions, and the Eastern Cape

<sup>484</sup> Ibid, p. 496.

<sup>485</sup> Down to Earth. Freeport: Still Getting Away with it. No 47, November 2000. <http://dte.gn.apc.org/47frp.htm>

<sup>486</sup> Omnipelagos. History of South Africa in the Apartheid Era. 2006.

[http://www.omnipelagos.com/entry?n=history\\_of\\_South\\_Africa\\_in\\_the\\_apartheid\\_era](http://www.omnipelagos.com/entry?n=history_of_South_Africa_in_the_apartheid_era)

<sup>487</sup> Ibid.

<sup>488</sup> Ibid.

and three months later, the Western Cape was also incorporated.<sup>489</sup> During this state of emergency around 2,436 people were arrested under the Internal Security Act.<sup>490</sup> The government could enforce curfews manipulating the people's movements and the President could control by decree without referring to parliament or the constitution. Another state of emergency was declared on June 12, 1986, four days before the 10 year celebration of the Soweto uprising to cover the whole state. The government revised the Public Security Act, enlarging its powers to incorporate the right to declare certain areas 'unrest areas'. This permitted the state to exercise extensive measures to fight protests in these areas. The government Censorship Board kept an eye on the publication and press content relevant to all unrest activities. Although the government insisted that the media in South Africa was free, the independent media in South Africa was prohibited from reporting on the state of emergency. The state spokesperson, the South African Broadcasting Corporation (SABC) supplied daily propaganda in favor of the state.

4. Bantustan refers to the twenty territories which served as reserves for the indigenous South Africans as part of the ethnic separation policies of apartheid. Ten Bantustans were created in South Africa, and ten in neighbouring South-West Africa (then under South African control), "for the purpose of concentrating, in their territories, members of designated ethnic groups, thus making each of those territories ethnically homogenous."<sup>491</sup> With the collapse of the apartheid state in South Africa, the Bantustans were disassembled and their territories reincorporated into the South African Republic.
5. In fact, a different process may lead to negative outcomes. The revelation of truth which points to unilateral criticism is not likely to generate reconciliation. Discussing truth and reconciliation attempts in other states, Gobodo-Madikizela argues:

Their tendency to focus only on perpetrators on one side of a political conflict may, however, disrupt whatever fragile unity might be forged by two sides previously at war with each other. This could then fuel the anger of one side, which may feel that the law is biased against it as the 'oppressor' group, when in fact this is often a record of human rights crimes committed by the oppressed group as well. The issue is not a simple one, for in recognizing that both sides produced victims, one may seem to be applying the same moral standards to the actions of the oppressor and those of the cycle of hatred and revenge, it is important first to acknowledge, as did the TRC, that human rights abuses were committed by both sides, and then to find an effective way of moving society forward.<sup>492</sup>

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<sup>489</sup> Ibid.

<sup>490</sup> Ibid.

<sup>491</sup> Omnipelagos. Bantustan. 2006. <http://www.omnipelagos.com/entry?n=bantustan>

<sup>492</sup> Gibson, J L. Overcoming Apartheid: Can Truth Reconcile a Divided Nation? *Politikon*, Vol.31. Issue 2, 2004, p. 149.

6. The Commission proclaimed:

.... one can say that the information in the hands of the Commission made it impossible to claim, for example, that: the practice of torture by the state security forces was not systematic and widespread; that only a few 'rotten eggs' or 'bad apples' committed gross violations of human rights; that the state was not directly and indirectly involved in 'Black-on-Black' violence; that the chemical and biological warfare program was only of a defensive nature; that slogans by sections of the liberation movement did not contribute to killings of 'settlers' or farmers; and that the accounts of gross human rights violations in the African National Congress (ANC) camps were the consequence of state disinformation. Thus, disinformation about the past that had been accepted as truth by some members of society lost much of its credibility.<sup>493</sup>

7. In fact, punishment and prosecution of the perpetrators were not conceived as an initial vehicle for dealing or engaging with the past (in fact, the TRC approach was consistent with the perpetrators "being granted amnesties conditional on full disclosure, in effect an exchange of truth for identity").<sup>494</sup>

8. Formerly the main options for reconciliation had been that of (retributive) 'Justice' (i.e. the torturers and killers should be punished and prosecuted, as in the Nuremberg Trial), 'Amnesty' (i.e. the perpetrators of political abuse should be officially indemnified and pardoned to clean the slate), or 'Amnesia' (i.e. the divisible disputes or violence of the past should be forgotten, if not forgiven, as in the case of Spain).<sup>495</sup>

9. For example, when this was inquired about, one White South African focus group replied with the following comments:

-Yes, all these things when they came out at the TRC, I thought, my God, where was I living? Was that in South Africa?

-It's a very good point.

-The Whites, you didn't know any of that was going on. You looked on apartheid and you were comfortable because you could go to the shops and go where you liked.

-It was a very clever system.

-It was wonderful, but I didn't know these things were happening.

<sup>493</sup> Ibid, p. 147.

<sup>494</sup> Toit, A. Experiments with Truth and Justice in South Africa: Stockenström, Gandhi and the TRC. *Journal of Southern African Studies*, Vol.31, No. 2, 2005, p. 438.

<sup>495</sup> Ibid, p. 437.

I was shocked to learn what was going on. But that was the government we were living under.

-I remember having arguments with my father. He was saying, 'don't believe everything you get told.' I'm telling him. 'this is happening to my friends' and he kept saying they were Communists and ...

-That's it. you see! Because that is what the justification for all this was, to us.

-It was the brainwashing.

Q. So there are quite a lot of people here, let me understand this nicely, you're saying that to some or to a large extent you weren't actually aware of the atrocities until you saw ...

-I think we were aware of people being separated, separate toilets, buses, you know this. The superficial things.

-But, in my opinion ... I can remember growing up. hearing drums on the farm, having a wonderful time and to me, that was some of their choice.

-They were happy living in these ...

-Yes, they were happy. We were ignorant in a sense of knowing what actually really went on.<sup>496</sup>

10. Whites cannot have helped but be impressed by the graciousness and magnanimity of Nelson Mandela, the former Black President of South African in the early days of the transition. "Mandela's continuous pleas for tolerance and reconciliation—not to mention his well-publicised donning of a rugby shirt (the sport of choice among Whites)—have undoubtedly contributed to more benign racial attitudes among Whites."<sup>497</sup>

11. When inquiring about the following questions, one Black South African focus group replied with following comments:

Q. (Reads second statement: Those struggling for and against apartheid did terrible things to others.) What do you think of that?

-It's very true, both sides have blood on their hands.

Even the so-called liberators had very inhumane methods that

<sup>496</sup> Gibson, J L. Overcoming Apartheid: Can Truth Reconcile a Divided Nation? *Politikon*, Vol.31. Issue 2, 2004, pp. 144-145.

<sup>497</sup> Ibid, p. 145.

they used when they wanted to put through a message—in camps abroad and within the country. A lot of people were hurt in the townships, if you were successful you were accused of selling out. We as Blacks don't empower our people, Whites lift each other up. When we Blacks get to the top, we forget our own.

. Q. Anyone else?

-It's true, both sides did bad things.

Q, You only mention the liberation movements, why not the White regime?

-That is obvious, with them we don't even need to mention it, because we know exactly what happened.

Q, But was it justified for both camps to do what they did?

-Not at all.

But in those days there was no time to think about whether the actions were justified or not.

Q. So both sides did wrong?

-Yes.

Two wrongs don't make a right.<sup>498</sup>

12. In 1982, the first recorded death from AIDS happened in South Africa. Within a decade, the number of recorded AIDS cases had increased to over 1,000 and by the mid-1990s, it became 10, 000.<sup>499</sup> In the late 1980s, the South African Chamber Mines started an education campaign to attempt to stem the increase in cases. Yet, without a change in the situations of mine workers, a key factor contributing to the plague, success could seldom be anticipated. "Long periods away from home under bleak conditions and a few days leave a month were the apartheid-induced realities of the life thousands of miners and other laborers worked."<sup>500</sup> Compounding the issue was the fact that as of the mid-1990s, many public health authorities in South Africa still concentrated more on tuberculosis than HIV.
13. Also, as a part of the decolonization process, the Dutch colonial authority promoted West Papua to participate in regional affairs. Under the ten-year Papuanization project, significant numbers of West Papuan students were sent

<sup>498</sup> Ibid, p. 146.

<sup>499</sup> Omnipelagos. *History of South Africa in the Apartheid Era*. 2006.  
[http://www.omnipelagos.com/entry?n=history\\_of\\_South\\_Africa\\_in\\_the\\_apartheid\\_era\\_b](http://www.omnipelagos.com/entry?n=history_of_South_Africa_in_the_apartheid_era_b)

<sup>500</sup> Ibid.

to Fiji, PNG and Europe to receive education. Four West Papuan medical students were sent to Fiji to receive education to learn at the Suva Medical College whereas seven West Papuan medical students, including Prof. Adolf Saweri, who is now Dean of the Faculty of Medicine at the University of PNG, were sent to PNG.<sup>501</sup> Under these exchange programs, geographical, racial and political relationships with the neighbouring Pacific Islands states were well created.

14. Vanuatu, PNG, Pacific Civil Society Forum, the Pacific Conference of Churches (PCC), and Pacific Concern Resource Centre (PCRC) have played an important role in supporting the cause of West Papua. These can be seen from the following events:

### **Vanuatu**

- In September 2000, the Vanuatu Prime Minister included three West Papuans in his delegation to the UN Millennium Summit in New York. In his Millennium Address, the Prime Minister requested the UN to rectify its mistake in 1969 that caused much suffering in West Papua. Two other Pacific Nations, Nauru and Tuvalu have also included the issue of West Papua in their respective address.
- During Vanuatu's independence celebrations in July 2000, a Memorandum of Understanding was signed in Port Vila between the leaders of the two National organizations, the OPM and PDP.
- In September 2002, in his address of the [UN General Assembly] UNGA, the Foreign Minister of Vanuatu, requested the UN place West Papua on the UN Decolonization Committee. On his return from New York he announced that the Vanuatu Government had decided to allow West Papuans to open their office in Vanuatu.
- In March 26, 2003 the Vanuatu government welcomed the setting up of West Papua Representative office in Port Vila. The office is run by Dr. Otto Ondawame a West Papuan graduate of the Australian National University.
- On the 30<sup>th</sup> July 2003 and 2004, the people of Vanuatu allowed raising the West Papuan National Flag, Morning Star during the 23<sup>rd</sup> and 24<sup>th</sup> Anniversary of Independence Day of Vanuatu in Port Vila.

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<sup>501</sup> Ondawame, O. West Papua: New Prospects for Change. A Briefing Paper No1. Representatives of West Papuan Representative Office: Republic of Vanuatu, 2005, p. 3.

- West Papua also enjoyed support from grass roots organizations, politicians, the NGOs, traditional council, women organization, churches and government of Vanuatu. On 25<sup>th</sup> October 2003 and 5<sup>th</sup> March 2004, new support groups were established on Loganville in Santo, and Port Vila respectively. Major of Loganville, [Paul Hakwa, openly advocated an independent West Papua throughout the establishment of the support group in Loganville.]
- A successful lobby was conducted by the Government of Vanuatu providing new possibility. In a meeting between Deputy Prime Minister and Minister for Foreign Affairs of Vanuatu, the Hon. Serge Vohor, and Secretary General of the UN, Dr. Koffy Anan, in September 2003, both leaders agreed to launch an Integral Inquiry within the UN that was responsible for investigating the conduct in relation to the Act.
- Vanuatu Government sponsored the issue of West Papua to 34<sup>th</sup> PIF-meeting in Auckland and included West Papua representative, Dr Otto Ondawame, in his official delegation to the meeting.
- On 21<sup>st</sup> May 2004, Minister for Foreign Affairs, the Hon. Moana C. Kasolil, called a round - table conference between the people of West Papua and the Government of Indonesia in Port Vila addressing the current problem in West Papua, but Jakarta did not give any response.
- Minister of Foreign Affairs, the Hon. Barak Sope in his powerful address at the 59<sup>th</sup> Session of the United Nations General Assembly meeting in New York on 28<sup>th</sup> September, and the Hon. Barak Sope said: “The United Nations must be consistent in its decisions for the recognition and respect of the fundamental rights to self-determination for the people of West Papua. The truth surrounding the so called Act of Free Choice must be exposed to the Melanesian sisters and brothers of West Papua, and to the rest of the international community; the saddest of all is the UN General Assembly Resolution 2504 on West Papua in 1969. How can the UN continue to ignore the cries of over three million people demanding justice? The Hon. Barak Sope underlined the importance of respect for and recognition of the rights of West Papua in accordance with the UN’s own charters and principles. In his view, the UN must take responsibility to restore its own image and bring a lasting peace to West Papua. And urged the UN to undertake the following calls:



-the establishment of a Social Commission of Enquiry to review the UN's conduct in relation to the 1969 Act

- the UN to send a fact-finding missions to examine the situation in West Papua

- the re-inscription of West Papua on the List of the UN as one of the remaining Non-Self-Governing Territories

- Head of State of Vanuatu, President Kalkot Mataskelekele, raised the issue of West Papua with his counter partner, President Bambang Susilo Yudhiyono, during 50<sup>th</sup> Asia-Africa Non-Alliance Movement conference in Bandung, May 2005. In his prayer, the President called the Government of Indonesia to settle the conflict peacefully.
- It was a diplomatic success defeating Indonesian cheap propaganda. Such victory can be measured from those immediate expressions given by more than one hundred delegates who participated in the meeting.<sup>502</sup>

### **Papua New Guinea**

- Melanesian Solidarity Group has been one of the longest support groups for West Papua since its establishment in 1980s. They mobilized support not only in PNG but also in the Melanesian region. Public awareness campaign and solidarity networks have been major tasks of the group.
- PNG churches and the Catholic Church in particular have taken the issues of justice, human rights and refugees as one of the priorities in their policies. Over 3,000 West Papuan refugees in Vanimo and East Awin camps were looked after by the Catholic Church.
- University of PNG has also advocated more about an independent West Papua by calling the Government of PNG to take a positive step to end violence in West Papua and then find a peaceful solution of the problem.
- PNG West Papua Association is a newly established solidarity group, which association has tasks such as public awareness campaigns, lobbying government and politics, advocacy and networking and strengthening solidarity networks.

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<sup>502</sup> Ibid, pp. 18-19.

- Civil Society at large and people along the border region have played crucial roles in supporting the cause of West Papua. They provide shelter, food, land, protection, financial and material support since the movement was organized in the border region.
- In March 15, 2005, a new solidarity group was established in Port Moresby. Advocacy works, networking, lobbying and public awareness campaigns are primary tasks of this group.<sup>503</sup>

### **Pacific Civil Society Forum**

Pacific Civil Society Forum held on August 15, 2003 in Auckland simultaneously as the Pacific Islands Forum held its meeting. Broad representatives of Pacific NGOs co-coordinated by the Coalition for International Development participated in the Forum. The Forum officially declared the following demands:

- Grant observer status to West Papuan representatives
- Call on the Secretary-General of the UN to review the conduct of the 'Act of Free Choice'
- Call on the UN to re-list West Papua onto the List of Non-Self Governing Territories.<sup>504</sup>

### **The Pacific Conference of Churches (PCC)**

After years of disregarding the self-determination issue of West Papua, the World Council of Churches (WCC) decided at the 8<sup>th</sup> meeting in Harare, Zimbabwe to dispatch an ecumenical delegation to West Papua in 1999. Since then, the member churches of WCC have also expressed concerns over the West Papua issue. The WCC/PCC Pacific Workshop on Peoples Struggle for Land and Identity in September 2000 declared:

- The Churches in the Pacific and the PCC be requested to continue to support the struggle of Peoples of West Papua and to lobby their respective governments for support for their self-determination for listing on the UN Decolonization list.
- That the churches in the Pacific and PCC request WCC to liaise with the UN Commission Human Rights to appoint a Special Rapporteur to investigate human rights abuses in

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<sup>503</sup> Ibid, p. 23.

<sup>504</sup> Ibid, p. 22.

[West] Papua including the mass killing of almost 1 million.

- That PCC be requested to take the Program of West Papua as a priority in its program of activities.<sup>505</sup>

### **Pacific Concern Resource Centre (PCRC)**

PCRC realizes the continuing important role played by the Papua New Guinea Council of Churches with its associated members, particularly the Catholic Church in the issue of border crossers and their sustenance in PNG.

- In April 2000, PCRC declared West Papua a priority campaign issue for the Decolonization Desk.
- In response to a push initiated by a group of [states] including Indonesia and Australia to abolish the Special Committee on Decolonization, PCRC petitioned the UN Pacific Regional Seminar in 2000 not to abolish the UN Special Committee on Decolonization because of unfinished decolonization processes in the Caribbean and Pacific region.
- In 2004, Rex Rumakiek, West Papuan leader was employed as Assistant Director for decolonization of the centre.<sup>506</sup>

15. Since 2003, these organizations established many social and political manifestations. Major events include:

- In July 30, 2003, the representative of West Papua in Vanuatu participated in the 23<sup>rd</sup> Anniversary of Vanuatu Independence Day and raised West Papua flag and exhibited Papuan situation in Freshwater IV, Port Vila.
- In 24<sup>th</sup> October 2003, new Vanuatu Association for Free West Papua was launched in Luganville where Dr. Otto Ondawame and Lord Major of Luganville, Paul Hakwe, opened the launch.
- In 5<sup>th</sup> June 2004, a new support group was established in Port Vila and this was launched by Ms. Hilda Lini, the former MP and Minister for Health during Lini Government in the post independence.
- In July 30, 2004, once again the representative office was invited to participate in the 24<sup>th</sup> Independent anniversary and

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<sup>505</sup> Ibid, p. 22-23.

<sup>506</sup> Ibid, p. 23.

raised the West Papuan flag.

- On 6<sup>th</sup> November 2004, the Melanesian Trust invited the West Papuan representatives to attend the conference on sustainable development and environmental protection in Melanesia. The conference took resolution on West Papua and Kanaky and called for an independent West Papua and Kanaky.
- On 1<sup>st</sup> December 2004, more than 300 hundred Chiefs from all islands of Vanuatu attended 43<sup>rd</sup> West Papuan National Flag Day in Port Vila. In the opening speech, the Hon. Barak Sope reconfirmed the longstanding commitment of the people and Government of Vanuatu to continue to support the struggle for Independence in West Papua.
- In 19<sup>th</sup> May 2005, Port Vila based Vanuatu Free West Papua association organized a peaceful demonstration against the visit of Indonesian Ambassador to Australia, Imran Cotan and his cultural group. In the event, the group pulled down the Indonesian flag and covered his car with Morning Star, the West Papuan National Flag.
- June 2005, new memorandum of understanding and cooperation was reached between Vanuatu Chief Council and Prime Minister, the Right Hon. Ham Lini in custom ceremony and made their commitments to continue supporting West Papua.
- In 25<sup>th</sup> June 2005, West Papuan Cup in relation to 25<sup>th</sup> Silver Jubilee of Vanuatu Independence Day was launched by Dr. Otto Ondawame, the main sponsor, in Luganville, Santo. Football trophies and 150,000 Vatu were offered to Chairman of the Independent Celebration, MP Jack Eric. Chiefs from North of Vanuatu called the Government of Vanuatu to grant a Permanent member of MSG to West Papua. Lord major of Luganville, Brown Hill called the Government of Vanuatu to put West Papua on the agenda of MSG and grant a Permanent member of the Group that will have direct effects for Melanesian Games, Pacific Arts Festival and Pacific Games in the future.
- Council of Chiefs of Maiwo, Luganville, Epi, Pentecost, Efate, and Olry called the Government of Vanuatu to grant a Permanent member of the MSG and insisted any idea to inclusion of Indonesia into the MSG-meetings.<sup>507</sup>

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<sup>507</sup> Ibid, p. 20-21.

16. The MSG as a political body has successfully observed and settled down ethnic and political conflicts in its member states. The participation of MSG peacekeeping force in ethnic conflicts in Solomon Islands and Fiji are two obvious examples. Also the Kanaky issue was strongly assisted by member states of the MSG.

## Chapter 8

1. There have also been several other cases. For example, the 1974 agreement mentioned in chapter 5 also included respect for the existence of Amungme and acknowledgement of their land rights.<sup>508</sup> However, Freeport had disregarded implementing these aspects specified in the agreement. This resulted in the open resentment of Amungme. Four years later in 1978, the Amungme in collaboration with OPM assaulted the Freeport installation, “including pipelines that transferred ore from mining areas to the ships.”<sup>509</sup> This was often their way of showing their resentment over inequality, and the lack of respect for their initial human rights, including the right to self-determination. Also, in the most recent attack in September 3, 2006, the OPM assaulted Freeport and it led to the death of three Freeport staff in the Amole Task Unit/Mobile Brigade.<sup>510</sup> This has resulted in RioTinto/Freeport with the cooperation of the TNI/Police engaging in strategic action by placing thousands of troops in the Mile 68 and Kwanki Lama areas.<sup>511</sup> A OPM member says that the one of the reasons for this assault was the company’s exploitation of West Papua’s wealth and this indicates that there are a certain number of West Papuans who still distrust the company and who do not perceive the company’s community development initiatives to be on their behalf.
2. The General Assembly resolution 1514 (XV) of 14 December 1960 declares that:
  - The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.
  - All peoples have the right to self-determination; by virtue of that right they freely determine their political status freely pursue their economic, social and cultural development.
  - Inadequacy of political, economic, social or educational

<sup>508</sup> See Chapter 5, p. 67 of this thesis.

<sup>509</sup> UT Watch. *The Impacts of Freeport’s Mining Activities on the Amungme and Kamoro People in West Papua*. 2005. <http://stats.utwatch.org/corporations/freeportfiles/ondawame.html>

<sup>510</sup> Free West Papua.com. *Photos of Freeport Helicopters Used to Attack Papuans*. 2006. <http://freewestpapua.com/node/117?PHPSESSID=26dd61403b781cb6239cc1a1698a8833>

<sup>511</sup> Ibid.

preparedness should never serve as a pretext for delaying independence.

- All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence and the integrity of their national territory shall be respected.
- Immediate steps shall be taken, in Trust and Non-Self-Governing territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or color, in order to enable them to enjoy complete independence and freedom.
- Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.
- All states shall observe faithfully and strictly the provision of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all states, and respect for the sovereign rights of all peoples and their territorial integrity.<sup>512</sup>

3. Peaceful dialogue is one of the possible alternatives to conflict resolution. To successfully settle the conflict via peaceful dialogue, it is important for the involved parties to understand the meaning and practice of peaceful dialogue and then engage in the peace process. It needs a common understanding and trust. However, one lasting issue in West Papua regarding peaceful dialogue is that Indonesia and West Papua have different views on the meaning of it due to the different important conflicts of interests between them. For Indonesia, any way of conducting peaceful dialogue indicates a suicidal, commitment of itself leading to destabilizing the Indonesian unity and sovereignty. On the other hand, for West Papuans, peaceful dialogue is one of the best ways for not only establishing a common trust and understanding between the two parties but also to create a strong basis for future peaceful dialogues. For these reasons, the different views of peaceful dialogue between the two parties have, until today, prevented the much-needed dialogue.

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<sup>512</sup> Ondawame, O. *West Papua: New Prospects for Change*. A Briefing Paper No1. Representatives of West Papuan Representative Office: Republic of Vanuatu, 2005, p. 8.

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